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SENATE—*Thursday, November 18, 2004*

The Senate met at 10 a.m. and was called to order by the Honorable LISA MURKOWSKI, a Senator from the State of Alaska.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign Lord, You are our God and strong deliverer, a refuge for all who call on Your name. Send to us the power and grace we need today to glorify Your name. Give us the purity of heart that will shut the door to all evil.

Today, bless the Members of this body. Keep their feet in the path of integrity that they may walk securely. Develop in them a perseverance which refuses to leave any task half done. Empower them with a diligence that will never offer You less than their best.

Lord, strengthen our military for the battles of today and tomorrow. Stand at the right hand of freedom's warriors and lift up their heads. We pray this in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LISA MURKOWSKI led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, November 18, 2004*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LISA MURKOWSKI, a Senator from the State of Alaska, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Ms. MURKOWSKI thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

SCHEDULE

Mr. MCCONNELL. Madam President, today we will begin a period of morning business which will extend well into the afternoon. A number of Senators have indicated they will come to the floor and pay tribute to our colleagues who will not be running for the 109th Congress. We certainly want to accommodate those requests and have set aside time accordingly.

At the close of our business this week, we will print those tributes to honor our departed colleagues. If Senators are not available to come to the floor to deliver their remarks, they are invited to submit those statements for the RECORD. Again, they will be printed as part of this larger document to which I just referred.

As a reminder, the majority leader has filed a cloture motion on the miscellaneous tariffs bill. That cloture vote will occur tomorrow morning. We expect cloture to be invoked; therefore, we hope to finish that conference report at an early time on Friday.

In addition, as everyone is aware, we continue to await completion of the Omnibus appropriations bill. It is still our hope and desire to finish our work on Friday, if at all possible.

BIPARTISANSHIP

Mr. MCCONNELL. Madam President, after this month's historic election, a lot of political pundits are ardently trying to figure out what the results may have meant. I have been in politics for a period of time, so I would like to share my point of view on the matter.

Obviously, people on our side of the aisle are pleased that the electorate has returned President Bush for a second term, and obviously we are equally pleased that the larger Republican majority in both Houses of Congress will be available to work with the President next year. The last time a reelected President returned to office with larger majorities of his party in both the House and the Senate was back in 1936 when President Roosevelt was running for reelection the first time. If the American people suddenly speak louder than they have in 70 years, I think it is clear that they would like to see some action.

The voters didn't send any of us Republicans or Democrats up here just to sit in these chairs. They sent us here to get things accomplished. Republicans can't and shouldn't do that alone. We will need to cooperate with our colleagues across the aisle to produce results, which is what we were sent here, of course, to do.

Soon Republicans will fill 55 seats in this Chamber. That is a nice number but it is not 60. And it often takes 60, as we all know. Frequently—actually most of the time—it takes 60 to get results in the Senate.

So to our Democratic friends on the other side, let me say we want to work with you. The voters expect us to work in a bipartisan manner to make our country more secure, our economic opportunities more plentiful, and our common values more respected. To do that, we need your support, and we will work to earn it.

Last week, Senator LIEBERMAN, a good friend of mine and a good friend of many of us in the Senate, came to my hometown of Louisville, KY, where he spoke at the University of Louisville, my alma mater, where he gave an outstanding speech. In it he said:

> It is critically important that we put first things first, and national interests ahead of our party interests.

I commend the Senator from Connecticut for his exemplary spirit of goodwill. I think that is a good guidepost for all of us as we begin the 109th Congress in January.

I say to my Democratic friends that we are all willing to work with them in that same spirit which JOE LIEBERMAN

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

outlined. Together, we are going to accomplish great things of which this body can truly be proud.

We will have hard tasks ahead of us. The Social Security system is a speeding train heading for a brick wall and really must be set right for future generations. The tax system is burdensome and unfair and must be reinvented to fit our 21st century economy. We have to finish the job in Iraq so we can bring our troops home safely and with honor.

We have tackled tough challenges before. Working together—Republicans and Democrats—successfully reformed the welfare system and put millions of Americans on the path to self-reliance and financial stability. Working together—Republicans and Democrats—projected American power into the former Yugoslavia to halt the killing of innocents and provide humanitarian aid. Working together—Republicans and Democrats—we moved the brutal Taliban regime from Afghanistan and struck a fatal blow against al-Qaida.

Now we have a chance to make history again. Republicans are not likely to accomplish much alone. The same is true for our Democrat colleagues. This Senate should heed America's call for action. The voters of our States didn't send us here to simply mark time. They sent us here to build a better America for our sons and daughters, and future generations yet to come.

As we move forward, this new Congress must be prepared to get to work, and to get to work on a bipartisan basis.

I yield the floor. what

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The Senator from New Jersey.

BIPARTISANSHIP

Mr. CORZINE. Madam President, first, let me say that it is this Senator's personal desire, following the comments the Senator from Kentucky has so ably given, that we came here to try to make things better for the world in the years beyond and for our children. So much of what he talked about—whether it is Social Security or the Tax Code or our needs and in foreign policy—does require that we work together.

I commend the Senator for his comments. We do have to work together as we go forward.

In fact, one of the things I want to talk about, and why I came to the Senate, one of the areas is where bipartisanship and joint effort has been fundamental to raising an issue, framing it, and getting it in front of the American people. I come to the Senate today to talk about the genocide in Darfur, Sudan, and what we, the United States of America, are going to be doing about it.

Today, the U.N. Security Council is meeting in Nairobi, Kenya, to discuss Sudan and to seek the end of the civil war between the north and the south. This is a good thing and I congratulate Ambassador Danforth, in particular, for his personal efforts in making this possibility real and tangible.

Multilateral diplomacy is critical. Peace between north and south is an important component of an overall political solution for the Sudan. At the end of the day, if we do not stop the killing in Darfur—which is independent in many ways from the north-south issue—if we do not stop the genocide, then we fail.

Members will hear me say repeatedly words are important; deeds are a reality. Lives are at stake. What greater moral imperative can we have than to stop genocide? What greater moral failure can there be than allowing genocide to occur? The death toll is mounting in Darfur with all kinds of estimates—70,000, over 100,000, 125,000.

The issue is stark: life or death. Deeds, not words, are what matters. History will judge us based on whether we actually stop this genocide—not whether we gave great speeches or passed great resolutions or made statements, but what have we done to stop it.

The words have all been said. In July, this body unanimously passed a bipartisan resolution introduced by Senator BROWNBACK and myself, declaring that the atrocities in Darfur were genocide. On the same day, the House passed a similar resolution. In September, Secretary Powell made the same declaration for the administration. We all welcomed the announcement.

Since then, the situation has only deteriorated. The death toll may have already gone over, as I suggested, 100,000 human beings. Armed militias continue to rape women and girls with impunity. Civilians are being driven from their homes by the hundreds of thousands. Now the refugees are being driven from one camp to another camp, or even out of the camps altogether. The displaced population in Darfur is over 1.5 million. That is what is confirmed.

In the last few weeks, Janjaweeds have attacked these IDP camps, the refugee camps, destroying shelters, beating civilians, and forcibly moving people from one location to another.

The escalating violence preventing humanitarian organizations from reaching needy people is also occurring. Already, nearly one-quarter of the children under the age of five in Darfur are certifiably malnourished and close to half of the families do not have enough food.

Recently, food convoys have been attacked and large areas of Darfur are now effectively closed to the humanitarian organizations that are distributing food, medicine, and other elements. Hundreds of thousands of needy refugees cannot be reached.

Before this wave of violence—even before it—World Food Program reported that it served 175,000 fewer people in October than September. Get that: Statistics for our program serving the needy are going down, 175,000 fewer people in October than in September.

When I visited Darfur in August, the conditions were grim. The one ray of hope was the pressure from the international community, including a threat of sanctions that forced the Government in Khartoum to allow access by humanitarian organizations. Humanitarian workers were overwhelmed by the number of refugees, but they were working hard and saving lives. As a result, estimates of the death toll, which could have gone as high as a million, were scaled back after that. With the violence intensifying and humanitarian organizations again restricted in their movements, we sadly revisit our gravest fears.

The other recent development is the disintegration of order in the region. Anger and resentment are on the rise among the displaced, and civil war between Khartoum and the rebels is escalating. All the conditions are in place for a complete collapse, for long-term instability and an indefinite humanitarian crisis.

As Jan Pronk, the U.N. Special Representative for Sudan, warned on November 4:

> Darfur may easily enter a state of anarchy; a total collapse of law and order.

Permitting such a thing to happen is not only immoral, it is antithetical to our national security interests. Remember, Sudan is the country that once harbored Osama bin Laden. The prospects of becoming a terrorist breeding ground are real. This is something that needs to be addressed now.

This has not happened since the administration declared genocide was taking place. Whatever the message that declaration sent, it was clearly not enough and may even have sent the wrong message that the United States may declare that genocide is existing and then not act to stop it.

Words without deeds violates the moral and legal obligation we have under the genocide convention but, more importantly, violates our sense of right and wrong and the standards we have as human beings about looking to care for one another. Words without deeds is an affront to the principle that guides our Nation and makes a mockery of the values we as public servants claim to love. The American people know this, which is why people of faith, of all religions and denominations and civic groups throughout the country, call for concerted, resolute, effective action.

Details matter. What will it actually take to stop this genocide? In September, this body passed by voice vote an amendment offered by myself and Senator DEWINE to provide $75 million for an expanded African Union force in Darfur. The funding is now being negotiated with the House of Representatives in the so-called Omnibus bill but has had little if any support from the administration and some in the Senate.

Senator DEWINE and myself offered the amendment after the U.N. Security Council passed a resolution calling for assistance to the AU and after Secretary Powell testified the current United States contribution of $20 million would not be enough. Get that, $20 million—not billions, trillions, which we normally are talking about.

An expanded African Union force of 3,000 will cost roughly $220 million. The European Union recently pledged half that amount would be forthcoming. We can afford to pay for the rest. We cannot afford to walk away from our moral obligation. Madam President, $75 million is less than half of what the administration sought for waste disposal in Iraq. It is insignificant compared to the costs of the wars that are waging around the globe. What we cannot afford is to provide anything less. Shortchanging AU troops or delivering only incremental assistance may be worse than doing nothing. They do need helicopters, vehicles, communication equipment, and housing to patrol Darfur. We are moving forces into Darfur, but we do not give them the tools they need to be able to do what they are there for and we are setting them up for failure. We risk undermining the very credibility of a burgeoning ability to deal with some of these crises that happen all across Africa, and not just in Darfur. It is precisely now when we need to give them the resources to be able to succeed.

We should not kid ourselves about the effectiveness of the AU force. They are responsible for monitoring the April cease-fire. There was an agreement reached November 9 that includes a no-fly zone that the AU force must enforce. To quote the current AU chair, Nigerian President Obsanjo, these agreements "won't be worth the paper they're written on if they are not scrupulously implemented on the ground." His words are right. Words without deeds, without resources, is meaningless.

The potential for the situation to overwhelm the AU force is real. The region is enormous and every day as the violence gets worse, the challenge grows. The answer is not to dismiss the AU force but to do whatever it takes to make it effective. If 3,000 troops is not enough, we should consider others and more. If $220 million is not enough, we should, along with our allies, push to have additional resources. Hundreds of thousands of lives are at stake. If the AU cannot set up command-and-control communications or intelligence right away, we should help them do it.

In the end, the only test is whether we stop the killing. The same test applies to sanctions. This week's efforts to reach a north-south agreement are important, but we must not weaken in any way the pressure on Khartoum with regard to Darfur. Only consistent, strong, credible international pressure has ever changed Khartoum's behavior. I heard one senior administration official say that when their lips are moving, they are lying. This means we need to apply pressure. This means an embargo, seizing assets, restricting travel of government officials and, yes, going after Sudanese oil and gas companies that deal in the finances that allow this tragedy to continue to unfold. We should be working with our allies to put in place effective sanctions. If members of the U.N. Security Council are not amenable, we should work with the EU. We also have leverage through our own capital markets. The test is whether we are prepared to stop genocide, something we have all declared exists, something the administration has declared.

How can we be discussing these options? We should be acting. There is no more critical moment than now. The pieces are in place.

Today, the U.N. Security Council is meeting in Nairobi preparing to issue another resolution on Sudan, although I hear the discussion is very limited with regard to actions they will take with regard to Khartoum. The United States has rightfully called this genocide. The U.N. Security Council has agreed on paper that sanctions should be imposed if Sudan does not stop the violence. That violence has not stopped.

The Security Council has called on member states to support an expanded AU force, and the African Union, 2 years old, has stepped up. Its leadership is committed to preventing another genocide if we will help. We are the world's only superpower. Genocide is happening and we must act. President Bush campaigned on a platform of acting wherever necessary to protect our interests overseas regardless of world opinion.

With all that has happened in the last few years, how can we claim to be constrained in this situation with this action taking place against the human race? We are the world's superpower. If we do everything that we should do, history will judge that we acted. But they will judge us harshly if we do not step up to save these lives that will be lost in the years and the months and the days ahead. If we hesitate now, if we make excuses, most of us think we will have a hard time forgiving ourselves for what we did not do. Rwanda is burned in our memory. We should not allow hundreds of thousands of people to die. We will have doomed the AU to ineffectual operations on the ground, and we will have damaged its credibility and its underlying ability to respond to crises in the future.

I hope we will act. I hope we will not turn the pages of this omnibus financing without giving the resources to act. Words are not good enough; deeds are required. I hope we will not have failed our people and our values we hold dear.

I thank you, Madam President. I yield the floor.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REQUESTING RETURN OF PAPERWORK—S. 2283

Mr. CHAMBLISS. Madam President, I ask unanimous consent that the Senate request the House to return the papers with respect to S. 2283.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTES TO RETIRING SENATORS

ZELL MILLER

Mr. CHAMBLISS. Madam President, I rise this morning to pay tribute to a very special friend of mine and a friend of Georgia's and a friend of the United States of America. We are in what we think are our last couple of days of the 108th session. That being the case, this will be the last few days that Senator ZELL MILLER will be in Washington in his capacity as the senior Senator from our great State of Georgia. I want to take a minute just to talk about this man who has been such an inspiration to any number of politicians and others in my State relative to his public service to our State and to our country.

ZELL MILLER was born in a little town called Young Harris, GA, which is in the mountains of north Georgia, one of the most beautiful parts of our State. His father, unfortunately, died when he was 17 days old, so he was raised by his mother, whom he has repeatedly talked about in the books he has written as well as in his speeches.

His mother Birdie was the most influential person in his life. She did a heck of a job with ZELL MILLER as a young man and remained an inspiration to him throughout his adult life, and particularly in his life as a public servant to our State.

ZELL did one of the best things any man can do; and that is, he married way over his head early in his life. He married his sweetheart, Shirley. Before he went into the Marine Corps, he tells the story about leaving for boot camp and he was afraid when he got back she might not marry him, so while they were in the mood they ran over to South Carolina, which is not far away from his hometown of Young Harris, and got married; and they have had decades of glorious years together. They have two wonderful sons and four grandchildren and now four great-grandchildren whom the two of them have enjoyed. Now he will have even more of an opportunity to spend time with them and enjoy them even more.

ZELL entered the Marine Corps at an early age. Again, as he has repeatedly said in his books, as well as in his speeches, it is the best thing he ever did in his life from the standpoint of straightening him out. All of us go through difficult times in our early years, and there are specific instances that make us what we are and sort of chart the course for where we are going to be in future years. ZELL has been very open about the fact that the Marine Corps is the institution that really put his mind in the right frame that it needed to be for his adult years.

ZELL began his educational career at Young Harris College following his tenure in the Marine Corps, and then ultimately graduated from the University of Georgia, which happens to be the same institution of which I graduated. Again, having a colleague such as ZELL to look to as a fellow alumnus is a great privilege.

ZELL then began a teaching career, and also very shortly entered a public service career. He served two terms as a State senator from his home county area of Young Harris. I think that was the foundation for what was going to ultimately become an outstanding career for him in public service. Like all of us, he suffered defeat as well as victory. He ran unsuccessfully for the U.S. House of Representatives twice. Having run for Congress myself, and lost the first time, I know it is not much fun, but you also find out it is the greatest experience of your life. You meet the nicest people in the world, and you get a real sense of the fact that there are just literally thousands and thousands of people in that congressional district who have the same beliefs and philosophy that you do, so you want to continue to make a difference.

Even though ZELL lost those races when he ran twice, that did not deter him from continuing in public service. He served as our Lieutenant Governor for four terms, 16 years. He just did a masterful job. The Lieutenant Governor in Georgia has a little more power than some of the Lieutenant Governors in other States around the country. He presided over the State senate, and in that capacity had the obligation and the power to appoint committee chairmen and to be involved in legislation from a direct standpoint. He did an outstanding job as Lieutenant Governor.

Following those four terms, he ran for Governor and, in 1990, was elected Governor of our State for the first of his two terms. In 1990, he campaigned on the fact that if we were going to have a State lottery—that was one of the hot issues on the ballot that year—that if we were going to have a State lottery, he wanted to make sure the funds that were generated by that lottery were used for one purpose, and one purpose only, and that was to improve the quality of education in our State.

I have to say if there is any one man who is responsible for the improvement of the quality of education in my State of Georgia, it is ZELL MILLER because he not only campaigned on doing that, he made absolutely certain all the funds generated from that State lottery went to improve the quality of education.

He is the father of the HOPE Scholarship. It is kind of interesting, in every campaign now, every statehouse campaign and gubernatorial and lieutenant gubernatorial race now, those folks who have been involved in State politics for a while who are running for those races all claim responsibility for the HOPE Scholarship. But everybody knows that the father of the HOPE Scholarship, the person who was responsible for its passage and implementation, is ZELL MILLER.

The HOPE Scholarship is a provision in our law which says, if you graduate from a high school in Georgia and you have a B average, you can go to any State institution that you are successful in applying to and getting into, and your tuition will be paid for. As long as you maintain a B average, that tuition will be paid for throughout your college career. It has been one of the best things we have ever had happen in our State.

We have been successful keeping our top students at home and attending our State universities. One of the main reasons is the HOPE Scholarship. We have kids who might otherwise go to a school in the Northeast or the West Coast that has a much greater national reputation, but they do not give the scholarships like the HOPE Scholarship to all their students who maintain those averages.

So ZELL MILLER has been primarily responsible for keeping an awful lot of the top kids graduating from our public institutions as well as our private institutions in Georgia at our State institutions. As a result of that, we have seen the average SAT scores at the University of Georgia, for example, rise every single year since the HOPE Scholarship went into effect. I do not know what the exact number is for the entering class this year, but I have confidence in saying the average SAT score for the entering freshmen class at the University of Georgia this year is well in excess of 1250, probably closer to something in excess of 1300. At Georgia Tech it is higher than that. And in other institutions we have seen the same impact. We are simply getting the brightest and the best because of ZELL MILLER and his commitment to the people of Georgia and his commitment to increasing the quality of education in our State.

As Governor, he put into effect a voluntary pre-K program for 4-year-old kids. All of us know that the earlier we involve our children in the education process, the more likely they are to come out, at the end of the day, with a better education. It is one of the best things we ever did from the standpoint of putting our kids in touch with the school system at an early age. And it has worked.

I could go on and on talking about the things that Senator MILLER did as Governor, but I want to sum it up with two anecdotes.

First, again, education-wise, he was committed to ensuring that the education of the children of our State improved every year he was in public service. I will never forget his last 4 years—and I know this; I remember specifically because my wife was a teacher in the public school system at that point in time. We were ranked 49th out of 50 with respect to the average teacher salaries. ZELL MILLER put into place—and he made a commitment to the teaching community and made a commitment to the legislature that they were going to have to abide by this. He was going to provide a 6-percent increase in teacher salaries every year for his last 4 years, about a 25-percent increase for teacher salaries across the board. He not only made the commitment, but he did it. We went from 49th in average teacher salaries to somewhere in the high twenties over the 4 years of ZELL MILLER's last tenure as Governor of our State.

He also made a commitment to the people of Georgia that if you elect me for 4 more years, then I am not going to be just your average Governor and put it on cruise control and go out as a popular guy—and he had every opportunity to do that.

I will never forget riding back up here on an airplane after one weekend, and I happened to sit beside ZELL. This was several years after he had left the Governor's office, but I was a Member of the House. I said: ZELL, I guess if there is anything about you, and I were to remember one thing over everything else, it is the fact that in your last 4 years you did what you thought was right, irrespective of the fact that you could allow the legislature to pass whatever they wanted to and you could sign it into law. A lot of the legislation were very popular bills with the people back home, but they simply were not the right thing to do. He would veto them. He would veto them, not because he had anything against the issue or the people promoting the bill, but it was the right thing to do. It was not in the best interest of all Georgians.

A lot of people ask me today, Why has ZELL MILLER changed? ZELL MILLER has never changed. In his heart, he believes we live in the greatest country in the world. He believes in his heart that he and I live in the greatest State in this great country. He is totally committed to doing what he thinks is right. He did it then when he vetoed a lot of popular bills, and he didn't have to do that; it would have been easy not to do that. That is why today when he speaks it is from his heart because he is doing what he thinks is right.

As he closes out his career, he and I are both mindful every day of the fact that ZELL MILLER didn't want to be here. It was not his wish that he serve in the Senate when he was asked to serve. He ran for the Senate in 1980 and was not successful. But he had no intention of coming back to the Senate. Unfortunately, Paul Coverdell, who was his very close friend and one of my political mentors, passed away in 2000, and our Democratic Governor, Roy Barnes, went to ZELL MILLER and said: Your State needs you, your country needs you, and I need you to fill the unexpired term of Paul Coverdell. So ZELL, after much thought about it, decided to leave the mountains of north Georgia and his hometown of Young Harris and go back into public service, to come to Washington. He and Shirley have been here since July of 2000, when he was appointed to fill that unexpired term. He ran in 2000 and was elected to the remainder of the unexpired term. So it wasn't his desire to come back, but, as always, when he has been called upon to fill a void and to be a public servant for his State and his country, he has answered that call—not unlike when he joined the Marine Corps.

As he leaves this great institution at the end of this term in another 6 or 8 weeks, this man is going to be missed by those who have looked up to him from a political perspective. He has been a person that all of us in politics admire because he has always operated in a bipartisan way and made sure he reached across the aisle and brought Republicans into his Democratic administration when he served as governor. Probably one of the highlights of that is the man who is replacing him in the Senate, my good friend JOHNNY ISAKSON, who has been a longtime Republican in our State.

In ZELL's second term as governor, he knew that with education being a priority he needed a top-flight person to head up our State board of education. He reached out to JOHNNY ISAKSON, who was then out of politics, and brought him into his administration to chair the State board of education. JOHNNY did a terrific job. As a result of that, he came on to the House to replace Newt Gingrich, and now he will be replacing ZELL MILLER in the Senate. That is simply the kind of guy ZELL MILLER is.

So it wasn't politics; it was what was in the best interest of our State, what could he do to continue to improve the quality of the education of our kids. He just did the right thing. It is the same as he did in supporting our Republican President. He knew it was the right thing to do. That is why he was so vocal about it. Irrespective of the consequences politically, he did what in his heart he thought was the right thing to do.

So now as ZELL goes back to Young Harris, I fully expect him to stay engaged in the process. He is not the kind of guy who is going to wilt away, but he will not be as active as he has been for the last three decades. He will be sitting on his front porch with his two dogs, Gus and Woodrow, playing with his grandchildren, and enjoying his family. I am sure his mind will, at times, wander back to his times in Atlanta at the State capital, and to the days he spent in this institution, and he will have some great memories. But those of us who have had the privilege and the opportunity to serve with him are going to have even better memories.

ZELL MILLER is a great American, a great Georgian, and he is somebody all of us are going to miss in the day-to-day world of politics. But he is somebody who, when we look back and say, you know, if I charted my course the way he did, I can leave this institution with a great feeling knowing that I have done what was in the best interest of my State and in the best interest of my country. So to ZELL MILLER and to Shirley, I say thank you. Julianne and I have a great appreciation for you and a great friendship with you. We look forward to continuing that friendship. We will miss you here in the U.S. Senate. God bless you.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, what is the parliamentary procedure that we find ourselves in?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. NELSON of Florida. Mr. President, I will address the Senate in morning business.

The PRESIDING OFFICER. The Senator from Florida is recognized.

CULTURAL ISSUES IN AMERICA

Mr. NELSON of Florida. Mr. President, it seems that several things have happened with regard to questions of matters of faith and what some would call cultural issues that seem to be upside down in America.

Just in the last few days, we have seen several ABC stations across the country that have had a fear of being fined by the Federal Communications Commission for showing the award-winning movie, "Saving Private Ryan," because of some of the language that is used in this extraordinarily heroic film that is one of the most accurate portrayals of the fog and heat of war that has ever been made.

At the same time, we find that ABC, in its leading up to Monday Night Football, has fostered an advertisement to promote one of its nightly network prime time shows in which a risque kind of setting is displayed for an audience that would inappropriately include children, particularly, who are watching at around 6 o'clock in the Pacific time zone of this country. On the one hand, ABC stations are taking off the air a movie that really has a great deal of portrayal of the strength of this country and all of its patriotic values and, at the same time, the network, ABC, is then promoting what some would find questionable.

It seems to me we have lost our sense of balance, our sense of direction, that it is entirely upside down as to what we should be doing.

So, too, I have noted in a Washington newspaper today the fact that Secretary of Defense Rumsfeld is urged to defend the Boy Scout movement, the title of the headline, and of which critics are pointing out that a settlement by the Department of Defense of an ACLU suit back a few years ago is going to continue to drive, to force the military to cut off all taxpayer support to the Boy Scouts of America which, in this case, uses military bases for meetings and events, such as their annual Boy Scout jamboree that is held on a Virginia military base.

It seems that we have it, again, upside down, for if the objection is that the Boy Scouts of America have, as part of their oath, an allegiance to God, and if that is the reason for the suit, might I remind the Members of the Senate that when we took the oath of office, it said at the end of the oath, "so help me God."

But isn't it interesting that the U.S. military has taken a position in a settlement which, if taken to its logical conclusion, would keep the Boy Scouts of America off a military facility when, in fact, every military officer in the U.S. military, including this former officer of the U.S. Army, took an oath that said the following:

> That I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of this office upon which I am about to enter, so help me God.

That is the part of the oath every U.S. military officer takes, and it is the one I took decades ago when I entered as an officer of the U.S. Army.

It seems to me there is a great deal of inconsistency then that the U.S. Department of Defense would take a position where every one of its officers has sworn to uphold their oath, and at the end of that oath state, "so help me God," and yet they are moving to a position to knock the Boy Scouts out of being able to use public facilities—in this case, military facilities—because they have a similar oath.

I come back to my opening comments. We have something that is upside down. There is not a Senator here who does not passionately believe in freedom of expression, freedom of speech, and freedom of belief in what any person chooses to believe, but are we getting so mixed up that we lose sight of what are the accepted ways in which we conduct ourselves and the respect we have for one another in our respective beliefs?

Really, is there anyone who wants to kick the Boy Scouts out of their annual jamboree on a Virginia military facility? Of course there isn't.

In this week that has just passed where we see the ABC network saying to some of these stations that we are not going to allow "Private Ryan" because it has bad words in it, and at the same time promoting a commercial that certainly has questionable viewing characteristics for young children at the 6 o'clock timeframe on the west coast of this country, and where today's news is bringing us to the point at which our own Department of Defense is taking a position that ultimately would lead to kicking off the Boy Scouts because the Boy Scouts believe in God, then I think this country has gone too far. It is time to stand up and speak out about common sense and principles that were set in place for this country by its Founding Fathers of a belief in Divine Providence and a respect for that belief.

So what I will be doing is offering a resolution to the Senate today, and that resolution will conclude that:

> It is the sense of the United States Senate that the Department of Defense should continue to exercise its longstanding statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout jamboree.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Kentucky.

TRIBUTES TO RETIRING SENATORS

ZELL MILLER

Mr. McCONNELL. Mr. President, the late Senator Paul Coverdell was a great Senator and dear friend of many of us in this body. His untimely passing left a great hole in our hearts. But it also took from Georgia and from America a great leader.

At the time, none of us had any idea how we would ever manage without him. I remember when we were doing tributes to him after his death. There was great emotion on the floor of the Senate. I remember Senator Phil Gramm tearfully giving Senator Coverdell a farewell. We all felt great affection for him.

So when the Governor of Georgia, Governor Barnes, needed someone to step into Paul Coverdell's place to be the voice for Georgia, he called upon a fellow whom I had not previously met but had heard of for some time, former Gov. ZELL MILLER.

Happily retired and without personal ambition for further public office, ZELL MILLER responded to the call of duty. And what a difference he has made in this body. In a time of turmoil, a time of terrorist attacks, of economic challenge, of foreign war, when America needed somebody to lead, Providence blessed America with a great Senator, ZELL MILLER.

During his short tenure here, this old marine has been critical to our efforts to obtain economic opportunity, homeland security, and national security for this Nation. I can say with total certainty that Paul Coverdell would be proud—proud—of the accomplishments of ZELL MILLER. They have been good for Georgia, and they have been good for America.

A review of every major battle this administration had in the last 4 years shows that ZELL MILLER was in the middle of each one and the linchpin to each success. ZELL MILLER was instrumental to the economic recovery our Nation now enjoys. ZELL MILLER was the key to the homeland security our Nation has attained. ZELL MILLER was one of the strongest voices to harden our Nation's resolve to fully wage the war against terrorism. On these, the most critical issues upon which history will judge this Nation, this President, and this Congress, it was ZELL MILLER whose vote and voice made the difference.

ZELL made the difference when the numbers didn't add up to victory. Like our mutual friend, Phil Gramm, apparently being outnumbered was never a cause for concern to ZELL. ZELL served in the proud line of Truman Democrats. Like Harry Truman, he called for unity during a time of war and, like Harry Truman, gave hell to anybody who played games with our national security.

Like John Kennedy, he knew that tax cuts were not just good for the economy but they were good for the take-home-pay of workers and their families. But from ZELL we didn't just hear the thoughts of old-school Democrats, we also rediscovered the truths of our Nation. He showed us that integrity still matters, that nation comes before party, and that thinking first of our children and grandchildren is the right and proper way to judge national policy. Any time ZELL looked for his bearings, he gazed to those fixed stars of his favorite constellation: His wife Shirley, his children, his seven grandchildren, and two great-grandchildren. This internal compass served him well because no one could ever accuse ZELL of being confused about what he believed in and why.

So ZELL MILLER heads back to the Appalachian Mountains of north Georgia, whence he came. He returns with his wife Shirley back to the base of Double Knob Mountains, where the ravines flow to the Brasstown Creek and then the Hiawassee River and on to the Gulf of Mexico. He returns to the dirt roads he walked as a lad, where he worked with his mother, to haul stones from a nearby field to build a rock-walled house with no rafter, no subfloor, and a ladder for a staircase in which he was raised.

From such modest beginnings, and such a modest man, the world is better because of his leadership. He stands as a lesson for all and for all time. Because of ZELL MILLER, I can say, be you a Senator, a college graduate, a single mother, or an elementary school student, never, never, never doubt the impact a single person with clear vision and a strong heart can make for your family, your community, your nation, and, yes, your world—not just for now but for generations to come.

So, Senator MILLER, we will miss you around here.

Mr. President, we have had the privilege over the last 4 years to serve with a truly great American who has made a difference in a body in which it is very difficult for an individual Senator to frequently make a difference. Farewell, Senator MILLER. We look forward to seeing you in the coming years.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Alabama.

ZELL MILLER

Mr. SESSIONS. Mr. President, I thank the assistant majority leader for his fine words. I certainly agree with those about ZELL MILLER. Democracies in general, America in particular, seem blessed that in times of turmoil, leaders do step forward and give us the guidance we need. During a time of war and economic challenge, America got such a leader in ZELL MILLER. It is not too much to say that he was the key, the very hinge upon which much of the fate of the agenda of the last several years swung. For the goals of President Bush, from homeland security to economic growth to the war on terrorism, ZELL MILLER has been the difference between victory and defeat, the gap between almost and barely.

I think part of the willingness of Senator MILLER to step forward, break ranks, and support President Bush came because he is a man of experience and judgment and integrity. He got to know President Bush. He looked into his heart, he examined his policies, and he believed him. He had a particular belief in this man at this point in history, based on his study of history, his writing, and his experience, and he was willing to step forward in an unusual degree and take a lot of grief for it, to stand up for what he believed was right.

When President Bush proposed a tax cut to get the economy moving in 2001, and things were not going well, ZELL MILLER was the first Democrat to support that plan. He cosponsored the bill with Phil Gramm of Texas, a great Senator. When they teamed up I thought of that slogan in the Alabama football network. Bear Bryant would have a TV show every week to talk about the game. He promoted Coca-Cola from Georgia, I guess, and Golden Flake potato chips, and the slogan was: "Great Pair Says the Bear." So when ZELL MILLER and Phil Gramm joined forces, it was indeed a great pair. When it came time to protect the homeland against terrorist attacks, it was ZELL MILLER who stood with the President in 2002 to make sure we had a Department that functioned more like the Pentagon than the post office in protecting the lives of American citizens. After 4 months and 11 votes and a national election, finally it took. We passed the Homeland Security bill that has succeeded in keeping us safe, since 9/11, at least—a feat not many would have predicted possible at the time.

I would just say this: Senator MILLER understood the importance of that issue. I believe he called three press conferences. He urged those who were blocking the Homeland Security bill for some sort of internal governmental union-type politics, not on the real merits—he warned them that this was bad. It was bad for America, and it was bad politically for those who blocked it.

They didn't listen. I think they wished they had. Certainly, after the election they were quite willing to pass the bill they had been blocking before the election.

When the economy slowed down due to the attacks and the corporate scandal, and it came time to accelerate the tax cuts in 2003, once again it was ZELL MILLER who made the economic incentive plan the law of the land.

On the question of judges for America, ZELL MILLER had the classical view of the role of a judge consistent with his good friend, the wonderful Judge Griffin Bell, who was a court of appeals judge and also Attorney General of the United States under President Jimmy Carter. He follows that philosophy. As a matter of fact, he analyzed each nominee who came forward and I believe saw fit to support the nominees, consistently, that President Bush sent forward—not because of politics but because he believed those judges would follow the law, not make law. They would be constructionists, not activists.

Oftentimes, on each one of these issues it came down to this one man making the difference, either taking the lead or casting the key vote on those issues. He taught us once again that nation, family, faith, heritage, and principle are more important than politics and party. In this he reaffirmed the belief that government for, of, and by the people can work.

When he spoke, people listened. I will tell you why people listened. I asked him how he found time, how he did his speeches. He personally writes his speeches. It is not written by staff. It is not generated by some computer. It is not regurgitated from some document or some memorandum or some summary somewhere. It comes from his heart, his experience, his head, and his understanding of this great Republic of which we are blessed to be a part. That is why people listen to his speeches.

Most of us recall his speech in New York at the convention, where he, in Trumanesque fashion, blasted those who play games with our national defense. They squalled and thought it was hell. He was just telling the truth, I suggest.

It was clear, passionate, and powerful and helped change the course of the national debate. It changed the course of the national debate because it was true. What he said was important. It had to do with whether this Nation would have leadership committed to a strong America. He also had some very fine words right here on the floor of the Senate.

On the Energy bill, he rose in "defense of that great American workhorse," in his words, the pickup truck. He told a story of meeting a guy who was a PHD—that is a post hole digger—who said:

> If you really want to know when times are bad, take notice of the number of people having to sell their pickups. Look at the ads in the paper and the "for sale" signs in the yards. The more you see, the worse it is because pickups are the very symbol of the working man. As the pickup goes, so does the working man and the very heart of this country.

He added:

> Pickups are as essential to the carpenter as his hammer; as essential to the painter as his paintbrush. So we must leave this American workhorse, the pickup truck, alone. Don't pick on the pickup.

Then he shared with us a tune called "Talking Pickup Truck Blues." He spared us the agony of singing it, but he did share one verse.

> Sure, an SUV is classy travel, but it ain't much good for hauling gravel, or hay or bovine feces. So please do not make my pickup truck an endangered species.

That is not often heard on the floor of this Senate—words of eloquence that bring a smile to us all but more than that drives home a truth about real people who serve America day after day in pickup trucks.

So this man knows America. Given all the good he has done in so little time—he has given so much to it—he leaves much too soon. He has done a great job for this Nation and for Georgia in replacing the departed Paul Coverdell who we all loved and admired. He has been a great leader and a great Senator, and the Senate will miss the presence of this old Marine sergeant.

I can say without contradiction I believe that few Senators in the history of this Republic have in one short term contributed so much to the health and welfare of our Nation and made such a tremendous impact on it.

It is because he put his Nation first; he stood for what we believe in. He was true to his raising.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MILLER. Mr. President, I have listened with a grateful heart to the generous words of my colleagues, the Senator from Kentucky and earlier this morning the Senator from Alabama. I will remember and cherish those words as long as I am on this Earth. I thank each of them for their friendship.

I see my good friend from Montana on the floor. I thank him, a fellow marine, for his friendship.

This means more to me than I have words to express. I did not come to this Senate expecting events to unfold as they have. I guess I am living proof that politics is not an exact science.

In Shakespeare's "Hamlet," his friend Laertes is going off to college and his father Polonius is giving him the usual advise that you give when your sons go off to college. After all the words of caution that I hope fathers still give their sons, Polonius ended with these words:

> This above all: to thine ownself be true,
> And it must follow, as the night the day,
> Thou canst not then be false to any man.

I have always believed that and I have tried to live that.

I have had a most blessed personal life—personal and political. Since 1959, voters in Georgia have been putting me in one office or another, and I am deeply grateful to them.

God has richly blessed my personal life. My wife Shirley has been the perfect partner for over 50 years. She has been my companion, my critic, my crutch. We have two wonderful sons, Murphy and Matthew, and our daughters-in-law and our grandchildren and our great-grandchildren. We are very blessed.

If he had lived, Paul Coverdell would be ending his second 6-year term. As I told some of my colleagues last night, not a day has gone by since I have been here that I have not thought of this good man who left us so suddenly and so tragically.

My most fervent hope during these 4½ years has been that Paul would be pleased with the way I have served and finished out his term. I know Paul is pleased, as I am, that our mutual friend JOHNNY ISAKSON, one of the finest public servants I have ever known, will soon be our successor in this great body.

I also wish to say what an honor it has been to serve the last 2 years with my colleague from Georgia, Senator SAXBY CHAMBLISS.

Now as this page turns on the final chapter of my career as a public servant, I cannot help but remember how it was in that first chapter of my life. Growing up in a remote Appalachian valley, we lived in a house made of rocks my mother gathered from a nearby creek with only an open fireplace for heat, no indoor plumbing, no car, no phone, and no father.

On summer nights before the TVA dammed up the Hiawassee River and brought electricity to that Appalachian valley, after the Moon had come up over the mountain, the lightning bugs were blinking, while the frogs croaked down at the creek and the katydids sang, every once in a while a whippoorwill's lonesome cry could be heard.

I remember after my mother had finally quit working and was getting us quiet and ready to go to bed, we would play a game. The game would start when the headlights of that rare car would penetrate the darkness, maybe once every half hour or so on that narrow strip of asphalt across a big ditch in front of our house. We would stare at the headlights of the car as it made its way around the steep curves and finally over Brasstown Mountain. We would count and see how long it took from the time it went by our house until its taillights would disappear through that distant gap and was no longer a part of that one and only world I knew.

It was often at this time my mother would laugh and say, "You know what's so great about this place? You can get anywhere in the world from here."

That world has turned many times since I first traveled that narrow road through that gap and out of that valley. It has been a long road with many twists and turns, ups and downs, bumps, and, yes, a few wrecks, a road that twice carried me to the highest office of the ninth largest State in this Nation, to all the continents and famous cities of the world and, finally, to the Senate.

So I leave this Senate, knowing that once again my mother has been proved right. One could get anywhere in the world from that little mountain valley and back again. Everywhere I have ever been really was on my way back home.

I thank all of you. I thank my family. I thank my very special staff who has stayed with me through thick and thin. I thank my friends and especially my God. It has been one heck of a ride.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I wish to say a few words about my friend from Georgia, Senator MILLER, who preceded my remarks.

I was raised in the Midwest. We both come out of an era of rural America. It was a different life. I remember when we did not have electricity. We did not live on a gravel road. We did not have running water in the house. In fact, the water bucket froze on cold winter nights. We didn't have the best clothes in the world. But they were clean. And I have never gone to bed hungry.

I have an idea my mother was kind of like Mrs. Miller. A home full of love on a badlands farm made up of two rocks and one dirt, trying to hang on to it, coming out of tough times called the Depression of the dirty 1930s. It shaped a lot of character. It put a lot of fiber in a lot of people who went on to love this country and would serve her and our States at any cost.

The highest compliment one could pay to any person we meet in this body, comes from the West in an expression that says: We'll not say goodbye; we'll just say so long because you are welcome to sit at my fire anytime.

That is my feeling toward this old marine. I only have one disappointment, that we never did get a trip to the Pacific to visit Iwo Jima. I have been there but he never got to go. We tried every way in the world. We had a couple trips scrubbed because of business in the Senate. We never did make it, but we are not going to give up.

So we say so long to ZELL MILLER, a good friend, a good Senator, a great representative of Georgia, and a great representative of this country.

I came down here today to talk about other men who will be leaving this Senate, including Senator HOLLINGS from South Carolina. He was chairman of the Commerce Committee when I first came here in 1988 and 1989. I was up to my eyes in confusion, trying to drink out of a fire hydrant to take it all in. My former chairman of the Commerce Committee was part of my education, a very important part of it, in understanding the work done in the committees and this business of setting policy that conforms to the wants and desires of our States and what is good for the country.

One time I offered a little amendment that had a far-reaching effect in the debate of regulating the cable industry. I didn't want to do that but I wanted to give him a little competition to make them better. I offered an amendment without telling anybody on the committee, without telling a soul.

I will tell the Presiding Officer I know what it is like to sit way down at the end of the committee because when I came here my seniority was S100.

I remember the chairman, Mr. HOLLINGS, saying, I've never heard of anything like that. It was pretty obvious we were going to have to go to a vote. He didn't know if he had enough votes to defeat it and I didn't know if I had enough votes to pass it. An instance such as that calls for a little backroom sit-down, talk about this, and see what it does to the issue.

I was right there with him. Senator INOUYE from Hawaii was also in the meeting. One can start to learn the ways of the Senate especially in the areas of committee work.

I will miss ERNEST HOLLINGS because he has been an institution here serving from the 89th through the 108th Congress. That is a great tradition.

The Presiding Officer knows and understands ERNEST HOLLINGS. We may disagree on philosophy but we did not disagree on America.

DON NICKLES will leave this Senate in this year, having arrived in 1980 with President Ronald Reagan. The real voice of conservatism, a fiscal conservative, who stood in this Senate and fought wasteful spending and did it with grace, did it with knowledge, a leader among all.

There again, he being 8 years ahead of me, he was a mentor and someone I could look to, study and learn from.

In 1987 or 1986, TOM DASCHLE came to the Senate. A neighbor from South Dakota from Aberdeen, SD, we both learned a little bit here. He was much more successful than I, reaching into leadership of his party. We had a lot of common friends in South Dakota. I will be sorry to see TOM DASCHLE leave the Senate. But he has left big tracks here. There are fond memories on issues that we agreed on and issues that we did not agree, but we did not do it being disagreeable.

BOB GRAHAM from Florida I learned was in the Angus business and he leaves this year.

JOHN BREAUX from Louisiana. I worked with him on the Commerce Committee regarding energy issues. His wisdom will be missed.

I am afraid I took much more from these men than I could ever return to them.

I served only one term with JOHN EDWARDS and PETER FITZGERALD. They, too, will be missed in the Senate. Their contribution was huge.

BEN NIGHTHORSE CAMPBELL served from the 103rd to the 108th Congress. But my, the knowledge he has had and the experiences he has had.

It seems as if he has always ridden dangerous things, including old broncs and horses, which are unpredictable, and, you might say, not the safest things. What a great thrill being the cover Senator for Harley Davidson. He, too, has lived a great life. He, too, understands the West. He is also a member of the Northern Cheyenne Tribe. The reservation is in my State of Montana.

We campaigned together, learned from each other. Now he will be returning back to his Colorado, back to the High Country. He is looking forward to that.

PETER FITZGERALD comes from Illinois. As to all of these men, I want to say you do form relationships here, and there is a certain bond that attracts us all, as we learn that even though you may be on the same side of the aisle or the opposite side of the aisle, one could always agree or disagree without being disagreeable. That is what makes the Senate a special place.

We will miss all of these men, but I am looking forward to those who take their place as, there again, new relationships will be developed, a new bond dealing with the old challenges of a free society, with those who love the Constitution and love this country who were prepared to die for it and would if asked to do so today. No one doubts the depth of their patriotism nor their service to their country. We welcome them as we say goodbye to old friends, old relationships that will never be forgotten.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that I be allowed to speak for up to ten minutes in morning business.

The PRESIDING OFFICER. The Senate is in morning business. The Senator from Tennessee is recognized.

1989 EDUCATION SUMMIT

Mr. ALEXANDER. Mr. President, right after the election, on November 3, 2004, I went to the Miller Center at the University of Virginia. The purpose of the occasion was a discussion of the 1989 Education Summit. It had been 15 years since the President of the United States and the Nation's Governors—all of our chief executives—gathered in Charlottesville, VA, to establish the first ever national education goals for our country.

It is astonishing to me that 15 years have gone by since then, and it was to most other governors who were there. It was important to look back on what had happened in 1989, to see how it happened, and to think about what happened since then.

The summit at the University of Virginia had gone remarkably well. President George H.W. Bush had convened it. Terry Branstead, the Governor of Iowa, was chairman of the National Governors Association that year. He had appointed the Governor from Arkansas, Bill Clinton, whose library is opening today, and Carroll Campbell of South Carolina as the lead Governors. Working with the President's representatives, they came up with those first national education goals. There had been a long prelude to all of this activity in 1989. I was a part of that prelude, and I saw a lot of it happen.

In 1978, when I was elected Governor and Bill Clinton was elected Governor of Arkansas, and Dick Riley of South Carolina, and our colleague, BOB GRAHAM, who was Governor of Florida, we were all faced with the same issues. Our States were behind; the world was changing, and we needed a better education system, particularly at the elementary and secondary level. So that by 1983, when the report of the U.S. Department of Education, called "A Nation at Risk," came out saying we were greatly at risk because of the mediocrity of the education system, it was into that environment that it came.

The Governors in 1985 and 1986 all worked for a year on education. I was chairman of the NGA that year, and Bill Clinton was the vice chairman. It was the first time in the history of the governors organization that we all focused for a year on one subject. Then, by 1989, we had a President of the United States, George H.W. Bush, who became the first of three consecutive Presidents to say he wanted to be an education President. The goals that the governors adopted with the President in 1989 were very straightforward.

No. 1, all children in America will start school ready to learn.

No. 2, high school graduates will increase to 90 percent.

No. 3, American students will leave the fourth, eighth, and twelfth grades having demonstrated competency in math, science, English, history, and geography.

No. 4, America would be first in the world in math and science.

No. 5, adult Americans would be literate.

No. 6, every school would be free of drugs and violence.

Those were the goals. You might say after a decade of unprecedented school reform and concern, America backed into its goals for reform. That was 15 years ago. A lot has happened since then.

When I became Education Secretary in 1991, we created something called America 2000, which was to try to move America community by community toward those national education goals. Governor Clinton became President Clinton, and he changed the name to Goals 2000 and tried his brand of moving us in that direction.

Now we have another President, the son of the man for whom I worked, who has, through No Child Left Behind, working in a bipartisan way, tried to set from Washington accountability standards that will help make sure that all children are learning. I rise to talk about this today only for this reason: That the national summit of governors and the President, on its 15th anniversary, should not go by without mentioning it on this floor.

There has never been anything like it before. One of the most important parts of it was that members of Congress were not involved. A lot of members of Congress—it was a Democratic legislature at that time—were not very happy about that. But I think that was the correct decision because, in my view, elementary and secondary education is a national concern, central to almost everything important that we do, but it is not necessarily a Federal Government concern.

The fact that the governors and the President, the chief executives of our country, met together to establish these goals and begin to move us toward those goals was, I think, the correct way to do that.

I would like to salute the University of Virginia's Miller Center for holding this celebration. It included former Education Secretary Dick Riley, Rod Paige, the current Education Secretary, and I was there as well. It also included JOHN SUNUNU, a former Governor of New Hampshire, who was at the education summit and who was Chief of Staff at the White House at the time it was organized, and Jerry Baliles, the former Governor of Virginia, who was Governor of Virginia at the time the education summit was held.

I thought Governor Baliles' remarks were especially interesting and useful. He talked about the political context of the times and how the governors were able to do this without interference from Congressmen and Senators in Washington, DC. He talked about the competitiveness of our country and the world, and how we are driven to realize that better schools meant better jobs and that most of our standard of living depends upon the research, the inventions, and technology that we have at our great system of colleges and universities in the world. And, he talked about where we had come in the last 15 years.

I ask unanimous consent to print in the RECORD, following my remarks, the full remarks of the Honorable Gerald L. Baliles, the former Governor of Virginia, which he made at the Miller Center of Public Affairs and the Curry School of Education in Charlottesville on November 4, 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Mr. President, I think it is worthwhile, in addition to this, to give a little credit to former President George H.W. Bush. I still believe that when the dust settles and history books are written, President Bush's leadership in education will be among his most significant and lasting contributions.

His tour of duty was interrupted by the voters in 1992, so he was not able to finish the job. But his America 2000 community effort had a variety of initiatives which set the agenda for American education in the 1990s. They included a new set of national standards in core curriculum subjects, including science, history, English, geography, arts, civics, and foreign languages. It included a national voluntary examination system geared to those new standards. They included new generation, thousands of start-from-scratch, "break-the-mold schools." We call them today charter schools, but then there were only perhaps ten such charter schools. It included giving teachers more autonomy and flexibility in their classrooms by waiving federal rules and regulations, something Congress eventually did more of later. It also included a GI bill for children, to give middle and low-income families $1,000 scholarships to spend at any lawfully operated school of their choice, thereby giving those parents more of the same choices that wealthy parents already had.

That was an excellent agenda in the early 1990s. It is still a good agenda today. The summit on education, the national education goals created in 1989, need to be remembered, and so does the leadership of President George W. Bush on education.

I yield the floor.

EXHIBIT 1

THE REMARKS OF THE HONORABLE GERALD L. BALILES, FORMER GOVERNOR OF VIRGINIA AND PARTNER, HUNTON & WILLIAMS, BEFORE THE MILLER CENTER OF PUBLIC AFFAIRS AND THE CURRY SCHOOL OF EDUCATION, THE UNIVERSITY OF VIRGINIA, CHARLOTTESVILLE, VIRGINIA, NOVEMBER 4, 2004

THE 1989 EDUCATION SUMMIT: A REEVALUATION

At the beginning of the 1992 Vice Presidential debate, Ross Perot's running mate, Admiral Stockdale, opened the debate by looking into the camera and saying, "Who am I and why am I here?"

Today, I am here because 15 years ago I, along with the rest of the nation's governors, met with the first President Bush and his cabinet for an unprecedented Education Summit here at the University of Virginia.

I am a strong believer in the importance of context; in the notion that to truly understand an event or a series of events, one must understand the times in which those events occurred. And that is my role here today.

The agenda is filled with Education Secretaries, educators and others who have played a critical role in how the results of the Summit were implemented. They have been on the front lines of education in the fifteen years since the Summit, while I retired from public office just three and-a-half months after the Summit's conclusion. I look forward to their assessments of the progress made and the challenges that confront us.

I believe that former New Hampshire Governor and White House Chief of Staff John Sununu and I are the only ones here who actually attended the Summit, and all of its meetings, as principal participants. So it is that the Miller Center has asked me to provide some context, to discuss what was going on at the time, why the meeting was held, what battles were going on behind the scenes, and what our expectations were for the Summit.

I am delighted to be here today to share the program with Governor Warner, Secretary Paige and so many others who have advanced the cause of education in our country.

I just mentioned John Sununu. I served as Vice Chair of the National Governors Association under John and then succeeded him as Chairman. Not long after that, John joined President Bush in Washington as his Chief of Staff. One of the best things about that 1989 summit was the opportunity to see and work with John again, and I am delighted he is here today for this retrospective event.

It is also a pleasure to be here with my former colleagues Dick Riley and Lamar Alexander. I remember well my first National Governors' Association Meeting, in August, 1986, hosted by Governor Dick Riley at Hilton Head, South Carolina and chaired by a Tennessee Governor named Lamar Alexander. The major theme of the meeting was education; the NGA had done a great deal of work on education reform during Governor Alexander's chairmanship and the results were being released.

Lamar Alexander and Dick Riley, through their work as Governors and later as U.S. Secretaries of Education, have done more than any two people I can think of to advance the cause of quality education in the United States over the past quarter century. We all owe them a tremendous debt.

Now to the task at hand.

You might recall that the 1989 Summit was greeted with equal measures of anticipation and cynicism, hope and skepticism. Many noted at the time that Americans periodically make brave and impressive noises about education, but that we frequently fail to achieve the necessary breakthroughs to give education the priority it merits.

No question, some expected the Charlottesville Summit to be little more than a variation on disappointing earlier efforts. But others—and I counted myself among them—believed that something different and important could happen here, something which might foretell a favorable turning point in our national commitment to education.

The day before leaving Richmond to come to Charlottesville for the Summit, I made the following observation at a press conference: "While it seems unlikely to me that fundamental solutions to the problems of education will emerge out of a meeting that will last little more than 24 hours, the Summit could well be the start of a significant national effort."

Fifteen years later, I believe the Summit was not only the start of a significant national effort, but in many ways was a seminal event; nationalizing the importance of educational policy, sharpening the focus on results, and making executive political leadership more important.

To understand why, and to understand the context in which the Summit was held, I want to focus on three factors in particular:

First, I want to focus on the political context of the time. Much of the media and public reaction to the Summit centered around political questions—especially in the days leading up to the Summit. How much of the Summit was designed to cater to the President's political needs? How did Congress view the Summit? What did the Governors expect? What tensions existed between the different levels of government? Those questions were being posed at the time, and it is important to examine them.

Second, I want to look at the substantive context of the time. There was consensus across the political spectrum in 1989 that the United States faced a challenge, almost a crisis, of international competitiveness. While people of various political stripes disagreed sharply on specific remedies, it had become conventional wisdom that, by a variety of international measures, including educational achievement, the United States was not as competitive as most of its trading partners and competitors in the global economy, and was falling further behind. This may be difficult to comprehend today, but the fact is that the competitiveness issue permeated most political debates of that time, and much of the educational reform effort in the Nation was fueled by competitiveness concerns.

Finally, I want to look at the debate over the Federal role in education. In 1989, the very idea of a Federal role in education was still an open question. Today, we largely argue over what form the Federal role should take and how much it will cost. Very few will question the Federal role. We do not challenge the need for national standards or a national approach to educational policy. Back then, things were quite different, and the Summit played a major role—perhaps THE major role—in settling the basic question of whether there should be a Federal role in education.

I want to focus on those three factors of politics, competitiveness and the Federal educational role because they really laid the foundation for much of what has followed, both at the State and Federal levels. And, yes, that includes Virginia's "Standards of Learning" and the Federal "No Child Left Behind" legislation.

POLITICS

Let's begin with the political dimension.

It is well known that during the 1988 campaign, the then-Vice President Bush had proclaimed that he'd like to be known as the "Education President." There was a belief, I think, that this would not only allow him to compete for voters the Democratic nominee was taking for granted, but that it would also allow the Vice President to set himself apart from President Reagan whose rhetoric and budgets, especially in the early years, demonstrated opposition to Federal involvement in education.

If that was President Bush's strategy, it worked. His opponent in 1988, Massachusetts Governor Michael Dukakis, took the education issue somewhat for granted and the

Vice President was able to use it to his advantage. For those who feared a replay of Reagan-era proposals to eliminate the Department of Education, the new President's words assuaged their worries.

When President Bush talked of a "kinder, gentler" administration, many believed that he was talking about education. Yet, when President Bush went on to observe, in his inaugural address, that the U.S. Government had "more will than wallet" in the face of mounting needs AND mounting deficits, many worried that he would walk away from his commitment to education.

Indeed, the first several months of the Bush administration saw little or no action in the education area. This was understandable. A new administration was getting organized, momentous things were beginning to happen in Eastern Europe and the Soviet Union, and pro democracy demonstrators spent the spring of that year camped out in Tianamen Square in Beijing.

In addition, hostages were being taken in the Middle East. The budget deficit was increasing rapidly. There were many serious international priorities. That nothing was happening on education should not have been a surprise, though the fact did give rise to some grumbling and increased pressure on the Bush Administration to do something.

When President Bush came to Chicago in August, 1989 to address the annual meeting of the National Governors Association, there was much to talk about—in fact, the major story in the news the day he visited concerned the death of a U.S. hostage taken in the Middle East.

Indeed, the President broke the news of the hostage's death to the public at the beginning of his speech to the Governors. But during the course of his remarks, he announced that he would meet with the Governors in a "Summit" sometime that fall to discuss education. It would be only the third time a President would meet in a specially-called, Summit-type, meeting with Governors, and the first time that the subject would be education. The exact time and place had not then been determined, nor had the University of Virginia been selected as the site of the Summit.

Naturally, there were pundits who believed that the meeting would be nothing more than a photo opportunity; a chance for the President to quiet criticism of himself for not spending as much time on education as some people wanted. It was summertime, Congress was out of session, and after the National Governors' Association meeting there was little hard news for the press to focus on, at least in the domestic arena. So, people were free to speculate about the President's motives for holding the Summit, and about the agenda for the meeting.

About two weeks after the President had proposed the meeting, the White House announced that the Summit would be held here at the University of Virginia, and that it would be held at the end of September, about a month later. The fact that we now had a specific set of dates, and a location, only raised the intensity of the debate, as well as the political temperature.

To begin with, Congress was unhappy about being excluded from the discussion. Up until 1989, Federal education policy was primarily a congressional concern. Presidents might express opinions but otherwise were reduced mostly to signing bills passed by Congress. Here was a President who had proposed to alter that balance, who made it clear that the Summit was limited to himself and the 50 State Governors and the Governors of the territories.

Congressional leaders, particularly the chairmen of the education committees, were outraged—and not just at the President. Relations between Congress and the Governors were a little frayed at the time, particularly between Democratic Governors and Democratic members of Congress.

At that Chicago NGA meeting that I chaired, 49 of the 50 Governors signed a letter to congressional leaders asking for a moratorium on new Medicaid mandates. Continued expansion of Medicaid was exacting a major toll on State budgets around the country, and the Governors were asking for a brief moratorium on new mandates in order to find ways to fully fund what was already in the pipeline.

Congressional leaders were incensed. Congressman Henry Waxman, who chaired the subcommittee in charge of Medicaid, wrote to all Democratic Governors accusing them of a variety of sins for their position in support of a moratorium on new Medicaid mandates. Things were especially tense between the gubernatorial wing of the Democratic party and the congressional wing (in those days, Democrats controlled both houses of Congress).

So, there was the fear that congressional prerogatives were being stripped away and anger at Governors, particularly Democratic Governors, for being complicit in upsetting this balance.

Congressional leaders found an ally in the then-Governor of New York, Mario Cuomo. Governor Cuomo, who was also the only Governor not to sign the Medicaid mandate letter, began working with Senator Kennedy, Chairman of the Senate Human Resources Committee, and Congressman Hawkins, his House counterpart. They wanted Congressional leaders to participate in the Summit since Congress would have to fund any Federal initiatives, and they were also urging Democratic Governors to go to the Summit with an agenda demanding full Federal funding of a variety of programs, and the creation of several new Federal programs as well.

Many of the Democratic Governors believed this approach to be misguided, that if the Governors' conversation with the President on education simply mirrored Washington's fights over formulas and funding, then the public would view the meeting skeptically, and we would lose an important opportunity to articulate a national commitment to education.

Arkansas Governor Bill Clinton was the Lead Democratic Governor for Education, and he and I worked together to convince our Democratic gubernatorial colleagues of this point of view. It was a difficult challenge and the outcome was uncertain. Attempts were made by some to convince individual Democratic Governors, and their staffs, that the Summit was a clever trap devised by the administration to ensure that no new resources would go into education.

In the end, we convinced most of the Democratic Governors that the best way forward was an approach that focused on a set of challenging goals and standards; stringent enough that the goals could not be reached without a major financial commitment at all levels of government.

We believed that if we just asked for more money, we would lose the public debate; that people would not support money divorced from results; that both needed to go hand-in-hand.

We believed, in short, that the best way to obtain additional resources for education was to set goals that could not be achieved without those new resources.

So, if one is looking for a reason why the major result of the Summit was a commitment to develop national goals, this is a good place to start.

In the meantime, the Republicans were having their own discussions. Most of them also revolved around funding, with the administration being wary of calls simply to provide more Federal money. Congressional Republicans largely agreed with the new administration in opposing more money, with some even wanting to make cuts in education spending. Republican Governors wanted to be supportive of their President in holding the line against demands for major new cash infusions, but they also realized that more resources were required. Some of the most conservative Republicans were concerned that the Summit would all but enshrine a Federal role in education that they opposed.

In the end, Republican Governors came to a very similar conclusion as their Democratic counterparts—that national goals would be the best way forward. My impression was that they were under much less pressure from their congressional counterparts than the Democratic Governors were from congressional Democrats; the pressure Republican Governors faced came more from an administration not wanting to be pressured into major new infusions of Federal money. But Governors of both parties ultimately came to similar conclusions prior to the Summit.

In today's partisan political climate, this bipartisan consensus seems almost impossible to believe. There were many reasons for this bipartisan convergence in thinking.

Perhaps it is because Governors have always been—or at least were then—better able to work across Party lines than members of Congress.

Perhaps it is because Governor Clinton and South Carolina Governor Carroll Campbell, who was the Lead Republican Governor for Education, got along so well or because Iowa Governor Terry Brandstad and Washington Governor Booth Gardner, the new Chairman and Vice Chairman respectively, of the National Governors Association got along so well, or because we all got along with John Sununu, who as White House Chief of Staff played a major role in Summit preparations. Who knows?

The fact is, however, that the political needs and desires of both Democratic and Republican Governors happened to coincide in an important way at that time, and the Governors went in to the Summit pretty much united over the need for fairly aggressive national goals. It was, to resurrect a phrase, a time of harmonic convergence.

And what about the White House? As I mentioned earlier, the main political worry from the White House was that the Summit would lead to intense pressure for a major infusion of new Federal dollars. I remember, very specifically, that this was the one non-negotiable demand from the White House—the Summit would not be allowed to focus solely on discussions of new Federal money.

Some on the White House staff wanted little more than a statement saying that the President and Governors shared a common commitment to education. Others believed that such a result would be seen as inadequate and would merely confirm the suspicion many had that the entire Summit was pure politics.

I want to state, by the way, that my belief has always been that President Bush was sincere in his desire to chart a new way forward in education. This view was confirmed by what I observed at the Summit and by conversations I had with the President in the months and years after the Summit—including a visit to Camp David a couple of years later. In this, he had the effective assistance of John Sununu and, later, Lamar Alexander. But there were some in the administration in September, 1989, who advocated a minimalist approach, to say the least.

But others at the White House, echoing the President, believed that we had the opportunity to achieve more than a "Mom and Apple Pie" joint statement on the value of education. They were no more interested in committing the administration to major new Federal spending than the minimalists, but they did believe that we had a golden opportunity to focus the country's attention on the need for a shared national goal of education excellence.

Thus was the consensus born that the Summit would attempt to articulate a set of national educational goals, or at least begin a process in which such goals could be developed.

So, yes, politics was critically important to how the Summit unfolded and concluded. But as my UVA friend Larry Sabato likes to say, "politics is a good thing." And in this case, politics led to a shared approach and a constructive .outcome for educational reform.

COMPETIVENESS

Let me turn now to my second point, the substantive international policy concerns of late 1989.

It is hard to remember now, with most of Europe and Japan stuck in a decade-long economic funk, but in the late 1980's the major issue hanging over the education debate—permeating debates over everything in fact—was competitiveness. At the time, the best way to get attention for one's issue was to link it to the effort to make the American economy more competitive on a global basis. The book shelves were filled with tomes written by academics, journalists, politicians, sports coaches and others about competitiveness.

Education was a major issue affected by the competitiveness debate. The changes that so challenged the Nation—the changes that inspired the Education Summit—were as much external as they were internal. And they were viewed as quite real, even threatening.

The case for viewing education in this light was first made with the 1983 publication of "A Nation at Risk." That report completely transformed the education reform issue; it began to nationalize the issue, and it placed education firmly in the middle of the competitiveness debate.

Listen to the language in the opening paragraphs of that report: "[America's] once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world. . . . [T]he educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and as a people. . . . We have, in effect, been committing an act of unthinking, unilateral educational disarmament."

Tough stuff. Of course, the intent of the words was to jolt the public, the press and our political institutions out of their complacency and remove the inertia of the status quo. The fact that the report came from a panel created by President Reagan's Secretary of Education, Terrell Bell, made the words all the more powerful.

Well, if the intent was to jolt, it worked. Within just one year of the report's release, 41 States had toughened high school graduation requirements in line with the report's recommendations. Thirty-five States had raised teacher certification standards, twenty States had increased instructional time and nineteen had improved school discipline policies.

In 1986, the National Governors' Association released "A Time for Results." This report proposed a series of actions to be completed by 1991—to strengthen teaching, increase the use of technology and raise the level of local educational standards. This report was to be updated each year in a series called "Results in Education."

Also in 1986, the Southern Governors Association Advisory Council on International Education released a report calling for improvements in the teaching of languages, geography and other international subjects. The report stated: "By every measure, Americans are not prepared to compete and to participate in the international marketplace." The report continued: "We, as a nation, as constantly surprised by world political and economic events. They occur in places we never heard of, for reasons we do not understand." The title of the report?

CORNERSTONE OF COMPETITION

In 1987, the National Governors Association launched a year-long initiative called "Jobs, Growth and Competition" which focused on a variety of issues, including education, that were deemed important to improving our international competitiveness. In 1989, the National Governors' Association launched an initiative during my chairmanship called "America in Transition, the International Frontier." The final report was entitled "A Competitive Nation." A series of earlier reports had focused on a variety of issues, including education.

But, this competitiveness concern wasn't just for Governors. Congress and the President got in on the act as well.

Congress created the Competitiveness Policy Council and charged it with reporting yearly on a series of actions that the nation could take to enhance its competitiveness in transportation, technology, trade, fiscal policy and education.

The White House created a Competitiveness Council, chaired by the Vice President. So, this topic was a concern at every level of government.

At the 1989 Education Summit's opening press conference, I noted that: "We increasingly cannot compete with overseas nations. . . . The problem is that successful state and local programs are not enough; we need national educational excellence, and a national commitment to obtain it."

So, the competitiveness issue permeated the political landscape, it impacted everything else. There was consensus across the land that we had a "competitiveness problem" And education was a part of that problem—and solution.

What did this mean?

It meant that education could no longer be strictly a local or state issue. For if we had a national problem of competitiveness, then we needed national solutions. We could not leave it to chance that every State and locality would properly educate their young people; after all, our competitors had not. We needed a national conversation about education, we needed national results. We needed—voila—national goals, just like our competitors had. That's why the Joint Statement issued by the President and Governors at the conclusion of the Summit began with these words: "The President and the nation's Governors agree that a better educated citizenry is the key to the continued growth and prosperity of the United States. . . . Education has always been important, but never this important because the stakes have changed: Our competitors for opportunity are also working to educate their people. As they continue to improve, they make the future a moving target."

And in the introduction to the National Education Goals agreed to five months later by the President and the Governors, you will find these words: "America's educational performance must be second to none in the 21st century. Education is central to our quality of life. It is at the heart of our economic strength and security, our creativity in the arts and letters, our invention in the sciences, and the perpetuation of our cultural values. Education is the key to America's international competitiveness."

The need to fit education into a national competitiveness strategy, combined with the political conclusions arrived at by Governors of both parties and the White House, forced a focus on national goals as the way forward.

FEDERAL ROLE

Finally, let me focus on my third point: the concern in 1989 over Federal involvement in education.

If the political mood and economic imperative seemed to be converging on the idea of national education goals, there was still an unease many people felt about Federal involvement in education. This had been the subject of considerable debate a decade earlier when the U.S. Department of Education was created during the Carter Administration. It was the topic of campaign rhetoric on the campaign trail in 1980, and it was certainly argued in the halls of Congress on an annual basis in the early to mid–1980's when President Reagan proposed eliminating the department in his proposed budgets.

Among those most uncomfortable with the idea of an Education Summit were those who were ideologically opposed to the very idea of Federal involvement in education. Many writers, including William Safire, warned explicitly that the Bush Administration was setting the stage for a large expansion of the Federal role in education and for nationalizing the issue.

They were right.

In fact, I would argue that the major achievement of the 1989 Education Summit was to settle, once and for all, the argument over a Federal role in education; whether education would be a national issue. The President and the Governors, by agreeing to the need for national education goals and agreeing on a strategy for developing those goals, had agreed upon a framework. There WOULD be a Federal role; education WOULD be a national issue, addressed with national solutions.

It meant that educational decisions would no longer be settled solely at the local level. It meant that legislative deliberations at the State and Federal levels would become relatively less important, and executive decision and vision relatively more important. That's what happens when results are required; when speeches, money and programs are just not enough.

This all seems like conventional wisdom today, but we can easily forget it was not always so. The 1989 Summit had a real impact, far beyond the imagining of those of us privileged enough to have participated. It fundamentally changed the balance of political power on education issues, and it nationalized education policy in a way few would have conceived just a few years earlier.

CONCLUSION

When the President called for a Summit with the Nation's Governors to discuss education, many observers may not have known what to expect. I don't recall any of the Governors believing beforehand that, while we agreed on the need for national goals, we would settle the argument over Federal involvement in education, or that we would shift the Federal focus on education from one end of Pennsylvania Avenue to the other.

I do recall a great deal of skepticism and criticism from outside observers, especially Congress and the press. But I do not recall anything but the most constructive attitude being expressed by any of the principal participants. And, by the way, this was a meeting of principals, very few staff aides were permitted much of a role at all.

It is worth noting, by the way, that the participants—despite all of the good will and convergence of thinking on the value of setting national goals—did not settle on specific goals at the Summit. We agreed on the need for goals, and, in general, what those goals should address. The actual goals themselves, however, were not developed until several months later.

But, for the first time, the President and Governors were discussing on a national level a series of important questions. Many of these had long been discussed and debated in the States, and particularly in the Southern Regional Education Board states. These questions included, among others:

Intervention: Could we do a better job of preparing children for first grade?

Dropout rates: Could we slow the tide?

Adult literacy: Could we put a dent in it, even eliminate it?

Teacher quality: Could we motivate and inspire it?

Decentralized management: Could it produce better results?

And, parental choice: Could this be a workable technique or just the latest fad?

In the end, it was a focus on such questions that formed the basis of the goals and the national education policy that we know today.

I believe the Education Summit was, to paraphrase Winston Churchill, the "beginning of a new beginning" in education policy. I believe the way we think, as a Nation, about the goals and objectives of education began to change in September, 1989. Unsurprisingly, we did not find all the answers at the Summit. But we were asking the right questions—and for the first time, we were asking them as a Nation.

In one sense, this should not have been all that surprising, because throughout our national history, educational reform has been a vital and characteristic part of the American impulse. We have always believed that we can, by the force of our own imagination and determination, improve tomorrow by improving ourselves and our children.

But, never has it been more important that our traditional convictions give rise to deliberate action.

If ignorance is the enemy of democracy, in an international economy, ignorance could well be an invitation to national decline. In 1989, it was clear and apparent that the time had arrived for us to put ourselves on the spot, That was the message I heard in Charlottesville,

Accountability and the measurement of student performance, we declared, must be an integral part of our educational process. Indeed, Charlottesville portended a significant shift in our approach to education: From here on, we said that we are going to be increasingly measured by more than the resources we invest. Instead, we declared that we are going to be questioned and examined on the progress our students achieve—or fail to achieve.

Frankly, I think that is how it should be—for there is too much at stake for it to be otherwise.

In 1989, the President and the governors joined efforts to ensure that America becomes a Nation resolved to using education as the best means for shaping the future. The reason we are here today is to assess our national performance since 1989. Where are the benchmarks of progress? Where are the guideposts for confronting the challenges?

Our speakers and panelists today are here to help us make those assessments. I share your interest in their opinions of how far we have come, and I am confident that they will focus our attention on the significant challenges at hand.

Today, as in 1989, we recognize that we have a lot of work to do, and we should always keep in perspective that all of our educational goals, commitments and resources come down to two fundamental points:

First, education's role as a transmitter of civilization's knowledge and values must not be diminished. It is part of the glue that binds together the fabric of our society.

Second, education is, also, increasingly, the engine that drives the American economy—our economic future depends upon our ability to compete, but our ability to compete depends upon our ability to educate. It is just that simple.

Thank you. I look forward to the rest of the Conference.

Mr. ALEXANDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and I be recognized to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO RETIRING SENATORS

TOM DASCHLE

Mr. JOHNSON. Mr. President, it is with great sadness that I rise to bid official farewell to one of my best friends and to one of the greatest Senators ever to grace this body, TOM DASCHLE of South Dakota.

Unsurprisingly, I am sure I have known TOM longer than anyone here. I vividly remember his first campaign for Congress in 1978, the same year I ran for the South Dakota House of Representatives for the first time. We were two young candidates, almost the same age, recent graduates, the same year, of South Dakota colleges. While we were running for very different offices, I felt an immediate bond with him at that time.

TOM's first race for Congress was in many ways predictive of the career that would follow. He was then, and still is, the hardest working, most focused person I have ever met in any sphere of my life. That year he knocked on more than 40,000 doors, personally asking South Dakotans for their vote. I can tell you, knocking on 40,000 doors in the middle of a South Dakota winter is a real challenge.

TOM looked so young he was once mistaken as the paperboy at one of those doors—a woman asked how much money she owed him. I have a photo I cherish to this day of TOM and me together during that first campaign, both of us looking like we were 14 years old. It makes you wonder how anyone voted for either of us at that time.

I remember watching the election returns coming in for TOM's campaign that evening and it didn't look very good, frankly. In fact, when I went to bed that night I was almost certain he had lost. It was only when I woke up that I found TOM was only behind by 50 votes with a recount certain, and as it turned out, he was certified the winner officially by 14 votes out of 130,000 votes cast. Who would have dreamed that such a close victory in South Dakota would have been the beginning of such a distinguished career?

In the intervening years, I watched with admiration while TOM's career advanced in the House of Representatives. He was a natural leader, and I do not believe that many who knew him were surprised, in 1986, when he decided to run for the Senate, taking on the same man who, 6 years previously, defeated Senator George McGovern, an institution in our State.

It was far from an easy race, but TOM prevailed in the end, and his leaving his House seat opened it for my election that year as well. It was the culmination of those two elections which led to an extremely close working relationship but also to a very close friendship.

I have spent the last 18 years working side by side with TOM DASCHLE. I cannot imagine a better partner with whom to work. He is, as I mentioned earlier, the hardest working person I have ever known. He is also the most patient person I have ever known, as well as unfailingly generous—qualities that served him very well as Senate Democratic leader, an extremely demanding job.

There have been fewer than 2,000 Senators who have served our Nation in this body, but there never has been one who cared as much or worked as hard for his home State as TOM DASCHLE. I can list his many and varied accomplishments but I would be here for hours and that would not serve the purpose of this farewell. It was the Greek philosopher Plato who said, "The measure of a man is what he does with power." And it is that test that so clearly shows the character and the humanity and the values of TOM DASCHLE.

TOM never used the power that he had attained for self-aggrandizement. He used it to build a better South Dakota, and a stronger America.

He has always realized that our country works best when people have an opportunity to live up to their own potential, when our children are not shackled by poverty and lack of education, when our people who need a helping hand are given one, and when our older Americans are able to live out the balance of their lives with dignity. The truth is, if it weren't for TOM DASCHLE and his untiring work, there are children who would not be educated and families who would not be housed and vulnerable people who would be uncared for.

TOM DASCHLE's priorities and values have been the priorities and values of his strong family and his devout faith.

It was Jesus Christ who said:

> Inasmuch as ye have done unto one of the least of these, my brethren, ye have done it unto Me.

And no matter what level of accomplishment and power TOM DASCHLE attained, he never forgot the "least of the people" who Christ referenced.

While we will no longer have TOM DASCHLE to lead us in this body, we are both instructed and warmed by the example he gave us during his 26 years in his congressional career. He and his wife Linda have made an extraordinary team and will always be among the closest of friends to my wife Barbara and me. I will never serve with a man I admire more than TOM DASCHLE, and it is with very great sadness that I say goodbye to his presence in this body. But more than anyone I have ever served with, or ever will serve with, he has given glory and meaning to the term "United States Senator."

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

COUNTRY-OF-ORIGIN LABELING FOR MEATS AND VEGETABLES

Mr. DORGAN. Mr. President, in recent days there have been news reports about our colleagues on the other side of the Capitol Building deciding that they would like to get rid of something called country-of-origin labeling for meats and vegetables. This is a law that has been previously enacted by the Congress saying that consumers have a right to know where their meat and vegetables come from. So a Member of the House and the Speaker of the House and the majority leader of the House have indicated they would like to find a way, in these waning days, perhaps in the Omnibus appropriations bill, to repeal the requirement to establish country-of-origin labeling for meat and vegetables.

Country-of-origin labeling is now the law of the land. The Secretary of Agriculture has been dragging her feet for some long while in implementing it. While she was dragging her feet, the Congress decided to extend the time for implementation, so that time was extended over the objection of many of us. My colleagues, Senator DASCHLE, Senator JOHNSON, and many others here in the Chamber objected to that. But, nonetheless, it was done last year in one of these omnibus bills.

If those who are making decisions about what to put in omnibus bills these days decide they want to repeal the country-of-origin labeling law in an omnibus bill this year, they will do a great disservice to American consumers. They will pull the rug out from under farmers and ranchers in our country. Why? Because the fact is, we produce the highest quality food in the world.

Consumers want to know where their food comes from. Almost any consumer in this country can take a look at his or her T-shirt or their shoes, and on the label it will say: Made in the U.S.A. Made in China. You will find out exactly where it was made. We know where shirts come from, and we know where shoes come from because it is all labeled. But meat is not labeled. The law requires it to be, but it is not at this point. So the question is, Will this law remain, and will it, in fact, be implemented, or will it not?

We had a U.S. Department of Agriculture report about the condition of meat that has been imported into this country. And I would like to just show a couple of comments from that report. The report was talking about conditions inside a meatpacking plant in Hermosillo, Mexico. That plant in Mexico supplied raw beef to the American consumers. It had never been inspected and was finally inspected once. Here is what they found. They found:

> "Shanks and briskets were contaminated with feces."

A U.S. Department of Agriculture official wrote of his tour of the plant:

> "In the refrigerator a disease-condemned carcass was observed ready for boning and distribution in commerce . . . Paint and condensation from dirty surfaces were dripping on the meat."

The official found that workers were literally walking on the beef that was going to be approved for export to the United States. They found that a side of beef approved for processing was infected with bacterial blood infection.

The problem is not limited to the Mexican plants. This is one plant in Mexico. Incidentally, this plant was shut down, then reopened under another name, and to my knowledge has never again been inspected.

Mr. President, by unanimous consent let me ask to show this piece of beef from a supermarket.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, no one knows where this comes from. No Member of the Senate will know where this originated. Did this come from the Mexican plant I just described? Does it come from a French plant that was also inspected and contaminated? Does this come from one of those plants, or does it come from a domestic source in this country in which inspection, we know, is rigorous? Does it come from a domestic source where we have farmers and ranchers who produce the best supply of meat available in the world? Where does this piece of beef originate? No one knows. Consumers deserve to know. They have a right to know.

The country-of-origin labeling requirement passed by the Congress will give them the opportunity to know, but some of our colleagues around here, hailing the call of the big packing plants and others, decide now they want to try to repeal that. Maybe, just once, this place can stand up on the side of farmers and ranchers and consumers, just once, and ignore the call of the bigger economic interests who say: Let's not do this. We clearly should do this.

Labeling is important. Labeling empowers consumers. Labeling protects American producers who are producing the best quality food at the lowest disposable income of any country in the world. So my message to those who are now sauntering around the Chambers watching this Omnibus appropriations bill be put together is this: It would be a very foolish mistake to believe that the Omnibus appropriations bill should, without any debate, carry a provision that would repeal something Congress has already done that will give people the right to understand where their meat and vegetables come from, where the origination point is for the vegetables and the meat that is being consumed by the American people.

If, in fact, the majority party decides to do this—as I indicated, one Member of the U.S. House especially is proposing it. It has been, it is reported, supported by the Speaker of the House and the majority leader of the House. If they move in this direction, it will be a very serious mistake, in my judgment.

INTERNATIONAL TRADE DEFICITS

Mr. DORGAN. Mr. President, I would like to, on another subject, speak for just a moment about the area of international trade.

Yesterday, the Senate approved an increase in the debt ceiling by $800 billion. That is the fiscal policy debt, that is the amount of money that is spent over that which is collected in revenues. That means our kids and grandkids assume this responsibility. It is Federal debt.

The budget deficit is the highest in history. This is a completely, thoroughly irresponsible fiscal policy. There is no question about it. Oh, I know people say we have had economic slowdowns or recessions or wars or terrorism and this and that and the other thing.

Look, we have had that for a century. But we have never had the size of the deficits we have now had in times like this. As far as I know, we have never before decided to fight a war with borrowed money and ask generations that come after us to pay for it.

But I want to talk about another debt that is growing, and it is larger than the fiscal policy indebtedness that we have. And that is the foreign debt, which arises from trade deficits. This chart goes back to 1998. I could go further. It shows that we have the largest trade deficits in history, by far. Last month, it was $54.1 billion, the third highest in history. You can see where it is going. It is growing and growing and growing.

Last month alone, the trade deficit with China—just one country—was $15 billion. Now, nobody talks about this. Nobody seems to give a rip. Some people apparently think this will have no consequence for this country or its long-term prognosis. But they are wrong. This trade deficit is dangerous and will be debilitating to the country's economy unless we do something about it.

Month after month after month we see these reports. And on this chart, this red ink has everything to do with jobs, which define the quality of life in this country. There is no social program in this country that is as important as a good job that pays well, that gives someone an opportunity to go to work, have some security, have benefits, and take care of their family and have a good life. The expansion of jobs and opportunity in this country will determine what kind of a country we have, what kind of opportunity exists for our kids and our grandkids. And jobs are leaving the country.

Yesterday, I had a call from some American workers. I will not describe the company. They are workers for a company that produces a great product. They want to sell that product in China.

Now China has a $15 billion monthly surplus with us this past month. They ship us their shirts, their shoes, their trousers, their trinkets. They ship it all to us, and we buy it. But can we get our products into China?

These workers say they've been told that to have their product be sold in China, it has to have a 40- to 50-percent Chinese content, otherwise you cannot get it in. So, therefore, the workers are concerned that the company is now going to begin processing operations in China. Why? Because China insists on it.

Well, look, that violates the World Trade Organization.

That does not come as a shock, of course. There is a systematic violation all the time, by these countries that decide they want to ship all of their products to the United States, but they want to keep their markets closed to us. That means our good jobs are leaving, not coming.

There are a lot of reasons for it, one of which is we have had incompetent trade negotiators under Republican and Democratic administrations, completely incompetent. They think their job is to negotiate agreements, the more the better, and they don't care what's in them. If they don't get an agreement, they think they fail. So they negotiate an agreement, and give away the store.

We just negotiated a bilateral trade agreement with China. Do you know what our negotiators agreed to? On automobile trade, they agreed to this: After a phase-in, China can impose a 25-percent tariff on U.S. automobiles sold in China, and we will impose a 2.5-percent tariff on any Chinese vehicles sold in the United States. Let me say that again. Our negotiators agreed with China that we would allow them to impose a tariff 10 times higher than the tariff we would impose on them in reciprocal automobile trade.

Now, what on earth would possess negotiations to result in that, with a country with whom we have a very large trade deficit?

We know China is ramping up an automobile industry and an export automobile industry, and we now have a trade agreement with them where our negotiators said it is all right to have an imbalance that is tenfold in reciprocal automobile trade.

What does that mean? To strip all the varnish from it, it means it is all right with our negotiators for American jobs to be obliterated and Chinese jobs created on automobile trade. That might be all right with some unnamed trade negotiator, but it is not all right with me. Whoever negotiated that was fundamentally incompetent.

We have some companies these days that are not American companies. Oh, they are American in terms of charter. They get a charter, a corporate charter, that allows them to become an artificial person, be able to sue and be sued, and to contract and be contracted with. They have all the rights of people, except they don't die. They can go broke, but they will never die. These artificial people are responsible only to their shareholders.

These companies have decided they would like to have all the benefits of doing business in the United States as American companies, and all the protection that exists from that, except they don't want to have the obligation of paying taxes in the United States. Therefore, they do business through a mailbox in a tax haven country. They can set up a business in the Grand Cayman Islands or the Bahamas. In some extreme cases, they have even decided they want to renounce their American citizenship to avoid paying their tax obligation to the United States, in what is known as an inversion.

In addition to that, we now have company after company—and all you have to do is open up the Wall Street Journal every day to see it—doing something called outsourcing. That means taking American jobs and moving them somewhere else in the world, where it is cheaper. Instead of doing business in America, paying American workers $10, $15 an hour, they can perhaps do it in Sri Lanka, Bangladesh, Indonesia, or China. I have described at length on the floor of the Senate the fact that Huffy Bicycles decided to do that, and the little red wagons, Radio Flyer wagons—that firm was in America for 100 years. They decided to move production elsewhere. Why? Because they can pay sub-minimum wages. Huffy Bicycles used to pay $11 an hour to American workers. They got fired because they were too expensive. You can make them for 30 cents an hour in China, and you can work those people 7 days a week and 12 hours a day.

So we have what is called outsourcing. American companies are outsourcing jobs. That is a fancy term that describes the firing of American workers, in most cases, and employing overseas workers to do the same job at a fraction of the price.

What's even more nuts is that our tax code provides incentives for outsourcing. That's right, when a company wants to outsource, when a company wants to shut down their plant in South Carolina or in Ohio, and do that production in China, we say to that company: We have a treat for you. Get rid of your American workers, shut down the plant, move the whole thing to China and you can get a special tax break.

I happen to think that is absolutely nuts. What kind of a country provides a tax incentive for its companies to get rid of American workers and employ foreign workers? What kind of a country's tax system does that? This country's tax system does it. Yes, we voted on that. I offered an amendment to close that insidious loophole, that perversion in the Tax Code. Guess what. I lost in the Senate.

Here's something else. In a recent bill, the Senate Finance Committee, in conference, decided that U.S. companies who have foreign controlled subsidiaries and have not repatriated their overseas earnings to the United States will be able to repatriate that income at a tax rate of only 5.25 percent. Well, I have a lot of constituents who would love to have that tax rate. Wouldn't that be a wonderful thing? If it is good enough for the biggest companies, which outsourced jobs, it ought to be good enough for all Americans.

Ma Ferguson was Governor of Texas once and was involved in a debate about the English-only language back in the 1930s. She had a press conference and held up a Bible and she said, "If English was good enough for Jesus, it is good enough for Texas." It is the good-enough theory, I guess. The 5.25-percent tax rate is good enough for corporations that moved American jobs overseas. Why is a 5.25-percent tax rate not good enough for people named Johnson and Olsen? Why is 5.25 percent not good enough for everybody?

Why is it that this Congress, when it looks at these issues, won't even take a baby step in the right direction? We are hemorrhaging good jobs in this country. This is a race to the bottom. We fought for a century about important things. We fought for a century about the right of workers to organize. It is a very important right in America. It was a similar fight that lit the fuse that caused freedom all over Eastern Europe. Lech Walesa led that fight, the right to organize. People died in the streets on that issue—the right to say that we are not going to have 12-year-old kids working down in a mine, or in a factory. Child labor laws, safe workplace laws—a whole range of issues. We fought for a century to create safe workplaces, child labor laws, minimum wages, the right to organize, all of these issues, which have, in my judgment, made this a better place.

The fact is, there are American companies now that simply pole-vault over the issues and say we don't have to worry about that, about hiring kids. We can hire kids, we can hire 12-year-olds, work them 12 hours a day, pay 12 cents an hour, and we don't have to worry. How do we do that? We hire them overseas, hire them elsewhere. That means those who have to compete in this new world order have to compete with countries that have decided they are going to make it illegal for workers to organize. You have to compete with 12-year-old kids who are paid 12 cents an hour.

If you wonder whether that is happening, I can show you stories. There is one about a woman named Sadisha, who is making tennis shoes for 16 cents an hour. This is an hour and a half of labor in a pair of tennis shoes that comes to our store shelves for $80 a pair, and Sadisha's pay is 24 cents for making the tennis shoes.

You think that doesn't happen? It does. I can tell you stories about the kids in India who were making carpets, who came to this country and testified before the Congress about the conditions in which they worked. The people they worked for took gunpowder and lit the gunpowder on the children's fingertips to create scarring, so these little kids could be employed to sew these carpets. And the carpets were sent to our store shelves so we could buy them, and congratulate ourselves on the low prices.

Is there an admission price to the American marketplace? Is there? Are there some basic set of standards, or is this a race to the bottom to have us compete with that sort of situation?

I held a hearing not too long ago with some young women from Honduras working in a sweatshop making designer shirts, for a very prominent American label. They were working under incredibly abusive conditions. The story is the same all over.

People talk about this being free trade. Look, this is simply a sea of red ink, a trade deficit that is weakening this country, and we have not paid any attention to the rules of trade that would begin to stop this. We had better wake up and decide that our interest is to be protective—and, yes, I use that word even though it is a pejorative word these days—protective of the economic interests of this country. We must do that.

I spoke of Lech Walesa. Let me describe his speech to a joint meeting of the Congress, one of the most remarkable moments I recall in my service here.

He told us about a Saturday morning in a shipyard in Gdansk, Poland, when, having been fired as an electrician in that shipyard, this unemployed electrician was leading a strike against the Communist government demanding rights for the labor movement in Poland.

He said they grabbed him that Saturday morning and began to beat him. The Communist secret police grabbed him and beat him severely and threw him over the barbed wire fence at the edge of the shipyard. He laid there, having been beaten severely, face down, bleeding in the dirt. He said he wondered while laying there, this unemployed electrician having been beaten severely, what to do next. Well, he picked himself up, and climbed right back over the barbed wire fence, right back into the same shipyard, to continue the fight. Ten years later this unemployed electrician was announced at the door of the U.S. House of Representatives as the President of his country, the President of Poland.

This was not an intellectual, not a scholar, not a diplomat, not a soldier, but an unemployed electrician with uncommon courage. He said this to us: We didn't have any guns. The Communists had all the guns. We didn't have any bullets. The Communists had all the bullets. We were armed only with an idea, a powerful idea: People ought to be free to choose their own destiny. And then he said: Ideas are more powerful than guns.

There was a lot of applause that day, and appropriately so—applause of courage, the progress towards freedom and labor rights in Poland. But around here, we seem to have short memories. We are trading away our hard-won rights.

The first baby step we should have taken in this Congress we decided not to take. I offered an amendment, and it was defeated, to stop the perverse and insidious tax breaks that incentivize American jobs going overseas. Let's not reward companies that move our jobs overseas. Stop it; stop it now. It is a baby step to decide to shut down that tax incentive.

We did not get it done this time. I lost that vote. But I am relentless, and I will again be on this floor the minute we return in January demanding once again an opportunity to debate and to vote on this issue. This is about American jobs. It is about hope and opportunity in this country. It is about expanding this great American experiment, and this issue, I assure you, will not go away.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

TRIBUTES TO RETIRING SENATORS

ZELL MILLER

Mr. NICKLES. Mr. President, I wish to make a couple of comments regarding the departure of one of our colleagues, Senator ZELL MILLER. I have had the pleasure of working with Senator MILLER for the last several years and I think the world of him. He comes from a great line of fantastic Senators from the great State of Georgia.

When I was first elected, I served with Senator Sam Nunn and Senator Mack Mattingly. Both were very good friends. Both were outstanding Senators. Senator Paul Coverdell, a very good, close friend of mine, served in the Senate for a little over a term and, unfortunately, had a very sudden illness and passed away. ZELL MILLER was appointed to take his place.

I remember thinking at the time that Paul Coverdell was a great loss to the Senate. I believe that today. He had a great future in the Senate. He was actually elected to the Senate leadership, which was very unusual for his first term in the Senate. Paul Coverdell was one of my closest friends. I really did mourn his loss.

I did not know his replacement appointed at that time, ZELL MILLER, but I got to know him very quickly. I grew to know him, respect him, and admire him as a patriot and as a Senator. He did a fantastic job in service not only to his state of Georgia but, frankly, to this country. He made a valued, positive, and considerable impact on the Senate and, frankly, on our country. I will talk about that for a second.

I remember he was a real leader in passing the Homeland Security legislation. That was very tough legislation. It passed by a very narrow margin. We did that in his first year in the Senate.

He supported efforts to enact tax reform. I was chairman of the Committee on the Budget in 2003, and we passed a budget, frankly, by one vote. ZELL MILLER's vote helped make it happen. We had about 80 something amendments to the budget during consideration of the budget process. ZELL MILLER was with me on every one. He cosponsored the budget. He was my principal cosponsor of that budget.

That budget enabled us to pass the tax relief we did later that year, the economic tax reform bill of 2003. That bill made a lot of changes, I might add, a lot of positive changes, that would not have passed had it not been for ZELL MILLER. He cosponsored that bill with me. I was honored the President asked me to sponsor it, and I was honored to ask ZELL MILLER if he would cosponsor it with me, and he did.

We defeated a lot of amendments designed to gut the legislation, and we passed the budget. Again, we passed it with the Vice President breaking the tie. It would not have passed without ZELL MILLER's leadership, without his sponsoring the legislation.

What did that legislation do? It made a difference on every American taxpayer in this country. That legislation allowed us to have a $1,000 tax credit per child. That legislation allowed us to expand and provide marriage penalty relief. For a couple making $58,000, marriage penalty relief boiled down to about $905. That passed because ZELL MILLER stood with us on that legislation.

It also allowed us to reduce the capital gains tax rate from 20 percent to 15 percent. It allowed us to say that we would not double tax corporate dividends, at least not as punitively as we did before. We reduced the corporate tax on dividends. Actually, the bill we passed in the Senate had zero double taxation. The bill that came out of conference was 15 percent, instead of the ordinary rates. That is a big and positive change because this country, unfortunately, taxed distributions from corporations higher than any other country. We are tied with Japan at a net effective tax rate of 70 percent.

Why would corporations distribute earnings to their owners if the Government would get 70 percent? Many did not. They would accumulate earnings, hide the money, or do something different with them. We passed that legislation, and now people are paying dividends.

Microsoft announced a multibillion-dollar distribution because of that legislation. We tax it now at the individual rate, 15 percent. When we started marking up that legislation, the Dow Jones was at 7,700. Today it is over 10,500. That legislation made a difference. That legislation passed because ZELL MILLER stood with us on the floor to pass that legislation.

It is not too often you can actually say you passed legislation that made a real and positive impact. There are over two million jobs that have been created in the last 14 months as a result of that legislation. I believe the President signed it in June of 2003. It has been almost a year and a half now, and a couple of million jobs have been created since we passed that legislation. The economy is moving. Revenues are coming into the Government. The deficit is $100 billion less than estimated previously, 9 months ago, because, there is economic revival. We do have new jobs being created. There are positive signs. A lot of that happened because of the courage and conviction of the Senator from Georgia.

I said Paul Coverdell was my friend. He has certainly been missed in this Senate, and that is a fact. I will also say that ZELL MILLER is my very dear friend and he will be missed in the Senate. He only served for a few years in the Senate, but he had a great impact, a very positive impact, not only on taxpayers, and the country but to our body politic, the body of the country. As a patriot, a former marine, former mayor, former State senator, former Lieutenant Governor, and as a former Governor, he had enormous impact.

He was a speaker at the Republican National Convention. I told him his speech wasn't so much that of a Democrat or Republican; his speech was that of a patriot who was speaking out strong because he believed strongly in this country. You could see it. You could sense it. You could believe it.

I am very proud to have ZELL MILLER as my friend. He and his wife Shirley have been a blessing to this body and a blessing to this country. I thank God for the fact I had the opportunity to serve with him and the fact that he served in this body. I think our country is much better for it, and I wish him every good wish in the years ahead.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

BEN NIGHTHORSE CAMPBELL

Mr. NICKLES. Mr. President, I wish to make a couple of comments regarding my very good friend, BEN NIGHTHORSE CAMPBELL, who is retiring with me at the end of this session. Senator CAMPBELL is a unique Senator. All Senators are unique, but he is especially unique. He is a very special Senator, the only Native American presently serving in the Senate and he is chairman of the Indian Affairs Committee.

He has a very distinguished career. He was in the Air Force. He served in Korea. He served in the State legislature. He served in the House of Representatives. I believe he was elected in 1986. He was elected to the Senate as a Democrat in 1992, 12 years ago. He was reelected in 1998. In March of 1995, he had the courage and the conviction to change parties. That is not easily done. He did it and I greatly respect him and admire him for that, but also for his service to our country.

He is a jewelry designer.

I have had the pleasure of knowing BEN NIGHTHORSE CAMPBELL and his wife, Linda, fairly well for the last 12 years. I have great respect for him. He has passed a lot of legislation. A lot of people are not aware of that. Many of his bills have become law. In many cases, he is a quiet legislator. He is effective and he gets things done.

He is on the Appropriations Committee. He has had his fingerprints on a lot of legislation. He is chairman of the Indian Affairs Committee. That committee considers a multitude of issues. Some of us kind of moved around and made way for him to become chairman of that committee. We thought it was very special to have a Native American become chairman of the Indian Affairs Committee for the first time.

He is unique from the standpoint that he rides a Harley. He has a great love for the West.

I think he has made a valuable, important contribution to this body, the Senate.

He has represented his State of Colorado very well. Colorado has had some great Senators. Bill Armstrong was one of my favorite Senators and one of my mentors. WAYNE ALLARD is another outstanding Senator from Colorado. BEN NIGHTHORSE CAMPBELL certainly falls in that role of being an outstanding Senator. I think he and Linda both will be missed in this body, the Senate.

I congratulate him and Linda for their many years of service going all the way back to the military, to the State legislature, to serving in the House of Representatives, and now 12 years in the Senate. He has given a lot of public service to this country, and given it well. He has served well. As the Bible says, "Well done thou good and faithful servant". He has certainly done that. He has made the State of Colorado very proud and, frankly, the country very proud. The Senate is better off for his service. I congratulate him for his service.

The Senate will miss the services and the laughter of BEN NIGHTHORSE CAMPBELL. I compliment him for his service.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DR. HARRY FRITZ

Mr. BAUCUS. Mr. President, I rise today to honor a distinguished man and educator, Montana's 2004 Professor of the Year award winner, Dr. Harry Fritz.

Harry was born in the State of Maryland, but he graduated from Missoula County High School in Montana in 1956. He attended Dartmouth College to earn his bachelor of arts degree. Harry's relationship with the University of Montana, located in Missoula, began when he attended the university to get his master of arts degree.

After earning his Ph.D. from Washington University in St. Louis, Harry returned to the University of Montana, and that is where he has hung his hat ever since.

Harry is the chairman of the Department of History and a full-time professor at the University of Montana. He exemplifies the type of professor Montana has come to expect from its higher education community. He is a first-rate guy. He is just aces. He is an educator who meets the highest standards of professional excellence. And he is a student's teacher. He connects with students and draws them into our Nation's history.

I might say, I first met and knew Harry Fritz back about 1972, somewhere in there, when I was practicing law in Missoula, MT, and was running for the State legislature. Professor Fritz and a couple friends of ours would get together about every couple, three weeks and have pizza and beer. We called ourselves the "Beer Committee," and Harry was head of the Beer Committee. It was a super bunch of friends. We would talk about the world's problems and service and what needed to be done for Montana and the Nation. It was, in many respects, the enthusiasm and knowledge of Harry Fritz that got me interested in public service. He is that kind of a guy.

I might also say, he has a wonderful sense of humor. He is a tall man. He looks a lot like Abe Lincoln. When he puts on his beard, he portrays Abraham Lincoln and performs little skits. As a history professor, he is able to bring President Lincoln and lots of other aspects surrounding President Lincoln into his classes at the University of Montana.

I might say, too, his classes are always the first to be fully subscribed. People want to go to Professor Fritz's history classes because he connects so much, he brings history to life so much, with a sense of humor, with compassion, and with insight and perception. It is no wonder he has been named Professor of the Year for 2004.

Many of us who know Harry also are reminded of all the ways he has served. He not only is a history professor, a terrific professor at that, but he also served in the State legislature in Montana in the Montana Senate and the Montana House. He wants to do what he can to serve the people of our State. His wife Nancy is equally active, equally dedicated to service. Nancy, too, was a representative in the Montana State legislature at one time. So they are people who exemplify the best of human nature; that is, serving people.

I have a view that the most noble human endeavor is service. It is service to community, it is service to church, it is service to friends, service in whatever way makes the most sense for each one of us. Many of us here believe that. That is why we are here. I certainly know that is why the Presiding Officer is here, who has so much believed in service in the various capacities that he has served his State and this Nation.

Harry Fritz is another who believes in service. I think it is important to honor and recognize people such as Harry, because the more Harry Fritzes there are in this country, in this world, by far, the more quickly we are going to solve some mutual problems.

I again pay my highest compliments to a wonderful friend, a terrific man, and one of the best professors any student could ever have, Professor Harry Fritz.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO RETIRING SENATORS

FRITZ HOLLINGS

Mr. BYRD. Mr. President, the end of the 108th Congress marks the end of an era. It marks the end of a remarkable career of a remarkable man.

I will not say goodbye to Senator HOLLINGS. His personality, his sense of humor, his achievements, his legacy will forever be a part of this Chamber. But I do take a few minutes of the Senate's time to thank Senator ERNEST HOLLINGS.

I thank him for being an outstanding Senator. I thank him for his service to our country. I thank him for being a friend. I have been honored to call him my colleague for almost 40 years.

The man who is destined to become a legend in the political history of South Carolina politics was a New Year's Day baby. He was born on January 1, 1922. After graduating from the Citadel, he served in the U.S. Army during World War II. This combat veteran, who served in North Africa and in Europe, was awarded seven campaign stars and was discharged with the rank of captain.

After the war, he earned his law degree from the University of South Carolina in 1947 and then began his extraordinary career in public service in 1947. That was the year in which he earned his law degree.

In 1947, at the age of 26, he was elected to the South Carolina State Legislature where he served until 1954, while 1947 was the year in which I was sworn in at the West Virginia House of Delegates in Charleston, WV.

During his last 3 years in the South Carolina State Legislature, he served as its speaker pro tempore.

In 1954, at the age of 32, he was elected Lieutenant Governor of South Carolina.

Four years later, in 1958, at the age of 36, he became one of the youngest men ever elected Governor of his beloved State. From what I understand, he was an outstanding Governor. Senator HOLLINGS would be outstanding in any office in which he would ever serve. He earned a reputation as the education Governor because he raised teachers' salaries, launched new and innovative educational programs, including a superb technical training program, and set up a commission that improved the State's higher education system.

In 1966 he was elected to the Senate. Here he has stayed for 38 years. I am glad he stayed. He has been a very colorful Senator, an outstanding and outspoken Senator with a booming voice.

The stentorian voice could be heard, I am sure, throughout this Chamber, without a public address system. When he first came here we had no public address system in the Senate. When I first came here, we had no public address system in the Senate, but we had Senators who could be heard. It was a practice in those days for other Senators to gather closer to the Senator who was speaking. It was also a practice for other Senators to be informed when a new Senator was going to speak. New Senators did not speak the first week or the first month, but only after several months did they speak. Before they spoke, the word went around that so and so was going to deliver his maiden speech or her maiden speech. In those days there was one lady in the Senate, Margaret Chase Smith of Maine. But we didn't have any public address system.

I recall when we started to discuss having a public address system in the Senate, I was opposed to it. I wanted the Senate to remain the Senate of the decades that had preceded our own times.

But he was colorful and he was a Senator who had that booming voice that could be projected and heard in the galleries, and today Senator HOLLINGS does not need a microphone.

He was from the old school of Senators who placed public interest over partisan politics. Oh, that we had more Senators like that, more Senators like Senator HOLLINGS who put first the public's interest, the interest of those people who are watching through that electronic eye just behind the Presiding Officer's desk; the eyes of the people come through that electronic eye, which extends the galleries beyond the capacity that we see here. It extends those galleries out to the outermost parts of the country, north and south, out to the Pacific, out to the great Rocky Mountains, out to the broad prairies, out to the farms, out to the hills of West Virginia, that great medium.

This Senator from South Carolina, unlike so many Senators of today, placed the public interest over partisan politics. And he still does. He never hesitated to criticize a President of his own political party as well as the opposition party when he knew in his heart and in his conscience that President was wrong. If it were a President of his own party, let it be.

While in the Senate, Senator HOLLINGS has served on the Senate's Budget and Appropriations Committees, served as chairman of the Senate Commerce Committee, served as chairman of a number of Senate subcommittees. Just as he had been a loyal and proud servant of his own State of South Carolina, he has been a loyal and proud servant of our country. In the Senate, he has been a forceful advocate of a responsible energy policy. In fact, as early as 1967, Senator HOLLINGS was warning that our country faced a future of energy crises, and he was calling for a national energy policy.

He authored legislation to create the Department of Energy and the Automobile Fuel Economy Act that requires the miles-per-gallon sticker on new cars.

He has been a determined advocate of a cleaner and healthier environment. In this effort, he formulated legislation to protect our marine environment, sponsored legislation to prevent the dumping of polluting materials in the ocean, and authored the Coastal Zone Management Act to protect our coastal waters and tidelands. He is the recognized legislative "father" of the National Oceanic and Atmospheric Administration, NOAA.

In the Senate, Senator HOLLINGS continued promoting technical training as he fought to establish trade schools that specialize in retraining workers and offer alternatives for people who choose not to pursue a university degree.

In the Senate, Senator HOLLINGS has tenaciously opposed trade deals that threaten American jobs. Oh, if there were more like him. His fights in this area have involved opposing Presidents, opposing Presidents whom he charged were "giving away the store" in our trade treaties. He has fought to protect and increase Social Security benefits for our elderly Americans.

Concerned about the widespread poverty across the South, in 1968, he undertook a series of "hunger tours" that highlighted the issue. He later authored a powerful study, "The Case Against Hunger: A Demand for a National Policy" that advocated programs to address the persistence of abject poverty in the United States. Putting his words into action, he helped lead the congressional effort to establish the Women, Infants, and Children—WIC—nutritional assistance program, and he helped to advance the Nation's community health centers, which provide primary and preventive health services in underserved communities.

Long before the Bush administration's record-breaking budget deficits, long before today's incredible $7 trillion national debt, Senator HOLLINGS was an eloquent and powerful advocate of budget discipline. I did not always agree with his efforts, such as the Gramm-Rudman-Hollings law, but I never questioned Senator HOLLINGS's dedication to trying to restore fiscal sanity to America's deficit addictions.

Although he has long been a Senator of power and influence, during the great majority of his time in this Chamber, he remained the junior Senator from his State. Even after serving 36 years in the Senate, he was still outranked by his colleague from South Carolina, Senator Strom Thurmond, making Senator HOLLINGS the longest serving junior Senator in history, whatever that means. I have often wondered, having been a junior Senator and being a senior Senator now, what we mean by "junior Senator"? Well, we know what it means, but that is all.

It was at the age of 80 that Senator HOLLINGS finally became the senior Senator from South Carolina. He had earned it. He had earned it just as he has earned the respect and the gratitude of the people of South Carolina and the men and the women in this Chamber.

Now, unfortunately, my friend and colleague is leaving us. Again, I will not say farewell to him. I will only thank him for his service and wish him well in his private life.

I will always remember and cherish our years of working together on the Appropriations Committee and for the best interests of our great country.

It isn't enough that we say in our hearts
That we like a man for his ways;
And it isn't enough that we fill our minds
With psalms of silent praise;
Nor is it enough that we honor a man
As our confidence upward mounts;
It's going right up to the man himself
And telling him so that counts.

Then when a man does a deed that you really admire,
Don't leave a kind word unsaid,
For fear to do so might make him vain
Or cause him to lose his head;
But reach out your hand and tell him, "Well done",
And see how his gratitude swells;
It isn't the flowers we strew on the grave,
It's the word to the living that tells.

Now, unfortunately, my friend and colleague—a strong colleague on the Appropriations Committee, where we two have served all these many years—is leaving us. Again, I will not say farewell to Senator HOLLINGS. I will only thank him for his service and wish him well in his private life. I will always remember and cherish our years of working together.

I shall always remember, too, that loyal, dedicated, devoted helpmate, Peatsy, who stood always at his side, always there to be his best confidant. Yes, Erma and I will miss Peatsy.

In closing, then, let me speak just a few words from the "Character of the Happy Warrior" by William Wordsworth, because I think they represent my feelings toward ERNEST FRITZ HOLLINGS:

Who is the happy Warrior? Who is he
That every man in arms should wish to be?

* * * * *

'Tis, finally, the Man, who, lifted high,
Conspicuous object in a Nation's eye,
Or left unthought-of in obscurity,—
Who, with a toward or untoward lot,
Prosperous or adverse, to his wish or not—
Plays, in the many games of life, that one
Where what he most doth value must be won:
Whom neither shape or danger can dismay,
Nor thought of tender happiness betray;
Who, not content that former worth stand fast,
Looks forward, persevering to the last,
From well to better, daily self-surpast:
Who, whether praise of him must walk the earth
For ever, and to noble deeds give birth,
Or he must fall, to sleep without his fame,
And leave a dead unprofitable name—
Finds comfort in himself and in his cause;
And, while the mortal mist is gathering, draws
His breath in confidence of Heaven's applause:
This is the happy Warrior; this is he
That every man in arms should wish to be.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, I am happy to yield to the Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the junior Senator from Pennsylvania, I be recognized to speak as in morning business for up to 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

POLISH VISA WAIVERS

Mr. SANTORUM. Mr. President, I rise very briefly to offer another unanimous consent request. This is a unanimous consent request on a piece of legislation that Senator MIKULSKI and I introduced earlier this year regarding Polish visa waivers.

A visa waiver is a provision given in law to allow people from a country with which the United States has good relationships to come into this country for a temporary period of time as visitors, tourists, without having to obtain a visa. In other words, this waives the visa requirement that is generally imposed on people coming from other countries to America. I believe we have done this with 27 other countries because of the unique relationship we have with them and the bond that the countries have with the U.S.

Poland, unfortunately, has not been granted that status. If you look at the continent of Europe and at the great allies that we have on the continent of Europe, obviously, the two that come to mind—in my mind at least—are the Brits and the Italians. But Poland has shown, since its release from the Soviet Union's sphere of influence, a remarkable affinity for the United States and has shown tremendous strides and advances both in terms of democracy, economy, and in their culture. It is very much a country that is leaning and facing west. It is, to me, a real injustice to the people of that country, who have been our steadfast supporters, particularly in the most recent conflict in Iraq, that we would not present them the opportunity we do virtually every other country in Europe.

Senator MIKULSKI agrees, I think, with the statements I have made, and she has said so on the floor of the Senate. We have been working in the past couple of months to clear this legislation so it can pass the Senate and be sent to the House, with the hope, at this late date, of becoming law but, if not, accelerating the opportunity for it to become law next year. Even at this late date, the hope is that once the bill would get to the House, there would be the kind of support we have seen in the Senate to pass it. The support is nearly unanimous.

As we all know, at this point in time in the Senate, nearly unanimous isn't good enough. We need unanimous consent, or all Members of the Senate to agree. I can speak on behalf of the Republican side of the aisle. I have spoken to all Senators, or their offices, and every Republican Senator has agreed to allow this bill to clear the Senate and to pass today. We were willing to pass this bill before we broke in October. We were willing to give this bill a chance to become law and be signed by this President. I am hopeful that he would sign this legislation.

But I have been informed that in spite of the good efforts of Senator MIKULSKI, we may not be able to clear this legislation on the other side of the aisle. That is a great disappointment to me and I know to Senator MIKULSKI. I know it is a great disappointment to many Polish Americans—9.3 million Polish persons. Over 100,000 Poles per year come to this country to visit relatives and friends. Yet we cannot extend this, I argue, minimal courtesy to those who have allied with us and have shown their good hand of friendship toward us.

Mr. President, I will ask unanimous consent, in the hopes that maybe even later after this consent request, which I am told will be objected to, others will reconsider, and perhaps we can later tonight, or tomorrow, or Saturday, or however long we will be here, be able to work through this problem and get unanimous consent on this vitally important piece of legislation for not just the 9.3 million Poles in this country, but for all of us in America who would like to extend a further hand of friendship and accord to the people of Poland who have been such steadfast allies of our great country.

I ask unanimous consent that the Senate now proceed to the immediate consideration of calendar 715, S. 2844.

Mr. BYRD. Mr. President, reserving the right to object. I must say for the record that there are Members who strongly support this bill—Senator MIKULSKI and others. However, on behalf of others, I must object. Therefore, I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. SANTORUM. Thank you, Mr. President. I know the Senator from Oklahoma intends to speak.

At this point, I ask unanimous consent that an explanation of this issue be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2844—DESIGNATING POLAND AS A VISA WAIVER COUNTRY—CALENDAR NO 715

WHAT DOES THIS BILL DO?

Designates Poland as a visa waiver country. Citizens visiting the U.S. within a 90-day period would not need to apply for a visa.

WHY SUPPORT THIS LEGISLATION?

Since the founding of the United States, Poland has proven its steadfast dedication to the causes of freedom and friendship with the United States. In addition, Polish History provides pioneering examples of religious tolerance.

The United States is home to 9 million people of Polish ancestry, including 429,000 in Florida, 854,000 in Michigan, 240,000 in Minnesota, 576,000 in New Jersey, 433,000 in Ohio, 824,146 in Pennsylvania, and 497,000 in Wisconsin. Polish Immigrants have contributed greatly to the success of industry and agriculture in the United States.

Since the demise of communism, Poland has become a stable, democratic nation. Poland has adopted economic policies that promote free markets and economic growth.

Poland demonstrated its commitment to global security by becoming a member of NATO. Poland also just recently became a member of the EU.

Poland was a staunch ally to the U.S. in Operation Iraqi Freedom. Poland has committed 2,300 soldiers to help with ongoing peace efforts in Iraq.

In 1991, Poland unilaterally repealed the visa requirement for U.S. citizens traveling to Poland for less than 90 days. And today, more than 100,000 Polish citizens travel to the United States annually.

POLISH VISA REFUSAL RATE

Refusal rate can be an inaccurate measure because it is based on decisions made by consular officers rather than the actual behavior of non-immigrants. It does not reflect the propensity of nationals from that country to overstay their visas.

Nonetheless, Poland's visa refusal rate is declining dramatically, from around 43% in FY 03 to approximately 30% in FY 04.

Polish citizens who apply for a visa have on average, a one and a half minute interview. This obviously is not enough time for a consular officer to make a decision on whether or not they will overstay their visas. In other western European countries, the average interview is five minutes.

Consular Officers still have a 1980s view of Poland, a country in serious economic trouble and under tyranny. This is an unfair view as Poland in now a stable, democratic nation that promotes free markets and economic growth.

Warsaw airport is in the pilot program for airport screening, so most Poles who would travel to the U.S. under Visa Waiver would face an INS determination of whether they will be admitted before they get on a plane.

Poland's refusal rate does not reflect a high propensity for terrorism. The State Department has given no indication that the potential for terrorism in Poland significantly exceeds that of the 27 countries currently participating in the Visa Waiver Program.

IMPORTANT TO SUPPORT OUR STRONG ALLY AT THIS CRUCIAL TIME

Poland was a staunch ally to the U.S. in Operation Iraqi Freedom. Poland has committed 2,300 soldiers to help with ongoing peace efforts in Iraq.

Though a staunch ally, Poland has legitimate concerns about our appreciation of their efforts. President Aleksander Kwasniewski reiterated these concerns when Poland was not included as an ally in Iraq during the Presidential Debate.

As Lech Walesa said, this would be a very symbolic gesture for both the government and the people of Poland. We owe the Poles our appreciation for their camaraderie and sacrifice in a pivotal point in our history. This legislation would go a long way in showing our appreciation for their alliance with us.

CURRENT PARTICIPANT COUNTRIES IN THE VISA WAIVER PROGRAM

Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, United Kingdom.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, as I said before, I hope we can get agreement. I know there are one, or maybe more, Senators on the other side of the aisle who have found a concern with this. I ask that while this is somewhat unusual in the way we put forth this legislation, it is vitally important for us to send a very strong and positive signal to one of our strongest allies in the world that we stand with them and accept them as one of our closest and dearest allies, and we will treat them accordingly, with respect to the visitation of Polish people who visit relatives and friends in the United States.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Oklahoma is to be recognized for 25 minutes.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, if the Senator from Oklahoma comes, I will yield the floor quickly to him. At this moment, under the current circumstances, I had sought to be recognized and I do so for the purpose of speaking for not more than 12 minutes. I ask unanimous consent that I may be recognized for no more than 12 minutes.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

TRIBUTES TO RETIRING SENATORS

TOM DASCHLE

Mr. BYRD. Mr. President, there is an old Chinese curse that says, "May you live in interesting times." A Senate equivalent of that saying could very well be: May you lead the Senate in interesting times. If so, the Senate leadership of Senator TOM DASCHLE would certainly qualify. He led the Senate with a very quiet integrity during some of the most difficult times in American history.

In 1994, Senator DASCHLE became Senate Democratic leader by a single vote. No sooner had he become Democratic leader than he was forced to deal with the Republican revolution of 1994, including House Speaker Newt Gingrich and his short-lived "Contract With America." I never read it, never signed it, and was not a disciple of it.

While he served as the Democratic leader for nearly a decade, there was a period of 17 months in which he went from minority leader to majority leader and back to minority leader.

He was the Senate Democratic leader during the first impeachment of an American President in 131 years. He was the Senate Democratic leader on September 11, 2001, when America experienced the worst terrorist attack in the history of this great land. One month later, a bioterrorist attack on his Senate office in the Hart Building exposed 20 of TOM DASCHLE's staffers to deadly anthrax spores.

As the Senate Democratic leader, Mr. DASCHLE has had to deal with three different Republican leaders. During these turbulent circumstances, he remained reassuring and inspiring. TOM DASCHLE's soothing personality and his mild-mannered demeanor were comforting under very trying circumstances.

Looking back, it seems strange that many people once considered this likable, soft-spoken young man to be too likable and too soft spoken to be an effective Senate leader. I am pleased and proud to say that we were wrong. I say "we" because many people will recall that I initially opposed his candidacy for Senate Democratic leadership. But after TOM DASCHLE was elected leader, I was impressed as I found him to be an engaging man with whom to work, a most interesting man, a leader who has a way of putting other people at ease, even in troubled as well as in pleasant times.

He was always working to seek a consensus. He was always listening. He was one of the best listeners I have ever met during my 46 years in this body.

Even in the Senate's darkest moments, he retained his sense of optimism, always preferring to see the glass as half full rather than half empty. And that optimism was infectious. Therefore, 2 years later, it was my pleasure to nominate TOM DASCHLE for reelection as Senate Democratic leader. In nominating him, I announced:

> I was totally wrong about this young man. He has steel in his spine, despite his reasonable and modest demeanor.

As a former Senate leader myself, I can say that a Senate leader who can bring together and develop a consensus on tough controversial measures must have the patience of Job and the wisdom of Solomon.

As a former Senate Democratic leader, I want to express my gratitude to Mr. DASCHLE for the service that he rendered to this Chamber, to our Nation, and to our political party.

During the interesting times in which he led the Senate, Senator DASCHLE was always working for the common good. Because of his principled—let me say that again—because of his principled opposition to the Bush administration, critics denounced and demonized him as an obstructionist. If placing the national good over blind obedience to any President makes a Senator an obstructionist, then let me say that our democracy—indeed, all democracies—need more TOM DASCHLE's.

Senator DASCHLE stayed above it all, as he refused to engage in the gutter politics of his opponents. He always retained and maintained the dignity that has characterized him as a man and as a Senator. But then this mild-mannered South Dakota Democrat, the only South Dakotan ever to be elected to the Senate leadership, has always served the people of his State and the people of our Nation proudly and honorably, with diligence, sincerity, and distinction.

His entire career in public service has been based on standing up for the common good. He has been a true friend of rural America, especially America's farmers. Among the many measures he promoted to benefit American farmers, Senator DASCHLE pushed the development and the commercialization of alternative agricultural products.

He was an aggressive advocate of health issues, having authored legislation that expanded health services in rural areas.

As a veteran himself, having served as an intelligence officer in the Strategic Air Command of the U.S. Air Force, TOM DASCHLE was a powerful advocate for American veterans. In 1991, he won his 11-year struggle for legislation to assist Vietnam veterans suffering from exposure to Agent Orange.

I am sorry that I must now say goodbye to this decent man and this outstanding Senator, especially in such circumstances. And he is a decent man. He was always good to me. He was always listening. He always listened to whatever I had to suggest to him—always listening and always tried to be helpful. So many times he spoke good words concerning me. He was always asking about my wife Erma: How is your wife? How is your wife Erma?

But as anyone involved in politics knows, political life has its defeats as well as its victories, its sorrows as well as its joys, and we must accept them as they come, always looking forward, not backward, and knowing that the future will present other opportunities to serve our Nation.

I hope that Senator DASCHLE will continue a life of public service because our Nation will always need men of his background and experiences but, most importantly, his wisdom, his integrity, and his optimism.

Let me say on behalf of Erma and myself that we are so grateful to Senator DASCHLE and his lovely wife for their many courtesies extended to us, their many kindnesses which we will never forget. I am confident that despite the happenings of November 2, Senator DASCHLE still sees the glass as half full rather than half empty.

And so my wife Erma and I extend our best wishes to Senator DASCHLE and his wife Linda in all of their future endeavors.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I also ask unanimous consent that I be allowed to speak in morning business for as much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL SELECTION PROCESS

Mr. CORNYN. Mr. President, recently there has been a lot of discussion about, not just the role of the judiciary in our democracy, but the process by which judges are selected. To me, this all boils down to something that Daniel Webster once said when he opined that "justice is the greatest desire of man on Earth." It is, in fact, the judges, the ones who wear the black robe, the men or women who serve on local or State or Federal benches who are the ones with whom we identify that common yearning for justice.

Unfortunately, here in the Senate over the last couple of years, we have gone through an experience that not only reeks of injustice but also of unfairness and, indeed, rises to the level of unconstitutionality when it comes to the filibuster used against President Bush's judicial nominees.

Never, before these last 2 years, has a nominee for a Federal court, whether it is the Federal district court or circuit court or the United States Supreme Court, been blocked by the use of a filibuster when there was a bipartisan majority of the Senate who stood ready to confirm that judge—never before the current Congress, dating back now 2 years.

We all know the judiciary plays a critical role in our form of government. As high school students, or perhaps even earlier, we learn that our three branches of government play important but distinct roles in our constitutional democracy. It is the judiciary, which at one time in our Nation's history has been called the least dangerous branch, that has produced some of the most dangerous decisions, at least so far as it concerns our right to self-government. What I mean by that is when we see courts strike down the Pledge of Allegiance because schoolchildren cannot say the words "under God" when they pledge allegiance to the flag; when we see county clerks, indeed, when we see judges themselves authorize the issuance of marriage licenses to same-sex couples on TV and across our country; and when we see courts, on the basis of lawsuits that have been filed, tell military bases that they cannot grant access to their facilities to the Boy Scouts of America, we know these are not a product of a vote of the people.

In each of those instances it is the act or the dictate of a judge, a judge that I submit has lost any tether, any sort of anchor with the fundamental premises upon which the power of a judge is granted.

We want to make sure in this country, I believe, whether we are Democrats, Republicans or independents, that our judges are not politicized. In other words, we want to make sure when we walk into a courtroom when our case is decided that the judges have not already made up their minds before hearing what the facts are. We want to make sure that that judge does not have some sort of political or personal agenda which makes it impossible for them to be fair.

But what we have seen over the last couple of years is a political situation of the judicial selection process where good men and women who are highly qualified to serve as Federal judges at the Federal district court level and at the circuit court level have been not only obstructed by this unconstitutional filibuster process, which has never before been used in America history—what we have seen is also character assassination. We have seen individuals who spent a lifetime creating a reputation and developing a career as a judge totally smeared by various interest groups whose desire it is to politicize not only the judicial selection process but the decisionmaking process by judges. And that is wrong.

We know, in addition to the other important judicial vacancies that exist around this country which we have been unable to fill because of the filibuster, that in all likelihood during President Bush's second term of office he will have the opportunity to nominate one or more nominees to the U.S. Supreme Court. I am sorry to say these nominees will undoubtedly be savaged by some of these same interest groups who are bound and determined to politicize not only the act of judging—that quest for justice—but in fact the selection process itself. Unfortunately, these kinds of venomous politics are something we have come too often to expect when it comes to selecting these important members of the judiciary.

I firmly believe we are a big and diverse country. We have people who come from different places across the planet, who pronounce their name in different ways, who have different traditions, creeds, beliefs. And the great thing about this country is we can all live here in this one place and we can argue for what we strongly believe in. We can defend those views when they are attacked. But in the end, we settle those disputes—maybe not change someone's mind but we settle the dispute at least for a while by having an election.

On November 2 of this year, 60 million people not only chose to reelect President George W. Bush, but I believe in part cast their votes for the kind of judicial nominees this President has nominated in the past and which he can be expected to nominate in the future.

Men and women are drawn to service in the judiciary because they believe in that quest for justice, and they want to play an important role in making sure that desire for justice, that quest for justice, is satisfied, at least as much as is humanly possible, in courtrooms all across this country.

But we know—at least in the past, based on sad experience—there are those who will not be satisfied with an election; that people will not put their grievances and their anger behind them but will continue to pursue these policies of destruction and character assassination when it comes to the President's judicial nominees. Unfortunately, these angry individuals have not come to accept what the vast majority of Americans have agreed is the way we should work; that is, we do our best, we fight our best fight, we get our voters out, and then we have an election and we resolve those differences at the election.

We have seen time and time again how these tactics have been used shamelessly to smear some of the President's judicial nominees. It is only logical to expect some of these same tactics, notwithstanding what I have said, will be used again.

What we have seen in this Senate—and I believe the American people cast a vote, at least in part, on November 2—is, as I have said, unconstitutional filibusters. And what I believe the American people cast a vote on on November 2, particularly when it came to the Senate minority leader race, the race in South Dakota, was a repudiation of obstructionism and the unconstitutional use of the filibuster to block the President's nominees who, if allowed the simple dignity of an up-or-down vote, would have been confirmed as I speak.

The Constitution makes clear what the role of the Senate is. That role is to provide advice and consent. Yes. The Judiciary Committee, on which I am honored to serve, has a responsibility to review the credentials and background and experience, the temperament of these nominees to make sure they understand they are not just another branch of the legislature which is at liberty to enact through judicial edict their personal or political or any other agenda. Our job is to make sure they respect the separation of powers which makes the judiciary a distinct and unique branch which is supposed to interpret the law, not make the law.

Unfortunately, we have seen an obstinate minority in this body that has denied this Congress the ability to provide that advice and consent; that is, trying to elevate the de facto requirement under the Constitution for confirmation to 60 votes by claiming that the Senate rule which requires 60 votes to cut off debate trumped the Constitution.

You might ask, How is that possible? The Constitution is the fundamental law of the United States of America.

and all other laws passed, including those of Congress, are inferior to that law. If the act of Congress is inferior to that law and when it conflicts, it must fall, surely a Senate rule that purports to require a supermajority vote of the Senate to confirm judges must fall when there is conflict with the U.S. Constitution.

The Constitution provides that in specific but limited instances a supermajority vote is required for passage, notably the ratification of treaties and notably the amendment of the Constitution itself. But nowhere in the Constitution is it provided that to confirm a judge, more than a 51-vote majority is required.

That is why over these last 2 years we have heard Members on this side of the aisle time and time again come to the Senate and say not only is this filibuster unfair, but, indeed, blocking an up-or-down vote by a bipartisan majority of this body is, in fact, in violation of the fundamental law of our land.

In order to be suited by virtue of temperament to serve in elected office, you have to be an optimist by nature, and I am. It is my sincere hope, it is my sincere request and entreaty to our colleagues on the other side of the aisle, that these tactics stop. They must stop not only for the good of the Senate but out of respect to the President who received almost 60 million votes on November 2 and out of respect for the Constitution itself. What has happened these last 2 years is wrong, it is unfair, and, indeed, it is unconstitutional.

Should President Bush have the opportunity to nominate one or more judges to vacancies on the U.S. Supreme Court, it is my sincere hope we will have learned something from the mistakes of the past. We will have also learned there is a political penalty to be paid for obstructing judges, for treating them unfairly and in an unconstitutional fashion.

As an astute observer not only of the human condition but also of politics in general, I am confident that all of my colleagues in the Senate, all 100, paid close attention to the verdict of the American people on November 2 when it came to a referendum on whether these unconstitutional, unfair obstructionist tactics should continue or end. It is my hope we all got the same message and that, indeed, we will treat the President's nominees fairly, that we will do what the Constitution requires, that we ask the questions, make sure they are qualified by virtue of experience, education, and temperament, that they understand what the role of the judge is, and that they are not just a legislator wearing a black robe and with lifetime tenure.

I believe on November 2 the American people rejected the tactics of obstructionism and demonization of the President's nominees. Frankly, I worry that the good men and women who have been nominated by the President to serve in these important positions, after those behind them see how they have been treated, or I should say mistreated, how long can we expect other good men and women, when called by the President, will answer the call only to know they will be smeared, strung out before the world and, indeed, then, obstructed by an unconstitutional process?

It is my hope we will have learned something over these last 2 years and to repudiate these tactics.

I will say something to my constituents and the people who may be listening who have contacted my office in very sincere concern for what they have seen played out on the Senate floor and in the judicial confirmation process.

I say to all of them, I appreciate your passion. I appreciate your concern. I appreciate your interest in the instruments of the Government that ultimately the people of this country control. We are going to need the involvement, the attention, the passion of all of the people and, indeed, we are going to need to appeal to our better angels in the Senate and in the Senate Judiciary Committee when it comes to the next nominees for the U.S. Supreme Court.

We all remember, whether it is the confirmation process by which Judge Bork was blocked, by which Clarence Thomas was ultimately confirmed—after going through a process that no one should have to go through—my hope is we will have learned that is not the way the Senate should conduct itself and that we will resolve among ourselves and resolve among the American people and to the people we represent that we will treat the President's judicial nominees fairly, that we will treat them with dignity, and that we will provide the up-or-down vote the U.S. Constitution demands when it comes to the confirmation of the President's judicial nominees.

I am not suggesting for a minute that anyone violate their conscience. Indeed, any Senator with a sincere belief that an individual judge should not be confirmed should come to the Senate, as no doubt they will, and explain to their colleagues why they feel so strongly, why they conscientiously object to this nominee and invoke their conscience. Every Senator should do that, and I trust they will.

But no one, no Senator has the right, no group of Senators has the right, no minority has the right to tyrannize the majority of the Senate when we stand ready in a bipartisan fashion to cast a vote, up or down, for a judicial nominee.

I sincerely hope we will not have only learned from the mistakes of the past when it comes to obstruction of the President's judicial nominees, but we will conduct ourselves with the kind of dignity the American people have come to expect from Senators and that we will conduct ourselves uprightly, with fairness and dignity, and treat all we come in contact exactly the same way.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I intend to speak on another matter at some point. I see several of my colleagues are in the Senate. Senator LEVIN, I believe, wishes to speak for a short time. I see Senator BOND is in the Senate, as well.

I will take 5 minutes to say I have deep respect for my colleague from Texas. I like him and I am pleased he is a Member of this body. I have deep disagreement with what he has said, and I will take this moment to respond to it.

There is a newfound passion, apparently, for providing votes for nominees for judgeships. When I say a newfound passion, let me explain that I was here in the 1990s. There were 60 nominees for the Federal court that never got a vote in the Senate by a Republican-controlled Senate. Many of them never even got 1 day of hearings. It was unbelievable what went on with the majority party in this Chamber when the Clinton administration was sending down nominees.

Contrary to what my colleague just indicated, this notion of obstructionism, this is a newfound technique. You create your own reality and debate from that reality. There was no obstructionism. This Senate approved 201 Federal judges; 201 of the nominations for Federal judgeships that were sent down here by this President. We held up about 10 of them.

Now, the Constitution says something about our obligations. This is not about obstruction. It is not about unconstitutional behavior. It is not anything of the sort. It is about those in the Senate who understand that the Constitution says we have a responsibility when it comes to putting someone on the Federal bench for a lifetime.

When someone sends a name to this Senate as this President did that says, I want this man to serve for a lifetime on the Federal bench—by the way, this person has a record of writing articles saying that his belief is that women are subservient to men—I say, wait a second. It is not somebody I want to sit on the Federal bench for a lifetime. I don't happen to think that sort of thinking represents what I want to put on the Federal bench.

We held up, I believe, 10 nominees and approved 201. We approved 93 percent of the President's requests. We are told this is obstructionism? And now we are told, today, there is a lesson in the South Dakota Senate race as a result of this? This "obstructionism" created a result in the Senate race in South Dakota of which we all need to be mindful?

Let me state what the South Dakota Senate race was about. It was not about obstructionism and judgeships. It was about $20 million coming out of the basement of the White House through various orifices and devices, directed at the minority leader in the State of South Dakota in a campaign that in many respects, in my judgment, was shameful. But it was not about obstructionism. It was not about judges because the fact is we approved 201 Federal nominees sent to us by this President. We have been extraordinarily cooperative.

Let me say again, I was here during 8 years of the Clinton administration when 60 nominees were sent down here that never got a vote. Some of them never got one day of hearings. Let me say that on my behalf I want to cooperate with this President. But my colleagues and I have constitutional responsibilities with respect to putting someone on a Federal bench for a lifetime that involves two steps: One, the President proposes a nominee; and, second, under advice and consent, the Senate then makes its judgement. We have a responsibility here. It is a constitutional responsibility.

I have read and reread that Constitution. I am proud of what we have done. We have been extraordinarily cooperative with this President and will continue to be so. But that does not mean all of us walk to this Chamber with ink on our shoes and become a giant rubber stamp to say: Me too. Yes, sign me up. OK, I am fine, I am with you. It is not our role and it is not our responsibility.

When we approved 201 Federal nominees to the Federal court from this President, which was 93 percent of the nominees of this President, I think it strains credibility to somehow call this obstructionism. And it certainly strains our sense of irony to hear those calling us obstructionists when not very long ago there were 60 nominees, some of which never got a day of hearings, and none of which got a vote on the floor of the Senate.

Going forward, I think we ought to understand this: The so-called lesson we were described moments ago about the election in South Dakota, that is all nonsense. It is not what that was about. We believe we have a responsibility to cooperate. We will. We also believe we have a constitutional responsibility to use our heads, our hearts and our minds to make good decisions about the future of this country. We will continue to do that as well.

Incidentally, I have in my hand a record of two votes during the Clinton administration where there were cloture motions that were required for nominees. So this notion that somehow it is the first time ever there was a filibuster, nonsense. that's just not true.

I have records of both votes. It has been done before. It has been done by the majority party. It is just when they do not get 100 percent of their nominees, they do not get a rubber stamp coming out of this Chamber, that somehow they have a problem with that. The American people should not have a problem with it. The Constitution certainly does not have a problem with it, and I do not.

I want to be cooperative, but I do not want to sit and listen to a re-creation of reality that does not square with what we have done in the Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder if I could ask unanimous consent to line up speakers. Does the Senator from North Dakota want to do that? And is that agreeable to the Senator from Missouri and the Senator from Oklahoma that speakers be lined up by unanimous consent? When I asked Senator DORGAN to yield to me for 5 minutes, he was wondering if he could then be next in order. But I know Senator BOND is here, too.

Mr. BOND. Mr. President, I ask for 5 minutes.

Mr. DORGAN. Mr. President, let me follow Senator BOND.

Mr. INHOFE. Yes. If I could ask the Senator from North Dakota about how much time will he be using?

Mr. DORGAN. I intended to use 20 minutes. I would be happy to follow the Senator.

Mr. INHOFE. I would be close to that amount of time, too, so I will go ahead and wait. If I could lock in after the Senator from North Dakota, that is fine.

Mr. DORGAN. Mr. President, let me suggest the Senator from Michigan begin, and then be followed by the Senator from Missouri, and then myself, followed by the Senator from Oklahoma. I ask unanimous consent that be the order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CLOTURE VOTES FOR JUDICIAL NOMINATIONS

Mr. LEVIN. Mr. President, while Senator DORGAN is in the Chamber, he made reference to the fact there have been cloture votes required on judges throughout the years. I want to expand on the RECORD some of the names of judges where cloture votes were required, in fact, where cloture votes were not agreed to and led to their defeat in a number of instances: Justice Fortas in 1968; now Justice Bryer but then circuit court nominee Steven Bryer in 1980, with two cloture motions; Rosemary Barkett, to the Eleventh Circuit in 1994; Lee Sarokin in 1994, with a cloture motion required; Marsha Berzon in the year 2000; Richard Paez in the year 2000.

Cloture is not a new phenomenon when it comes to the debate over judges. Yet we hear now that suddenly the requirement that there be a cloture vote is something that is new to this Senate. It is not. It has been historically used. It is appropriate, and it is rare.

As Senator DORGAN pointed out, 93 percent of the judges who were nominated by President Bush were confirmed when there were votes that came to the floor of the Senate. Ninety-three percent of these judges were confirmed. And the comparison to that of the Clinton years, where so many judges could not even get a hearing, where there was a filibuster in the Judiciary Committee because of the refusal to grant judges a hearing, is quite a contrast. We do not hear much about that. Instead, hearing that the refusal to have an up-or-down vote and a requirement for cloture is somehow labeled obstructionism is altogether out of line, as far as I am concerned, and inaccurate historically, inappropriate, and needs to be contested.

TRIBUTES TO RETIRING SENATORS

TOM DASCHLE

Mr. LEVIN. Mr. President, that is not why I came to the floor, although it relates to why I came to the floor this afternoon because I came here to pay tribute to a dear friend, our Democratic leader, TOM DASCHLE of South Dakota. This sadness is only tempered by the belief that TOM DASCHLE will continue to play a vital role in our Nation's public life in the future.

TOM DASCHLE has had a distinguished career as a legislator on behalf of the interests of the people of South Dakota and all of the people of our Nation. He has fought for a fair share for the farmers of his State and for farmers around the country. He has been in the forefront of rural health, veterans' health, a fair tax system, and a very broad range of other issues.

He has been as a leader of the Democrats in the Senate, both as majority leader and minority leader, through one of the most difficult periods of the Senate's history where TOM DASCHLE has made his mark. He has been a remarkable leader. As a principled and tireless advocate for the issues he believes in, he has led by example. On countless difficult and contentious issues, he has led by carefully listening to all sides. Time and time again, on complex and challenging legislation, he has led by tireless negotiation and by building consensus. And, where appropriate, he has been able to organize Democrats to insist on our rights as a minority in the Senate.

It is, indeed, a bitter irony of the most recent election that TOM DASCHLE, who is a legislator to the core, and a man of compromise and soft-spoken wisdom, a seeker of dialogue, solutions, and consensus, was caricatured as an obstructionist. In the time-honored tradition of Senate leaders of both parties, he stood tall when principle required it. In reality, though, it was TOM DASCHLE's style to reach across the aisle, time and time again, in an effort to legislate in the Nation's best interest. Often he worked closely with the Republican leader in some of the Senate's finest and most difficult hours.

In the face of a very difficult impeachment trial that tested this Senate, in response to the September 11 terrorist attacks, and when he himself was targeted in the anthrax attack, as in countless other instances, TOM DASCHLE demonstrated his talent for calm, inclusive, and wise leadership.

As this session of Congress ends in the next few days, the people of South Dakota will be losing a vigorous, effective, and committed Senator. Democrats in this body, indeed, all Senators, will be losing a great leader. And all Americans will be losing a voice of reason, judgment, and wisdom. I will be losing a friend and a confidante. TOM DASCHLE is a beautiful human being and a nonpareil leader. His good nature will enable him to overcome this momentary defeat so that the contributions he makes to public life will soon flower in a different place.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask unanimous consent that Senator SHELBY be recognized for 10 minutes following me, and that Senator BREAUX be recognized for 15 minutes thereafter.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOHN BREAUX

Mr. BOND. Mr. President, it has been a pleasure to work with the Senator from Louisiana. We have appreciated his leadership on many issues not only important to Louisiana but to our energy future and important to navigation in the heartland, which is something that is vitally important for all of us.

LEADERSHIP AT THE CIA

Mr. BOND. Mr. President, I am here today to talk about an old-fashioned virtue: doing what you said you were going to do. That is a test a lot of people apply in politics. They say if you tell us what you are going to do when you get elected, are you going to do it?

It seems to me in the intelligence field we have an example of that. The reaction is somewhat surprising. We have had, I think, 128 or 130 hearings in the Intelligence Committee since I joined it in January 2003. One of the lessons we learned is that, while there are many outstanding dedicated men and women in the CIA and throughout the intelligence community, the system is broken; it didn't give us the adequate or accurate prediction of the scope of the terrorist danger to the U.S. before 9/11. We went into Iraq with the Director of Central Intelligence so confident of the intelligence analysis that we would find weapons of mass destruction that he advised the President it was a "slam dunk."

We now find out that while there was great danger in Iraq, it was very different from the danger that the CIA had assessed. The estimates were really faulty. We have seen this. The CIA and the intelligence community, as I said, have outstanding, dedicated people; but they are not focused properly on doing the job that the new worldwide threat of an unrelenting, vicious, terrorist war directed at us and all free-minded people presents. So everybody came to the conclusion there needed to be a new direction.

The President nominated one of the Members of Congress who had done a great deal of oversight of the CIA and actually had served in the clandestine service himself, Porter Goss of Florida. Everybody said they wanted change. Porter Goss told the President and the Congress in his confirmation hearings that we are going to make some changes. He went over to the CIA. He is making some changes. What a surprise. The critics are now saying he is making changes at the CIA. I am a little bit confused about what they thought he was going to do. If he didn't make changes at the CIA, that is when I think we should be challenging him.

Something has to change. I have spoken with Director Goss, and I know our chairman, Senator ROBERTS, has. We both have confidence in his ability, because it appears to us that Director Goss is doing exactly what he told Congress he would do, and that is to make changes in order to improve the CIA.

Why are we surprised or critical that there is a change with new leadership? Obviously, changing means there are going to be some people who are going to be displaced. We thank them for their service and wish them well. But why are we arguing over the fact that some people are going to be removed or replaced?

Director Goss testified at his confirmation hearing that he would make changes that emphasize the CIA's missions and capability and focus on delivering a better product to the President and Congress. That is because, as I said, we have had report after report, including the Senate's inquiry that we spent a lot of time putting together, that shows failures at many levels within the CIA, resulting in an inadequate product presented to us and the administration. The status quo is not acceptable.

Director Goss has a very big challenge ahead of him. We need to give him room to address it. Change is tough, people don't like it, but it is necessary. Take two aspirins and call me in the morning. Sit back and take a deep breath and don't get upset because he is making changes.

There are some critics who are going after him tooth and toenail. I believe the New York Times had a headline today that said "New CIA Chief Tells Workers to Back Administration Policies." Wait a minute. That is not what he said. I have the copy of the statement Director Goss made. He said that we will support the administration, but he says we will provide intelligence to support it. We don't come out and argue for it. He said that as agency employees, we do not identify with, support, or champion opposition to the administration or its policies. We provide the intelligence as we see it and let the facts alone speak to the policymaker. In other words, their support is by providing the best intelligence estimates available.

Now, Michael Scheuer, who wrote that anonymous book and made headlines with the "Imperial Hubris" book, criticized timid leadership at CIA. Why are we criticizing the DCI for shaking up the management? If the Director of CIA is making mistakes, or if he is going down the wrong path, we on the Intelligence Committees here and in the House are going to be monitoring the situation. If we see there is a problem, we are in a position to call him on it or to point out remedies that are needed. But, so far, I see a man willing to take on an entrenched and some might stay constipated bureaucracy.

Many of the senior intelligence officials to quit have been with the agency for decades. It is a shame we are going to lose that experience, but some would say—and I agree—new blood is needed at the CIA.

I am encouraged that Director Goss is willing to shake things up at the CIA. I hope he employs the same vigor in getting the rest of the intelligence community to work together and share information with each other.

Some of the people who are leaving and whining, I question their mettle. There are thousands of soldiers and marines in Afghanistan and Iraq, including special forces, who are yelled at every day by their sergeants, not to mention being shot at and living in the mud. I am glad they all have the fortitude to say: I am not going to quit because I am yelled at or somebody doesn't like what I am doing.

Perhaps these CIA officers should remember their mission and work with the DCI as the quiet service, keep their mouths shut, and work within the system to provide the best intelligence for the administration, for the Congress, and for the warfighters who need to rely on it and whose lives depend upon it.

Parochialism is one of the CIA's biggest problems. These career CIA officers, while having valuable experience, also carry the baggage of being resistant to change. The status quo may be comfortable to them, but it is dangerous to the country.

We on the Intelligence Committee have heard CIA officers say that everything is just fine, no changes are needed. Those people are clearly in a state of denial.

We on the Intelligence Committee take our oversight responsibilities seriously and will, of course, address legitimate concerns over how Director Goss is running the intelligence community. We appointed and confirmed him to make difficult changes, and I don't think it is appropriate to jump to conclusions or second-guess his management style.

I thank the Chair and my colleagues. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I believe I was to be recognized for 20 minutes following the Senator from Oklahoma.

The PRESIDING OFFICER (Mr. CORNYN). That is correct.

Mr. DORGAN. And two additional Senators as well.

TAX CODE OVERHAUL

Mr. DORGAN. Mr. President, this morning in the newspaper we read a report of that which we know, that the administration is going to propose a Tax Code overhaul. I think almost every American would believe that it is worth overhauling the Tax Code. The Tax Code is so complicated, and it desperately needs an overhaul.

The headline reads: "Bush Plans Tax Code Overhaul. Changes Would Favor Investment, Growth."

It says:

> The Bush administration is eyeing an overhaul of the tax code that would drastically cut, if not eliminate, taxes on savings and investment . . . .

I want to read just for a moment an op-ed piece that appeared in the Washington Post. It is an op-ed piece written by I believe the second richest man in the world, Warren Buffett. Warren is a charming, delightful man. I had the opportunity to get to know him some. He has been incredibly successful as an American businessman. He wrote an op-ed piece about taxes and the tax burden that I want to read into the RECORD.

I ask unanimous consent to print his entire op-ed piece in the RECORD. It is entitled "Dividend Voodoo."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 20, 2003]

DIVIDEND VOODOO

(By Warren Buffett)

The annual Forbes 400 lists prove that—with occasional blips—the rich do indeed get richer. Nonetheless, the Senate voted last week to supply major aid to the rich in their pursuit of even greater wealth.

The Senate decided that the dividends an individual receives should be 50 percent free of tax in 2003, 100 percent tax-free in 2004 through 2006 and then again fully taxable in 2007. The mental flexibility the Senate demonstrated in crafting these zigzags is breathtaking. What it has put in motion, though, is clear: If enacted, these changes would further tilt the tax scales toward the rich.

Let me, as a member of that non-endangered species, give you an example of how the scales are currently balanced. The taxes I pay to the federal government, including the payroll tax that is paid for me by my employer, Berkshire Hathaway, are roughly the same proportion of my income—about 30 percent—as that paid by the receptionist in our office. My case is not atypical—my earnings, like those of many rich people, are a mix of capital gains and ordinary income—nor is it affected by tax shelters (I've never used any). As it works out, I pay a somewhat higher rate for my combination of salary, investment and capital gain income than our receptionist does. But she pays a far higher portion of her income in payroll taxes than I do.

She's not complaining: Both of us know we were lucky to be born in America. But I was luckier in that I came wired at birth with a talent for capital allocation—a valuable ability to have had in this country during the past half-century. Credit America for most of this value, not me. If the receptionist and I had both been born in, say, Bangladesh, the story would have been far different. There, the market value of our respective talents would not have varied greatly.

Now the Senate says that dividends should be tax-free to recipients. Suppose this measure goes through and the directors of Berkshire Hathaway (which does not now pay a dividend) therefore decide to pay $1 billion in dividends next year. Owning 31 percent of Berkshire, I would receive $310 million in additional income, owe not another dime in federal tax, and see my tax rate plunge to 3 percent.

And our receptionist? She'd still be paying about 30 percent, which means she would be contributing about 10 times the proportion of her income that I would to such government pursuits as fighting terrorism, waging wars and supporting the elderly. Let me repeat the point: Her overall federal tax rate would be 10 times what my rate would be.

When I was young, President Kennedy asked Americans to "pay any price, bear any burden" for our country. Against that challenge, the 3 percent overall federal tax rate I would pay—if a Berkshire dividend were to be tax-free—seems a bit light.

Administration officials say that the $310 million suddenly added to my wallet would stimulate the economy because I would invest it and thereby create jobs. But they conveniently forget that if Berkshire kept the money, it would invest that same amount, creating jobs as well.

The Senate's plan invites corporations—indeed, virtually commands them—to contort their behavior in a major way. Were the plan to be enacted, shareholders would logically respond by asking the corporations they own to pay no more dividends in 2003, when they would be partially taxed, but instead to pay the skipped amounts in 2004, when they'd be tax-free. Similarly, in 2006, the last year of the plan, companies should pay double their normal dividend and then avoid dividends altogether in 2007.

Overall, it's hard to conceive of anything sillier than the schedule the Senate has laid out. Indeed, the first President Bush had a name for such activities: "voodoo economics." The manipulation of enactment and sunset dates of tax changes is Enron-style accounting, and a Congress that has recently demanded honest corporate numbers should now look hard at its own practices.

Proponents of cutting tax rates on dividends argue that the move will stimulate the economy. A large amount of stimulus, of course, should already be on the way from the huge and growing deficit the government is now running. I have no strong views on whether more action on this front is warranted. But if it is, don't cut the taxes of people with huge portfolios of stocks held directly. (Small investors owning stock held through 401(k)s are already tax-favored.) Instead, give reductions to those who both need and will spend the money gained. Enact a Social Security tax "holiday" or give a flat-sum rebate to people with low incomes. Putting $1,000 in the pockets of 310,000 families with urgent needs is going to provide far more stimulus to the economy than putting the same $310 million in my pockets.

When you listen to tax-cut rhetoric, remember that giving one class of taxpayer a "break" requires—now or down the line—that an equivalent burden be imposed on other parties. In other words, if I get a break, someone else pays. Government can't deliver a free lunch to the country as a whole. It can, however, determine who pays for lunch. And last week the Senate handed the bill to the wrong party.

Supporters of making dividends tax-free like to paint critics as promoters of class warfare. The fact is, however, that their proposal promotes class welfare. For my class.

Mr. DORGAN. It reads:

> Let me, as a member of that non-endangered species, give you an example of how the scales are currently balanced.

He means with the Tax Code. Again, this is the second richest man in the world.

> The taxes I pay to the federal government, including the payroll tax that is paid for me by my employer, Berkshire Hathaway, are roughly the same proportion of my income—about 30 percent—as that paid by the receptionist in our office. My case is not atypical—my earnings, like those of many rich people, are a mix of capital gains and ordinary income—nor is it affected by tax shelters (I've never used any). As it works out, I pay a somewhat higher rate for my combination of salary, investment and capital gains income than our receptionist does. But she pays a far higher portion of her income in payroll taxes than I do.

His point is that he and the receptionist pay about the same percentage of their income. Understand, this is the second richest man in the world and his receptionist in his office.

Then he says:

> Now the Senate says that dividends should be tax-free to recipients. Suppose this measure goes through and the directors of Berkshire Hathaway (which does not now pay a dividend) therefore decide to pay $1 billion in dividends next year. Owning 31 percent of Berkshire, I would receive $310 million in additional income, owe not another dime in federal tax, and see my tax rate plunge to 3 percent. And our receptionist? She'd still be paying the 30 percent, which means she would be contributing about 10 times the

proportion of her income that I would to such government pursuits as fighting terrorism, waging wars and supporting the elderly. Let me repeat the point: Her overall federal tax rate would be 10 times what my rate would be.

I read that into the CONGRESSIONAL RECORD because I thought it was a fascinating description by Warren Buffett, one of the richest men in the world, about the issue of deciding that dividends should get extraordinarily preferential tax treatment. In fact, some say we should eliminate the tax on savings and investment, therefore, exempting interest, dividends, and capital gains from tax.

We have a lot of people who do different things. Some people work hard. Some people invest and clip coupons. Some people get up and shower in the morning. Some people work hard in difficult jobs, labor jobs and others that require them to shower at night. Some people work outside. Some people work indoors. Some people have income from wages. Some people have income from dividends or earnings or royalties of some type.

So the question is how should the Tax Code treat all of this? I ask this question: Which is more worthy, work or investment? Or are they equally worthy? And if so, if work is as worthy as investment, then why would one decide to treat investment income with such preferences in the Tax Code? And why would one decide to tax work and exempt investment? Why would one decide to say we are going to take out this activity called work and sock it with a tax, and we are going to take out this activity called investment and make it tax exempt? What is the value system that says let's tax work but exempt investment?

I think the value system, although I do not subscribe to this, is one that says the most important element in this business cycle of ours, in this free enterprise system, is investment.

Investment is very important, there is no question about that. But so, too, is work. Let me read something I put in the CONGRESSIONAL RECORD in 1996 in the Senate. It was about a fellow who I think is a hero. I have only met him once. I did not know him at all at that point. I read about him in the Minneapolis Tribune as I came through the Minneapolis Airport one morning. His name is Robert Naegele, and this relates to the point of value of work relative to value of investment.

Robert Naegele and his wife Ellis did something very extraordinary, something that surprised me when I read it in the Minneapolis Star Tribune that morning at the Minneapolis Airport. He owned a company called Rollerblade, a very successful company, the largest company producing inline skates in America, rollerblades.

Most people know about rollerblades. I happen to like to rollerblade. I enjoy rollerblading. So he owned and was chairman of this company called Rollerblade.

He sold the company after it was very successful, and he made an enormous amount of money. Just before Christmas in the year 1996, just after he sold this company and made a substantial amount of money, he decided he was going to return some of the profits from the sale of that company to the employees who worked in that company. He did not tell any of the workers about it. They began opening what they thought were Christmas cards from the previous owner of this company, Mr. Naegele and his wife.

It turns out it was, in fact, a Christmas card with a check. The check was computed on the basis of the number of months these people had worked for the company. It was an amount of money that he wanted to return to the employees as a result of the profit he had made from selling this company that made rollerblades.

The checks were as high as $20,000 to those who had worked there a long period of time. He said: By the way, I have prepaid the taxes on this bonus. So this is a check that is free and clear. I have paid the taxes on it for you. He said: I did this because while I was very fortunate to run a very successful company, I understand that this company was successful because of the wonderful men and women who worked there. They worked in the plant. They worked in shipping. They worked in manufacturing. They worked in the finance area. They made this company. They were this company. They helped make me successful, and I made a lot of money. But I want to share it with those workers.

I thought, what a wonderful story. What a heroic thing to do, to finally recognize something that has been so lost in this country in recent years: the value and the worth of the workers who perform the work, who make these companies.

These days, employees are too often treated like a wrench: Use it, use it up, throw it away; it is just another tool. Mr. Naegele understood an employee is not just another tool. An employee is a part of the personality and productivity of that company. The work is as important as the investment. It is workers and management. It is workers and investors. All of it together makes a company and makes a company successful. Very seldom do you see that ethic exist these days in how people look at these companies. But I put something in the Senate RECORD on January 10, 1996, paying tribute to this fellow.

I tell that story today because it describes the value of work and the understanding of what work contributes to this country, to the innovation of its business community, and to the capability of what America can offer its employees in the free enterprise system.

The question of how we tax is very important. We must build roads, we must provide for our country's common defense, we must build schools and educate children, we must provide health care to those who cannot provide for themselves—there are things we must do. So we must pay a tax.

The question of how we impose that tax burden on the American people is very important. And this ethic, somehow this notion, this value system that says, oh, by the way, let's tax work and exempt investment, is one that I think relates directly to values.

What is the value system that tells us work is less worthy than other enterprises? Work is not less worthy than other enterprises. It is an important part of what has helped build this country.

I do not diminish at all entrepreneurs and investors. They are an important part of this. But so, too, is the important labor force in this country.

I taught economics for a brief period in college. Samuelson, Econ. 101, you teach the streams of income and what generates the streams of income. You teach the business cycle—all of these issues. Nothing has really changed very much over the years except there is a change with respect to those who want to create a new reality here, suggesting that somehow there is one element of this system of capitalism that is so much more important than the others. I do not believe that is the case. I believe all of this fits together like the picture of a puzzle. A significant part of America's progress has been the worker and the ethic of work and the value of work.

We will work together to overhaul this country's tax system. But I will not be a part of a system that says let's decide to impose a burden on the receptionist in the office that is 10 times the burden we will impose on the world's second richest man. That is not a value system that makes sense to me.

Oh, some will come here and say: But we have to do that to incentivize growth. That doesn't incentivize growth. That retards fairness, but it doesn't incentivize growth.

We have a lot to do to fix this tax system of ours. I proposed in the past and will again a way with respect to the current income tax system to remove the burden of some 70 to 80 million Americans from even having to file a tax return. We don't need to have the streets clogged on April 15 for people to get to the post office to get their tax returns postmarked. We can and should dramatically simplify this tax system. But we should not take a giant step in the direction of deciding there are some who will pay a substantial amount more than others, in reverse order here, with the highest amounts being paid by those who are least able to afford it, and the lowest amounts being paid by those who are most able to afford it.

We are blessed to be a part of this great country. We could have been born anywhere. We could live anywhere. We share this planet with 6 billion people and, through God's grace, somehow we ended up here. There is not another place like it. It is our job to take what we have inherited and make it better.

They say we inherit this from our folks and borrow it from our children. This great democracy of ours, including the progress over two centuries now that I am very proud of, requires nurturing and constant attention. Yes, one of the controversial and difficult areas has always been, How do you raise the revenue to do that which is necessary in our Government?

We can debate about how large government should or should not be. My colleague from Oklahoma will follow me today. He is working, probably today—I suspect almost every day for months and months, on this question of, How do we construct a new highway program? What amount of money is necessary?. With what formula shall it be distributed? That is really important work. That is an investment in the infrastructure of this country that is very important.

When he and others get a bill that we can finally get to the floor and create, I hope a 6-year program—then we have to figure out how we pay for that just as we have to pay for everything else. The question isn't whether there should be a tax system. There is a system by which we collect taxes. The question is how should that system be constructed so that it is fair to all Americans.

I look forward to a debate this coming year in which we talk about tax reform and changing our tax system because I think this is a system that is ripe for change. But it is critically important that we have a discussion about the tax burden and what is fair.

The President announced today he is going to have a commission, which is a good thing. I hope that all viewpoints will be involved in that commission. You can get a commission to propose almost anything here in this town. I saw a few of the names on that commission, and I certainly think it needs some more energy and some more thought from other points on the compass.

But I would say to the President, I think the Congress will welcome a debate about overhauling the Tax Code. But if it is proposed that we decide, for example, that dividends, interest and capital gains income shall be eliminated from the tax rolls, we will welcome that debate with a very aggressive discussion about what is the value of work and why should we diminish the value of work.

I indicated earlier today about the "good enough" description, by Ma Ferguson, the former Governor of Texas. I will not recall that story again, but if a 5.25-percent tax rate is good enough for companies who move their jobs overseas, why is it not good enough for all Americans? If a zero-percent tax rate is good enough for those earning dividends, why is it not good enough for the wages of workers.

Let me just show you, if you exempt investment income from taxation, the top 10 percent get most of the benefit—$463 billion in realized dividend, capital gain and interest income. The bottom 90 percent have far less.

So you see, if you eliminate dividends, for example, from taxation, a massive amount of the tax breaks goes to the same old corner that it always goes, those who have the most.

Bob Wills and his Texas Playboys used to have a line in their 1930s song:

The little bee sucks the blossom
And the big bee gets the honey.
The little guy picks the cotton
And the big guy makes the money.

Every time we focus on tax reform we find the same thing, especially in recent years.

Let me again say I am all for changing our Tax Code in ways that are thoughtful. We ought to simplify it. But we ought to resist efforts that will make it more unfair and strive to move towards efforts that will make the burden fair to all Americans. That has certainly not been the case in recent years. My hope is when we next see a proposal dealing with America's Tax Code that we will see something that represents some semblance of fairness. Otherwise there is likely to be a debate breaking out in the Senate, which would be a very healthy thing, in my judgment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have a number of things to address. I have been listening with great interest to my very good friend from North Dakota. I bow to his superior knowledge in economics. I was not aware that he was a professor of economics, or taught economics. They say confession is good for the soul. I will say to my friend from North Dakota, I went to nine different colleges and universities, all of them night school where I was stationed when I was in the military. I remember once I got out I backed a truck up to the University of Tulsa and shoved off all my transcripts, and they looked at it and said: You are an economist. So that is where I got my background in economics.

Mr. DORGAN. If the Senator will yield for a moment, I would say I was actually not a professor. I did teach economics at the college briefly, but I was able to overcome that experience.

Mr. INHOFE. Well, good.

I would like to make a couple of comments. That is not what I am here to talk about today. But this President has a commitment to do something about our tax system. I know there is a lot of class warfare that goes on and people are always talking about taxes and that the poor people are paying all the taxes. It is kind of interesting that this President wants to make a dramatic change in the tax structure. When I go back to my State of Oklahoma, no matter where I go the people are all united in saying they really want to have something different.

The interesting thing is, I was riding yesterday with a CPA from Oklahoma and said: If we are successful in dramatically simplifying the Tax Code, why would you support that because you might be out of work?

He said: I would gladly do it. I can always find something else. It is unfair and it is a system that needs to be cleaned up.

I would only caution people who are watching what is going on in this Chamber, when we get into a discussion of changing the Tax Code, every time there is someone who suggests that you lower the marginal rates of taxation, they assume that this is an unjust burden on the lower income people.

In fact, when this President did it he was lowering the tax rate on people who paid taxes. Obviously, if you don't pay taxes, you can't lower the rate. That is what he was faced with.

Also, we learned a lesson following World War I when they raised taxes. It brought a lot of revenue into the system to fight World War I. When it was over, they decided they would go ahead and reduce the taxes because they did not need the revenue anymore. They were shocked to find out when they reduced the taxes that the revenue increased.

Then again, a very smart President, one I admired very much, was the President of the United States by the name of Kennedy. When President Kennedy was in office we were expanding a lot of the things in the social programs in this country. He said we have to have more money, and we have to raise more revenue to take care of these programs. John Kennedy was a Democrat, not a Republican. He said the best way to raise revenue was to reduce marginal rates. So he reduced marginal rates, and sure enough, that opened it up and revenue increased.

Another person came in the White House, Ronald Reagan, in 1980. He said the same thing. He actually reduced the top bracket rate from some 95 percent down to about 25 percent; and all other brackets, too. Everybody got in on that good deal. The largest tax reduction in the history of America successfully reduced taxes and increased revenue.

The evidence of that, if you look at the total revenue that came from marginal rates in the 1980s, was $244 billion. In 1990, it was $466 billion. It almost doubled in that decade, that 10-

year period. It was the largest reduction of taxes in this Nation's history.

I hope those who will be engaging in class warfare and are going to be talking about how this is unfair and how the rich need to be paying more taxes keep in mind that the people who are paying the taxes are middle-income Americans. These are the people who need the relief. They need to have more opportunities to do more with the money. That is how you increase revenues.

I hear a lot of people complaining about this President and the fact we have the deficit. Obviously, we have the deficit for three reasons.

No. 1, we had a recession. This President inherited a recession. That started in March of 2000. With the economic activity low, you have to use the formula that for each 1-percent increase in economic activity it produces $46 billion in new revenue. So it was way down.

No. 2, he had succeeded President Clinton where he had cut the defense spending down to the bone with the myth floating around that somehow the cold war was over; we didn't need a military anymore. We were down to about half the Army divisions, down in tactical airwings, and half in ships, down 300 from 600. Then we realized we were in a more hostile world. By the time President George W. Bush had to start rebuilding the military, our modernization programs had stopped.

Then 9/11 came along. Here we are in a war.

I can tell you that the three factors which caused the deficit are factors that we are overcoming as we are speaking. But you might as well hold your breath for a while because the war is going to last a while.

TRIBUTES TO RETIRING SENATORS

DON NICKLES

Mr. INHOFE. Mr. President, I am so pleased that I have a chance a say a few good words about my colleague, DON NICKLES. It is hard to talk about DON NICKLES. I remember him when he was in the State senate. I believe DON NICKLES at that time was the president of the College Republicans in Oklahoma. I remember going to Ponca City and giving a speech at his invitation. Afterwards, he showed just an incredible interest in politics. This was back in the 1970s. He ran for State senate. I believe it was in 1978. And he won.

Midway through that term, in 1980, a seat opened and he decided he was going to run for the U.S. Senate. Everybody laughed. Who is this kid, anyway? He was about 30 years old. He still looks like he is about 35 years old. At that time he looked like he was about 18 years old.

He ran and defeated some of the real heavyweights in the State. Then he came and served in the Senate.

I understand that in those early years they wouldn't let him ride the Members' elevators because they didn't believe he was a Member. They thought he was a page.

Nonetheless, DON NICKLES started proving himself. I watched him mature in this job. As the years went by, every time a 6-year period ended, he would talk about dropping out. But we talked him into running.

Finally, he decided he needed to do something else with his life and do what is in the best interests of his family.

But he grew with the ability to offer expertise that I haven't seen in the Senate since I have been here, and I have been here for 10 years. I have watched DON NICKLES as he matured, as he gained knowledge in areas and expertise in not just one isolated area but in all areas. When he stands up to talk, everybody is quiet. They want to listen to him because they know he knows what he is talking about.

I can recall when ELIZABETH DOLE was first elected. We were making a tribute to DON NICKLES about 3 months after she was here. She said: I have watched him talk about the budget. I have watched him talk about how you finance Government. I have watched him go through all these very difficult things, and I have been here 3 months and I have to confess I don't even know what he is talking about. I said: ELIZABETH, don't feel bad. I have been here 10 years and I still don't know what he is talking about.

DON NICKLES developed that level of expertise that other people do not. It is because he studies. He works.

He is going to be sorely missed by a lot of people around here because of what he had to offer and because of the contributions he has made.

I am 15 years older than DON NICKLES. I have been his junior Senator. I guess it is now time I become senior Senator.

I will miss his expertise, his charm, his humor, and most of all I will miss him because he is my brother. I will miss him dearly. Don, it is going to be goodbye to you but hang around. We look forward to working with you and accepting your advice because I know it will be there when we need it.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. I thank the Chair.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 2997 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

HONORING OUR ARMED FORCES

CPL. JOSEPH L. NICE

Mr. INHOFE. Mr. President, I rise today to honor Marine LCpl. Joseph L. Nice from Nicoma Park, OK, who made the ultimate sacrifice for his country on August 4, 2004. This fourth-generation soldier died defending the freedom he enjoyed and fighting to ensure it for others.

Lance Corporal Nice moved to Nicoma Park, OK from Newark, NJ, in 1998. He was a gifted young man—a musician, artist and sportsman, who used these gifts in the marching band and on the soccer team at Choctaw High School. From the age of 5, he had longed to follow in the footsteps of his father, his grandfathers, and his uncle in serving in the military. After weighing this tradition and putting on hold his plans to study law, Joseph Nice decided to join the Marine Corps in June 2003.

Lance Corporal Nice was assigned to 3rd Battalion, 7th Marines, 1st Marine Division, I Marine Expeditionary Force stationed at Marine Corps Air Ground Combat Center at Twentynine Palms, CA. His unit was deployed to Iraq in February 2004, where Lance Corporal Nice and his fellow Marines faced daily attacks in the Anbar province. During one of these attacks on August 4, 2004, Joseph Nice was killed.

I represent the State of Oklahoma in paying my condolences to the family of this American hero. A friend of his said about him: "If you had a problem, he was always there for you." Through his service in Iraq, LCpl Joseph Nice demonstrated his worthiness to receive this highest compliment. Our thoughts and prayers are with his family and friends today.

ARMY SPC. SONNY G. SAMPLER

Mr. President, we also pay homage to Army SPC Sonny G. Sampler from Oklahoma City, OK, who died in the name of freedom in Iraq on 8 July 2004. He moved to Oklahoma City from Altus, OK and began attending John Marshall High School.

Specialist Sampler saw the Army as an opportunity for focus and direction and joined in 2001. He was deployed to Iraq with 1st Battalion, 26th Infantry Regiment, 1st Infantry Division based in Schweinfurt, Germany. In serving his country, Sonny Sampler did not shy away from his other duties. In the words of Maj. Gen. Douglas Dollar, "This young man was willing to go to a strange land and fight for people he didn't know." It is the same young man who sold some belongings to pay for a flight from Germany back to the United States at Christmas to surprise his mother. Such a family man is to be much valued.

Specialist Sampler was tragically killed when he was searching the Iraqi National Guard Headquarters for survivors, following an allied attack. When the ruins underwent an attack by insurgents, Sonny Sampler and five other U.S. soldiers died. He was 23 years old.

Our thoughts and prayers are with this American hero's family and friends at this very difficult time. We should never cease to be proud of this man.

SGT DANIEL LEE GALVAN

Mr. President, we also pay homage to Sgt Daniel Lee Galvan, who joined the Army to realize his childhood dream of working with helicopters. Earlier this year, Sergeant Galvan made the ultimate sacrifice for his country—his life. Sergeant Galvan was a dedicated defender of America who followed his father into the military. For this service and his sacrifice, I am proud to honor him in the Senate today.

Daniel Galvan was born in Fort Ord, CA, but later moved to Moore, OK, where he joined the Army reserve after high school but enlisted in 1996 to fulfill what he saw as his calling to be a soldier. Though he knew a career in the military would enable him to provide for his family, the paycheck was never his primary motivation. In the words of his wife, Sonya, "He joined because he believed in the cause. He believed in the military. And he was proud to wear the uniform and honored to be an American." Sergeant Galvan was a helicopter crew chief with the 2nd Battalion (Assault), 25th Aviation Regiment, 25th Infantry Division (Light), based out of Schofield Barracks in Hawaii.

On August 12, 2004, the Black Hawk helicopter that was transporting Sergeant Galvan and fourteen other soldiers in Afghanistan developed mechanical problems and crashed near the Pakistani border. The fourteen others were wounded, but Daniel Lee Galvan, an honorable Oklahoman and example for us all, paid the ultimate price. Sergeant Galvan left behind his wife as well as two children, his daughter Audrey, 13, and his son Joseph, 11. Our thoughts and prayers are with his family for the loss of such a special man.

On behalf of the U.S. Senate, I ask that we pay tribute to Sergeant Galvan and the men and women like him, who know the true meaning of service and sacrifice. These men and women have tasted freedom, and wish to ensure that freedom for those who have never experienced it. I honor the memory of our sons and daughters who have died for this noble cause, and especially the memory of Oklahoma's son, Daniel Lee Galvan.

CPL NATHANIEL T. HAMMOND

Mr. President, I rise to honor the memory of a brave young American who gave his life defending the Nation. He felt a call to serve his country, to be part of something bigger than himself, and for that call he paid the highest price.

Cpl Nathaniel T. Hammond was assigned to the Marine Reserves' 2nd Battalion, 24th Marine Regiment, 4th Marine Division in Chicago. Nathan wasn't a native Oklahoman—he was born and raised in Brighton, MO, where he graduated from high school in 1998 and then joined the Marines, but he lived in Tulsa and had trained with the Anti-Tank Training Company, a Marine Reserve unit, in Broken Arrow.

On November 8 in Babil province, Iraq, he was killed in an insurgent attack. He gave his life for the freedom of millions of Americans, and also for the peace and prosperity of the Iraqi people only now beginning to recover from decades under a totalitarian regime.

Corporal Hammond had a long-held desire to serve the military as a member of the Special Forces, but even as a member of the Marine Reserve, he was "doing what he wanted to do and what the loved to do," according to a childhood friend and fellow soldier. His parents have described how Nathan evinced the selfless attitude toward service to country that is so evident in all our military men and women.

We are all glad Nathan Hammond was willing to serve. His loss is grievous to all of us. Our thoughts are with his parents and the rest of his family back in Missouri. At the same time, we recognize his valor and commitment. It is for men like Nathan Hammond that I am proud to be a part of this great country. He was a special soldier, a true Oklahoman, and a true American.

PFC NACHEZ WASHALANTA II

Mr. President, I honor the memory of a courageous young Oklahoman who died while defending his Nation. Marine PFC Nachez Washalanta II grew up in the great State of Oklahoma, went to school in Ardmore and Silo, and joined the Marines in April 2002.

The road wasn't always smooth for Wash, as his fellow Marines called him. He grew up in a foster home with four other boys, and got his GED instead of graduating from high school. Eventually, Private Washalanta found a home with the United States Marine Corps. He was the driver of a light-armored vehicle, and although he sometimes complained that he joined the Marines to fight and not to drive, he got his chance in Iraq.

Private Washlanta was a member of the 1st Light-Armored Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force from Camp Pendleton, CA. He paid the ultimate price. When you think about these five great Oklahomans, as well as others around the country, and some 1,100 who have lost their lives, it is a shame that so many people in America do not understand what these soldiers understand.

Mr. President, I have the honor of being, I guess, the second or third ranking member of the Senate Armed Services Committee. Consequently, I may have made more trips over to Iraq and Afghanistan than anyone else. I am always approached by these young people. They say: Why is it, Senator, that the people back home don't appreciate what we are doing? These people are dedicated, and they know exactly what they are doing. Unfortunately, we have a media that tries to demean everything they are doing. And I give the assurance to these young people that even though it might be that the networks, CNN, and the New York Times and the Washington Post do not know and appreciate what they are doing, we do, the real people of America. And they are heroes.

I think most of our young people realize our country is facing the greatest risk it has ever faced. This is not conventional warfare. This is not something that is predictable. Sometimes I say I look back wistfully at the days of the Cold War where we had two superpowers, and they were predictable. We were predictable, they were predictable. This is totally unpredictable, but it is a war that has to be won. I pay homage not just to those Oklahomans I mentioned today, but all who are there and many who have paid the ultimate price for our freedom right here in this country.

SGT MORGAN W. STRADER

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Brownsburg, IN. Sgt Morgan W. Strader, 23 years old, died on November 12. After completing his enlistment, Morgan voluntarily extended his service, choosing to accompany his unit back to Iraq—a selfless choice that would cost him his life. Morgan was shot while conducting combat operations in the Al Anbar Province of Iraq. With his entire life before him, Morgan risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Before moving to Crossville, TN, Morgan attended school in Brownsburg. Morgan graduated from high school and followed in his grandfather's footsteps by joining the military. Morgan's father, Gary, told the Indianapolis Star that "He was a Marine from the day that he was born . . . His grandfather was in the Army during Korea. He latched onto that and loved it." It was clear that from a young age, Morgan felt compelled to serve his country in the Armed Forces, just as his grandfather had done.

Morgan was the thirty-seventh Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. He was assigned to the Kilo Company, 3rd Battalion, 1st Marines, Regimental Combat Team-1, 1st Marine Division, Camp Pendleton, CA. This brave young soldier leaves behind his father and stepmother, Gary and Janet; his mother and stepfather, Linda and Timothy; his grandparents, Onza and Estelle Morgan; his grandfather, William Strader; his sisters, Amber, Jessica and Rachel; and his brothers, Brian, Chris and Matthew.

Today, I join Morgan's family, his friends and the entire Hoosier community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Morgan, a memory that will burn brightly during these continuing days of conflict and grief.

Morgan was known for his dedication to family and his love of country. When looking back on Morgan's life, his father, Gary, recalled to the Indianapolis Star a conversation that he had with his son shortly before his departure for a second tour in Iraq. Gary was trying to convince his son that he had done his part and his service was complete. Morgan told his father upon deciding to reenlist, " Dad, the guys in my unit aren't experienced in this . . . I need to help them." Morgan died in the same fashion in which he had lived by putting the well-being of others before his own. Today and always, Morgan will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Morgan's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Morgan's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Morgan W. Strader in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Morgan's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Morgan.

FAREWELL

Mr. BREAUX. Mr. President and colleagues, the last time anyone does anything in their career or in their life, I think it is a time for a certain degree of sadness and a certain degree of nostalgic remembrance of the times past. This evening will probably be my last opportunity to address this body as a Member, as a Member of the Senate, representing my great and wonderful State of Louisiana.

While some would say, well, it has to be a very difficult time to speak for the last time on the floor of the Senate, looking back at all the great memories, I look back with nothing but great pleasure over the many years I have spent in the Senate as well as in the House of Representatives.

I have been very honored to serve and be elected seven times to the other body, serving 14 years as a Member of the House, representing southwest Louisiana—it was a great and wonderful time—and then moving on to the Senate 18 years ago, representing the entire State of Louisiana.

So when you look back over those years, I think a lot of people would say: Well, it is your last speech, and it must be a very nostalgic time, and you really are sad. I am not. I am pleased. I am happy. I am overwhelmed with the opportunity that was presented to me for those 32 years in the Congress to serve the people of Louisiana in one capacity or another, both in the House, as well as in this Chamber.

Thirty-five years ago, I, with my wife, came to Washington for the very first time as a young staff person, legislative assistant, having just gotten out of law school. I worked in the Seventh Congressional District office for then-Congressman Edwin Edwards. It was a great learning period for me.

Shortly after serving as a staff person, there was a vacancy that was created, and I ran for that vacancy as a young 28-year-old member of the Bar Association in my State. I ran for Congress and had a slogan I remember back then, when I was 28, when I was running for Congress for the first time. My slogan was: "Experience makes the difference."

Most of the people I was running against were old enough to be my grandfather or grandparent, certainly old enough to be my parent. Yet I had the audacity to print the slogan on a bumper sticker that "Experience makes the difference."

Of course, it aggravated the heck out of all the people I was running against because they said: How dare someone 28 years old talk about experience making the difference; He has none.

Well, I was the only person running who ever worked in a congressional office in Washington. I was the only person who had ever run a congressional office in the district. And I was the only lawyer who was running. I told the people in that first race that we were electing someone to go to Washington and make laws, and I was the only lawyer running. Therefore, they should vote for me.

That went over fairly well for a period of time until all of my opponents realized 98 percent of the people were not lawyers, and about 100 percent of them hated lawyers. So as soon as they started articulating that different viewpoint on the function of lawyers, I started going down in the polls, and thank goodness the election was only a couple weeks later.

To make a long story short, we were elected back in 1972 and came to Washington. I came with my wife Lois and two very small children, John, Jr., and Bill Breaux. I remember we had to rent a U-Haul truck to come to Washington. I had never had an opportunity to be up here. We came up, and I will always remember this: When we left Louisiana, my two sons did not want to go. My youngest son, the night before we left, when he was saying his prayers, said: Goodbye, God. We are moving to Washington.

My oldest son, who was about 4 or 5 at the time, ran away to a neighbor's house and crawled under the house. In Louisiana, the houses are built off the ground. He ran under the house and would not come out. And we had my mom Katie, my dad Ezra, my father-in-law Lloyd, and my mother-in-law Doris who were all there watching us get into the U-Haul to go to Washington, and I had to crawl under the house and literally drag John, Jr., out from under the house and make him get into the U-Haul truck so we could move to Washington. I finally got him here.

We came to Washington. I will always remember we came here on a Saturday. I wanted to go to see the Capitol because I knew it was going to be such an impressive place. I remember that night the Marine Corps Band was playing, how they do in the springtime. They have concerts. They used to do that on the front steps. And they were having a concert. I thought they were playing the concert for me.

We were so delighted as a family to be able to see our first impressions of the U.S. Capitol, with the playing of the band on a wonderful evening. It was a great memory then, and it is still a great memory 35 years later.

In those days when I was in the House, we had an arrangement, if you will. In those days when I arrived here, Carl Albert was Speaker of the House. And then Tip O'Neill became the Democratic leader and Speaker of the House, and Bob Michel was the Republican leader. And Tip O'Neill and Bob Michel probably differed as much as any two people you could possibly know in terms of philosophy in how Government should work. Tip O'Neill was an FDR liberal Democrat from Massachusetts, and Bob Michel was from Peoria, IL, a middle America Republican. They did not agree on how Government should work necessarily from a philosophical standpoint, but they knew how to make Government work.

They spoke more in one day back then than some of the leaders later on spoke in a year because the House changed to a position where now many times leaders do not speak to each other. I would suggest that government was not any worse off when you had a Tip O'Neill and a Bob Michel traveling together, playing golf together, drinking in the evening and having a cocktail together, playing golf together, betting on sporting events together, which I know they did because they had a relationship that allowed them to find out, What do we have to do to accomplish what we both realize is best for this country? They were able to do that in a way that I thought was incredibly effective.

Hale Boggs swore me in to the House of Representatives, a truly great majority leader. I learned a great deal from him and had a great deal of respect for everything he taught me and taught so many.

That was back then. My two sons, who were crawling and saying their prayers before bed, are both 38 years of age. My eldest daughter, Beth, is 34 and is married to a wonderful person named Jeff Shepardson; and now we have three beautiful grandchildren, Anna Kate, Campbell, and C.J. Shepardson, age 2. Also, my youngest daughter, Julie, is now 28.

So after you have been here a while, you wake up one day and say where has all the time gone and how fast it went. I think about that often, but I also think about all of the wonderful things I have been privileged to witness, watch, and participate in, in those 32 years in Congress. It has been a real privilege and pleasure. I have had the honor of serving with three great Senators, including Russell Long, when he was the senior Senator from Louisiana and I was a House Member. I remember coming over to see Russell when I first got into the House of Representatives. I wanted to come and pay my respects. I had been in Congress about a week. So I came over to the Senate and walked up in the Senate office building to see Russell Long. I remember getting on the elevator and it went up to the second floor. The door opened and Senator Jim Eastland from Mississippi got on. He looked at me—and I was on the Members elevator, which shows you the audacity I had even then. He looked at me and said, "Hey, boy, what are you doing here?" I said, "I am a Congressman and I am going to see Russell Long." He said, "You're not a Congressman." I said, "Yes, sir, I am." He looked at me and walked off the elevator. Those Members are so wonderful to look back on, and it is interesting to see how things have developed.

I learned a great deal from Russell Long. He taught me how to work with people. He could get more done in the evening over a bottle of bourbon than we can get done by having months and months of hearings and hours of debate because he knew how to bring people together. He had an incredibly great personality and sense of history of where he came from. And he learned from his father who also served in this body.

I also served with Bennett Johnston, a great person who could work both sides of the aisle. He became chairman of the Energy Committee and senior member of the Appropriations Committee. Bennett was outstanding. It was interesting because we never had a cross word politically. A lot of Members, I think, have natural competition between Members of the same State, particularly if they are in different parties. I have had the fortune to serve only with members of the Democratic Party in the Senate. Bennett and I had a wonderful working relationship. He would take the lead on some things, and I would try to take the lead on others. It was a wonderful relationship.

In the last several years, it has been MARY LANDRIEU, who I have seen develop into one of the greatest politicians and greatest leaders of our State. She comes from a great tradition, a long tradition of outstanding public servants in the State of Louisiana, particularly in the city of New Orleans. She learned from the masters, and the masters were her parents, brothers and sisters. They were all involved and they do a wonderful job in representing our State in so many different capacities.

So I have had a wonderful opportunity to serve with people from my State who have been friends and outstanding colleagues, along with all of the other folks that we have had the opportunity to serve with. I have looked at meeting people in Congress not just as colleagues who were elected to public office, but I looked at each one of them as a potential friend. I learned a long time ago that you have to understand where people come from to appreciate what they are all about. I think many times we take a position automatically that we don't like someone because of where they are from or what party they are in, without delving into their backgrounds, why they say what they say, and who helps develop those ideas.

I remember when I was in the House, I served on the Public Works Committee with Bella Abzug, who many thought was the most liberal person in the Congress. I remember Bella Abzug telling me, you know, where I come from, in my congressional district, they think I am too conservative. She had the type of district that encouraged her and helped her and pushed her to represent the people as they wanted to be represented in the Congress of the United States. So if you understand where people come from and understand their background and who they represent, I think it helps you understand how people of different positions can be friends, because they are truly trying to represent their States the best they can. It is not just because of their politics but because of where they are from.

Let me say one other thing that I think we need to pay attention to in this body, the Senate. That is, we should not let outside forces dictate to us how we treat each other and how we work together. Many times, when Democrats have a caucus lunch on Tuesday right outside this Chamber, Republicans are having theirs separate from us at the same time. Many times, we hear people call in from the outside who are in public relations, PR men and women and pollsters, who spend an inordinate amount of time telling us how we can take actions that will show how the other side is wrong and we are right. Right across the hall, the Republicans are hearing some of the same type of public relation firms arguing to them how they can posture themselves to be able to blame the Democrats for failure.

Back in the old days, we used to do all this together. People would stand up and give their position, and the other side would give theirs and find out we are trying to accomplish the same thing, coming at it from slightly different venues and in a slightly different direction. I always feel that if you only listen to yourself, you are only going to hear an echo and you are never going to disagree. That is why it is so important to hear the other side, listen to what the other side has to say, understand what they say. You don't have to agree with them, but I think you are a better person if you understand and your position becomes stronger if you know what the other side is going to argue. It makes your position better and stronger.

But you also must realize that neither party has a monopoly on the truth. Both sides have good ideas. The real answer to this body and the House, and for democracies everywhere, is trying to take the best of what both sides can offer and blend them in a package that simply makes Government work for all of us. People back home are not so much concerned about who wins and loses as they are about whether we are getting the job done. Congress does not have to be like a Super Bowl. In the Super Bowl, you have to have one team that is going to win and one that will lose. If there is a tie, they have a playoff and go into overtime until one team wins and one team loses. There is nothing wrong with the Congress trying to find ways to reach agreement and blending the best from both sides and coming up with something so that everybody wins. Then we can argue and fight over which team won. That way, I can go back to Louisiana and tell them look what I did, and somebody from Texas or Illinois can go back to their State and say look what I did. And that is fine, because we can argue about success and not debate over failure and whose fault it was. The American people would be better served if the debate here could be a debate about how we accomplish something as opposed to why we didn't get anything done.

I leave with a great deal of appreciation for everybody who helped me, including my staff, many of whom are in the gallery. They helped me every day over and above the call of duty. I also thank the people on the floor with me, including Diana Bostic and so many of the friends we have worked with, like Lula, who was with Senator Long before, and all of the other people. This has been a joint venture, to say the least. I leave with a great deal of optimism.

I am not leaving because I am unhappy or because I am mad. I have enjoyed every single minute of it. I have to admit that some minutes I have enjoyed more than others, but by and large it has been a great and wonderful experience. I give nothing but the very best to my colleagues and wish them nothing but the very best in the future.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Illinois.

TRIBUTES TO RETIRING SENATORS

JOHN BREAUX

Mr. DURBIN. Mr. President, I am fortunate enough to have been here to hear my colleague from Louisiana give his farewell speech. It was my good fortune to have served with him both in the House and in the Senate. He is one of the favorites of both sides of the aisle. It is an amazing tribute to JOHN and his political career that he does have so many friends in the Senate. From the liberal wing to the conservative wing, Republicans, Democrats, North, South, East and West, you like JOHN BREAUX. You like him because he is a genuine person and also because he comes from a State that is a lot of fun and he is a lot of fun. Some of my best memories of JOHN are his hard work here and then his hard play at home.

When he would invite us to New Orleans for a Democratic leadership conference and other meetings and show us his major city in his home State, it was always a treat.

Then occasionally he would export a little bit of Louisiana to Washington and to the site of the Democratic Convention, and it was always a sellout event. People wanted to be there. JOHN never let them down. I saw him at the Los Angeles Convention where he gave a little party—and I use that term advisedly. It was not little at all, it was a big party. He was dressed in a costume for Mardis Gras that would have put Elvis Presley to shame. It was an amazing array of gold and sequins, the likes of which I have never seen. He looked so much at home in that outfit.

I said to him: How do the people back in Louisiana take to that kind of dress?

He said: You know, they would throw me out of office if I didn't do these things. They expect that of me.

I also went down to New Orleans with him and saw him in a musical performance with a zydeco band. He has musical talent most people don't know about.

I tell you these things because people who follow the Senate, hear the speeches, look at positions on issues and look at the party labels, forget that behind each and every one of us is a real life story.

I love the story of your family coming to Washington, JOHN. It is a beautiful story of packing up the kids and your first impression. Every one of us has that story to tell. There are new Senators coming and saving up those stories in their own minds for the day they stand behind that desk to say what it means to be one of the few Americans given a chance to serve in this great Chamber.

We are going to miss JOHN BREAUX and all that he brought to the Senate and all he brought to this Nation. He has been a problem solver. He has tried to reach across the aisle over and over to create bipartisan coalitions. Sometimes I was with him; sometimes I was not. It did not make any difference because it was a good-faith effort on JOHN BREAUX's part to serve his State and this Nation.

He has had a great career in the House and the Senate. His departure will leave a gap in terms of quality that many of us will work hard to fill. JOHN, I am honored I could serve with you and that I could hear your parting remarks this evening. I wish you and your family the very best.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

FRITZ HOLLINGS

Mr. SHELBY. Mr. President, I would like to take a few minutes to talk about our departing colleagues. I am going to start with the senior Senator from South Carolina, the senior Senator after many years of waiting in the wings, and that is Senator FRITZ HOLLINGS.

I first got to know FRITZ HOLLINGS after I came to the Senate in 1986. My wife Annette and I have worked with FRITZ and his wife Peatsy. We have traveled around the United States with them. We have been with them in their home. We visited them in Charleston. We traveled around the world with them.

He is a unique individual, to say the least, but he has had, as the Presiding Officer knows, a distinguished career as a State Senator in his native South Carolina and then lieutenant governor and Governor of his State before he came to the Senate I believe in 1966.

He has had a distinguished career as chairman of the Commerce Committee for many years and as a senior member of the Appropriations Committee and chairman for many years, and ranking member now, of the Appropriations subcommittee dealing with State-Justice.

FRITZ, we are going to miss you. We are going to miss your humor. We are going to miss your frankness. We are going to miss your wisdom. And we are going to miss your wife Peatsy about whom we all care and love. You have invited a lot of us to visit you in Charleston. I hope you add some more rooms to that house there because a lot of us will be coming to see you. You have been a great American.

In addition to public service to his State and to the Nation, FRITZ HOLLINGS was a young graduate of the Citadel in his hometown of Charleston before the Second World War, and he served with distinction as an officer in Europe for a long time through many battles.

I respect you, FRITZ. I commend you for your service, and I look forward to visiting you both here and in Charleston in the years to come.

DON NICKLES

One of my other colleagues we all care about and work with is DON NICKLES of Oklahoma. He came here as a very young man in 1980. He has been here 24 years. He was the whip, assistant majority leader. He was right here on this floor. He spent many days, many hours trying to herd us together as one of our leaders. He is now at the moment the chairman of the Budget Committee, and that is a feat in itself. He is a senior member of the Finance Committee.

We wish you had stayed around, but you chose to leave the Senate on your own volition. DON, we will see you, we will miss you, and I commend you for your service to the Nation and to your great State of Oklahoma.

JOHN BREAUX

JOHN BREAUX was just on the floor a few minutes ago. I first met JOHN BREAUX when I came to the House of Representatives in 1978. He had preceded me, although he is a little younger. He was a young man in the House of Representatives. He was very involved and was one of the first people I met there.

He tried to work with both sides, the Democrats and Republicans. He has been involved in the forging of a lot of compromises—meaningful ones—over the years. He has represented his State of Louisiana both as a Congressman and as a Senator well, I believe, for many years. JOHN, we wish you and your wife Lois the best. We know you are not going to go very far, but you have a lot of friends in the Senate on both sides of the aisle, and you know that.

TOM DASCHLE

TOM DASCHLE will be leaving us. He served this Nation well. He served in the U.S. Air Force as an intelligence officer. He served as a staffer, and then he was in my class in 1978 as a member of the House of Representatives. That is where I first met TOM and worked with him and respected him. Sometimes we would be on other sides of the issues, but nevertheless, I always thought in his dealings with me and others he was a very honorable, decent person.

He is a relatively young man. He served us well, I thought, as majority leader. He was always fair and up front with us. He will go on to good things, I am sure. I wish TOM and his wife Linda the best.

BOB GRAHAM

Senator BOB GRAHAM is a friend of mine, a Democrat, a former Governor of Florida for two terms. He came to the Senate in 1986 when I did. We worked together on many committees, but we worked closely together on the committee you serve on today, Mr. President, and that is the Intelligence Committee.

I was the chairman of the committee and then he became the chairman when the Democrats got control of the Senate, and I was the vice chairman. I found BOB GRAHAM to be working day in and day out, to be a very upfront man, a very honorable man, a man of his word. I certainly wish him well in whatever he does in the future.

BEN NIGHTHORSE CAMPBELL

My friend Senator CAMPBELL, BEN NIGHTHORSE CAMPBELL, you talk about somebody unique. He is a unique American. He is a Native American. He is proud of who he is. He has represented the State of Colorado, both in the House of Representatives and in the Senate, very well. I wish him the very best. He will certainly not go away in the future.

ZELL MILLER

Senator ZELL MILLER, the colleague of the Presiding Officer, is a distinguished Senator from Georgia. He served as Lieutenant Governor of Georgia, I believe, State senator, and then Governor of Georgia for at least two terms. He came to the Senate and distinguished himself. He is someone for whom I have a lot of respect, for his integrity, for his forthrightness, for his grit, for his perseverance, and also his foresight.

ZELL, we will miss you in the Senate. But we will see a lot of you. I hope to visit you in north Georgia. You tell me what a beautiful place it is, and it is not too far from my State of Alabama, so I hope you have a room for us there. We will come see you, especially when the apples are ready to pick and you are ready to show us around.

JOHN EDWARDS

We have also Senator EDWARDS from North Carolina. I first met JOHN EDWARDS 6 years ago when he came to the Senate. He is a very accomplished lawyer, a very engaging person. He was the Democratic nominee, as we all know, for Vice President of the United States. JOHN EDWARDS is a young man, a man with a lot of talent, and I am sure we will hear from him in some respect, political or otherwise, in the future as life goes on.

PETER FITZGERALD

Senator PETER FITZGERALD from Illinois is a very young man, one of the youngest men to come to the Senate. He chose to serve only one term. I think he has been involved in some of the big issues of the day. He is a man of integrity. He is a man who wants to do the right thing. He is always going to be involved in the issues of the day, as he has been.

PETER, we wish you and your family the best as you go back into the private sector where you have excelled and done things so well and for so long.

We are going to miss all these Senators, on both sides of the aisle, because collectively they bring a lot of experience and a lot of wisdom to the Senate. They have served, as I said, with distinction and honor here.

TOM DASCHLE

Mr. CONRAD. Mr. President, I want to take some time today to pay tribute to one of my closest and best friends in the U.S. Senate, our Democratic leader, TOM DASCHLE.

It is hard to put into words how much I will miss Senator DASCHLE when he leaves the Senate at the end of this session. Senator DASCHLE and I were both first elected to the Senate in 1986. He immediately became a friend, and that friendship has only grown stronger over the years. Senator DASCHLE had already served South Dakota in the House of Representatives for many years when he came to the Senate, so he was able to help show me the ropes when I first arrived in Washington in 1987. His advice and counsel were given freely. But what really drew me to TOM were his genuine delight in seeing and greeting friends, staff and colleagues; his selfless passion for serving the people of South Dakota; and, above all his wonderful, self-effacing sense of humor. Put simply, Senator DASCHLE was able to take on issues very seriously without taking himself too seriously.

Over the years, we have served together on the Agriculture, Finance and Indian Affairs Committees. We have fought side-by-side in numerous battles to serve the interests of the people of the Dakotas.

On the Agriculture Committee, Senator DASCHLE was a tireless advocate for the interests of the northern plains producers we both represent. We fought together for targeted farm assistance to ensure that scarce Federal dollars for commodity programs would most benefit average size family farms. We fought together against concentration in the agriculture industry. We fought together against unfairly traded imports of Canadian grain. We fought for disaster aid time and time again. And we joined to make sure a new farm bill was enacted in 2002.

It is safe to say that without the active leadership and support of Senator DASCHLE, we would not have had a new farm bill in 2002. And if we had not written the bill in 2002, I firmly believe that mounting budget pressures would have made it virtually impossible to write good legislation in 2003 or 2004. So family farmers all across this country, many of whom might not ever have heard of TOM DASCHLE, have lost a champion.

On the Finance Committee, Senator DASCHLE fought passionately for better health care for all Americans. We fought together to strengthen the Medicare program and improve payment rates for rural health care providers. We fought to preserve the Medicaid program, which provides a health care safety net for the most vulnerable among us. We fought to create the State Children's Health Insurance Program, which expanded health coverage for children who otherwise would have no insurance. And Senator DASCHLE again and again took the lead on trying to reform our health care system to make health care affordable and accessible. So average workers all across the country who worry about losing their health coverage or skyrocketing health costs have lost a champion.

And Senator DASCHLE took a special interest in working on behalf of Native Americans. He has fought to bring attention to the terrible epidemic of Fetal Alcohol Syndrome among Native Americans. And he has led the fight to secure increased resources for the Indian Health Service to help end the health care rationing that occurs on too many reservations. He also has been a strong proponent of the tribal colleges. His efforts have helped put a college education within reach of many Native Americans who might not otherwise get the opportunity. Finally, Senator DASCHLE stood up and gave a voice to the thousands and thousands of individual Indians seeking a full accounting of their trust assets and fought to make sure that the Federal Government fulfilled its trust obligation. So Native Americans all across the country have lost a champion.

As Democratic leader, he continued to work on all these issues. And because he was leader, he delivered real results for real people, time and again. That was especially the case when it came to causes important to South Dakota. Senator DASCHLE tirelessly used his clout to ensure that South Dakota's interests were protected.

But Senator DASCHLE's role as a Senator and as a leader cannot be summed up in a simple listing of the causes and issues he championed, often without fanfare or great recognition. The job of leader has often been compared to herding cats. It is not easy, but Senator DASCHLE did an outstanding job. Senator DASCHLE was a strong leader—and a great Senator—because he didn't just listen to people, he heard their concerns. He didn't just propose compromises, he built consensus. It took enormous patience, great flexibility, strong persuasive skills—and a liberal dose of good humor and humbleness. It also meant that much of what Senator DASCHLE accomplished was done quietly behind the scenes. Too often, he did not get the public credit he deserved for the painstaking hours he spent building consensus and moving issues forward to benefit the American people. Instead, he quietly stepped back and let others take credit.

You cannot be successful as a Senator, and especially as a leader, if other Senators cannot trust you. Senator DASCHLE may at times have left our colleagues on the other side of the aisle frustrated by his mastery of Senate rules and political tactics. But they always knew he was someone they could deal with in good faith. They always knew they could trust his word. And they always knew he would work hard to achieve the result he had committed to.

At the end of the day, that is the ultimate measure of Senator DASCHLE's values—the values he and I learned growing up in the Dakotas. He was honest, fair and hard working. He gave credit to others. And he genuinely respected his colleagues and enjoyed their company. South Dakota, the Senate, and the Nation are losing a true champion, in every sense of the word.

As Senator DASCHLE goes on to other things, my wife Lucy and I wish all the best to TOM and his wife, Linda.

BOB GRAHAM

Mr. President, as the 108th Congress draws to a close, the Senate will lose one of its most distinguished and accomplished members, Senator BOB GRAHAM. Few Senators have had such an outstanding career in public service. BOB GRAHAM served as a Florida State legislator between 1967 and 1978; as Governor between 1978 and 1982; and as U.S. Senator from 1987 to 2004. I am honored that Senator GRAHAM and I were in the same class following our elections to the Senate in 1986.

Throughout his years in public service, Senator GRAHAM has taken a leadership role in protecting our environment, advocating on behalf of seniors and children for adequate health care, working to make certain that our children achieve their highest potential in schools, and making certain that our country lives up to its obligations to veterans and active duty military personnel.

Early in his career as Governor of Florida, Senator GRAHAM launched one of our Nation's most significant efforts to protect the environment through the Save Our Everglades Program. In 2000, Senator GRAHAM achieved his goal of restoring the Florida Everglades through an unprecedented partnership among Federal, State, and local officials along with private industries. This initiative was a significant step to ensure protection of a critical wetland environment, the Florida water supply and endangered species. Senator GRAHAM's efforts were key to preservation of one of America's most important and environmentally sensitive natural treasures.

Throughout his career in public service, Senator GRAHAM has also taken a leadership role on behalf of public education. Long before the enactment of the No Child Left Behind Act, Senator GRAHAM worked to improve Florida public schools by making certain that children have the highest quality public education system. He advocated on behalf of rigid student testing for competency in academic courses, worked to reduce class size, to improve the learning environment through new school construction and to provide more opportunities for higher education assistance for college students.

Through our years together in the Senate, I was privileged to work with Senator GRAHAM closely on health care and Social Security issues. As a colleague for 10 years on the Senate Finance Committee, I noted, with admiration, his concern for the health care needs for the elderly, especially the need to strengthen Medicare and provide a prescription drug benefit for the elderly. Senator GRAHAM authored Medicare reform legislation to provide a prescription drug benefit and other preventative health care benefits. His Medicare Prescription Drug, Improvement and Modernization Act of 2003 was cosponsored by one third of the Senate.

When it came to Social Security and Medicare, Senator GRAHAM took a long view. He missed no opportunity to urge all of us to make a priority of ensuring the long-term solvency of these two crucial programs. His concern was not just the current needs of his Florida constituents, but the importance of these programs for the income and health security of generations to come.

Last, Senator GRAHAM assumed a leadership role on behalf of our Nation's veterans and active duty military personnel in his capacity as Ranking Member of the Senate Committee on Veterans' Affairs. While he focused considerable attention to the needs of our aging veterans population, working tirelessly to increase funding for VA medical care, he has also been sensitive to the needs of veterans living in rural America. Senator GRAHAM supported my efforts to improve access to VA medical care for rural veterans and to improve the quality of care for veterans at the Fargo VA Medical Center and through the expansion of outpatient clinics in rural communities. For this understanding and support for rural veterans, North Dakotans will be forever grateful.

There are many achievements by Senator GRAHAM that I could cite throughout his career in public service. The few accomplishments that I have noted demonstrate remarkable dedication to our country—dedication to improving the lives of our children, the elderly and our veterans. Senator GRAHAM represents the finest example of a dedicated and compassionate public servant. I hope that Senator GRAHAM's career will inspire young Floridians and other young people across our Nation to service for our country. I have been privileged to serve with Senator GRAHAM and thank him for his distinguished service to our country.

TOM DASCHLE

Mr. FRIST. Mr. President, I would like to say a few words about the man from which I have stood across this aisle the past 2 years—TOM DASCHLE.

TOM, as we all know, is a good and decent man. He has a big heart for the people of South Dakota, for every Member of this body, and for all of the American people.

He has devoted his life to public service—from serving as an intelligence officer in the Air Force to serving four terms in the House to serving three terms in the United States Senate.

That is seven times TOM DASCHLE has been reelected statewide in South Dakota.

TOM has been such a successful leader, because he has always put others first. This selflessness, this sacrifice is the quality that I admire most about TOM.

Every year TOM returned to South Dakota for an "unscheduled driving" tour. He would travel without staff or a schedule—going wherever the road and the people of South Dakota would take him.

This driving tour helped him travel to each of South Dakota's 66 counties—which he did every year.

But, most importantly, it was his way of staying in touch with the people who sent him time and time again to Washington to represent them.

TOM has served as the Democratic Leader for 10 years now. And those have been no easy 10 years for the Senate or for America.

The Senate itself has switched hands and back again. And we have helped lead the Nation through wars and recession and the horrific September 11th attacks.

But throughout this Congress and throughout his career, TOM DASCHLE has handled his job with grace and dignity. And I have always seen in him a gentle, yet stirring passion.

I wish TOM and Linda and their family all the best in the many years to come.

JOHN EDWARDS

Mr. President, JOHN EDWARDS came to the Senate just 6 years ago. Yet he has won us all over as friends for his sunny disposition, his positive attitude, his intelligence, and his hard work.

JOHN can make anyone smile. He forms a personal bond with nearly everyone he meets. No doubt this quality comes from the fact that he always remembers his roots.

The first member of his family to go to college, JOHN grew up the son of two textile workers, moving from town to town.

This upbringing shaped JOHN EDWARDS. It instilled in him a burning desire to improve the world and a strong commitment to populist values.

He became a lawyer. And with ardent trial advocacy, hard work, and genuine concern for others, he scored astounding success.

A terrible tragedy—the death of a child—marked a deciding point in his life. He did not let it destroy him. Never forgetting the terrible pain, JOHN turned tragedy into triumph.

He set out to change America for the better. A political unknown, he faced long odds, but he overcame them.

In the halls of the Senate, JOHN has won new laws to protect patients, increased funding for public schools, and improvements to our banking system.

He and Elizabeth, Catherine, Emma Claire, and Jack have been delightful additions to our Senate family.

And our prayers are with them as they strive to overcome the difficulty of Elizabeth's recent diagnosis of breast cancer.

JOHN EDWARDS has already played a vital role in American public life. And whatever he chooses to do next, we wish him and Elizabeth and their entire family all the best for a bright future.

DON NICKLES

Mr. President, Senators follow many different paths on their way to this Chamber. Some come from the professions, others from a life in public service.

Few have lived the American dream the way DON NICKLES has.

At age 20, DON NICKLES was paying his way at Oklahoma State University, living in a trailer home, working as a janitor, and raising his growing family.

A few years later, he returned to his hometown. There he pulled his family business from the verge of bankruptcy. Pretty soon his neighbors elected him to the Oklahoma Senate.

Then, in 1980, at the age of 31, when few expected it, he became a U.S. Senator.

DON did not let his early success go to his head. He worked hard to keep our country a place where men and women can dream big and live those dreams.

In the Senate, he has been a friend to taxpayers, an opponent of overbearing regulation, a voice for traditional values, and an ardent advocate for Oklahoma.

DON NICKLES has worked to keep America a land of opportunity—a place where everyone has a valued place and nobody lacks the opportunities to succeed.

Through all of his hard work, through all of his toil, he has always put family first. He and Linda have been married for 36 years. And they have raised four wonderful children.

In DON's favorite Bible chapter, Galatians 5, the Apostle Paul lists a godly man's attributes. A godly man, says Paul, work hard and live a life of "love, joy and peace . . . kindness, goodness, faithfulness."

I could not think of a better description of DON NICKLES. He has had an amazing career—and I take comfort in that he is just hitting his stride.

We all wish DON and his family the best in what will certainly be a bright future.

FRITZ HOLLINGS

Mr. President, FRITZ HOLLINGS is a passionate advocate for the people of South Carolina, a true statesman, and a fine gentleman. He is one of the most senior members of our body and, to all of us, he is a friend, a mentor and a guide. He has devoted his life to public service.

FRITZ HOLLINGS has always shown courage, conviction, and an ability to get things done. His work has touched every corner of our country and every American's life.

FRITZ helped our Nation confront its spiraling budget deficits, maintain a strong posture against the Soviet Union, integrate our schools, and create the WIC program. His work has helped protect our coastal ecology, preserve our oceans, and defend our transportation networks from terrorists attack. And, when a family eats dinner without interruption, free from never-ending telemarketing calls, well, we can all thank FRITZ for that too.

On trade, on spending, on taxes, on military issues, and on Senate pay, he has never been afraid to speak his mind, even when his own party, or sometimes even most of the Senate, disagrees with him. In the end, he has always been a winner thanks to his grace and honor. A summary of FRITZ' legislative achievements reads an astounding eight single-spaced pages. He's always campaigned on the creed that: "Performance is better than promise." And he has lived up to it.

We'll all miss FRITZ: His friendship, his principles, and his willingness to tell it like it is. We wish FRITZ and Peatsy all the best and want them to know that they will always have a home, a family and a place in the history of the United States Senate.

BEN NIGHTHORSE CAMPBELL

Mr. President, BEN NIGHTHORSE CAMPBELL is a man of many talents. He is an Indian chief, a Korean war veteran, a champion quarter horse trainer, an Olympic judo competitor, a rancher, and a jewelry designer.

After his service in the military and a series of athletic victories, BEN settled down to run his ranch and design jewelry. But, by pure accident, politics entered his life. Colorado, the Senate, and America would never be the same.

In 1982, BEN attended a meeting to support a friend's bid for Sheriff. He made a stunning impression and walked away drafted as a candidate for the Colorado State legislature. BEN served the people of Colorado there and in the House of Representatives. And 12 years ago, they elected him to the Senate.

More than 20 years after that fateful evening, BEN has left an indelible mark on the Senate. He has taken the lead on critical agricultural issues, fought excessive spending, argued for a balanced budget, and sponsored Federal drought relief for farmers. From drug policy to natural resources conservation, he has advocated for Colorado interests, and he has brought home what the people of his State elected him to do. He has also sponsored or co-sponsored 54 Indian-related bills that became law. And he is the first American Indian ever to chair the Senate Indian Affairs committee. Without him, the spectacular Museum of the American Indian that graces our National Mall would not have become a reality.

BEN is as leader who stands firm by his beliefs and works hard for the people of Colorado and Americans everywhere. We wish him and his wife, Linda, all the best for the future.

JOHN BREAUX

Mr. President, the people of Louisiana first sent JOHN BREAUX to serve in this Capitol in 1972. He was only 28 years old. For the next 32 years, he would serve as one of the most respected and admired public servants—from both sides of the aisle—anywhere in American government.

JOHN BREAUX has been a superb United States Senator. He is not inextricably wedded to one ideology or one party's line. He is thoughtful. He is independent. He is deliberative. He is experienced. He always wants to do the right thing for Louisiana and for America.

What I admire most about John is his consensus-building skills. He never gives up on bringing people together. In fact, he has helped bring this body together on landmark pieces of legislation over the past two decades—from welfare reform to health insurance reform to balancing the budget.

I have enjoyed working with JOHN to reform Medicare. We proposed the first Breaux-Frist reforms in 1999. And we followed up with Breaux-Frist II in 2001. And we toiled together on the Bipartisan Commission on the Future of Medicare, which JOHN so ably chaired.

Breaux-Frist laid the foundation for bipartisan work to come and, ultimately, the most comprehensive and meaningful improvements to Medicare since the program's creation.

JOHN's departure is bittersweet for me—as I am sure it is for every member of this body. We will miss him as a leader we all love and all can work with. But he still has many of his best years ahead—which he will no doubt enjoy spending with Lois and their wonderful and growing family.

PETER FITZGERALD

Mr. President, PETER FITZGERALD has devoted his life to public service.

He first ran for office before the ink on his law degree had dried. And, in the last 6 years, we have come to know Peter as a man of integrity, as a man of honor, and as a friend.

In the Illinois Senate, he was a staunch opponent of corruption. He often had to go it alone. But he still got results.

He continued his mission in the United States Senate—where he arrived in 1998 as our youngest member.

In only 6 years, he has made his mark. He helped uncover the devastating corporate fraud and accounting scandals. And he helped us pass tough new regulations to prevent them from reoccurring.

He has been an ardent advocate for Illinois farmers and businesses, always working to make sure that markets are open and barriers are low.

Whether working to appoint honest federal prosecutors or taking a hard look at major federally-supported projects, he has always stood for doing the right thing.

PETER has made sure that we have tax relief that helps families and creates new jobs. And he has helped protect our children with tough new child safety seat laws.

Our Senate family will miss PETER, Nina, and Jake. They have each enriched our lives, their State, this Senate, and our country. And we wish them all the best in the future.

BOB GRAHAM

Mr. President, during his first campaign for the United States Senate in 1986, People Magazine compared BOB GRAHAM's mind to a Florida thunderstorm; resolute and impossible to deflect.

But as a member of this body for 18 years, BOB GRAHAM has shown that while he may have the energy of a lightning storm, his works are guided with far greater purpose and direction.

In 40 years, BOB has never lost a statewide election. He is one of Florida's most beloved politicians. And that is for good reason.

Always looking for ways to connect with his constituents, Senator GRAHAM uses his "workdays" to toil alongside everyday Floridians to understand the problems they face.

A true American patriot, he has consistently put country before party.

On the Senate Intelligence Committee he has helped us tackle the monumental task of overhauling America's intelligence agencies. We will all miss his knowledge, his expertise, and his ability to clarify difficult issues.

BOB and his wife, Adele, have been treasured members of the Senate family—as much for who they are as for what they have done. For a couple who has accomplished so much in their lives together, that's saying something.

I want to thank Senator GRAHAM for his valued contributions to our body and to our country. And we wish him and Adele the best in all their future endeavors.

ZELL MILLER

Mr. President, ZELL MILLER commands a certain respect. He has guts. He has integrity. He speaks simple truths. He is as good and honest a man as I know.

ZELL is the type of leader that takes a stand and doesn't yield an inch of ground—no matter how hard the political winds blow.

America saw this first-hand with his unwavering support of President Bush in the most recent election.

At the Republican Convention, ZELL described the President perhaps better than anyone in our own party. He said the President is: "a God-fearing man with a good heart and a spine of tempered steel."

Those same words also describe Senator MILLER.

As a former Marine, ZELL has never wavered in his support of the men and women in uniform who defend our liberty—or the values he shares with them. And he has worked hard and steadfast to end the unprecedented filibuster of judicial nominees.

More than anything, ZELL loves his wonderful wife, Shirley, and their family. Of course, by family, I also include Gus and Woodrow, his two Labrador Retrievers.

ZELL will always be a touchstone of good ole' common sense for this body. He will forever remind us that all we need to do is what is right—nothing more, nothing less.

ZELL MILLER is one of the most colorful Senators ever to grace the halls of this Capitol. And he and Shirley have been two of the most valued members of the Senate family.

We will miss them both, sorely, as a special part of our daily lives.

I yield the floor.

I suggest the absence of a quorum.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, are we in morning business?

The PRESIDING OFFICER. Yes, we are.

Mr. FEINGOLD. Mr. President, on Tuesday the President announced the nomination of National Security Adviser Condoleezza Rice to be the next U.S. Secretary of State.

I admire Dr. Rice's obvious intellectual gifts and her communication skills. I also believe that the President has the right to appoint Cabinet officers who reflect his ideology and his perspective. Barring serious concerns about a nominee's qualifications or ethical record, and in keeping with Senate practices and precedents, my inclination is to give the President substantial deference in his Cabinet choices.

But I am deeply troubled by the signal that this nomination appears to send—a signal suggesting that the modest moderating influence of the State Department over the last 4 years will disappear, and that the next 4 years will be guided even more closely by the voices that shouted loudest in the first term, and that led our country into seriously flawed foreign policies. Our country cannot afford to continue down the foreign policy path that was forged during the first term of the Bush administration.

Over the past 4 years, we have witnessed the greatest loss of a very valuable type of American power in our history: our power to lead, to persuade and to inspire. As Joseph Nye has pointed out, this power will not convert the extremists who oppose us no matter what. Those people must be eliminated, pure, and simple. But it can thwart their plans, by denying them new recruits, undermining their appeal and their message, and unifying, rather than dividing, Americans and the rest of the international community. Rather than bolstering this asset, which has helped to make us the most powerful country on earth, we have squandered it.

In March, the Pew Research Center found that one year after the start of the war in Iraq, "discontent with America and its policies has intensified rather than diminished" across the world. Majorities in Pakistan, Jordan, Morocco and Turkey believe that the U.S. is exaggerating the terrorist threat, doubt the sincerity of the U.S. war on terrorism and say that it is an effort to control Mideast oil and dominate the world. The Center found that:

> At least half the people in countries other than the U.S. say as a result of the war in Iraq they have less confidence that the United States is trustworthy. Similarly, majorities in all of these countries say they have less confidence that the U.S. wants to promote democracy globally.

Our motives are questioned, our public justifications and explanations viewed with skepticism, and our post-9/11 public diplomacy efforts have missed the mark, substituting pop music broadcasts, brochures and videos for the kind of respectful dialogue and engagement that could convince generations of angry young people that their humiliation is not our goal.

We have had over 3 years since September 11, 2001, to think strategically about how to win the fight against terrorism. But we have little to show for this time.

We have relied upon a doctrine that fails to recognize that our enemies do not rely on explicit state sponsorship of terrorism. By focusing almost entirely on possible state sponsors of terror, the administration failed to realize that our terrorist enemies operate effectively in weak and failing states and without the backing of national governments. This is a new enemy waging a new war against us, but the administration appears still to be stuck in an old cold war mindset.

We have muddled our language and our focus by conflating other priorities with the fight against terrorism, costing us credibility around the world and shattering the unified and resolved global coalition that emerged to support us in the aftermath of 9/11. By choosing to fight the war in Iraq in such a divisive and astronomically expensive fashion, we have diverted resources away from the fight against the terrorist networks that seek to destroy us and undermined our ability to win the hearts and minds of many whose support we will need to succeed in the long run.

We have recognized the dangers of nuclear proliferation in an age of terrorism, but have then pursued policies that may well create incentives for states to develop nuclear weapons as quickly as possible.

We have developed essentially no measures of success or failure when it comes to one of our most urgent priorities, as the 9/11 Commission underscored—preventing the continued growth of Islamist terrorism. In fact, we do not even know where we stand today in this vital struggle.

We have not given any serious thought to how to avoid the mistakes of the cold war, when we gave a free pass to forces of repression and brutality, as long as they did not come with a Communist bent. Those mistakes, as we all know, helped to make Afghanistan the brutally repressive terrorist haven that it was on 9/11.

We have not made an adequate investment in bolstering our diplomatic resources and engagement around the world. From Northern Nigeria to Eastern Kenya, we have virtually no presence. In Somalia, despite knowing that al-Qaida-linked terrorists have operated in the country, we simply failed to develop any policy at all.

While the administration's policy was failing on all of these fronts, the President's team was devoting its time and attention to selling the world and the American people a war in Iraq with fundamentally flawed intelligence, manipulative and misleading characterizations, and rosy predictions that provided horribly, dangerously off-the-mark. The administration's Iraq policies in the first term painted a picture of an American government that isn't so sure it rejects torture; that isn't competent and careful enough to properly vet intelligence presented in major speeches and briefings; that willfully rejects the lessons of history and advice of its own experts; that is surprised when disorder results in massive looting; that misleads taxpayers regarding the costs and commitments entailed in its policies; that spends billions upon billions without any effort to budget for these predictable costs; and that is willing to politicize issues fundamental to our national security in the ugliest possible way.

We deserve better. Certainly the brave men and women of the U.S. military who are fighting every day to make this effort in Iraq work deserve better. We do not honor them by accepting lousy, irresponsible policy in the halls and hearing rooms of the Capitol and then leaving them holding the bag on the ground, when policy collides with the hard truth.

The administration's record of the past 4 years suggests a foreign policy careening out of control, driven by ideologies who want to test their theories in the laboratory of the Middle East one minute, by domestic political considerations the next, and by spiteful attempts to punish those who disagree with their methods the next. Where is this going? Who is in charge? No one ever seems to be held accountable for the blunders, the failures, the wildly inaccurate presentations and projections or the painfully ineffective initiatives.

Congress cannot simply accept more of the same, keep our heads down and hope that somehow we will muddle through. The stakes are far too high. Our national security, the stability of the world that our children will inherit, our troops—even our country's honor—are on the line. Congress has an obligation, not to oppose every administration effort, but to reassert our role in steering the ship of state wisely rather than recklessly. I look at our foreign policy over the past 4 years, and I know that America is so much better than this.

I look forward to the opportunity to raise these concerns with Dr. Rice when she testifies before the Foreign Relations Committee, and to receiving some assurance that she will work with Congress to put our country's foreign policy on a better, more effective footing.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TALENT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN MEMORY OF KOMNINOS "GUS" KARELLAS

Mr. TALENT. Mr. President, I rise today with a heavy heart, to mourn the loss of Komninos "Gus" Karellas, who was known and loved by so many in the community of Mexico, MO. Though cut tragically short, his was a life surrounded by a strong family and a strong community, and he was a great example of an immigrant who came to America and took advantage of every opportunity this country gave him.

Gus was a native of Greece, and he ran away from home as a teenager with only a few cents to his name. He emigrated to American in 1965 via Oakland, CA, and even though he did not speak English very well then, he managed to succeed against all odds. He ended up in Iowa working at a pizza restaurant, where he met Jimmy and Angelo Aslanidis, who became his good friends. They ended up moving together to Columbia, MO, where Gus worked at the University of Missouri for a short time before the three of them helped start the G&D Steakhouse.

In 1971, Gus Karellas and his wife Mary moved away to help manage a new G&D Steakhouse in Mexico, MO. Gus bought the restaurant one year later and spent nearly every single day there, becoming a familiar fixture to the residents of Mexico for the next three decades. His popularity with people led some of his family to give him the affectionate nickname of "Governor Gus."

Gus instilled his strong work ethic in his family, and friends say nothing made him prouder than his children Michael, Nick, Joanna, and Andy, who is an aide in my office. I have come to know Andy very well in the two years he has worked for me, and he is an accomplished young man with an immense sense of pride and gratitude for his family.

Gus was robbed and murdered as he was leaving his restaurant several days ago. Since then, hundreds of people—friends and family, regulars of the restaurant, or even those who just casually knew Gus Karellas—have visited the restaurant, creating a makeshift memorial of flowers, candles, and cards to the man they came to know and love.

Gus Karellas was a loving husband and dedicated father, a good neighbor and good friend to many. He will be missed by all who loved him. May he rest in peace and may God comfort his family and friends in their grief at his loss.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TALENT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO RETIRING SENATORS

DON NICKLES

Mr. CHAMBLISS. Mr. President, I rise tonight to make a quick comment about a dear friend. The greatest thing about serving in the House of Representatives and the Senate is meeting the colleagues we have the opportunity to serve with on both sides of the aisle. As a Member of the House of Representatives, I had the opportunity to get to know a number of the Members of the Senate, one of whom is retiring at the end of this session.

DON NICKLES was elected to the Senate when he was too young to serve in the Senate. He actually had a few months after his election before he was old enough, but he was old enough before he was sworn in. That was back in 1980. He has now served with great distinction in this body for 24 years. He leaves with a record that not many Senators are able to claim after serving in this Senate for whatever period of time they may be here.

DON NICKLES has been a leader in the Republican Party, but most significantly he has been a leader in the Senate. He is a man who has provided strong leadership on any number of issues, whether they are fiscal issues as chairman of the Budget Committee and a longtime member of the Budget Committee, which is where I first got to know him in our conferences between the House and the Senate, or whether it is on energy or social issues, DON NICKLES possesses all the assets that America holds dear.

He is a strong family man. He is a hard-working individual. He is a man of faith. He is a man who when he looks you in the eye and tells you something, you can go to the bank with it.

I am going to miss DON NICKLES. I will miss his quick wit. I am going to miss his being able to stand up in the Senate and quickly take on anybody on either side of the aisle with respect to whatever the issue may be or whatever the rule may be that applies to the issue that comes up.

I marveled at his ability to, off the top of his head, take on folks on the other side of the aisle relative to a particular issue and to point out issue by issue and point by point what must be done. That is a unique capability and something that must be studied and learned.

My predecessor, one of the folks who held my seat many years before I got here, was the master of that. That is Richard Russell. DON NICKLES knows the rules just as well as Richard Russell did.

I will miss DON in a number of respects off of this Senate floor. He is a close personal friend. He and his wife Linda are dear friends of Julianne and me. I will have to find somebody else to get money off of on the golf course because I have known DON so long now that I have come to spend the money before I play golf.

He is a terrific guy both in the Senate as well as outside the Senate. He is a man of great integrity. He is the kind of Senator who every citizen of Oklahoma should and has been proud of for his 24 years of service to the Senate.

I went back to his hometown a couple of months ago, his hometown of Ponca City, OK, a very small town in America. DON was a football hero. As in my home State of Georgia and my hometown, football is huge in Ponca City. They still remember DON as a high school fullback and linebacker.

His old coach was there that night to talk about DON and some of the things he did during his high school career. It is those foundations that people all across America build upon to come to the Senate.

The things that were said about DON back then could still be said about him today; that is, what a dedicated person he was, what a hard-working person he was, and what a student of the game he was, just like he has been a student of the Senate.

No one there was surprised at what a great job DON had done as a Member of the Senate and what a success he was, what a success he will be once he leaves. DON had the right kind of foundation and the right kind of instincts and the right kind of family stability, support, and love to make sure he did the right kind of job in the Senate, and he will continue to be successful when he leaves here.

To DON and to Linda, we say thanks for the service to our country. My children and my grandchildren are going to benefit from the service of the Senate of DON NICKLES. That is something for which I will forever be grateful.

Just as importantly, I have been a better Senator than I would have been otherwise because of DON NICKLES. In future years, because of what I have learned from DON NICKLES, I will be a much better Senator.

DON, we appreciate your service to our country. Thank you. God bless you and Linda.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

VICKI COX

Mr. SHELBY. Mr. President, I want to mention a staffer of mine. She is not a Senator but she is very important in my office, Vicki Lee Cox; Vicki Lee, as she was when she came to work with me in 1978 when I was elected to the House of Representatives. Her father was a naval officer in the Naval Academy. She lived around the world. She was born in Pensacola, FL, grew up part of her life in the San Diego area, the San Francisco area, and in Newport, RI. I have worked with her for 26 years, day in and day out. I tried to get her not to retire because these are very important employees. They make your office go. They make us look better than we should, day to day. They make things work in the office.

Vicki, we will miss you in the office. We hope you will not be far off because we might need to bring you back to help us out from time to time as we get in a bind.

We wish you and your husband Dale the very best, but we have a job opening for you if you want to change your mind. God bless you, and we enjoyed the 26 years.

PROTOCOL AMENDING THE EXISTING TAX CONVENTION WITH THE NETHERLANDS

Mr. LUGAR. Mr. President, I thank my Senate colleagues for passing the resolution providing advice and consent to the Protocol amending the existing U.S. Tax Treaty with the Netherlands through the unanimous consent procedure.

In spite of legislative hurdles that arose during the process, this Protocol will be enacted, and will bolster the economic relationship between the United States and a country that is already both a good friend and a critical trade and investment partner. As the United States considers how to create jobs and maintain economic growth, it is important that we try to eliminate impediments that prevent our companies from fully accessing international markets. In the case of taxes, we should work to ensure that companies pay their fair share while not being unfairly taxed twice on the same revenue. Tax treaties are intended to prevent this double taxation so that companies are not inhibited from doing business overseas.

As the United States moves to keep the economy growing and to increase U.S. employment, international tax policies that promote foreign direct investment in the United States such as this Protocol, are critically important. I have received communications from several corporate employers. The foreign entities indicate that this Protocol will provide them with incentives to "insource" to the United States. The domestic companies indicate that this Protocol will provide overall advantages and benefits. For the benefit of my colleagues, I am attaching to my statement several of these communications.

I thank my colleagues again for agreeing to pass this important measure.

Mr. President, I ask unanimous consent the material I made reference to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL FOREIGN TRADE
COUNCIL, INC.,
Washington, DC, October 22, 2004.

DEAR SENATOR: I am writing to express our strong support for the passage of the Tax Protocol with the Netherlands and to urge you to enact the agreement this year. Further delay in the passage of this agreement will subject U.S. companies to double taxation and adversely affect their global competitiveness. Foreign trade is fundamental to the economic growth of U.S. companies. Tax treaties are a crucial component of the framework that is necessary to allow that growth.

The National Foreign Trade Council, organized in 1914, is an association of some 300 U.S. business enterprises engaged in all aspects of international trade and investment. Our membership covers the full spectrum of industrial, commercial, financial, and service activities, and the NFTC therefore seeks to foster an environment in which U.S. companies can be dynamic and effective competitors in the international business arena. To achieve this goal, American businesses must be able to participate fully in business activities throughout the world. As global competition grows ever more intense, it is vital to the health of U.S. enterprises and to their continuing ability to contribute to the U.S. economy that they are free from excessive foreign taxes or double taxation and impediments to the flow of capital that can serve as barriers to full participation in the international marketplace.

This is why the NFTC has long supported the expansion and strengthening of the U.S. tax treaty network. The Senate has an excellent record in this area; ratifying tax agreements with Japan, Australia, the United Kingdom, Mexico, Sri Lanka, and Barbados during this Congress. The NFTC testified in support of these agreements and of the Netherlands Protocol.

Senator Richard Lugar, Chairman of the Committee on Foreign Relations, recently sent a Dear Colleague letter encouraging all Senators to support passage of the Dutch Protocol in the post-election session. I hope that the full Senate can act favorably on this agreement in the time that remains in this session and reaffirm the historic opposition of the U.S. to double taxation.

Sincerely,

WILLIAM A. REINSCH,
President.

AIR PRODUCTS AND CHEMICALS, INC.,
Allentown, PA, October 26, 2004.

Re Ratification of the Protocol to the Income Tax Treaty with the Netherlands.

Hon. RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations, Washington, DC.

DEAR CHAIRMAN LUGAR: On behalf of Air Products and Chemicals, Inc., I would like to thank you and the Committee for the prompt consideration and attention that you have given to the proposed protocol to the income tax treaty with the Kingdom of the Netherlands. This protocol is very important to Air Products and the United States economy. It is very important to us that the Senate ratify the protocol as soon as possible.

Air Products is a United States company with global headquarters in Allentown, Pennsylvania. It serves customers in technology, energy, healthcare and industrial markets worldwide with a unique portfolio of products, services and solutions, providing atmospheric gases, process and specialty gases, performance materials and chemical intermediates. The company has annual revenues of $7 billion, operations in over 30 countries, and over 18,000 employees.

Air Products has operated in the Netherlands for over thirty years, and it has substantial operations in the Netherlands. Air Products also owns some of its other European operations through the Netherlands. Air Products generates substantial cash flow from these operations. The current 5 percent withholding tax rate discourages Air Products from repatriating this cash back to the U.S. This is especially true because Air Products is currently in an excess foreign tax credit position. The proposed protocol would remove this barrier to repatriating cash. This would benefit not only Air Products but the U.S. economy as a whole. The protocol would remove this repatriation barrier for all U.S. companies with Dutch holdings, and foreign companies would have a greater incentive to invest in the U.S. The sooner the Senate ratifies the protocol, the sooner these benefits will begin.

Accordingly, we respectfully request that the Senate consider ratification of the proposed protocol as soon as possible.

If you have any questions regarding Air Products' views on the proposed protocol, please contact me or Charles Stinner, our International Tax Director (610-481-2978).

Sincerely,

KENNETH R. PETRINI,
Vice President—Tax.

SUNOCO, INC.,
Philadelphia, PA, October 26, 2004.

Re Ratification of Protocol to United States-Netherlands Income Tax Treaty.

Hon. RICHARD G. LUGAR,
Chairman, Senate Foreign Relations Committee, Washington, DC.

DEAR CHAIRMAN LUGAR: On behalf of Sunoco, Inc., I am writing to urge the prompt ratification of the protocol to the Netherlands Income Tax Treaty signed on March 8, 2004. As you are aware, the proposed protocol makes significant changes to the existing income tax treaty between the United States and the Netherlands. These changes include the elimination of source-country withholding on certain intercompany dividends, modernization of anti-treaty shopping provisions, coordination of the countries' pension rules and the provision of clear rules for investments using partnerships.

The changes negotiated in the protocol are important to the successful business operations of many companies, including Sunoco, and a failure to promptly ratify the protocol will have a detrimental impact on the conduct of business by many multinational corporations. Moreover, in a report dated September 30, 2004, the Joint Committee on Taxation estimated that ratification of the protocol would cause a negligible change in Federal budget receipts during the fiscal period 2005–2014.

Accordingly, for the reasons stated above, Sunoco believes that the protocol to the Netherlands Income Tax Treaty should be promptly ratified, and urges you to support its ratification.

If you or your staff would like to discuss this issue in more detail or if we can provide additional information, please contact the undersigned at (215) 977-6795. Thank you for your attention to this critical issue.

Sincerely,

MICHAEL J. MCGOLDRICK,
Director, Tax Administration.

MARY KAY,
Dallas, TX, October 29, 2004.

Re Dutch tax treaty.

Hon. RICHARD LUGAR,
U.S. Senate,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR LUGAR: With the year fast running out, Mary Kay Inc urges you to ratify the US-Netherlands Tax Treaty. The new protocol has a zero percent withholding rate on dividends, which allows our company to repatriate more money for domestic investment. This increase in funds provides Mary Kay Inc with the funds to expand its US plant, increase research and development, which is accomplished in the United States and hire more US based employees.

Please ask Senator Frist to schedule the treaty as soon as possible, before time runs out.

Sincerely,

MICHAEL LUNCEFORD,
Senior Vice President.

SUN MICROSYSTEMS, INC.,
Washington, DC, November 2, 2004.

Senator RICHARD LUGAR,
Chairman, Senate Foreign Relations Committee, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN LUGAR: On behalf of Sun Microsystems, Inc., I am writing to express our appreciation of your efforts to seek prompt ratification of the recent Protocol to the U.S.-Netherlands income tax treaty. We urge that these efforts continue so that this important new chapter in America's relationship with the Netherlands can commence before this year terminates.

As reflected in your Dear Colleague letter of October 20, 2004, your recognition of the importance of prompt ratification of the Protocol is most welcome. Compared to other U.S. tax treaties with major trading partners, the current treaty between the United States and the Netherlands is antiquated and contains obstacles to the free flow of trade between the two countries that will be eliminated by the new Protocol. There will be direct benefits to our company and to our employees.

Timely and quick action in bringing needed reform this year to the U.S.-Netherlands treaty will help keep the American economy growing.

Sincerely,

CHRISTOPHER G. HANKIN,
Senior Director of Federal Affairs.

ABN AMRO ASSET MANAGEMENT,
The Netherlands, October 29, 2004.

Chairman LUGAR,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN LUGAR: On behalf of ABN AMRO Bank N.V., business unit Asset Management, I am writing to join the many other members of the U.S. business community that have expressed their appreciation of your efforts to seek prompt ratification of the recent Protocol to the income tax treaty between the United States and the Netherlands.

We urge that these efforts continue so that this important new chapter in America's relationship with the Netherlands can commence this year.

As reflected in your letter of October 20, 2004, your recognition of the importance of prompt ratification of the Protocol is most welcome. Compared to other U.S. tax treaties with major trading partners, the current treaty between the United States and the Netherlands is antiquated and contains obstacles to the free flow of trade between the two countries that will be eliminated by the new Protocol.

Treaty advancements reflected in the new Protocol not only eliminate barriers to trade and investment between the two countries, but also resolve uncertainties that target abusive use of the treaty, and promote improved cooperation in international enforcement. Prompt ratification of the new Protocol will promote closer ties with one of our longstanding major trading partners, encourage growth of the US economy and jobs, and support better international tax enforcement efforts.

Quick action in bringing this needed reform to the U.S./Dutch trade relationship will help keep the American economy growing.

Sincerely,

Maurice Buijnsters,
VP Global Head of Tax.
Richard de Haas,
Senior Tax Officer.

ChevronTexaco,
Washington, DC, November 2, 2004.

Re Netherlands Protocol.

Hon. Richard G. Lugar,
Chairman, Committee on Foreign Relations, Dirksen Senate Office Building, Washington, DC.

Dear Senator Lugar: I am writing to express ChevronTexaco Corporation's strong support for early ratification of the Protocol amending the existing tax treaty with the Netherlands. A strong tax treaty network is critical for U.S. businesses, such as ChevronTexaco, to compete in the global marketplace. We appreciate your efforts on tax treaties generally, and on this Protocol in particular.

We urge the Senate to ratify the Protocol before year end so that it may enter into force on January 1, 2005. Delaying ratification until 2005 would delay entry into force until January 1, 2006 and would delay the important reductions to withholding tax rates.

I sincerely hope that the Senate will ratify the Protocol in 2005 and we appreciate your efforts to ensure this.

Sincerely,

Lisa B. Barry,
V.P. and General Manager, Government Affairs.

TimeWarner,
Washington, DC, November 1, 2004.

Hon. Richard Lugar,
Chairman, Committee on Foreign Relations, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

Dear Mr. Chairman: Thank you for your continuing leadership in securing quick ratification of several important bilateral tax treaties this year. Bilateral tax treaties are an important means for reducing double taxation and eliminating foreign withholding taxes on our royalties, interest, and dividends.

In this regard, I want to underscore the importance of ratifying the U.S.-Netherlands bilateral tax treaty before Congress adjourns for the year. This treaty, like the previous ones the Senate has ratified, provides important tax savings to Time Warner that we will be able to reinvest and use to expand our business in the United States.

The Netherlands has already ratified this agreement. I offer our company's full support in helping to urge your Senate colleagues to agree to quick ratification of this treaty this year.

Sincerely,

Robert M. Kimmitt.

Alliant Energy Corporation,
Madison, WI, November 12, 2004.

Senator Richard Lugar,
Chairman, Senate Foreign Relations Committee, Dirksen Senate Office Building, Washington, DC.

Dear Chairman Lugar: Thank you for your continuing leadership in securing quick ratification of several important bilateral tax treaties this year, Bilateral tax treaties are an important means for reducing double taxation and eliminating foreign withholding taxes on our royalties, interest, and dividends.

In this regard, I write to underscore the importance of ratifying the U.S.-Netherlands bilateral tax treaty before Congress adjourns for the year. This treaty, like the previous ones the Senate has ratified, provides important tax savings to Alliant Energy that we will be able to reinvest and use to expand our business in the United States.

The Netherlands has already ratified this agreement. I offer Alliant Energy's full support in helping to urge your Senate colleagues to agree to quick ratification of this treaty this year.

Sincerely,

Erroll B. Davis, Jr.,
Chairman & CEO.

American Chemistry Council,
Arlington, VA, November 15, 2004.

Re Ratification of Dutch Tax Treaty.

Hon. Richard G. Lugar,
Senate Office Building,
Washington, DC.

Dear Senator Lugar: The American Chemistry Council urges ratification of the bilateral tax protocol between the United States and the Netherlands.

The ACC represents the leading companies engaged in the business of chemistry. Council members apply the science of chemistry to make innovative products and services that make people's lives better, healthier and safer. The business of chemistry is a $460 billion enterprise and a key element of the nation's economy. It is the nation's largest exporter, accounting for ten cents out of every dollar in U.S. exports.

We commend your efforts as Chairman of the Foreign Relations Committee that resulted in negotiation of the tax protocol with the Netherlands. The treaty would enhance the ability of U.S. companies to compete in the important Dutch market, and if history is a guide, the treaty would create U.S. jobs within the chemical industry and among our suppliers and customers, and it would encourage foreign companies to establish or expand manufacturing facilities in the U.S. Moreover, the information-sharing provisions of the treaty would aid the IRS and Treasury Department in identifying international tax-avoidance schemes that reduce federal tax receipts and impugn the motives of U.S. companies whose global operations represent a major element of an expanding U.S. economy.

Accordingly, we urge ratification of the Dutch Treaty during the time remaining in the 108th Congress. Timely ratification would result in early realization of treaty benefits, and aid companies in capital planning and business expansion.

Please call if we can answer questions or provide additional information.

Sincerely,

Charles W. Van Vlack,
Executive Vice President.

DuPont Finance,
Wilmington, DE, October 29, 2004.

Hon. Richard G. Lugar,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

Hon. Joseph R. Biden, Jr.,
Ranking Member, Committee on Foreign Relations, U.S. Senate, Washington, DC.

Dear Senators: On March 8, 2004, the United States and the Netherlands signed the Protocol Amending the Convention Between the United States of America and the Kingdom of the Netherlands for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income. We at DuPont would urge the Senate to ratify this Protocol before Congress adjourns.

As you learned during testimony on September 24th, the Protocol brings the existing Convention, concluded in 1992, into closer conformity with current U.S. tax treaty policy. Of particular interest to DuPont, considering the Company's manufacturing sites in the Netherlands, is the elimination of withholding taxes on certain types of cross-border direct dividends. This element of the Protocol creates a powerful tool for repatriating earnings the Company would then be able to devote to our priorities in the United States. In addition, the Protocol's reciprocal treatment of pension funds for international employment assignees allows DuPont employees to gain valuable experience through U.S.-Netherlands exchanges without jeopardizing the status of their retirement benefits.

DuPont also appreciates the benefits the new Protocol would offer the U.S. government. Among them, the improved communications measures between U.S. and Dutch tax authorities coupled with the assistance in the collection of taxes; and the modernized Limitation on Benefits article, designed to deny treaty-shoppers the benefits of the Convention.

The enhancement of economic ties between the United States and the Kingdom of the Netherlands in the form of the pending Protocol will promote the growth of trade and investment between the two countries to the benefit of both economies. As such, it is DuPont's hope that deliberations on the Protocol will be completed this year.

Sincerely,

Marshall G. McClure.

DEBT LIMIT INCREASE

Mr. DODD. Mr. President, I speak about the vote that took place yesterday to raise the statutory limit of our Nation's indebtedness. It is terribly unfortunate that for the third time in three years this administration has run up against the Federal debt limit, thereby forcing once again an increase in the National debt from $7.384 trillion to $8.184 trillion.

I think it is a mistake for this body to give the administration what is essentially an $800 billion check to continue its irresponsible fiscal policies.

For quite some time now, the Treasury Department has been forced to halt payments owed to federal retirement accounts and take other extraordinary measures in order to keep the government from defaulting. And now we are in a position where the Treasury Department has said that Congress must increase the debt ceiling by the end of this week or the government will default on its obligations. What this says is that the government is living far beyond its means.

Just several years ago, when President Clinton was President, the National debt was shrinking, not growing. In 1997, the debt held by the public was $3.745 trillion. By FY2001, it decreased by more than $400 billion to $3.296 trillion. Former President Clinton made it a goal to pay off the debt by 2013, so that America would be debt free for the first time since 1835. He recognized that eliminating the debt would strengthen our economy, allow investments in education and other critical priorities, and ensure that Social Security could meet the challenges to come when the baby boomers retire.

By contrast, under the Bush administration, the debt limit was raised by $450 billion in 2002 and $984 billion in 2003. And now, this year, in 2004 it will increase by $800 billion. I find it astounding that just four years ago we were having compelling conversations in the Senate Banking Committee with Federal Reserve Chairman Alan Greenspan about what would happen if we paid off the debt too quickly. And now, here we are about to pass another increase of $800 billion to the National debt.

This new increase will bring the grand total to more than $2 trillion under President Bush—the largest total debt limit increase recorded under any President. Now instead of being eliminated, we are expecting the debt held by the public to reach $6.5 trillion by 2011.

When President Bush first came to office he assured the nation that if we adopted his tax cuts, we would not only see job growth, but we would still be able to eliminate the publicly held debt by 2008. Instead, we have seen 1.5 million private-sector jobs lost, making this the first Administration since Herbert Hoover to actually lose jobs. In just 4 years, we have gone from a projected 10-year surplus of $5.6 trillion to a 10-year deficit of over $3 trillion. And now we are about to once again, for the third year in a row, increase the debt.

If additional debt is going to be accumulated, the administration and the majority could at the minimum ensure that we are adequately investing in our children's education, the country's infrastructure, health care, the solvency of Social Security, and other vital national priorities. But that does not appear to be the case considering that we are seeing across the board cuts in the upcoming omnibus bill, and this Administration continues to push for policies that push us further in the red without any real results.

The administration's reckless policies will pass the burden of paying for them onto future generations, and unfortunately, the administration has shown absolutely no regard for the hardship this will cause. We often discuss the so-called "death tax", this administration's reckless fiscal policies are forcing a "birth tax" on every child born today.

What do I mean by the term "birth tax"? Simply this: a child born today is born owing his or her country $25,000. That is that child's share of the national debt. This is unconscionable. We have a responsibility as lawmakers to leave our country better off tomorrow than it is today. With policies like this, I am afraid that this administration and its supporters are failing to meet this fundamental moral responsibility to our country and to future generations.

Also deeply troubling is that in order to cover increased borrowing, the U.S. is going deeper into debt to foreign countries. Japan, China, the United Kingdom, and Caribbean Banking Centers are now the largest foreign holders of U.S. Treasury Debt.

We have borrowed over $720 billion from Japan, over $174 billion from China, and even tens of billions of dollars from South Korea. During the term of the President's first four years, we have seen our foreign debt holdings increase 83 percent from just over $1 trillion to over $1.8 trillion. This is especially dangerous because these countries can collect their debt when it suits them, which could potentially puts our nation in a very difficult economic situation.

I find it astounding that the administration and the majority of this Congress have not put forward any plan to reduce the alarming increase in our nation's debt—an increase largely caused by their reckless tax and budget policies. Indeed, their only known plans to permanently extend tax breaks for the affluent and drain at least $1 trillion from Social Security—would only make our current problems worse.

I strongly believe that increasing the debt limit once again without a plan is a big mistake. We owe it to future generations to do more to ensure that their future is economically sound. I hope that this Administration, and the majority of the Congress begin to enact more responsible fiscal policies before it truly is too late.

Mr. CORZINE. Mr. President, yesterday I voted against legislation that will authorize a massive increase in the Federal debt. This bill highlights the gross irresponsibility of our Nation's current fiscal policies. And I hope that, in casting a negative vote along with many of my colleagues, we have helped send a message to the White House that it is long past time to change course.

When President Bush came to office, we were expecting to run a surplus over the next ten years of $5.6 trillion. Instead, we now project a deficit of $3.5 trillion. That is a reversal of more than $9 trillion.

President Bush promised that he would not raid the Social Security trust fund. But, instead, under the Bush budget, we will spend every last penny of Social Security surpluses over the next 10 years, all $2.4 trillion. These surpluses won't be saved. They won't be used to help us keep our promise to working Americans. They will be diverted for tax breaks and other spending programs. This is not what the President promised. It is the opposite.

In effect, the administration's policies are using payroll taxes paid by working Americans, and using them to finance tax breaks for the most fortunate among us. I think that is wrong.

The past few years have been marked by unprecedented fiscal recklessness. The 2004 deficit, even including the Social Security surplus, is $413 billion. That is a record. Last year, the deficit was $377 billion. That was another record. The budget is spinning out of control, and few in the administration seem to care.

Unfortunately, as bad as things have been in recent years, the outlook for the long term is even worse. The baby boomers are about to retire. And by 2050, 81 million Americans will be on Social Security—about double the current level. We need to prepare for that. We need to save for it. Instead, we are doing the reverse. We are putting ourselves deeper and deeper in debt.

In 2001, gross Federal debt stood at $5.8 trillion. By 2014, that debt will have skyrocketed to almost $15 trillion.

With more debt, of course, comes higher interest costs. The 10-year cost of Federal interest payments has gone up from $622 billion in 2001, to $2.4 trillion.

All this debt, and all these interest payments, have consequences. They reduce the capital available for productive investment. They increase interest rates. They slow economic growth. And they lower the standard of living for American families.

Another consequence of all this debt is that our Nation is slowly losing its economic independence. Foreign holdings of U.S. Treasury debt has increased 83 percent under this administration. Today, the U.S. owes China more than $170 billion. We owe Japan more than $700 billion. Increasingly, our Nation is dependent on these countries to bolster our economy and to maintain the value of the dollar. But if those countries and other foreign investors pull out in the face of rising fiscal imbalances, as has happened elsewhere, the consequences for our economy could be very serious.

In my view, the current course of fiscal policy is not only unwise and dangerous, it is ultimately unsustainable. We can't go on like this. Either our leaders here in Washington will face reality and reverse course, or the markets will punish us until we do. Either the dollar will collapse, or interest rates will rise substantially, or inflation will rise, or all these problems will hit at once.

When that might happen is anybody's guess. But you can't reverse the basic laws of economics. Sooner or later, the piper gets paid.

So, I think we have made a mistake by increasing the debt limit so substantially. Needless to say, we must protect the full faith and credit of the United States. But we do not need a debt limit extension of this magnitude. And we should not have approved it yesterday. Instead, we should have passed a much smaller increase, in order to put real pressure on the Congress next year to finally get serious about the need for fiscal discipline.

Next year we will begin perhaps the most important domestic policy debate in a generation when we take up President Bush's call to privatize Social Security. At that point, Congress will have to make a decision. Either we will keep our promise to American workers, or we will break that promise and cut earned benefits. I think we should keep our promise and protect benefits. But we can only afford to do that if we quickly reestablish some measure of fiscal discipline. Increasing our debt by $800 billion is not the way to do that and, in my view, is a serious mistake.

So for all these reasons, I cast my vote no yesterday. For the sake of our economy, for the sake of our future, and for the sake of our values as a Nation, we must restore fiscal discipline. And we must do it soon.

JUSTICE FOR MARINE CORPS FAMILIES VICTIMS OF TERRORISM

Mr. SPECTER. Mr. President, I seek recognition to describe legislation that I plan to introduce in the 109th Congress. I have been asked to pursue this legislation on behalf of the 158 families of the brave servicemen who died when the terrorist faction Hezbollah—with the support of the Government of Iran—sent a suicide bomber into the Marine Corps Barracks in Beirut, Lebanon, on October 23, 1983, killing 241 U.S. servicemen—18 sailors, 3 soldiers, and 220 Marines.

This legislation will provide an explicit private right of action for United States citizens against state sponsors of terrorism in our Federal courts, and will ultimately allow victims of such acts to collect court-ordered damages against state-sponsors of terrorism. The specific provisions of the legislation have been drafted to harmonize existing statutory law with the recent direction of the District of Columbia circuit in *Cicippio-Puleo* v. *Islamic Republic of Iran*, 353 F.3d 1024 (D.C. Cir. 2004), which held that "neither 28 U.S.C. §1605(a)(7) nor the Flatow Amendment to the Foreign Sovereign Immunities Act . . ., nor the two considered in tandem, creates a private right of action against a foreign government." 353 F.3d 1024, 1032–33 (D.C. Cir. 2004).

In 1996, I supported the legislation that ultimately was enacted into the statutes that I have just cited. These statutes have been interpreted by the D.C. Circuit in *Cicippio-Puleo* to provide the following:

No. 1, 28 U.S.C. §1605(a)(7) provides an exception to sovereign immunity for state sponsors of terrorism and permits Federal courts to hear claims seeking money damages for personal injury or death against such nations and arising from terrorist acts they commit, or direct to be committed, against American citizens or nationals outside of the foreign state's territory; and No. 2, 28 U.S.C. §1605(a)(7)(note), also known as the "Flatow Amendment," named for New Jersey student Alisa Flatow, who was killed when Palestinian Islamic Jihad bombed a Gaza bus on which she was riding, imposes liability upon an official, employee, or agent of a foreign state that is designated as a state sponsor of terrorism, only if that official, employee or agent is acting in their "official capacity."

On October 23, 2004, in Philadelphia, I was privileged to take part in a memorial service held in honor of the servicemen killed in the 1983 Beirut attack. Some of the family members of those killed attended the event. Their moving comments about how they have been denied the ability to seek legal redress, despite clear findings implicating Hezbollah and Iran in the attacks, were both poignant and persuasive. It is vitally important to victims' families that they have a private right of action against the state sponsor itself, not just its officials, employees or agents acting in their official capacity. These victims and their families deserve not simply a day in court, but also the ability to recover damages against terrorist states that commit, direct, or materially support terrorist acts against American citizens or nationals. The former, in isolation, is a hollow right—in legal terms, a right without a remedy. The D.C. Circuit in *Cicippio-Puleo* tells us that only Congress can provide such a remedy. That is my intent.

I ask unanimous consent that the October 23, 2004, remarks by Lynn Smith Derbyshire, the sister of deceased Marine CPT Vincent Smith and a leader of the families advocating for this legislation, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF LYNN SMITH DERBYSHIRE, BEIRUT MEMORIAL SERVICES, OCT. 23, 2004

We are here today to honor the men who died in Beirut, Lebanon on this day 21 years ago. As families, we believe that our first duty is to remember. Thank you for coming to help us commemorate the lost.

As you know, in 1996 Congress passed legislation that gave victims of state sponsored terrorism, and their families, the right to sue those nations in a United States Court. This legislation did two things: It gave us a path to pursue justice and compensation, and it provided a way to hold rogue nations accountable for their crimes, and thereby deter more terrorism. The problem with the existing legislation, however, is that it has loopholes. And the U.S. Government is using these loopholes to continually torpedo the efforts of the families to collect damages, and penalize terrorist states.

On October 23, 1983—21 years ago today—Hezbollah, at the behest of the government of Iran, sent a suicide bomber into the Marine Corps Barracks in Beirut Lebanon, killing 241 U.S. servicemen.

One of the young Marines who was killed that day was a blond, blue-eyed, bowlegged helicopter pilot, named Captain Vincent Smith. He had just turned 30. He had a wife named Ana, a 3-year-old son named Ian, and dog named Whiskey. Vince had a penchant for practical jokes, an infectious laugh and a contagious grin. He sang in the church choir with his velvety tenor voice, he loved to water-ski, and throw the football with his brothers on crisp fall afternoons—like this one, and have cookouts on the deck with his friends.

Vince was my brother. He was my protector, my confidant, and my friend. And I loved him deeply. Twenty-one years after his death there is still a hole in my heart and in my life, and in my family. I miss him more every day.

I have learned over the past 21 years that one does not "get over" the murder of a brother. Whoever said that time heals wounds was an idiot—and whoever said that never had a wound like this. My wound cannot completely heal, because every time there is another terrorist attack, the hole in my heart is ripped open again:

The U.S. Embassy in Beirut, the Achille Lauro, the murder of Robert Stetham of TWA flight 847, Khobar Towers in Saudi Arabia, the U.S.S. *Cole*, Madrid, and even this morning, a car bomb outside of Baghdad killed 10 and wounded 42.

And who here can ever forget that fateful day: September 11, 2001.

One after the next, after the next, these events have sliced open my scar-tissued heart, and I must grieve the brother I loved so dearly over and over again. All of these events bring me to my knees. And when I am on my knees I pray for justice—not revenge—justice.

I do not want vengeance. I do not want the sisters and mothers of young vibrant Iranian soldiers to have to weep at the closed casket of their brothers and sons as I did, knowing that his body is not even whole inside the box. I do not want anyone to discover as I have that this kind of grief is an incessant pain-and it hurts all over. I would not wish the last 21 years of agonizing sorrow on a rabid dog. No. I do not want vengeance.

But I do want justice. And I do want the terrorism to stop.

In March 2003, the Beirut families brought suit against the country of Iran for the murder of our beloved brothers and sons and fathers and husbands. We proved in a court of law, that Hezbollah was carrying out the direct will of the Iranian government. Iran is guilty of the murder of my brother, and of Freas Kreischer's son, and Shirla Maitland's brother.

That day in court was a moral victory for us. There was a tremendous sense of relief to finally be able to name the guilty party. But it's a hollow victory if Iran is not somehow held accountable. Terrorists continue to terrorize because they can. We have not held them accountable for their crimes, and so they laugh and build more bombs. There has been no justice, so there can be no healing.

And it is galling that my own government continues to allow Iran to get away with murder—literally.

It's a simple rule: one that the parent of any small child can grasp. If your child hits another child with a stick, you have to take the stick away, and give your child consequences. If there are no consequences, the child will keep hitting kids with sticks, because he has figured out that it gives him power.

I want the cruelty and senselessness of terrorism to stop. And there is only one way to do that. We have to take away the stick. There must be consequences.

Senator Specter, thank you for introducing a bill that will finally allow families like mine and Freas Kreishcher's and Shirla Maitland's, to pursue rogue nations in the courts and to threaten them by threatening their assets. Their Achilles heel is financial. If we take away enough of their money, they will not be able to afford to build more bombs. And then perhaps you will be spared the agony of losing your brother or your son. If that happens, perhaps this gaping, bleeding wound in my heart will finally be able to heal.

Senator Specter, I want to thank you, on behalf of the families of the Marine Corps Barracks, Beirut bombing victims, for coming to our aid. Thank you for being willing to champion our cause in the Congress by sponsoring this bill. And Senator, I urge you to do everything in your power to enact this bill into law with the utmost haste.

Thank you very much, sir.

COUNCIL ON OCEANS POLICY AWARENESS

Mrs. DOLE. Mr. President, recently, the U.S. Commission on Ocean Policy made a series of far-reaching recommendations to help keep our oceans viable for future generations. While the Senate as a whole will not address these recommendations this Congress, I hope we may be able to work on these critical issues next year.

In the meanwhile, my home State of North Carolina has already begun to make real the recommendations of the Commission. For instance, North Carolina public schools have begun fostering formal ocean education in K–12 schools, after the State mandated inclusion of ocean curricula in middle school.

North Carolina is also leading the Nation in heeding the call for improved scientific understanding of the oceans. Of particular pride is the success of the Southeast Coastal Ocean Observing System, or SEACOOS, an umbrella organizations of institutions that is building a regional ocean monitoring and prediction system for the southeast States of North Carolina, South Carolina, Georgia and Florida.

Through the leadership of the University of North Carolina at Chapel Hill, SEACOOS aggregates ocean information from federal and non-Federal sources for display and redistribution. This information system supports many uses, from search and rescue and hazardous spill response to providing information for recreational boaters and fishermen. This collaborative effort among dozens of institutions is a model of teamwork that will enable rapid development of a relevant, user-driven multi-purpose system.

As part of the larger IOOS system, SEACOOS will improve the decision-making process for coastal managers, severe weather response teams, and so many others in whose decisions coastal conditions are a factor. Through its scientific contributions to data collection and analysis, SEACOOS will advance the Nation's needs in such broad areas as: marine operations, e.g. shipping and offshore operations like drilling and mining; natural hazard mitigation, e.g. storm forecasting, surge prediction, tsunami warning; climate change and its effects, e.g. interannual variability in water temperature, salinity, nutrients, storminess, plankton species and abundance, fish species and abundance; national security, e.g. toxin trajectories, detection of covert operations; public health, e.g. unsafe biological activity, rip currents, harmful algal blooms; ecosystem health, e.g. changes in food web structure; and sustainable use of marine resources, e.g. fish stock assessments.

Among so many throughout the southeast who have made SEACOOS possible, I especially want to note and thank Harvey Seim, Associate Professor of Marine Science at UNC Chapel Hill. Professor Seim has been the visionary and leader in building this collaborative initiative. His dedication to advancing scientific knowledge that serves the public interest embodies the best spirit of higher education and the academic research enterprise that makes our nation great.

In keeping with the recommendations of the commission, SEACOOS is a model worthy of replicating around the country. It is consistent with the Integrated Ocean Observing System that is called for in the commission report. IOOS is a national, interagency program that the commission recommends be fully funded and implemented to provide a multipurpose ocean information system for the Nation. Legislation to authorize IOOS has already been unanimously passed by the Senate, S. 1400 and companion bills are pending in the House. I look forward to continued congressional support and continued success as we increase our knowledge and understanding of our oceans.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On September 19, 1998, in Chicago, IL, three men were allegedly attacked by two men who made anti-gay remarks.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HAYWOOD COUNTY EMERGENCY OPERATIONS DAY

Mrs. DOLE. Mr. President, this past September marked a devastating hurricane season for many States. My home State of North Carolina was ravaged by not one, but four hurricanes this fall. Western North Carolina was particularly hit hard by Hurricanes Frances and Ivan, which destroyed homes, washed away roadways, and even took lives. Out of this ruin came the challenge of rebuilding and piecing together homes, lives, and communities. As I visited the devastation in Western North Carolina, I found encouragement in the selfless hearts of North Carolinians who went to great lengths to help those struggling through the wreckage left behind. There are many who came together during this crisis. I would especially like to thank the first responders who answered the call of duty. Our first responders are there for us in times of need, and they literally are on the front lines defending our homeland.

On November 21, 2004, the Town of Clyde and the Town of Canton are honoring all those who were involved in the rescue and emergency operations following the devastation which occurred as a result of the hurricane season. November 21, 2004, has officially been declared by those towns as "Haywood County Emergency Operations Appreciation Day."

I would like to commend the efforts of these men and women who are members of the following departments who brought the community together after such devastation: Haywood County Sheriffs Department, North Carolina

Highway Patrol, North Carolina Probation and Parole, North Carolina Alcohol Law Enforcement, North Carolina Division of Motor Vehicles, Waynesville Police Department, Canton Police Department, Maggie Valley Police Department, Haywood County Emergency Management, Waynesville Fire Department, Cruso Volunteer Department, Clyde Fire Department, North Carolina National Guard, Canton Fire Department, North Canton Fire Department, Maggie Valley Fire Department, Lake Junaluska Fire Department, Crabtree Fire Department, Fines Creek Fire Department, Jonathan Creek Fire Department, Saunooke Fire Department, Center Pigeon Volunteer Fire Department, Lake Logan Fire Department, Enka/Candler Fire Department, Haywood County Rescue Squad, Haywod County EMS, Blue Ridge Paper Emergency Response Team and Clyde Police Department.

TRIBUTE TO THE SOUTH DAKOTA STAFF OF SENATOR TOM DASCHLE

Mr. JOHNSON. Mr. President, I rise today to pay special tribute to a group of men and women who have served over the past 26 years as staff for Senator TOM DASCHLE in the State of South Dakota. I join my colleagues in providing the most heartfelt appreciation for the public service career of Senator DASCHLE and that appreciation extends to the work of his South Dakota staff.

The people of South Dakota have benefitted greatly over the years from the work of Senator DASCHLE's staff. These men and women worked tirelessly behind the scenes on behalf of South Dakota constituents. They served as the eyes and ears for Senator DASCHLE, maintaining contacts in South Dakota communities, attending meetings on projects and sitting down with individual constituents to discuss matters of importance.

Some of Senator DASCHLE's staff provided over two decades of dedicated service to the people of South Dakota. Their long hours of service, many of them spent driving on country roads, sitting in coffee shops or walking through drought-stricken corn and wheat fields, underscored Senator DASCHLE's commitment to serve the people of South Dakota.

Senator DASCHLE's South Dakota staff truly reflect the tireless work ethic, dedication, and professionalism that he has exemplified to all the citizens of our state. Whether attending economic development outreach meetings, sacrificing holidays and weekends to travel with Senator DASCHLE across South Dakota, or tending to the many casework issues facing our constituents, Senator DASCHLE's South Dakota staff has done a superb job.

It is my hope that these valued members of Senator DASCHLE's South Dakota staff recognize the importance of their work and the great appreciation that many in South Dakota hold for them for their great service.

Senator DASCHLE's current South Dakota staff includes:

Beth Smith, Betty Daschle, Jody Jordan, Maeve King, and Virginia Newquist in the Aberdeen office; Ace Crawford, Armon Gaddy, Dorothy Christensen, Jackie Heier, Georgeann Johnson, Rose Larson, and Sheila Lane in the Rapid City office; Bill Idema, Gene Dwyer, Jeff Wilka, Jenn Dolan, Mark Gerhardt, Mary Peters, Michele Seaton, Nicole Deak, Stephanie Devitt, Stephanie Koster Hoyme, Steve Dick, and Steve Erpenbach, Senator DASCHLE's State director, in the Sioux Falls office.

The work of Senator DASCHLE and his staff will be remembered by South Dakotans for many years to come. I want to thank them for their work and service and wish them all the very best.

HONORING THE WASHINGTON STAFF OF SENATOR TOM DASCHLE

Mr. JOHNSON. Mr. President, I rise today to pay special tribute to a group of men and women who have served over the past 26 years as staff for Senator TOM DASCHLE here in Washington, both in his personal office and those who served him as Democratic leader in the Senate for the past 10 years. Every member of the Senate understands that our success rests, in part, with the men and women we choose to work with us on a daily basis in our offices. I join my colleagues in providing the most heartfelt appreciation for the public service career of Senator DASCHLE and that appreciation extends to the extraordinary work of his staff here in Washington.

The people of South Dakota, members of the Senate Democratic Caucus, and the institution of the Senate have benefitted greatly over the years from the hard work and dedication of Senator DASCHLE's staff. These men and women worked tirelessly behind the scenes. Whether it be his personal staff or his leadership staff, every single person has been dedicated to making our State a better place to live, and to making our Nation safe and secure.

Some of Senator DASCHLE's staff provided over two decades of dedicated service to the people of South Dakota and came with him to join his leadership staff. Their long hours of service underscored Senator DASCHLE's commitment to lead our caucus and to serve the people of South Dakota and this Nation unselfishly. Senator DASCHLE's staff truly reflect the tireless work ethic, dedication, and professionalism that he has exemplified to all the citizens of our State.

While each and every member of Senator DASCHLE's staff is dedicated, committed, and hard working, I think three long-serving members of his Washington staff should be recognized separately. Those senior staff members are Pete Rouse, who served in Senator DASCHLE's leadership office as chief of staff, Nancy Erickson, his deputy chief of staff in the Capitol, and Laura Petrou, the chief of staff in his personal office. All three of these dedicated individuals served the State of South Dakota and the Senate Democratic Caucus unselfishly and with distinction.

It is my hope that all of these valued members of Senator DASCHLE's staff recognize the importance of their work and the great appreciation that many in South Dakota hold for them for their great service.

Senator DASCHLE's current personal and leadership staff in Washington includes: Aaron Fischbach, Amber Danter, Bart Chilton, Brad Wolters, Brendan Hilley, Brian Hanafin, Chris Bois, Chris VandeVenter, Chris Wagner, Christiana Gallagher, Chuck Marr, Cindy Harris, Clint Highfill, Danny Franklin, Darcell Savage, Denis McDonough, Grant Leslie, Jane Loewenson, Jeff Nussbaum, Jennifer Duck, Jeri Thomson, Jessica Leonard, Jessica Scheufele, Jim Oleske, Joan Huffer, Jody Bennett, Jonathon Lehman, Kate Knudson, Kate Leone, Kelly Fado, Lara Birkes, Larkin Barker, Laura Petrou, Lisa Thimjon, Liz Dahan, Mark Childress, Matthew Varilek, Michelle Singer, Molly Rowley, Nancy Erickson, Nancy Hogan, Nick Bauer, Nick Papas, Pat Griffin, Pat Sarcone, Pete Rouse, Phil Schiliro, Phillip Assmus, Randy DeValk, Reid Cherlin, Sam Mitchell, Sarah Feinberg, Ted Miller, Tim Mitrovich, Todd Webster, Tom McIntyre, and Wizipan Garriott.

The work of Senator DASCHLE and his staff will be remembered by South Dakotans, and all the Senators and staff who have served with them, for many years to come. I want to thank them for their work and service and wish them all the very best.

SOUTH DAKOTA FARMERS UNION RESOLUTION COMMEMORATING SENATOR TOM DASCHLE

Mr. JOHNSON. Mr. President, I ask unanimous consent to submit the text of the attached resolution by the South Dakota Farmers Union commemorating 26 years of service by United States Senator THOMAS A. DASCHLE.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A RESOLUTION COMMEMORATING 26 YEARS OF SERVICE BY UNITED STATES SENATOR THOMAS A. DASCHLE

Whereas, Senator TOM DASCHLE has distinguished himself as more than a reliable friend to South Dakota Farmers Union and the cause of family-based agriculture, but more so as a true hero to our cause; and, Whereas, Senator DASCHLE performed his duties faithfully to better the lives and opportunities of all South Dakotans, and conducted exemplary public service to South Dakotans with the assistance of his highly resourceful, talented and dedicated staff in his offices in Washington, D.C., Sioux Falls, Rapid City and Aberdeen; and,

Whereas, Senator DASCHLE championed the cause of ethanol since his first campaign for the U.S. Congress, and is chiefly responsible for its emergence as America's answer to energy independence because of his relentless pursuit of government support for its production and marketing; and

Whereas, Senator DASCHLE earned his reputation as America's most important Member of Congress for the advancement of legislation important to South Dakota Farmers Union, the National Farmers Union and family-based agriculture because of his sincere interest in promoting America's rural economy and because of his generous nature and approachability to all citizens seeking his assistance in Washington, D.C.; and

Whereas, Senator DASCHLE wisely used his influence and leadership powers to the benefit of South Dakota, resulting in unprecedented cooperation from urban states to help advance the causes and unique, critical needs of rural states and agriculture in the form of federal funds and programs for agriculture, disaster aid, health care, education, energy needs, air transportation, highway maintenance, railways and water development; and

Whereas, Senator DASCHLE's powerful resources and status as Senate Majority Leader and Senate Minority Leader gave South Dakota unprecedented influence to pass legislation which was of the greatest benefit to all South Dakotans, especially to rural communities, farms and ranches; and,

Whereas, Senator DASCHLE was responsible for the allocation of unprecedented federal funds to South Dakota throughout his tenure in the United States Congress, and that Senator DASCHLE's last term ended with victories for South Dakota, including his quest to produce $2.9 billion in disaster assistance for farmers and ranchers, against the longstanding resistance and indifference of the majority party in Congress and the White House; and,

Whereas, Senator DASCHLE's great influence and power on behalf of South Dakota and rural America will be missed in the unfinished battles for a Renewable Fuels Standard, a mandatory Country of Origin Labeling law, fair trade policies which are not predatory to South Dakota agriculture, sufficient drought relief, rural water development and a progressive agricultural agenda which supports a strong rural economy, as well as the fights to preserve social security and Medicare, lower prescription drug costs, and make health care coverage affordable and available to all Americans;

Now, therefore, we resolve that the Delegates of the 89th Convention of South Dakota Farmers Union commends and highly appreciates the lifetime dedication and service of Senator THOMAS A. DASCHLE to improve the economy and the quality of life in South Dakota and throughout the United States.

TROUBLING SITUATION IN CÔTE D'IVOIRE

Mr. FEINGOLD. Mr. President, I express my concerns about the troubling situation in Côte d'Ivoire.

As my colleagues know, in September 2002, rebellion broke out in Côte d'Ivoire, eventually dividing the country between the north, where rebels known as the Force Nouvelle established themselves, and the south, where President Laurent Gbagbo's government continued to exercise its authority. The Economic Community of West African states, or ECOWAS, helped to negotiate a ceasefire, and in January 2003 international efforts to mediate the crisis culminated in the signing of the Linas-Marcoussis Agreement of early 2003, which provided for an interim Government of National Reconciliation to move the country toward new elections. The United Nations established a peacekeeping mission and over 6,000 troops from around the world deployed to monitor the ceasefire and help the parties implement the peace accord—further evidence of international will to help the people of Côte d'Ivoire regain a stable footing and reestablish a just and peaceful unified government.

Throughout these diplomatic efforts, 4,000 French soldiers have served as the backbone of the international presence that has worked to guarantee the peace. Much as the United Kingdom played a pivotal role in stabilizing Sierra Leone, France made an admirable commitment to the people of Côte d'Ivoire. And despite the friction between France and the U.S. on other important global issues, we have continued to work closely and cooperatively to resolve this crisis.

But over the many months that have passed since the Linas-Marcoussis Agreement was signed, progress toward implementing the accords has stalled, as both parties failed to take constructive steps to move the country toward lasting stability. Then, on November 4, President Gbagbo broke the ceasefire agreement, and in an apparent bid to find a military solution, launched air raids on rebel positions in the north. On November 6, the Ivorian forces bombed a French position, killing nine French soldiers and an American aid worker, and wounding dozens more. France retaliated by destroying the Ivorian air force. What followed was an orchestrated campaign, conducted largely via broadcasts on state-controlled media outlets, to encourage citizens to participate in a rampage of anti-French violence and looting.

I am heartened by the unity and resolve of the international community in confronting this crisis, and by the rejection of Ivorian efforts to justify the bombings and to vilify France. U.N. peacekeepers performed bravely in trying to protect the zone of confidence during the recent hostilities. South African President Thabo Mbeki moved quickly to reach out to all parties and open the door to dialogue that could diffuse the situation, though sadly, his efforts were not embraced by all parties. On November 15, the United Nations Security Council unanimously adopted a resolution establishing an arms embargo on Côte d'Ivoire, and indicating that a travel ban and asset freeze will be applied to anyone from among the government or rebel ranks found to be an impediment to progress on implementing the peace accords. I welcome this resolution and its insistence on accountability from all parties to Côte d'Ivoire's conflict.

In addition to accountable, constructive leadership, there is a desperate need for grassroots reconciliation efforts. The tensions that came to a boil in 2002 have, sadly, been simmering for some time. In the 1990s, some pursued a deliberate effort to promote a divisive, destructive, xenophobic brand of nationalism in the country, and if a lasting peace is to take hold and the people of Côte d'Ivoire are to be free from fear of a return to violence and chaos, a great deal of work must be done to lessen ethnic tensions and build confidence and trust in Ivorian communities. In recent days, French nationals have been the targets of ugly invective, but in the recent past it has been northern Ivorians, immigrants, and Muslims who have been demonized. I urge the administration to make combating ethnic and regional divisions a major focus of U.S. efforts in Côte d'Ivoire. Even as we work with the international community to hold leaders accountable for their actions, we must also assist in laying the groundwork for peace among the people themselves.

The downward spiral in Côte d'Ivoire is especially troubling because the country had, not long ago, been a beacon of stability and important economic engine in a deeply troubled region. After all of the suffering in Sierra Leone and Liberia, and all of the costly efforts launched to bring stability back to West Africa, the international community cannot afford to lose Côte d'Ivoire to perpetual crisis.

PROBLEMS IN THE CENTRAL INTELLIGENCE AGENCY

Mr. AKAKA. Mr. President, I rise today to express my concern over recent news reports detailing turmoil inside the Central Intelligence Agency since the arrival of the new Director, Porter Goss, and former members of his staff in the House of Representatives.

As a senior member of the Senate Committee on Governmental Affairs with oversight responsibility for homeland security and the committee responsible for drafting the legislative reform on intelligence now in conference, I am deeply concerned about the impact the new leadership at the CIA may have on our national security.

Since the terrorist attacks against the United States on September 11, 2001, the Congress has been engaged as never before in efforts to reform our intelligence collection capability in terms of our ability to improve the technical means to collect and share critical information in a timely fashion. The key component to that reform is human capital. Time and time again in outside commissions, reports to the Congress, and in hearings, we have been told that our intelligence and law enforcement communities lack sufficient qualified personnel to collect and analyze information. I introduced legislation, S. 589, the Homeland Security Federal Workforce Act, which passed the Senate with bipartisan support last year and is now in the House, to help rectify that problem. Other Members of Congress on both sides of the aisle have also introduced legislation to improve our intelligence and law enforcement workforce.

This is why I am so disturbed by the news reports that senior members of the CIA are being forced to resign, are being pressured to fire subordinates, and there are fears that they may even be asked to tailor their analysis to support the administration's policies, according to the November 17, 2004, New York Times. I ask unanimous consent that the article be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. AKAKA. Among those who have been forced out or retired recently are the Deputy Director of the CIA, the Deputy Director of Operations, the second ranking member of the clandestine service, and the former head of the CIA bin Laden unit. Other resignations, retirements, or reassignments may follow.

Apparently, Director Goss brought with him at least 4 former staffers from the House of Representatives and inserted them into senior positions at the agency where they have begun to force these resignations.

This is troubling for two reasons: First, we cannot afford to lose any intelligence personnel, especially seasoned officers, in the midst of the war on terrorism. We have so few people we cannot fully staff the Terrorist Threat Integration Center, TTIC, that the President created to provide a coordinated counterterrorism response to the 9/11 attacks. Secondly, our intelligence staff have been working 24/7 since the war on terrorism and the war in Iraq began. They need morale boosters, not the morale downers that come from the forced resignations of well-respected leaders.

So desperate is the personnel situation that the intelligence reform bill, S. 2845, now in conference, authorizes the establishment of a National Intelligence Reserve Corps for the temporary reemployment of former intelligence community employees during periods of emergency.

Some would argue that the CIA is a "damaged agency" that needs to be reformed through "hard love." Perhaps that is the case. Perhaps the operations directorate needs to be given new direction. I understand that both President Clinton and President Bush, in his first term, were focused on reforming the clandestine operations through the efforts of Director Tenet and that those reforms were yielding results. But if those results are insufficient, more needs to be done.

If a ship needs to change course and requires a new crew, the new crew needs to knows both how to pilot a ship and how to plot a course. So far, the current upheaval at the Central Intelligence Agency makes me worry that the current new crew may not measure up to that challenge. I would like to be proved wrong because our national security depends on it.

EXHIBIT 1

[From the New York Times, Nov. 17, 2004]

NEW C.I.A. CHIEF TELLS WORKERS TO BACK ADMINISTRATION POLICIES

(By Douglas Jehl)

WASHINGTON, Nov. 16.—Porter J. Goss, the new intelligence chief, has told Central Intelligence Agency employees that their job is to "support the administration and its policies in our work," a copy of an internal memorandum shows.

"As agency employees we do not identify with, support or champion opposition to the administration or its policies," Mr. Goss said in the memorandum, which was circulated late on Monday. He said in the document that he was seeking "to clarify beyond doubt the rules of the road."

While his words could be construed as urging analysts to conform with administration policies, Mr. Goss also wrote, "We provide the intelligence as we see it—and let the facts alone speak to the policymaker."

The memorandum suggested an effort by Mr. Goss to spell out his thinking as he embarked on what he made clear would be a major overhaul at the agency, with further changes to come. The changes to date, including the ouster of the agency's clandestine service chief, have left current and former intelligence officials angry and unnerved. Some have been outspoken, including those who said Tuesday that they regarded Mr. Goss's warning as part of an effort to suppress dissent within the organization.

In recent weeks, White House officials have complained that some C.I.A. officials have sought to undermine President Bush and his policies.

At a minimum, Mr. Goss's memorandum appeared to be a swipe against an agency decision under George J. Tenet, his predecessor as director of central intelligence, to permit a senior analyst at the agency, Michael Scheuer, to write a book and grant interviews that were critical of the Bush administration's policies on terrorism.

One former intelligence official said he saw nothing inappropriate in Mr. Goss's warning, noting that the C.I.A. had long tried to distance itself and its employees from policy matters.

"Mike exploited a seam in the rules and inappropriately used it to express his own policy views," the official said of Mr. Scheuer. "That did serious damage to the agency, because many people, including some in the White House, thought that he was being urged by the agency to take on the president. I know that was not the case."

But a second former intelligence official said he was concerned that the memorandum and the changes represented an effort by Mr. Goss to stifle independence.

"If Goss is asking people to color their views and be a team player, that's not what people at C.I.A. signed up for," said the former intelligence official. The official and others interviewed in recent days spoke on condition that they not be named, saying they did not want to inflame tensions at the agency.

Some of the contents of Mr. Goss's memorandum were first reported by The Washington Post. A complete copy of the document was obtained on Tuesday by The New York Times.

Tensions between the agency's new leadership team, which took over in late September, and senior career officials are more intense than at any time since the late 1970's. The most significant changes so far have been the resignations on Monday of Stephen R. Kappes, the deputy director of operations, and his deputy, Michael Sulick, but Mr. Goss told agency employees in the memorandum that he planned further changes "in the days and weeks ahead of us" that would involve "procedures, organization, senior personnel and areas of focus for our action."

"I am committed to sharing these changes with you as they occur," Mr. Goss said in the memorandum. "I do understand it is easy to be distracted by both the nature and the pace of change. I am confident, however, that you will remain deeply committed to our mission."

Mr. Goss's memorandum included a reminder that C.I.A. employees should "scrupulously honor our secrecy oath" by allowing the agency's public affairs office and its Congressional relations branch to take the lead in all contacts with the media and with Congress. "We remain a secret organization," he said.

Among the moves that Mr. Goss said he was weighing was the selection of a candidate to become the agency's No. 2 official, the deputy director of central intelligence. The name being mentioned most often within the C.I.A. as a candidate, intelligence officials said, is Lt. Gen. Michael V. Hayden of the Air Force, the director of the National Security Agency, which is responsible for intercepting electronic communications worldwide. The naming of a deputy director would be made by the White House, in a nomination subject to Senate confirmation.

In interviews this week, members of Congress as well as current and former intelligence officials said one reason the overhaul under way had left them unnerved was that Mr. Goss had not made clear what kind of agency he intended to put in place. But Mr. Goss's memorandum did little to spell out that vision, and it did not make clear why the focus of overhaul efforts to date appeared to be on the operations directorate, which carries out spying and other covert missions around the world.

"It's just very hard to divine what's going on over there," said Senator Ron Wyden, Democrat of Oregon, who said he and other members of the Senate intelligence committee would be seeking answers at closed sessions this week. "But on issue after issue, there's a real question about whether the country and the Congress are going to get an unvarnished picture of our intelligence situation at a critical time."

Mr. Goss said in the memorandum that he recognized that intelligence officers were operating in an atmosphere of extraordinary pressures, after a series of reports critical of intelligence agencies' performance in the months leading up to the Sept. 11 attacks and the war in Iraq.

"The I.C. and its people have been relentlessly scrutinized and criticized," he said, using an abbreviation for intelligence community. "Intelligence-related issues have become the fodder of partisan food fights and turf-power skirmishes. All the while, the demand for our services and products against a ruthless and unconventional enemy has expanded geometrically and we are expected to deliver—instantly. We have reason to be proud of our achievements and we need to be smarter about how we do our work in this operational climate."

LIFTING HOLD ON NOMINATION OF DEBORAH MAJORAS

Mr. WYDEN. Mr. President, last May, I announced my intention to object to any unanimous consent request for the Senate to take up the nomination of Deborah Majoras to be the Chair of the Federal Trade Commission, FTG. I did so because despite several requests, I had received no assurance from Ms. Majoras that under her leadership, the FTC would take any steps to address anticompetitive practices that drive up gasoline prices nationwide and particularly in the Pacific Northwest. Oregon consumers typically pay some of the highest gasoline prices in the Nation.

Today, I received a letter from Ms. Majoras describing how she is moving forward on certain commitments she made to me concerning the FTC's policies for the oil and gasoline industry. In particular, she committed to consult with outside experts to get to the bottom of the differences between the Government Accountability Office, GAO, and the FTC on the impacts of the FTC oil merger policies on gasoline prices. Ms. Majoras' letter states that she is working to do this by conducting a public review of the GAO report on the Effects of Mergers and Market Concentration in the U.S. Petroleum Industry. Following that review, Ms. Majoras also promises to share her views with me on the GAO report.

Ms. Majoras' letter indicates she is making a good-faith effort to take a fresh look at the issues raised by the GAO report. In light of this and the other actions Ms. Majoras has initiated to get to the bottom of the reasons why consumers in my part of the country are paying such high gasoline prices, I will no longer object to any unanimous consent request for the Senate to take up Ms. Majoras' nomination. I will, however, continue to closely monitor the FTC actions under Ms. Majoras' leadership to ensure gasoline consumers are not overpaying at the pump.

I ask unanimous consent that a copy of this statement along with Ms. Majoras' letter be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL TRADE COMMISSION,
Washington, DC, November 18, 2004.

Hon. RON WYDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR WYDEN. In response to your recent inquiries, I want to assure you that I am working to implement the actions that I laid out in my letter of June 10, 2004. For example, we are working on the public review by outside economic experts of the findings in the GAO Report. *Energy Markets: Effects of Mergers and Market Concentration in the U.S. Petroleum Industry* and the criticisms of that report. As you know, it is common for economists to submit their work for peer review and discussion, and I believe that such an assessment would be useful. Given your interest in the report, I plan to share my views with you about the findings and conclusions of this public discussion once we have completed that process.

Here at the FTC, we are working at full throttle to protect American consumers; I look forward to working cooperatively with the Congress in the coming session on these efforts.

Sincerely,
DEBORAH PLATT MAJORAS.

COMMENDING SECRETARY POWELL AND STATE DEPARTMENT ON MANAGING INTERNATIONAL GOVERNMENTAL RELATIONS FOR U.S. TERRITORIES

Mr. CRAIG. Mr. President, as our colleagues on the Senate Energy and Natural Resources Committee will attest, it takes years of experience to understand some of the nuances of Federal law and policy applicable in American Samoa, Guam, Puerto Rico, the Northern Mariana Islands and the U.S. Virgin Islands. Yet, our current Secretary of State has shown remarkable knowledge of the sometimes complex issues arising from official international activities of local territorial governments.

In responding to international issues arising from Federal-territorial relations in the case of Puerto Rico, Secretary Powell has articulated sound principles that are relevant to Federal policy with respect to the other territories as well. Specifically, the record should reflect the success of measures adopted by the Department of State to ensure that local government officials in the Commonwealth of Puerto Rico do not take official actions inconsistent with the reservation of foreign relations powers to the federal government under the U.S. Constitution.

The Department of State has tried to show flexibility and include territories in international programs and activities when appropriate, as it does in the case of other domestic political subdivisions. However, Department of State oversight and regulation of all official international activities by local territorial governments is necessary to preserve the constitutional allocation of powers within the U.S. Federal system, especially as it relates to administration of territories with a political status defined by Federal statute rather than the U.S. Constitution itself. In the case of Puerto Rico, Federal authority in all official international matters is consistent with the Puerto Rico Federal Relations Act (64 State. 319), and required by the status of the Commonwealth of Puerto Rico as a territory subject to the authority of Congress under Article IV, Section 3, Clause 2 of the U.S. Constitution. All powers of the local government remain subject to the supremacy of Federal law.

The Department of State acted in the national interest and in the best long-term interest of our fellow citizens in Puerto Rico by not acquiescing in actions by U.S. citizen officials of the local government seeking international recognition and treatment for Puerto Rico that are reserved for sovereign nations. The Department must continue to adhere to the simple rule that the Commonwealth should not be permitted to act officially in the international sphere in a manner that would not be permitted for other political subdivisions, whether State, county, city or territorial, unless otherwise specifically provided by Congress.

By confirming the correct application of Federal law and policy in his cable to our embassies, Secretary Powell has given diplomatic expression to the principles of federalism that apply to Puerto Rico and other U.S. territories. This "Powell Doctrine", if you will, ends the ambivalence and ambiguity that have existed about these issues for too long. The Secretary of State applied the correct legal doctrine in these matters, based on the principle that the Federal Government conducts the foreign policy of the United States and all its citizens, which includes the U.S. citizens of Puerto Rico under its current status.

The actions taken by the Department of State in this matter do not affect the process of self-determination as to the ultimate political status of Puerto Rico. Rather, this is a matter of confirming and in a proper manner implementing Federal powers and responsibilities beyond the realm of local politics regarding the status of the territory, until informed self-determination recognized under Federal law and policy leads to status resolution. Of course, neither local government powers nor the terms for political status resolution can be determined unilaterally by local law or political processes, because in each case Federal law is supreme and only changes in Federal law can change the status or define the extent that local governments can exercise sovereignty as to local matters.

For making these realities clear, and doing so in an impartial and entirely fair way, it is appropriate to commend our Secretary of State and the men and women of the U.S. State Department.

TRIBUTE TO INTERNS

Mr. HARKIN. Mr. President, today I extend my appreciation to my fall 2004 class of interns: Sonja Loges, Colleen Coffey, Lauryn Douglas, Cheri Rolfes, Sarah Helgen, Katie Callahan, Milan Dalal and Deborah Sundquist. Each of them has been of tremendous assistance to me and to the people of Iowa over the past several months.

Since I was first elected to the Senate in 1984, my office has offered internships to young Iowans and other interested students. Through their work in the Senate, our interns have not only seen the legislative process, but also personally contributed to our Nation's democracy.

It is with much appreciation that I recognize Sonja, Colleen, Lauryn, Cheri, Sarah, Katie, Milan and Deborah for their hard work this fall. It has been a delight to watch them take on their assignments with enthusiasm and hard work. I am very proud to have worked with each of them. I hope they take from their fall a sense of pride in what they have been able to accomplish, as well as an increased interest in public service and our democratic system and process.

TRIBUTE TO HOWARD TINBERG AND ROBERT BELL

Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to commend two college professors in Massachusetts for the national recognition they have won today. Professor of English Howard Tinberg at Bristol Community College in Fall River was named an Outstanding Community College Professor of the Year, and Robert Bell, professor of English at Williams College in Williamstown, was named an Outstanding Baccalaureate College Professor of the Year.

The awards were presented by the Council for Advancement and Support of Education and the Carnegie Foundation for the Advancement of Teaching. Four professors were recognized at each level of higher education—community college, baccalaureate, masters, and doctoral/research—for their outstanding teaching, their commitment to undergraduate students and their contribution to teaching as a profession.

Howard Tinberg teaches literature and composition, and is renowned for involving his students in researching the use of literacy in families and communities. He was instrumental in the establishment of the Writing Center at Bristol Community College and the Center for Teaching and Learning on the campus. He also serves as editor of the national journal. Teaching English in the Two-Year Colleges.

Robert Bell's approach to teaching is grounded in his personal connections to his students and the exploration of literature through the details of the author's language. In 1994, he founded a mentoring program for new faculty members, the Project for Effective Teaching, which brings teachers together for weekly discussions, symposia and conferences.

The Professors of the Year Program was created in 1981 and is the only national program specifically designed to recognize excellence in undergraduate teaching and mentoring. This year's winners were selected from a pool of nearly 300 teachers nominated by their provosts and academic vice presidents and supported by colleagues, former students, and current students.

Massachusetts is proud of the national recognition earned by these two distinguished educators who have dedicated their careers to improving the learning and lives of their students and colleagues, and I congratulate them for their impressive leadership.

ADDITIONAL STATEMENTS

HONORING AKO ABDUL-SAMAD

• Mr. HARKIN. Mr. President, today I would like to call my colleagues' attention to the extraordinary work of one of my Iowa constituents. This year, Ako Abdul-Samad, a Des Moines-based activist, received the prestigious 2004 National Caring Award for his work with at-risk youth in urban areas throughout Iowa. His organization, Creative Visions, was founded in 1996 after gang violence killed a young woman in suburban Des Moines. By working with both community leaders as well as gang leaders, Ako has helped many youth overcome their troubled past.

I am proud to call Ako Abdul-Samad not only a fellow Iowan, but also a friend. Since 1996, his organization has aided countless Iowa youth. Without his remarkable efforts and compassion, the urban areas of Iowa would not be the same. His progressive vision of today's youth places a positive outlook not only for the youth of today, but also the youth of the future.

Mr. President, I ask that the following magazine article be printed in the RECORD.

The article follows:

[From the Caring Magazine, Dec., 2004]

In 1996, a young woman from an outlying suburb of Des Moines, Iowa, was killed when caught in gang crossfire—a tragedy frequently played out in all too many American cities and towns. The community was outraged, and many people approached local activist Ako Abdul-Samad and asked what could be done. He replied, "Let's talk with the kids you're talking about. Let's hear what they need."

And so Chuck Johnson, president and CEO of Pioneer Hi-Bred and president of the Des Moines Chamber of Commerce, and Tom Glenn of the Des Moines Labor Institute met with Abdul-Samad for hours along with 14 of Des Moines' top gang leaders. Then Abdul-Samad met with the gang members alone, discussing an idea he had to build an organization to help at-risk youth.

Of the 14 gang leaders who showed up that day, six bought into Abdul-Samad's idea. And thus Creative Visions was born. The only thing the newly birthed organization asked of the six gang members who stayed on was to stop all of their illegal activity. "We didn't ask them to denounce their gang or to shed their gang colors," says Abdul-Samad. "And for two months we all worked out of my house—with members of the Crips, Bloods, Gangsta Disciples, and Vice Lords coming and going, much to my neighbors' wary curiosity.

"After the two months, we met again with the president of Pioneer Hi-Bred, among others. The gang members walked in wearing their colors, and then shortly into the meeting they all got up and walked out. I kept on talking, and it seemed like they weren't coming back, so I began to apologize to the president and attendees. Just then, all of them walked in again dressed in business suits ready to give their individual presentations. Tears streamed down my face."

In the eight years that have since passed, only one of the six original gang members who agreed to work with Abdul-Samad returned to his former ways, and now even he is starting to put his life back together again.

From that small but powerful beginning, Abdul-Samad estimates that Creative Visions has probably taken more guns and drugs off the street than any other organization in the Midwest. Their secret? Very simple, really. Give the so-called "lost-to-the-streets" youth and young adults a customized, holistic program of self-development, and you will see them transform into self-sufficient, productive citizens. The seeds for Creative Visions were planted 15 years before its formal founding. "I had a contract to visit and work in the prisons statewide," says Abdul-Samad. "One day I was in the intake center where all the prisoners come once they are sentenced. I met a 16-year-old who was about to serve an adult sentence, and before I left he asked me to tell his dad and uncles when I saw them that he was OK. I thought he meant when I got back to Des Moines to look them up. But no, he said his dad was in one state prison and his uncles were in another. Then I learned that all of them had been to El Dora, a well-known boys' training school that supposedly helped troubled youth avoid a life of crime. Obviously, we were failing to turn young lives around."

Abdul-Samad began to research the problem. He resigned his prison contract and went to work for a Des Moines organization called Urban Dreams, where he worked with kids already at El Dora. "But I wanted to catch the kids before they got to that institution," explains Abdul-Samad. "And I was tired of hearing people say we can fix kids. You can't 'fix' a child or an adult. You can provide resources for them to fix themselves because if the motivation to change doesn't come from their own heart, it doesn't work."

It was at that time that the young woman in Des Moines was killed in the crossfire, providing a catalyst to test Abdul-Samad's concept. "With Creative Visions we showed the kids we were willing to give them an opportunity," Abdul-Samad affirms. "We gave them a new family to belong to. We gave them an opportunity to have a building—that gave them ownership because they put the graffiti on the walls. Every young person who was here in 1996 was involved in all aspects of Creative Visions. We didn't do one program without their input. We would do focus groups until we got it right. And they saw me walking the talk."

And then came 1997 and a personal tragedy that tested Abdul-Samad's faith and ability to continue to "walk the talk." In December his only son, "Little Ako," was shot to death by a young man named Rodney. "When I went to the hospital, it was full of young people waiting to see what I would do," Abdul-Samad recalls. "The police declared it an accidental shooting. My family wanted me to press charges and send the killer to jail. And the gang members wanted to kill Rodney. I will tell you now that the walk became very difficult for me. I worked hard at just trying to think straight. Sometimes I wouldn't know what I was doing.

"I prayed for guidance. Within a week, I called a press conference and had Rodney and his mother there. And I forgave Rodney in public. I said that I've already lost my son and that it would do no good to lose another young man. I said if I could forgive him, who had the right not to? And then I took Rodney home with me for the next four or five days.

"I think this is what the fate of Creative Visions, because the kids and young adults now saw me walk the talk despite my personal pain. They saw I was willing to keep on giving, no matter what it cost. And not only me. There was another staff person whose son was shot and killed in a street not far from our office. The kids could see that there are people who work here that are in pain, but they keep on going." Lest one label Abdul-Samad and his co-workers "role models," he is quick to correct the term: "We don't use the term 'role model;' we use 'goal model.' Too many times we put our role models upon pedestals; we don't allow them to be human, which hinders their giving. We think a 'goal model' allows someone to make mistakes, to learn from those mistakes, and to grow. As goal models we 'model' setting goals, striving to reach those goals, and making those goals a reality."

Certainly part of what makes Creative Visions work is its peer counselors—some of whom are former gang members, drug addicts, and dealers themselves. They are especially able to form trusting relationship with young people who know they have "been there, done that."

Like many dedicated to a life of service, Abdul-Samad's reward is not accolades. "A reward is when a young street person, whom everyone else had given up on, goes through our program and then walks in the door one day and shows you their diploma, or tells you they've gone back to school, or shares the career path they've chose to pursue. Nothing is more rewarding than to watch someone who is struggling and wearing a look of despair suddenly transform. You can begin to see hope in their eyes and the beginning of a smile."

There are many aspects of inner-city life that are not pretty. Abdul-Samad and his coworkers come face to face with often grim and gritty circumstances that most people would not want to even hear about, much less confront. Teen pregnancies, venereal diseases, drug overdoses, stabbings, are all part of the realities Creative Visions' counselors face each day. Abdul-Samad credits his relationship with God with helping him get through his pain. He also copes through the pen—often writing poetry at 3 a.m., which relaxes him and had led to the release of his first book, *A Deeper Truth/Relevations From the Soul.*

Abdul-Samad has spent most of his 53 years giving to others. Even as a child he tended to wounded animals or fixed broken bicycles and then gave them away to neighborhood kids. By the time he was 18, he was aligned with an organization that fed 300 children each morning—long before the school system began offering free breakfasts. "This was all during the 1960s, a good time in which to have grown up because of all the consciousness-raising going on—women's rights, civil rights, human rights," says Abdul-Samad. "Anyone young who got caught up in the counter-culture movement at that time couldn't help but identify with people who were struggling."

After eight years, the vision Ako Abdul-Samad conceived and built is flourishing. Almost two dozen programs are now operating through his center, from computer classes to 12-step meetings. Since its inception, Creative Visions has attracted and helped more than 6,500 men, women, and at-risk children and youth. Now calls are coming in from cities around the United States—and other countries including Mexico, the Netherlands, and Nigeria—also interested in starting similar organizations.

Abdul-Samad knows that many of the battles he undertakes won't be won in his lifetime. But his philosophy is to plant a seed, and he has planted many.●

REVEREND CECIL WILLIAMS

● Mrs. BOXER. Mr. President, I wish to recognize and share with my colleagues the compassion and dedication of Reverend Cecil Williams in honor of his 40 years of community service to the San Francisco community.

Reverend Williams has been Pastor of San Francisco's Glide Memorial Church since the early 1960s. He has built a community congregation of over 10,000 members and is recognized as a national leader on the leading edge of social change.

Reverend Williams has led Glide Memorial Church to be a political voice for equal rights and a safe haven for the oppressed. His congregation has lent its support to those who speak out on national issues of importance, such as the Vietnam war, nuclear weapon development, affirmative action and HIV/AIDS prevention.

When Reverend Williams joined Glide Memorial Church in the 1960s, he transformed it into a sacred space that honors diversity, expression, and the celebration of life.

I would like to share a couple examples of Reverend Williams' tremendous work. In the 1960s, Reverend Williams launched a free meal program at Glide that expanded in the 1980s to providing three meals a day to the hungry and homeless. The program currently serves over 1 million meals a year to members of the larger San Francisco community.

In the 1990s, feeling the need to reach out to those involved in drug abuse, Reverend Williams took his message against drugs into the community, using a bullhorn in front of housing projects to call addicts and dealers out to recovery.

As Reverend Williams begins his 40th year at Glide Memorial Church, he is now serving as Glide's CEO and Minister of National and International Ministries. He continues to bring forth new ideas on how to battle the problems inflicting the San Francisco community, including poverty, drug abuse, violence and despair. He is a respected and revered leader who brings together people searching for acceptance, social justice and spiritual growth.

I hope you will all join me in celebrating the remarkable service of Reverend Cecil Williams for the past 40 years at Glide Memorial Church. I wish him many more years of rewarding experiences to the San Francisco community and beyond.●

IN TRIBUTE TO RHODE ISLAND BROADCASTING LEGEND SALTY BRINE

● Mr. CHAFEE. Mr. President, I want to pay tribute to a great Rhode Islander who passed away on Election Day: Walter L "Salty" Brine.

Salty Brine was a local broadcasting legend one might even say he was the voice of Rhode Island. For half a century, he hosted the morning program on WPRO-AM. It was Salty's voice that thrilled three generations of schoolchildren on snowy mornings with the announcement, "No school, Foster-Glocester!"

Salty's show was the soundtrack of a Rhode Island morning. The sound of his voice conjures up the following scene: It is dark outside, a bowl of steaming oatmeal is on the kitchen table, there is a mad scramble to locate a missing mitten before the school bus arrives.

Salty would preside over the recounting of the news and the weather. His wife Mickie would call in and give a report on what birds were at the birdfeeder. We would be on the edges of our seats waiting for him to say our school was closed. I suppose it is fair to say that Rhode Islanders associate Salty Brine with that singular elation aroused by a snow day. Salty was the ultimate bearer of good news.

Of course, Salty's career encompassed much more than reading the rollcall of school closures. From 1958 to 1968, he hosted a children's television program called "Salty Brine's Shack," which costarred his collie Jack and ended reliably with the admonition, "Brush your teeth and say your prayers!" Having lost a leg in a train accident when he was a boy, Salty was a firm support and wonderful example for youngsters who were coping with a similar disability. Salty would demonstrate how the loss of a limb really would not set them back one bit.

Many charitable endeavors benefited from Salty's talent, energy, and good name. He was especially involved in the Big Brothers of Rhode Island, the Muscular Dystrophy Association, and was a board member, appropriately enough, of Save the Bay. Cardi's Furniture for whom he had recorded a trademark commercial—honored Salty for his service to our community just last year.

Born in 1918, Salty's life was framed by Red Sox World Series victories. This is entirely appropriate, as Salty was an ardent and devoted fan and even had aspired to be a ball player. Just last August, on Rhode Island Day at Fenway Park, Salty Brine was given the well-deserved honor of throwing out the first pitch.

Like the Big Blue Bug and Mr. Potato Head, Salty Brine, with his skipper's hat, was a Rhode Island icon, a one-of-a-kind and endearing institution that bound all Rhode Islanders together in a single fond experience. He was so much a part of our landscape that the legislature renamed a Narragansett State beach after him. The Salty Brine Beach endures as a permanent affirmation of our affection for our Salty.

Salty Brine was married to his first wife, Marion, known to all as Mickie, for 56 years. She died in 2000. He is survived by his wife, Roseanna, and his son Wally, who co-hosts the "Loren & Wally Morning Show" on WROR-FM in Boston.

Rhode Island will miss him.•

RETIREMENT OF VEE BURKE

• Mr. ROCKEFELLER. Mr. President, I commend Ms. Vee Burke for her years of public service as a member of the Congressional Research Service, CRS. She has demonstrated an enormous capacity for public service and tremendous insight on social policy. In over 30 years working for the CRS, Vee has proven herself to be a true expert in the field of public welfare.

Through her hard work and dedication, Vee has provided background reports and thoughtful analysis of low-income programs, especially welfare reform. Members need timely and clear information in order to make informed policy decisions. Vee has provided such information for many years. Her ability to immerse herself in the specific details of each program assured the completeness of her reports, and her consistent presence from one year to the next was essential in maintaining an overview of the larger welfare system that the individual programs collectively represent.

At the end of this month, Vee will be retiring from CRS. While she will be missed, she has certainly earned the right to move on to the next phase of her life. The legacy she leaves behind will be difficult to match. Having been honored for her outstanding performance numerous times, it is clear that Ms. Burke has earned the respect of her colleagues within CRS, congressional Members and staff, and the larger research and policy community as a whole. Though many of them will never know her name, her knowledge and commitment to public service has affected the lives of millions of Americans. It is with the deepest respect and admiration that I thank Ms. Burke here today and wish her the best in all of her future ventures.•

LEWIS AND CLARK NATIONAL HISTORIC PARK

• Mr. SMITH. Mr. President, today, on behalf of the residents of Clatsop County, OR, I pay tribute to public servants who are usually referred to here in the U.S. Senate as nameless and faceless bureaucrats. I express my gratitude to the dedicated staff of the National Park Service staff at the newly designated Lewis and Clark National Historic Park—in particular, the superintendent, Chip Jenkins.

Fort Clatsop and the Lewis and Clark National Historic Park, which sits in the northwest corner of Oregon, serves as the exclamation mark to the Lewis and Clark expedition across this vast continent. Established in 1958, this unit of the national park system has grown to be one of the most popular tourist attractions along the northern Oregon Coast. For 46 years, this park has endeavored to tell the story of the Lewis and Clark Expedition and its impact on the settlement of the Pacific Northwest.

In preparation for the upcoming Lewis and Clark Bicentennial festivities, Chip Jenkins and his staff at the Fort have served as a driving force in planning, facilitating and coordinating region-wide efforts to help tell the tale of Lewis and Clark in the great Pacific Northwest. Along with many key members of the community, Chip's vision and leadership abilities have culminated in the recent passage of the Lewis and Clark National Historical Park Designation Act, which brings several State parks from both Oregon and Washington in partnership with the National Park Service to tell a comprehensive story of the Lewis and Clark experience at the mouth of the magnificent Columbia River. This Act was recently signed into law by President Bush on October 30, 2004.

Chip has made such an impact on the State of Oregon that the Oregon Business magazine recently named him one of Oregon's top 50 Great Leaders. Well known in his community for his role at Fort Clatsop, Chip still finds time for involvement in other local organizations and efforts such as the Astoria Children's Museum.

Mr. President, I offer my words of appreciation for Chip Jenkins and his staff at the Lewis and Clark National Historic Park for their dedication to the public good. With the peak of Lewis and Clark Bicentennial celebrations coming in the summer of 2005, there is still much work to do. But I am confident that they will succeed and leave a legacy lasting well beyond this season of celebration. While the public servants of our many Federal agencies are often faceless and nameless to us in Congress, they are considered friends and partners in the communities they serve.•

IN RECOGNITION OF RICHARD WOOD

• Mr. CARPER. Mr. President, I rise today in recognition of Richard Wood, CEO of Wawa Inc., and to commend him and his company's commitment and dedication to Delaware and surrounding States. As CEO of Wawa, Richard Wood has instilled in his associates the wisdom to do the right thing, and this core value enables the company to place a high priority on local community involvement. I thank him for all that he and his associates have done to make Delaware a better place.

The company began in 1803 and was incorporated in 1865 as the Millville Manufacturing Company. Millville's owner, George Wood, lived in Philadelphia and brought his family to Wawa, a rural town in Delaware County, PA. The original house where his family lived had a red tile roof, and is now the site of Wawa's present headquarters, hence the name "Red Roof" for Wawa's corporate offices. In 1902, George Wood took an interest in dairy farming and started a small milk processing plant in Wawa, specializing in the home delivery of milk. By the 1960s, the grandson of George Wood, Grahame Wood, recognized the changing economic trends and had the vision to expand by selling milk in convenience stores. In April 1964, the first Wawa Food Market was opened in Folsom, PA.

One of the founding principles of Wawa is a commitment to the local communities that they serve. Today Wawa's core value of "people helping people" guides Wawa and its employees to give back to those in need. Just some of Wawa's charitable causes include support for children's health, cancer research, AIDS research, domestic violence, heart disease and hunger. A few of the organizations benefiting from the Good Neighbor program include: Food Bank of Delaware, Contact Delaware, AIDS Delaware, The United Way and The Salvation Army.

Wawa has made a tremendous difference in its efforts to raise funds to help eliminate Sudden Infant Death Syndrome. SIDS, the unexplained death of an apparently healthy infant, is the leading cause of death in infants between one month and one year of age. This deadly syndrome has impacted the lives of countless Delaware families.

Since 1997, Wawa and the CJ Foundation for SIDS have held Walk-a-Thons on the second Sunday in September. Walks are held at 12 locations in their five trading areas: New Jersey, Pennsylvania, Delaware, Maryland, and Virginia. With the strong support of Wawa area managers, supervisors and store personnel, Wawa has raised more than $1.5 million over the last 8 years. Not only have Wawa customers, vendors and associates given generously of their time to make the SIDS walks an enormous success, but countless Wawa associates volunteer to work the phone banks in New York City each year for the benefit of the CJ Foundation for SIDS Radiothon. Howard Stoeckel, President, and Harry McHugh, Senior Vice President, have both spoken on the Radiothon on behalf of Wawa and their involvement in the fight against SIDS.

Money raised at the Wawa Walk-a-Thons is used to fund research to find the cause of SIDS and to educate parents on how to reduce the risk of SIDS. Proceeds from the walks have helped volunteer grassroots SIDS organizations expand to regional professional non-profits. Thousands of families have greatly benefited from the national "Cribs For Kids" program, which receives funding from the Wawa Walk-a-Thons. This program distributes cribs to low-income families to help them provide a safe sleep environment for their babies.

Throughout all this, one steady influence has been the leadership of Richard Wood, Wawa's CEO, who leads by his example in defining Wawa's culture and values. Born and raised in Pennsylvania, Richard graduated in 1956 from St. Paul's School, Concord, NH. He went on to receive his B.S. in Commerce from the University of Virginia in 1961, and an LLB from the University of Pennsylvania Law School in 1964. After graduating from law school, Mr. Wood served as a law clerk for one year in the Federal Court of the Eastern District of Pennsylvania for the Honorable Francis L. Van Dusen. He then joined the law firm of Montgomery, McCracken, Walker and Rhoads in Philadelphia, PA. In June of 1970, Mr. Wood joined Wawa, Inc. as General Counsel. He served in various capacities until becoming President in June 1977 and Chief Executive Officer in January 1981. Richard and his wife Jean reside in Wawa, PA.

Richard serves on several boards, including the Children's Hospital of Philadelphia, Greater Philadelphia Chamber of Commerce CEO Council for Growth, Pardee Resources Company, and QuikTrip Corporation. He has served as director for many organizations, including: Greater Philadelphia First, CoreStates Bank, N.A., Sheetz, Inc., Convenience Store, Foundation for Education and Research, Globe Ticket Company, Millville Savings & Loan Association, Overbrook School for the Blind, The Home of the Merciful Savior, The Philadelphia City Institute, Philadelphia Charity Ball, Inc., Crime Prevention Association, Upland Country Day School, Board of Managers of the Assemblies and Ludwig Institute. Richard was also past Board Chairman of the National Association of Convenience Stores, PQ Corporation, Riddle Memorial Hospital, and Gulph Mills Golf Club (past President).

Richard Wood will be retiring as Wawa's CEO at the end of 2004, and will assume the position of Chairman of the Board of Wawa Inc. I rise today to recognize Richard Wood and thank him for his compassion and leadership, and for the tremendous contributions he and the associates at Wawa have made to Delaware. I thank them for their commitment to strengthening all the communities that they serve.●

TERRY R. CARLSTROM

● Mr. SARBANES. Mr. President, I pay tribute today to Terry R. Carlstrom, a distinguished and respected steward of our Nation's natural and cultural resources. Terry is retiring after more than four decades of dedicated public service in the U.S. Department of the Interior, including 8 years as Director of the National Park Service's National Capital Region. I want to extend my personal congratulations and thanks for his many years of service and contributions to protecting and enhancing our national treasures.

Throughout his career, Terry has distinguished himself for his leadership and commitment to public service and to managing some of our Nation's most precious natural and cultural resources. Beginning as a young forester at Bridger National Forest in Wyoming in the early 1960s, Terry also served in the Bureau of Indian Affairs and the U.S. Fish and Wildlife Service before joining the National Park Service in 1972. He quickly advanced to positions in senior management in the National Park Service including Chief of Planning for the Denver Service Center Western Team and the Alaska Regional Office, Associate Regional Director for Professional Services in the National Capital Region and, most recently, as Regional Director.

During his 22-year tenure in the National Capital Region, I had the opportunity to work closely with Terry and members of his staff on a number of National Park initiatives in the State of Maryland and the broader Washington metropolitan region including land acquisitions at Monocacy Battlefield, the renovation of the Baltimore-Washington Parkway, the restoration of historic structures in the C&O Canal National Historical Park, at Fort Washington, and the restoration and joint management of Glen Echo Park in Montgomery County. Terry was also responsible for the difficult task of overseeing the construction and dedication of the Franklin D. Roosevelt Memorial, the Korean Veteran War Memorial, and the World War II Memorial, among other monuments. I know firsthand the extraordinary leadership and expertise Terry brought not only to the National Parks and Monuments in this region, but equally important, to building and encouraging one of the finest, most professional teams of Federal employees in the Nation.

The legacy of Terry Carlstrom's 41-year career can be seen in our national parks across the country and especially here in the National Capital region but it can also be seen in the people who have been fortunate enough to come to know him. He has earned the admiration and respect of his colleagues in the National Park Service as well as the visitors to the parks he has worked to improve. It is my firm conviction that public service is one of the most honorable callings, one that demands unwavering dedication to the citizens and country they serve. Throughout his career, Terry has exemplified this commitment to his country and to his fellow citizens. I want to extend my personal congratulations to Terry on his very distinguished career and join with his friends and coworkers in wishing him well in the years ahead.●

TRIBUTE TO A DISTINGUISHED IOWA EDUCATOR, ANGIE KING

● Mr. HARKIN. Mr. President, one of the great joys of my job as Senator is working closely with talented, dedicated Iowans from all walks of life. I take a moment to salute one of those exceptional people, one of Iowa's most distinguished public educators, Angie King.

Angie King has dedicated her life to children and public education, first as a classroom teacher, later as two-term president of the 32,000-member Iowa State Education Association, and, until her retirement this week, as a senior staff member of that Association.

The fact is that, as an educator-leader, Angie King speaks with a special authority that can only come from decades of experience on the front line as a classroom teacher. For 21 years, she taught elementary students in the Des Moines public schools. Of all the titles Angie King has held in the course of her career, she prizes none more highly than the simple title of "teacher."

Angie King, as a teacher, leader and advocate is one reason why Iowa public schools are among the most respected and highest achieving in the United States. The marketplace claims that you get what you pay for. But in Iowa, when it comes to teachers, we get far, far better than we pay for. Despite modest salaries, my state is blessed with an extraordinary cadre of talented teachers. And most folks in Iowa know this and appreciate it. We hold our teachers in special esteem. And we're grateful for the long hours—and the generous hearts that they bring to their jobs.

For many people, there is a defining moment in their careers. For Angie King, that moment came one day in 1972 when she missed a staff meeting at her elementary school. The next day, she discovered she has been elected in absentia to serve as a local representative of the Des Moines Education Association. Some people are born leaders; some people pursue leadership; and some people have leadership thrust upon them. That's what happened to Angie King. But she embraced her new role and responsibilities with energy and excellence.

As an association representative, she became more interested in the world of education beyond the four walls of her own classroom. She became a tireless activist, going on to serve as vice president of the Des Moines Education Association, a charter member of the ISEA Women's Caucus, an elected member of ISEA's executive committee, and, in 1985, chair of the ISEA Political Action Committee.

In 1990, Angie King was elected to serve the first of two terms as president of the Iowa State Education Association. She was one of a handful of women in history to be elected ISEA president, and the first elementary school teacher to hold that office.

In her farewell address at the conclusion of her second term in 1994, Angie King shared one of her favorite quotes from Albert Camus: "In the midst of winter I find there is in me an invincible summer." "That simple statement," she told the ISEA Delegate Assembly, "captures the very essence of who we are and what we do. In every child there is an invincible summer. It is our responsibility to nurture it and to foster it. And in each one of us there is, too, an invincible summer. It's what keeps us going back day after day, year after year, in the midst of sometimes very cold and dreary conditions."

Since 1994, Angie King has served as the political action specialist for the Iowa State Education Association. With her retirement this week, she concludes a distinguished career in public education spanning three and a half decades.

Angie King has made a real difference as a dedicated teacher, leader, and champion of public education. I know that she is looking forward to spending time nurturing the garden she has neglected while nurturing the children of Iowa. I am deeply grateful for her service, and I wish her all the best in the years ahead.●

THE PROJECT MANAGEMENT INSTITUTE

● Mr. TALENT. Mr. President, I rise today to salute the members of the Metro St. Louis Chapter of the Project Management Institute, in celebration of the chapter's 10th anniversary.

The Metro St. Louis chapter of PMI is dedicated to providing its members with services and forums to further the field of project management within the St. Louis region.

Internationally, PMI supports over 125,000 members in 140 countries. PMI members practice and study project management in many different industry areas, including aerospace, automotive, business management, construction, engineering, financial services, information technology, pharmaceuticals and telecommunications.

Over time, PMI has become, and continues to be, one of the leading professional associations in project management. PMI's professional certification of Project Management Professional, or PMP, is highly respected across numerous industries. Professionals who have earned this credential are recognized daily for their value-added contributions to the organizations they serve.

The St. Louis chapter was founded on October 14, 1994, as the 71st chapter of PMI. At that time, the chapter had 24 charter members. Today, the St. Louis chapter is recognized as one of the fastest growing national chapters with over 600 members, more than 100 of whom have become certified PMPs. The chapter's board members and volunteers host monthly dinner and educational meetings, and they provide ongoing support for special events including national speaker presentations and PMP certification workshops.

The members of the St. Louis chapter are working professionals from regional businesses that include Fortune 500 companies, Federal, State and local government agencies, as well as mid-to-small size companies, start-ups and not-for-profits. Their efforts are important to the overall success of the region. I am honored to share their accomplishments with my colleagues, and I wish them all the best for the future.●

ST. LOUIS HURLING CLUB NATIONAL CHAMPIONS

● Mr. BOND. Mr. President, I wish to pay special tribute to the St. Louis Hurling Club on their National Championship of the North American Gaelic Athletic Association, Junior-C Division on September 3, 2004.

The St. Louis Hurling Club was founded in the Summer of 2002 by Paul C. Rohde, Daniel D. Lapke, and Patrick O'Connor. Their vision included introducing the sport of hurling to the greater metropolitan area of St. Louis, MO., creating opportunities to play the sport, and developing strong St. Louis representation in nationwide competition.

In just 2 short years the St. Louis Hurling Club has expanded to a four-team league, and has become the second-largest club of primarily American-born hurlers in North America. In just the first year of existence, the Gaelic Athletic Association extended the rare invitation to the St. Louis Hurling Club to join twenty-one other cities to the North American County Board. In September 2004, the St. Louis Hurling Club traveled to Colorado and returned with the National Championship by defeating clubs from Milwaukee and Seattle.

Paul Rohde, Daniel Lapke, and Patrick O'Connor are to be commended for their vision, leadership, and introduction of the ancient Irish sport as well as the continued growth of Irish culture to St. Louis. MO. Again, I wish to congratulate the St. Louis Hurling Club on their National Championship and wish them future success as they continue to evolve.●

MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House passed the bill (S. 1301) to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes, with an amendment.

The message also announced that the House agreed to the amendment of the Senate to the bill (H.R. 1113) to authorize an exchange of land at Fort Frederica National Monument, and for other purposes.

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 1284) to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project.

The message also announced that the House agreed to the amendment of the Senate to the bill (H.R. 1417) to amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges, and for other purposes.

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 1446) to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 1964) to assist the States of Connecticut, New

Jersey, New York, and Pennsylvania in conserving priority lands and natural resources in the Highlands region, and for other purposes.

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 3936) to amend title 38, United States Code, to authorize the principal office of the United States Court of Appeals for Veterans Claims to be at any location in the Washington, D.C., metropolitan area, rather than only in the District of Columbia, and expressing the sense of Congress that a dedicated Veterans Courthouse and Justice Center should be provided for that Court and those it serves and should be located, if feasible, at a site owned by the United States that is part of or proximate to the Pentagon Reservation, and for other purposes.

The message also announced that the House agreed to the amendment of the Senate to the bill (H.R. 4516) to require the Secretary of Energy to carry out a program of research and development to advance high-end computing.

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 4593) to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes.

The message also announced that the House passed the following bills, without amendment:

S. 434. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes.

S. 437. An act to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community water rights settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982, and for other purposes.

S. 1146. An act to implement the recommendations of the Garrison Unit Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota.

S. 1241. An act to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes.

S. 1466. An act to facilitate the transfer of land in the State of Alaska, and for other purposes.

S. 1727. An act to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978.

S. 2042. An act for the relief of Rocco A. Trescota of Fort Lauderdale, Florida.

S. 2302. An act to improve access to physicians in medically underserved areas.

S. 2484. An act to amend title 38, United States Code, to simplify and improve pay provisions for physicians and dentists and to authorize alternate work schedules and executive pay for nurses, and for other purposes.

S. 2486. An act to amend title 38, United States Code, to improve and enhance housing, education, and other benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 2965. An act to amend the Livestock Mandatory Price Reporting Act of 1999 to modify the termination date for mandatory price reporting.

The message further announced that the House agreed to the concurrent resolution (S. Con. Res. 145) to correct the enrollment of H.R. 1417, without amendment.

At 4:57 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 5363. An act to authorize salary adjustments for Justices and judges of the United States for fiscal year 2005.

H.R. 5364. An act to designate the facility of the United States Postal Service located at 5505 Stevens Way in San Diego, California, as the "Earl B. Gilliam/Imperial Avenue Post Office Building".

H.J. Res. 111. Joint resolution appointing the day for the convening of the first session of the One Hundred Ninth Congress.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 430. Concurrent resolution recognizing the importance of early diagnosis, proper treatment, and enhanced public awareness of Tourette Syndrome and supporting the goals and ideals of National Tourette Syndrome Awareness Month.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–9807. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 03–05, relative to the U.S. Army Depot Support Activity-Far East, Seoul, Korea; to the Committee on Appropriations.

EC–9808. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 98–05, relative to the United States Property and Fiscal Office for Colorado; to the Committee on Appropriations.

EC–9809. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 03–02, relative to 2000 Operation and Maintenance, Navy appropriation; to the Committee on Appropriations.

EC–9810. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a supplemental update of the Budget; referred jointly to the Committees on Appropriations and the Budget.

EC–9811. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled "Forest Service and Community Partnership Enhancement Act"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9812. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation "to establish a system for withholding or disclosing information obtained through the animal identification system established by the Secretary, and for other purposes"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9813. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pine Shoot Beetle Hose Material from Canada" (Doc. No. 00–073–2) received on October 25, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9814. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Bees and Related Articles" (Doc. No. 98–109–2) received on October 25, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9815. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus Pumilus Strain QST 2808; Exemption from the Requirement of a Tolerance" (FRL#7684–4) received on November 4, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9816. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Deltamethrin; Pesticide Tolerance" (FRL#7683–5) received on November 4, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9817. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyraclostrobin; Pesticide Tolerances" (FRL#7681–9) received on November 4, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9818. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thifensulfuron-methyl; Tolerance Actions" (FRL#7683–2) received on November 4, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9819. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to resource management of a contract a private contractor to manage activities on Federal lands within the Stanislaus National Forest; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9820. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Quality Control of Aviation Critical Safety Items and Related Services" (DFARS Case 2003–D101) received on October 14, 2004; to the Committee on Armed Services.

EC–9821. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Indian Incentive Program" (DFARS Case 2002–D033) received on October 14, 2004; to the Committee on Armed Services.

EC–9822. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Berry Amendment Changes" (DFARS Case 2003–D099) received on October 14, 2004; to the Committee on Armed Services.

EC–9823. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Definition of Terrorist Country" (DFARS Case 2003–D098) received on October 14, 2004; to the Committee on Armed Services.

EC–9824. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Acquisition Plans—Corrosion Prevision and Mitigation" (DFARS Case 2004–D004) received on October 14, 2004; to the Committee on Armed Services.

EC–9825. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Personal Services Contracts" (DFARS Case 2003–D103) received on October 14, 2004; to the Committee on Armed Services.

EC–9826. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Consolidation of Contract Requirements" (DFARS Case 2003–D109) received on October 14, 2004; to the Committee on Armed Services.

EC–9827. A communication from the Chief of Naval Personnel, Department of the Navy, transmitting, pursuant to law, the report of the notification of a decision to convert to contractor performance a function of the Department of Defense performed by 290 DoD civilian employees; to the Committee on Armed Services.

EC–9828. A communication from the Director for Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report relative to the cost for planning, design, construction, and installation for the renovation of Wedges 2 through 5 of the Pentagon; to the Committee on Armed Services.

EC–9829. A communication from the Acting Under Secretary of Defense, transmitting, pursuant to law, a report relative to purchases from foreign entities in Fiscal Year 2003; to the Committee on Armed Services.

EC–9830. A communication from the Secretary of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–9831. A communication from the Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of brigadier general; to the Committee on Armed Services.

EC–9832. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–9833. A communication from the Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense, Department of Defense, transmitting, pursuant to law, the approval to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC–9834. A communication from the Assistant Secretary of Defense for Health Affairs, Department of Defense, transmitting, pursuant to law, a report of the Findings and Recommendations from the Department of Defense and the Department of Veterans' Affairs; to the Committee on Armed Services.

EC–9835. A communication from the Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of the grade of rear admiral (lower half); to the Committee on Armed Services.

EC–9836. A communication from the Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of the grade of vice admiral; to the Committee on Armed Services.

EC–9837. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Extension of Partnership Agreement—8(a) Program" (DFARS Case 2004–D015) received on October 26, 2004; to the Committee on Armed Services.

EC–9838. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, the government-wide progress report and the DoD supplement required by the Federal Financial Assistance Management Improvement Act; to the Committee on Armed Services.

EC–9839. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Deputy Under Secretary of Defense for Logistics and Materiel Readiness, Department of Defense, received on October 26, 2004; to the Committee on Armed Services.

EC–9840. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Deputy Under Secretary of Defense for Logistics and Materiel Readiness, Department of Defense, received on October 26 , 2004; to the Committee on Armed Services.

EC–9841. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination rejected, withdrawn, or returned for the position of Under Secretary of Defense for Logistics and Material Readiness, Department of Defense, received on October 26, 2004; to the Committee on Armed Services.

EC–9842. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of the Navy for Financial Management and Comptroller, Department of Defense, received on October 26, 2004; to the Committee on Armed Services.

EC–9843. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Secretary of the Army, Department of Defense, received on October 26, 2004; to the Committee on Armed Services.

EC–9844. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of the Navy for Installations and Environment, Department of Defense, received on October 26, 2004; to the Committee on Armed Services.

EC–9845. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy for the position of General Counsel, Department of the Army, Department of Defense, received on October 26, 2004; to the Committee on Armed Services.

EC–9846. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Under Secretary of the Navy, Department of Defense, received on October 26, 2004; to the Committee on Armed Services.

EC–9847. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report entitled "Department of Defense Fiscal Year 2003 Environmental Quality Program Annual Report"; to the Committee on Armed Services.

EC–9848. A communication from the Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a report of the approval to wear the insignia of brigadier general; to the Committee on Armed Services.

EC–9849. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury , transmitting, pursuant to law, the report of a rule entitled "Endorsement and Payment of Checks Drawn on the United States Treasury" (RIN1510–AA99) received on October 13, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9850. A communication from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Community Development, Department of Housing and Urban Development, received on October 14, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9851. A communication from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Associate General Counsel for Human Resources Law, Department of Housing and Urban Development, received on October 14, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9852. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency declared in Executive Order 12978 with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–9853. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency declared in Executive Order 13067 with respect to Sudan ; to the Committee on Banking, Housing, and Urban Affairs.

EC–9854. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, the report of a transaction involving U.S. exports to Malaysia; to the Committee on Banking, Housing, and Urban Affairs.

EC–9855. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations: 69 FR 51380" (44 CFR 65) received on October 14, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9856. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations: 69 FR 51375" (44 CFR 65) received on October 14, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9857. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations: 69 FR 51373" (44 CFR 65) received on October 14, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9858. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations: 69 FR 51388" (44 CFR 67) received on October 14, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9859. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations: 69 FR 51382" (44 CFR 67) received on October 14, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9860. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility; 69 FR 53835" (44 CFR 64) received on October 14, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9861. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, transmitting, pursuant to law, the Board's strategic plan for fiscal years 2003 through 2008, the Board's annual performance plan for fiscal year 2004, and the Board's annual performance budget for fiscal year 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–9862. A communication from the Chief Financial Officer and Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, the Department's Annual Progress Report to Congress; to the Committee on Commerce, Science, and Transportation.

EC–9863. A communication from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amended Service Obligation Reporting Requirements for State Maritime Academy Graduates" (RIN2133–AB61) received on October 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9864. A communication from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Electronic Options for Transmitting Certain Information Collection Responses to MARAD" (RIN2133–AB64) received on October 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9865. A communication from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amended Service Obligation Reporting Requirements for U.S. Merchant Marine Academy Graduates" (RIN2133–AB66) received on October 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9866. A communication from the Senior Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials; Compatibility with the Regulations of the International Atomic Energy Agency; Correction; Final Rule" (RIN2137–AD40) received on October 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9867. A communication from the Secretary of the Commission, East Central Region, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Tire Advertising and Labeling Guides" received on October 14, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9868. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the status of Exxon and Stripper Well oil overcharge funds; to the Committee on Energy and Natural Resources.

EC–9869. A communication from the Federal Register Liaison Officer, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Coal Production Fees" (RIN1029–AC46) received on October 13, 2004; to the Committee on Energy and Natural Resources.

EC–9870. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Mariana Fruit Bat and Guam Micronesian Kingfisher on Guam and the Mariana Crow on Guam and in the Commonwealth of the Northern Mariana Islands" (RIN1018–AI25) received on October 13, 2004; to the Committee on Environment and Public Works.

EC–9871. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Interim Rule for the Beluga Sturgeon (Huso buso)" (RIN1018–AU02) received on October 13, 2004; to the Committee on Environment and Public Works.

EC–9872. A communication from the Director of Congressional Affairs, Office of General Counsel, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Civil Penalties for Inflation and Accompany Revisions to NRC Enforcement Policy" (RIN3150–AH55) received on October 26, 2004; to the Committee on Environment and Public Works.

EC–9873. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report on the status of the Commission's licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–9874. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Hazard Mitigation Planning and Hazard Mitigation Grant Program" (RIN1660–AA17) received on October 14, 2004; to the Committee on Environment and Public Works.

EC–9875. A communication from the Acting Director, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Prototypes Used Solely for Product Development, Testing, Evaluation, or Quality Control Purposes" (RIN1505–AB32) received on November 4, 2004; to the Committee on Finance.

EC–9876. A communication from the Secretary of the Treasury, Department of the Treasury, transmitting, pursuant to law, a report relative to trade and investment opportunities in Libya; to the Committee on Finance.

EC–9877. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2005" (RIN0938–AM93) received on October 26, 2004; to the Committee on Finance.

EC–9878. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Treatment as Qualified Dividend Income for Purposes of Section 1(h)(11)" (Notice 2004–70) received on October 22, 2004; to the Committee on Finance.

EC–9879. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "2004 Base Period T-Bill Rate" (Rev. Rul. 2004–99) received on October 22, 2004; to the Committee on Finance.

EC–9880. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issues: Transfer of Sale of Compensatory Options or Restricted Stock to Related Persons" (UIL:9300.28–00) received on October 22, 2004; to the Committee on Finance.

EC–9881. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—November 2004" (Rev. Rul. 2004–102) received on October 22, 2004; to the Committee on Finance.

EC–9882. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Intermediary Transactions Tax Shelters" (UIL:9300.16–00) received on October 22, 2004; to the Committee on Finance.

EC–9883. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Notice 2002–21 Tax Shelter" (UIL9300.19.00) received on October 22, 2004; to the Committee on Finance.

EC–9884. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—August 2004" (Rev. Rul. 2004–101) received on October 22, 2004; to the Committee on Finance.

EC–9885. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Information Reporting and Other Guidance Distributions with Respect to Securities Issued by Foreign Corporations" (Notice 2004-71) received on October 22, 2004; to the Committee on Finance.

EC-9886. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Information Reporting Under Section 6050P for Discharges of Indebtedness" (RIN1545–AY35) received on October 22, 2004; to the Committee on Finance.

EC-9887. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Update of Revenue Ruling 96063 901(j) List" (Rev. Rul. 2004-103) received on October 22, 2004; to the Committee on Finance.

EC-9888. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "October–December 2004 Bond Factor Amounts" (Rev. Rule 2004-100) received on October 22, 2004; to the Committee on Finance.

EC-9889. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 1397E—Allocation of National Limitation for Qualified Zone Academy Bonds for Year 2004" (Rev. Proc. 2004-61) received on October 22, 2004; to the Committee on Finance.

EC-9890. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Classification of Certain Foreign Entities" (Notice 2004-68) received on October 22, 2004; to the Committee on Finance.

EC-9891. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report relative to the United States-Bahrain Free Trade Agreement; to the Committee on Finance.

EC-9892. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Representative Payment Under Titles II , VIII, and XVI of the Social Security Act" (RIN0960–AF83) received on October 26, 2004; to the Committee on Finance.

EC-9893. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates" (RIN1400–AB94) received on October 13, 2004; to the Committee on Foreign Relations.

EC-9894. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-9895. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-9896. A communication from the Director, Strategic Human Resources Policy, Office of, transmitting, pursuant to law, the report of a rule entitled "Cost-of-Living Allowances (Nonforeign Areas); Methodology Changes" (RIN3206-AK29) received on October 25, 2004; to the Committee on Governmental Affairs.

EC-9897. A communication from the Director, Trade and Development Agency, transmitting, pursuant to law, the Agency's report of the Office of Inspector General for Fiscal Year 2004; to the Committee on Governmental Affairs.

EC-9898. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Coordinated and Independent Expenditures by Party Committees" received on November 4, 2004; to the Committee on Rules and Administration.

EC-9899. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Coordinated and Independent Expenditures by Party Committees" received on November 4, 2004; to the Committee on Rules and Administration.

EC-9900. A communication from the Acting Under Secretary for Health, Veterans' Health Administration, Department of Veterans' Affairs, transmitting, pursuant to law, a report entitled "VA Research: Serving Our Nations' Veterans"; to the Committee on Veterans' Affairs.

EC-9901. A communication from the Office of Registration Policy and Management, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Presumptions of Service Connection for Diseases Associated with Service Involving Detention or Internment as a Prisoner of War" (RIN2900–AM09) received on October 26, 2004; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs, with an amendment:

S. 346. A bill to amend the Office of Federal Procurement Policy Act to establish a governmentwide policy requiring competition in certain executive agency procurements (Rept. No. 108-415).

By Mr. BENNETT, from the Joint Economic Committee:

Special Report entitled "The 2004 Joint Economic Report" (Rept. No. 108-416).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself, Mr. BIDEN, and Mr. DURBIN):

S. 2995. A bill to permanently extend the income tax deduction for college tuition expenses; to the Committee on Finance.

By Mr. SCHUMER:

S. 2996. A bill to provide for an additional place of holding court in the northern district of New York, and for other purposes; to the Committee on the Judiciary.

By Mr. INHOFE:

S. 2997. A bill to amend section 1928 of the Social Security Act to encourage the production of influenza vaccines by eliminating the price cap applicable to the purchase of such vaccines under contracts entered into by the Secretary of Health and Human Services, to amend the Internal Revenue Code of 1986 to establish a tax credit to encourage vaccine production capacity, and for other purposes; to the Committee on Finance.

By Mr. INHOFE:

S. 2998. A bill to promote the development of the emerging commercial human space flight industry, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH:

S. 2999. A bill for the relief of Heilit Martinez; to the Committee on the Judiciary.

By Mr. COLEMAN (for himself and Mr. FEINGOLD):

S. 3000. A bill to postpone the extension of normal trade relations to the products of Laos; to the Committee on Finance.

By Mr. TALENT:

S. 3001. A bill entitled the "Hybrid HOV Access Act"; to the Committee on Environment and Public Works.

By Mr. BOND (for himself and Mr. KENNEDY):

S. 3002. A bill to amend title 10, United States Code, to direct the Secretary of Defense to carry out a program to provide a support system for members of the Armed Forces who incur severe disabilities; to the Committee on Armed Services.

By Mr. REID (for himself and Mr. ENSIGN):

S. 3003. A bill to direct the Secretary of the Interior to convey to the City of Henderson, Nevada, certain Federal land located in the City, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 3004. A bill to amend chapter 99 of the Internal Revenue Code of 1986 to clarify that certain coal industry health benefits may not be modified or terminated; to the Committee on Finance.

By Ms. STABENOW (for herself, Mr. CRAIG, Mr. LEVIN, Mr. CRAPO, Mr. JEFFORDS, and Mr. ROCKEFELLER):

S. 3005. A bill to allow State Homeland Security Program grant funds to be used to pay costs associated with the attendance of part-time and volunteer first responders at terrorism response courses approved by the Office for State and Local Government Coordination and Preparedness; to the Committee on Governmental Affairs.

By Mr. GRAHAM of Florida:

S. 3006. A bill to amend the Haitian Refugee Immigration Fairness Act of 1998; to the Committee on the Judiciary.

By Mr. STEVENS (for himself and Mr. BAUCUS):

S. 3007. A bill to require the Secretary of the Treasury to mint coins in commemoration of the founding of America's National Parks, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INHOFE:

S. Res. 470. A resolution honoring the life of astronaut Leroy Gordon Cooper, Jr; considered and agreed to.

By Mr. DURBIN:

S. Res. 471. A resolution authorizing the printing of tributes and other related materials in honor of the late Senator Paul Simon; considered and agreed to.

By Mr. MCCAIN (for himself, Mr. LUGAR, Mr. LIEBERMAN, Mr. BIDEN, and Mr. HAGEL):

S. Res. 472. A resolution to honor the people of Georgia on the first anniversary of the Rose Revolution; considered and agreed to.

By Mr. MCCAIN (for himself, Mr. LUGAR, Mr. SMITH, Mr. LIEBERMAN, Mr. GRAHAM of South Carolina, Mr. HAGEL, and Mr. BIDEN):

S. Res. 473. A resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the Presidential run-off election on November 21, 2004; considered and agreed to.

By Mr. NELSON of Florida:

S. Con. Res. 147. A concurrent resolution expressing the sense of Congress that the Department of Defense should continue to exercise its statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees; to the Committee on Armed Services.

By Mr. BINGAMAN:

S. Con. Res. 148. A concurrent resolution honoring the life and contribution of Yogi Bhajan, a leader of the Sikhs, and expressing condolences to the Sikh community on his passing; to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. NELSON of Florida, Mr. LOTT, and Mr. BREAUX):

S. Con. Res. 149. A concurrent resolution commending the National Oceanic and Atmospheric Administration and its employees for its dedication and hard work during Hurricanes Charley, Frances, Ivan, and Jeanne; considered and agreed to.

ADDITIONAL COSPONSORS

S. 282

At the request of Ms. SNOWE, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 282, a bill to amend the Education Sciences Reform Act of 2002 to require the Statistics Commissioner to collect information from coeducational secondary schools on such schools' athletic programs.

S. 2163

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2163, a bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes.

S. 2395

At the request of Mr. CONRAD, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 2395, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 2433

At the request of Mr. BINGAMAN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2433, a bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes.

S. 2553

At the request of Mr. DODD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2553, a bill to amend title XVIII of the Social Security Act to provide for coverage of screening ultrasound for abdominal aortic aneurysms under part B of the medicare program.

S. 2568

At the request of Mr. BIDEN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Colorado (Mr. ALLARD), the Senator from Minnesota (Mr. COLEMAN), the Senator from Texas (Mr. CORNYN), the Senator from Minnesota (Mr. DAYTON), the Senator from Nebraska (Mr. HAGEL), the Senator from Washington (Mrs. MURRAY), the Senator from Nebraska (Mr. NELSON), the Senator from Florida (Mr. NELSON), the Senator from Oregon (Mr. SMITH) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

S. 2613

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2613, a bill to amend the Public Health Service Act to establish a scholarship and loan repayment program for public health preparedness workforce development to eliminate critical public health preparedness workforce shortages in Federal, State, and local public health agencies.

S. 2657

At the request of Ms. COLLINS, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2657, a bill to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes.

S. 2889

At the request of Mr. ALEXANDER, the names of the Senator from Utah (Mr. BENNETT), the Senator from Montana (Mr. BAUCUS), the Senator from Michigan (Ms. STABENOW), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from North Carolina (Mrs. DOLE), the Senator from Nebraska (Mr. NELSON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Louisiana (Mr. BREAUX), the Senator from Kansas (Mr. ROBERTS), the Senator from Kentucky (Mr. BUNNING), the Senator from Illinois (Mr. FITZGERALD), the Senator from Oregon (Mr. WYDEN), the Senator from North Dakota (Mr. CONRAD), the Senator from Illinois (Mr. DURBIN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 2889, a bill to require the Secretary of the Treasury to mint coins celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States, to America's lands, waterways, and skies and the great importance of the designation of the American bald eagle as an endangered species under the Endangered Species Act of 1973, and for other purposes.

S. 2978

At the request of Mr. REID, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2978, a bill relating to State regulation of access to hunting and fishing.

S. RES. 269

At the request of Mr. LEVIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Res. 269, a resolution urging the Government of Canada to end the commercial seal hunt that opened on November 15, 2003.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHUMER (for himself, Mr. BIDEN, and Mr. DURBIN):

S. 2995. A bill to permanently extend the income tax deduction for college tuition expenses; to the Committee on Finance.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2995

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT EXTENSION OF TUITION DEDUCTION.

(a) REPEAL OF TERMINATION CLAUSE.—Section 222 of the Internal Revenue Code of 1986 is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made in taxable years beginning after December 31, 2005.

(c) PROVISION MADE PERMANENT.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 431 of such Act.

By Mr. INHOFE:

S. 2997. A bill to amend section 1928 of the Social Security Act to encourage the production of influenza vaccines by eliminating the price cap applicable to the purchase of such vaccines under contracts entered into by the Secretary of Health and Human Services, to amend the Internal Revenue Code of 1986 to establish a tax credit to encourage vaccine production capacity, and for other purposes; to the Committee on Finance.

Mr. INHOFE. Mr. President, there was a lot of hysteria a short time ago about the flu vaccine and the fact it was not available to a lot of people. There are several problems. One, the flu vaccine production currently takes approximately 6 months. I am introducing a bill that will expedite that and will have the sense of the Senate to steer the NIH research dollars toward the development of faster technology. They are using egg cultures to grow this vaccine when it can be done through the cells of silk moths. It will take more research to get there and we will encourage them to do that.

Second, the bill removes price controls for the purchasing of the flu vaccine. This happened during the Clinton administration. We should have learned during the Nixon administration that price controls in reality do not work. The result of this has been that we do not have many companies now that are willing to get in there and take the risk and develop and manufacture these vaccines. As soon as they do, they find out there is no profit at the other end because of price controls.

Lastly, we allow investment tax credits.

I have long been dedicated to quality healthcare for my constituents in Oklahoma and across America. I supported the Medicare bill of 2003 to give a voluntary prescription drug benefit to seniors. I have championed the rural health care providers, who received some of the greatest benefits of the Medicare bill. In 1997, I was one of few Republicans to vote against the Balanced Budget Act because of its lack of support for rural hospitals. Back then, I made a commitment to not allow our rural hospitals to be closed, and I am pleased we finally addressed that important issue in the Medicare legislation. I also cosponsored S. 816, the Health Care Access and Rural Equity Act, to protect and preserve access of Medicare beneficiaries to health care in rural regions.

I am a strong advocate of medical liability reform and am an original cosponsor of S. 11, the Patients First Act, to protect patients' access to quality and affordable health care by reducing the effects of excessive liability costs. There are solutions to alleviate the burden placed on physicians and patients by excessive medical malpractice lawsuits, and I am committed to this vital reform.

I have also worked with officials from the Center for Medicare and Medicaid Services to expand access to lifesaving Implantable Cardiac Defibrillators. I supported legislation to increase the supply of pancreative islet cells for research and cosponsored a bill to take the abortion pill RU–486 off the market in the United States.

The federal government invests in improving hospitals and healthcare initiatives, and I have fought hard to ensure that Oklahoma gets its fair share. Specifically, over the past three years, I have helped to secure $5.2 million in funding for the Oklahoma Medical Research Foundation, the Oklahoma State Department of Health planning initiative for a rural telemedicine system, the INTEGRIS Healthcare System, the University of Oklahoma Health Sciences Center, the Oklahoma Center for the Advancement of Science and Technology, St. Anthony's Heart Hospital, the Hillcrest Healthcare System, and the Morton Health Center.

The unexpected influenza, flu, vaccine shortage beginning last month highlights the need to encourage the production of flu vaccine in America. As you know, on October 5th, Chiron, a California-based biotechnology company, notified U.S. health officials that its plant in Liverpool, England had been shut down due to vaccine contamination. Almost 50,000 doses of flu vaccine were thrown away, which created a severe shortage for Americans just as the flu season began.

In light of the current shortage, I have examined why America found itself unable to accommodate the public demand for the flu vaccine. As we have seen, once a vaccine shortage strikes, a rapid response is difficult and often impossible. Thirty years ago, more than a dozen American companies were in the flu vaccine business. Today only two companies make the vaccine for America, and only one in an America-based company. This is no coincidence. High liability costs, tedious production, price caps, and the complicated United States tax code have kept the market bare.

In October, President Bush signed the JOBS bill, which curbed the billion-dollar lawsuits that have crippled the flu vaccine industry. By adding flu vaccine to the list of vaccines protected by the National Vaccine Injury Compensation Program, VICP, a no-fault alternative must be used for resolving vaccine injury claims. I am encouraged with this progress, but more can be done to prevent a shortage in the future.

My bill supports allocating a greater percentage of the National Institutes of Health budget to develop faster and safer vaccine production technology. The ever-changing nature of the flu virus results in a complicated production process. The dominant strain of the flu virus mutates each year, requiring a different vaccine for every flu season. Because harvesting the flu vaccine currently takes at least six months and requires tens of thousands of fertilized eggs susceptible to contamination, this process must begin nearly a year before the flu season begins.

Research should be focused on developing new technologies to allow us to produce more vaccine—in the same season—when we encounter a shortage. A company in Connecticut is developing a flu vaccine relying on cell lines from silk moths. This type of innovative research promises to shave at least one month off of production time and significantly reduce cost.

My bill includes a sense of the Senate on the importance of allocating a greater percentage of the National Institutes of Health, NIH, research dollars to developing new technology in flu vaccine production. The encouragement of safer and faster flu vaccine production technology is a prudent use of existing Federal research dollars through the National Institutes of Health.

Furthermore, my bill removes the suffocating price controls that have discouraged companies from producing the flu vaccine. The Vaccines For Children program, VFC, enacted under the Clinton administration, imposed a price cap on all vaccines purchased through Federal contracts. From a shortsighted perspective, these regulated prices may expand access to vaccines. However, in the long run this policy devastates the vaccine production industry and decreases the availability of vaccines. This occurred in 1998 when manufacturers of tetanus diphtheria vaccine refused to bid on Government contracts. Consequently, this vaccine is no longer available to children through the VFC program.

Similarly, the CDC purchased nearly 12 percent of the flu vaccine this season, and significant quantities were purchased through the Department of Defense, the Veteran's Administration and Medicare. The price controls imposed from Federal government purchasing create a high-risk, low-reward business market. Price controls destroy any profit incentive. Manufacturers avoid this artificial environment and will continue to as long as the government over steps its bounds.

The harmful effect of government price controls is especially pronounced in the flu vaccine market because the vaccine has a single-season shelf life. The difficulty of predicting the demand for vaccines each year exposes companies great risk. A slight drop in demand can force them out of the market. Financial losses—from 7 million extra doses in 2002 and 4.5 million extra in 2003—compelled Wyeth Pharmaceutical Company to end its flu vaccine manufacturing.

In addition to lifting price controls, the government can loosen its grip on the flu vaccine market by reforming its complicated tax code. Fortunately, the JOBS bill made headway in simplifying the current United States international tax rules. To further offset the heavy penalties within the United States tax code, my bill gives a tax credit to companies, new and old, that construct facilities to manufacture flu vaccine.

Currently, ten American companies produce the 47 FDA-approved vaccines. An investment tax credit will encourage these existing companies to expand their production to cover the flu vaccine and will invite start-up companies to join the industry. This will better equip the United States market to prevent and deal with a shortage in the future.

Scientific experts consider vaccination to be the most effective medical intervention, and we live in an age of unprecedented vaccine development and implementation. We cannot continue to overregulate the flu vaccine industry and hope companies will hang on and produce vaccines regardless of profit. The current national flu vaccine shortage reveals the need to act.

My bill would steer NIH research dollars towards cutting-edge technology, remove suffocating price controls, and free American companies to enter the flu vaccine industry with an investment tax credit. I urge my colleagues to stand with me in supporting this vital legislation.

By Mr. INHOFE:

S. 2998. A bill to promote the development of the emerging commercial human space flight industry, and for other purposes; to the Committee on Commerce, Science, and Transportation.

COMMERCIAL SPACE LAUNCH ACT

Mr. INHOFE. Mr. President, I want to introduce two bills today. One of them is about a program nobody seems to know about. That is the space launch program. I don't know whether it is in the State of Texas or where they are doing this. But in Oklahoma, in Burns Flat, we have been very active in trying to get the Commercial Space Launch Program going. This is an opportunity for people to go into suborbital launch vehicles using a hybrid technology of a combination rocket injection engine. We are doing this. There have been several of them so far.

I have been a commercial pilot now for almost 50 years—47 years, I guess. I have a natural interest in this. I have had occasion to fly an airplane around the world. I have watched it from all levels.

I see the excitement in people's faces saying, I can fly in space.

We have this program which nobody knows about. It is a program that will allow people to get into things such as a Learjet that has a rocket on that will actually launch them, take them up and give them the experience of travel in space.

There have been some problems with this, however. There are some problems with people being able to do this with the company putting these programs together incurring responsibilities and liabilities.

It is very similar to the program we have been concerned with in the oil industry to try to expand it and keep people from being able to have frivolous lawsuits. That is what we are up against here.

We have introduced a bill that is designed to allow participation in this emerging space launching activity for a greater number of people.

The FAA will now have sole regulation authority for the suborbital hybrid vehicles. It will be appropriately considered. We are not taking any risk here. This is just to allow the private sector to enjoy this type of thing.

I will be introducing today S. 2998 with the idea of making this a reality and giving this privilege to a lot of people and allowing us to develop technology.

It is interesting. A lot of people go to an event every year in Oshkosh, WI. I have gone for 27 consecutive years. We go up there to see all of the new technology, what people are putting together in their experimental aircraft, airplanes they are making in their garages and basements. A lot of technology we are now using in the space program was actually started right there in someone's garage. That is essentially what we want to get at with the Commercial Space Launch Act we introduce today.

By Mr. TALENT:

S. 3001. A bill entitled the "Hybrid HOV Access Act"; to the Committee on Environment and Public Works.

Mr. TALENT. Mr. President, I am pleased to be introducing this bill, which will allow more owners of hybrid electric vehicles, or HEVs, to have access to HOV lanes on Federal highways. For all of us who have a desire to lessen our dependence on foreign oil and encourage the use of renewable energy, this bill represents a step forward towards achieving those goals.

The language that is currently in the highway bills passed by the House and the Senate allows hybrid vehicles that achieve a 45 mile-per-gallon fuel economy highway rating to use HOV lanes. Any hybrid that achieves that kind of fuel economy certainly deserves to get that status, because it is a very impressive fuel economy rating and represents a substantial improvement over non-hybrid vehicles. What the 45 mile-per-gallon standard fails to take into account, however, is that many larger hybrid vehicles achieve a much larger fuel economy improvement over their internal combustion engine counterparts, and thus save more energy, than smaller vehicles which manage to meet the standard but are a less drastic improvement over their non-hybrid counterparts.

To illustrate this, take the 2005 model Honda Civic HEV, which gets just over 45 miles-per-gallon. This represents less than a 40 percent improvement over the comparable internal combustion model. The 2005 Ford Escape HEV, on the other hand, is a truck, so it gets fewer miles per gallon than a Civic, between 35 and 40. However, this is a 75 percent improvement over its internal combustion engine counterpart, and in addition, the Escape HEV emits 3-4 tons fewer greenhouse gases every year than the non-hybrid.

There is no reason to discriminate against these larger, American-made hybrids like the Ford Escape. They are truly engineering marvels and are so clearly beneficial for the environment. The bill that I have sponsored will give states the discretion to open up their HOV lanes to hybrid vehicles that achieve a substantial increase in fuel economy relative to comparable gasoline vehicles, or achieve a substantial increase in lifetime fuel savings relative to comparable gasoline vehicles. It creates a minimum standard of improvement necessary for hybrids, but gives states the option of increasing the requirements. This bill also allows states to open HOV lanes to single occupancy advanced lean burn vehicles that achieve at least a 25 percent increase in fuel economy relative to comparable gasoline vehicles and that are certified to Clean Air Act Tier 2 standards.

I am hopeful that my colleagues on both sides of the aisle can agree that we should do all we can to encourage the use of renewable energy in our country, and hybrid vehicles are an important part of that. The people who drive these vehicles are doing their part to help clean up the air and increase energy conservation, and we should give more people an incentive to buy these vehicles by giving them access to HOV lanes. Thank you, Mr. President.

By Mr. REID (for himself and Mr. ENSIGN):

S. 3003. A bill to direct the Secretary of the Interior to convey to the City of Henderson, Nevada, certain Federal land located in the City, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today for myself and Senator ENSIGN to introduce the Southern Nevada Limited Transition Area Act, which enhances the ability of a rapidly growing community to diversify its economy, gainfully employ its residents, and achieve fiscal sustainability.

The bill I am introducing today would convey 547 acres of land from the Bureau of Land Management to the city of Henderson, NV, for development as an employment and business center.

BLM has designated this parcel for disposal because of its urban surroundings and its isolation from other public land, which renders it difficult for the agency to manage.

The parcel is located in a rapidly growing area of the city, but is impacted by aircraft noise and overflights from the nearby Henderson Executive Airport that make it unsuitable for residential use.

But rather than cringing from these impediments, the city of Henderson sees opportunity. The city's land-use planning department envisions a business center that provides diverse employment opportunities for the region, while helping to pay for public infrastructure in nearby residential areas.

This bill establishes the conditions to make that vision come true.

The bill would convey the land to the city by patent. The city would then subdivide and sell lots at fair market value. As in previous conveyances of Federal land designated in the Southern Nevada Public Lands Management Act for disposal, 85 percent of the proceeds from sales would return to the BLM's Special Account for acquiring environmentally sensitive land. Five percent of the proceeds would fund the State of Nevada's general education program. And the city of Henderson could use the remaining 10 percent to cover expenses associated with subdividing the property and providing infrastructure.

Henderson, NV, is a new and rapidly growing city. Its leaders are dedicated to making the city a national model of logical development, diversified employment, and fiscal sustainability. This bill establishes the conditions needed to realize that vision.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southern Nevada Limited Transition Area Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term "City" means the City of Henderson, Nevada.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) SPECIAL ACCOUNT.—The term "Special Account" means the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345).

(4) STATE.—The term "State" means the State of Nevada.

(5) TRANSITION AREA.—The term "Transition Area" means the approximately 547 acres of Federal land located in Henderson, Nevada, and identified as "Limited Transition Area" on the map entitled "Southern Nevada Limited Transition Area Act" and dated November 16, 2004.

SEC. 3. SOUTHERN NEVADA LIMITED TRANSITION AREA.

(a) CONVEYANCE.—Notwithstanding the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), on request of the City, the Secretary shall, without consideration and subject to all valid existing rights, convey to the City all right, title, and interest of the United States in and to the Transition Area.

(b) USE OF LAND FOR NONRESIDENTIAL DEVELOPMENT.—

(1) IN GENERAL.—After the conveyance to the City under subsection (a), the City may sell any portion or portions of the Transition Area for purposes of nonresidential development.

(2) METHOD OF SALE.—The sale of land under paragraph (1) shall be—

(A) through a competitive bidding process; and

(B) for not less than fair market value.

(3) COMPLIANCE WITH CHARTER.—Except as provided in paragraphs (2) and (4), the City may sell parcels within the Transition Area only in accordance with the procedures for conveyances established in the City Charter.

(4) DISPOSITION OF PROCEEDS.—Of the gross proceeds from the sale of land under paragraph (1), the City shall—

(A) deposit 85 percent in the Special Account;

(B) retain 10 percent as compensation for the costs incurred by the City—

(i) in carrying out land sales under paragraph (1); and

(ii) for the provision of public infrastructure to serve the Transition Area, including planning, engineering, surveying, and subdividing the Transition Area for nonresidential development; and

(C) pay 5 percent to the State for use in the general education program of the State.

(c) USE OF LAND FOR RECREATION OR OTHER PUBLIC PURPOSES.—The City may elect to retain parcels in the Transition Area for public recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.) by providing to the Secretary written notice of the election.

(d) NOISE COMPATIBILITY REQUIREMENTS.—The City shall—

(1) plan and manage the Transition Area in accordance with section 47504 of title 49, United States Code (relating to airport noise compatibility planning), and regulations promulgated in accordance with that section; and

(2) agree that if any land in the Transition Area is sold, leased, or otherwise conveyed by the City, the sale, lease, or conveyance shall contain a limitation to require uses compatible with that airport noise compatibility planning.

(e) REVERSION.—

(1) IN GENERAL.—If any parcel of land in the Transition Area is not conveyed for nonresidential development under this Act or reserved for recreation or other public purposes under subsection (c) within 20 years after the date of the enactment of this Act, the parcel of land shall, if determined to be appropriate by the Secretary, revert to the United States.

(2) INCONSISTENT USE.—If the City uses any parcel of land within the Transition Area in a manner that is inconsistent with the uses specified in this section—

(A) at the election of the Secretary, the parcel shall revert to the United States; or

(B) if the Secretary does not make an election under paragraph (1), the City shall sell the parcel of land in accordance with subsection (b)(2).

By Mr. ROCKEFELLER:

S. 3004. A bill to amend chapter 99 of the Internal Revenue Code of 1986 to clarify that certain coal industry health benefits may not be modified or terminated; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am introducing legislation to make very clear that Congress fully protected the health insurance benefits of miners and their families when we passed the Coal Act in 1992. Unfortunately, we have recently seen bankruptcy courts disregard the Coal Act and absolve companies of their obligations to provide health benefits for workers and retirees. This is unacceptable. And the bill I am introducing today reiterates that the bankruptcy code does not supercede the Coal Act.

This year another company has abandon promises it made to workers and retirees in West Virginia. Horizon Natural Resources sought and received a court ruling that releases it from its contracts with union miners and allows it to avoid honoring health care benefit obligations for over 2,300 retired miners. This is a morally bankrupt corporate strategy, and is inconsistent with the Coal Act passed by Congress in 1992.

The Coal Act was needed in 1992 to prevent some companies from walking away from their clear contractual obligations and agreements with their workers. One of the provisions of that bill was written especially with the intent of not allowing companies to simply reorganize as a way to get out of their obligations to their workers. Unfortunately, too many companies are increasingly using bankruptcy courts to achieve the same results.

It should not be necessary for me to introduce this bill today. Congress has already spoken on this subject. The law is clear: Coal Act retirees are entitled to full benefits provided under the statute. No judge should rewrite the law to take those benefits away. However, because judges are legislating from the bench, it will be helpful for Congress to reiterate our intention to protect the health benefits of coal miners and their families.

I recognize that the 108th Congress is coming to a close. But I am introducing this legislation today because this issue is extremely important to all of those who are being victimized by the bankruptcy courts. I hope that early next year my colleagues will join me in this effort to protect the miners, retired miners, and families who are simply seeking the benefits they were promised in exchange for years of hard work.

By Ms. STABENOW (for herself, Mr. CRAIG, Mr. LEVIN, Mr. CRAPO, Mr. JEFFORDS, and Mr. ROCKEFELLER):

S. 3005. A bill to allow State Homeland Security Program grant funds to be used to pay costs associated with the attendance of part-time and volunteer first responders at terrorism response courses approved by the Office for State and Local Government Coordination and Preparedness; to the Committee on Governmental Affairs.

Ms. STABENOW. Mr. President, I rise to introduce the Stabenow-Craig Rural and Part-time Firefighter Training Fairness Act. This bill would ensure that our part-time and rural firefighters are not being treated as second class citizens. I want to thank Senator CRAIG for his hard work on this very important issue, and Senators LEVIN, CRAPO, ROCKEFELLER, and JEFFORDS for their support of this bill.

Mr. President, many part-time and volunteer firefighters in rural and small communities across the country are not attending Office of Domestic Preparedness-approved terrorism response training courses because Federal guidelines do not allow them to be reimbursed for the time they are away from their full-time jobs. Our bill would simply direct the ODP to allow part-time and volunteer first responders, to receive a reasonable stipend when they participate in ODP-approved terrorism response courses.

The Federal Government should not penalize rural and small communities and their firefighters from receiving training necessary to respond to a terrorist attack. In several counties in northern lower Michigan, State Homeland Security Grant funds sit unused because their fire departments are composed entirely of volunteer or part-time firefighters. Last year, the State of Michigan set aside $9 million in Homeland Security grants to prepare firefighters, including ODP training courses, to respond to terrorist incidents. However, this grant money is being underutilized since 72 percent of the firefighters in Michigan are volunteer or part-time and are not attending terrorism response training sessions.

All firefighters need the capability to respond to all types of emergencies. When Americans call 9-1-1, the fire department doesn't send only their full-time firefighters, they send everyone regardless of their status. Most part-time firefighters in rural areas hold full-time jobs in addition to serving and protecting their communities. It is unreasonable to expect them to take leave from their regular jobs, and forgo their pay from their full-time jobs, to attend terrorism response training courses that include incident command, civil action management, and radiological response.

Mr. President, many of our small, rural communities face the same homeland security challenges as larger cities with more resources. For example, Michigan has a long international border with Canada, and many of these small and rural border communities rely on part-time and volunteer firefighters. These responders must be capable of protecting these borders against the same terrorist threats that urban areas face. When there is an accident in the future and, God forbid, if there is a terrorist attack, we're not going to send only full-time firefighters to save people's lives.

This bill was included as a bipartisan amendment to the Senate version of the fiscal year 2005 Department of Homeland Security Appropriations bill, but was removed by the House Republican leadership in conference. This issue is too important for Congress to ignore, and I am going to keep fighting until our volunteer and part-time firefighters are treated fairly and receive the terrorism response training they need.

Mr. President, I'm pleased to note that the change in Federal guidelines this bill requires will not cost the Government any funding. It will not affect the distribution of State Homeland Security grants. It will just enable communities that have been awarded these grants to use them to pay their firefighters a reasonable stipend when they leave their full-time jobs and attend these terrorism response course. This is a matter of fairness to ensure that those that we rely on to respond to emergencies have the training they need.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural and Part-time Firefighter Training Fairness Act".

SEC. 2. STATE AND LOCAL PROGRAMS.

Notwithstanding any other provision of law, funds appropriated to the Office of State and Local Government Coördination and Preparedness for grants to States and local governments may be used by such States and local governments to provide a reasonable stipend to part-time and volunteer first responders who are not otherwise compensated for travel to or participation in terrorism response courses approved by the Office for Domestic Preparedness, which stipend shall not be considered compensation for purposes of rendering such first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 470—HONORING THE LIFE OF ASTRONAUT LEROY GORDON COOPER, JR.

Mr. INHOFE submitted the following resolution; which was considered and agreed to:

S. RES. 470

Whereas Leroy Gordon Cooper, Jr., was born on March 6, 1927, in Shawnee, Oklahoma;

Whereas Gordon Cooper served as a colonel in the United States Air Force and was selected as one of the original Project Mercury astronauts in April of 1959;

Whereas the 7 original Project Mercury astronauts helped to inspire generations of scientists and engineers;

Whereas, when Gordon Cooper piloted the Faith 7 spacecraft on the final operational mission of Project Mercury from May 15 to May 16, 1963, he traveled a total of 546,167 statute miles and became the first astronaut from the United States to spend more than a day in space;

Whereas, when Gordon Cooper served as command pilot on the 8-day 120-orbit Gemini 5 mission that began on August 21, 1965, he and pilot Charles Conrad established a new space endurance record by traveling a distance of 3,312,993 miles in an elapsed time of 190 hours and 56 minutes;

Whereas Gordon Cooper was the first man to go into space for a second time;

Whereas Gordon Cooper served as backup command pilot for the Gemini 12 mission and as backup commander for the Apollo 10 flight;

Whereas Gordon Cooper logged 222 hours in space and retired from the Air Force and the National Aeronautics and Space Administration in 1970;

Whereas the special honors Gordon Cooper received during his lifetime included the Air Force Distinguished Flying Cross, the National Aeronautics and Space Administration Distinguished Service Medal, and the John F. Kennedy Trophy; and

Whereas Gordon Cooper passed away at his home in Ventura, California, on October 4, 2004, at the age of 77: Now, therefore, be it

Resolved, That the Senate honors the life of astronaut Leroy Gordon Cooper, Jr.

Mr. INHOFE. Mr. President, many people may not be aware of Oklahoma's significant history in aviation, or that I am the only commercially licensed pilot in the Senate and have a passion for flying.

Since 1910, beginning with Charles F. Willard who only flew a few hundred yards in a south Oklahoma City field, Oklahomans have been flying.

The following year, Clyde Cessna, an automobile dealer from Enid who later formed the Cessna Aircraft Company, flew his mono-wing airplane near Jet, OK.

Such early flights in Oklahoma continued and in 1929 perhaps one of the most notable aviation events occurred in Waynoka, Oklahoma, where Charles Lindbergh stopped on the first transcontinental passenger air and rail service.

By 1931, Wiley Post, from Maysville, OK, gained international recognition when he flew around the world in a little over eight days. In July 1991, I had the honor of recreating Post's trip on its 60th Anniversary.

However, Oklahoma's aviation history does not stop there. On November 2, 1929, 26 licensed women pilots founded what was known as the Ninety-Nine Club, or the Ninety-Nines. It was called so at the suggestion of its first president, Amelia Earheart, because of the 117 licensed women pilots in America who were contacted about joining the club, only 99 actually joined. The South Central Section of the Ninety-Nine Club comprising several states including Oklahoma, has through the years, issued several publications and in 1962, Mary Lester of the Oklahoma Chapter created a new version of the Club's publication, the Ninety-Nine News. Currently, the Ninety-Nine Club is an international organization of licensed women pilots from 35 countries, with its international headquarters at Will Rogers World Airport in Oklahoma City.

Today I rise to introduce a resolution to honor the life and work of another Oklahoman in this long line of aviation who served our country by fearlessly dedicating his life to space travel and exploration.

Leroy Gordon Cooper, Jr., frequently called "Gordo", who passed away at his home on October 4, was often known as the first astronaut from the United States to spend more than a day in space. He was born in Shawnee, OK on March 6, 1927 and joined the Marines during World War II. He then transferred to the Air Force in 1949 and graduated from the Air Force Institute of Technology with a degree in aeronautical engineering in 1956.

After graduating, Cooper became attracted to the space program as an elite test pilot for the Air Force at Edwards Air Force Base in California. During his career, he logged more than 7,000 hours of flying, including 4,000 hours flying jets. He also flew commercial and general aviation planes and helicopters.

Cooper seemed to be born in the right place at the right time—with the right abilities. In 1958, the National Aeronautical and Space Administration, NASA, announced its new endeavor, Project Mercury, with three goals in mind: to place a spacecraft carrying a person into orbital flight around the Earth, to investigate a person's performance capabilities and his/her ability to function in space, and to recover the person and spacecraft safely. NASA began searching for people, especially military test pilots, who were willing and capable of enduring such a dangerous mission. They focused on finding military test pilots because they seemed to experience similar conditions to those of space.

On April 1, 1959, it was announced that Cooper was chosen, along with Alan Shepard, Gus Grissom, John Glenn, Scott Carpenter, Walter Schirra, Jr., and Deke Slayton not only as one of the seven Project Mercury astronauts, but as one of America's first astronauts. These seven men made history with this project as they laid the groundwork for future space flights.

On May 15 and 16, 1963, Cooper piloted *Faith 7*, the flight that ended the operational phase of Project Mercury. During this mission, he orbited the Earth 22 times and logged more time in space than all previous five Mercury astronauts combined. He also became known as the first American astronaut to sleep in orbit, as well as on the launch pad.

Shortly thereafter, Cooper received the NASA Distinguished Service Medal from President John F. Kennedy at a White House ceremony.

In August 1965, Cooper commanded the 8 day *Gemini 5* mission with Charles Conrad. On this mission, Cooper set a new space endurance record, covering 120 revolutions and 3,312,993 miles in 190 hours, 56 minutes and 3 seconds and became the first man to make a second orbital flight.

Overall, during his two space flights, Cooper logged 225 hours, 15 minutes and 3 seconds. He also served as backup command pilot for *Gemini 12* and backup commander for *Apollo X*. He was the last American astronaut to orbit the Earth for an entire orbit by himself.

After receiving an honorary Doctorate of Science degree from Oklahoma City University in 1967, Cooper retired from the Air Force and NASA as a colonel in 1970. However, his involvement with space did not end after his retirement. He served as a consultant to several companies related to aerospace, electronics, and energy fields, and was vice president for research and development for Walt Disney Enterprises, Inc. Cooper also devoted part of his life to studying UFOs, and wrote Leap of Faith based on his experiences as a pilot and astronaut.

Even though we have lost this great American hero, his legacy and passion for exploring space live on through continued space ventures such as the Ansari X Prize. The famed $10 million X Prize was recently awarded to the team of *SpaceShipOne*, whose pilot, Brian Binnie, broke an August 22, 1963 altitude record by going 69.6 miles above Earth's surface, ironically, on October 4, the same day of Cooper's passing.

I am pleased that my good friend and colleague Congressman CASS BALLENGER has led the way in honoring the life and service of this great space pioneer. I know that Mr. BALLENGER shares my passion of aviation and space exploration and hope that we will continue to build on the progress and sacrifice made by men like Gordon Cooper.

SENATE RESOLUTION 471—AUTHORIZING THE PRINTING OF TRIBUTES AND OTHER RELATED MATERIALS IN HONOR OF THE LATE SENATOR PAUL SIMON

Mr. DURBIN submitted the following resolution; which was considered and agreed to:

S. RES. 471

Resolved, That there be printed as a Senate document a compilation of tributes and other related materials concerning the Honorable Paul Simon, late a Senator from the State of Illinois.

SENATE RESOLUTION 472—TO HONOR THE PEOPLE OF GEORGIA ON THE FIRST ANNIVERSARY OF THE ROSE REVOLUTION

Mr. McCAIN (for himself, Mr. LUGAR, Mr. LIEBERMAN, Mr. BIDEN, and Mr. HAGEL) submitted the following resolution; which was considered and agreed to:

S. RES. 472

Whereas, on November 23, 2004, the people of Georgia will celebrate the first anniversary of the Rose Revolution, the peaceful and bloodless protests that followed parliamentary elections deemed to be fraudulent;

Whereas following the resignation of President Eduard Shevardnadze, Interim President Nino Burdzhanadze worked diligently to restore order and to prepare Georgia for a new Presidential election;

Whereas after a free, fair, and democratic election was held, Mikheil Saakashvili was sworn into office on January 25, 2004, as President of Georgia;

Whereas President Saakashvili visited the United States Congress earlier this year and delivered a strong message of peace, stability, democracy, political reform, and economic opportunity;

Whereas Georgia is a small but strategically situated country located in the Caucasus, and is of additional interest to the United States because of the oil and gas pipelines now being constructed from Baku, Azerbaijan to the port of Ceyhan, Turkey;

Whereas Georgia has also become a key player in the global war on terrorism by combating members of al Qaeda and other Muslim terrorist organizations, denying them sanctuary in remote areas such as the Pankisi Gorge, and working with the United States to help train border guards;

Whereas Georgia has recently increased its commitment of troops in Iraq and its contributions to help build peace and democracy in Afghanistan and Kosovo;

Whereas the United States supports Georgia's efforts to peacefully reestablish government control, security, and political stability in regions such as Abkhazia and South Ossetia;

Whereas the United States congratulates the Government of Georgia on the peaceful resolution of the conflict in Adjara and welcomes the restoration of democracy and political stability in that region; and

Whereas the United States supports representative democracy, political stability, economic growth, and peace in Georgia and throughout the Caucasus region: Now, therefore, be it

Resolved, that the Senate—

(1) congratulates the people of Georgia on the first anniversary of the Rose Revolution,

the peaceful and bloodless protests that followed parliamentary elections deemed to be fraudulent, and for their commitment to democracy, peace, stability, and economic opportunity;

(2) commends President Mikheil Saakashvili for his vision of, and commitment to, a peaceful and democratic Georgia, the rule of law, an open market economy, regional cooperation, and closer integration into western institutions;

(3) supports the sovereignty, independence, territorial integrity, and democratic government of Georgia; and

(4) supports continued assistance to the people and Government of Georgia to help them consolidate the democratic process in their country.

SENATE RESOLUTION 473—URGING THE GOVERNMENT OF UKRAINE TO ENSURE A DEMOCRATIC, TRANSPARENT, AND FAIR ELECTION PROCESS FOR THE PRESIDENTIAL RUN-OFF ELECTION ON NOVEMBER 21, 2004

Mr. McCAIN (for himself, Mr. LUGAR, Mr. SMITH, Mr. LIEBERMAN, Mr. GRAHAM of South Carolina, Mr. HAGEL, and Mr. BIDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 473

Whereas the establishment of a democratic, transparent, and fair election process for the 2004 Presidential election in Ukraine and of a genuinely democratic political system are prerequisites for that country's full integration into the Western community of nations as an equal member, including into organizations such as the North Atlantic Treaty Organization (NATO);

Whereas the Government of Ukraine has accepted numerous specific commitments governing the conduct of elections as a participating state of the Organization for Security and Cooperation in Europe (OSCE), including provisions of the Copenhagen Document;

Whereas the election of Ukraine's next President will provide an unambiguous test of the extent of the Ukrainian authorities commitment to implement these standards and build a democratic society based on free elections and the rule of law;

Whereas the second round of the Presidential election takes place against the backdrop of past elections and improprieties in the first round of the election, which did not fully meet international standards;

Whereas it is the duty of government and public authorities of Ukraine at all levels to act in a manner consistent with all laws and regulations governing election procedures, and to ensure free and fair elections throughout the entire country, including preventing activities aimed at undermining the free exercise of political rights;

Whereas a genuinely free and fair election requires a period of political campaigning conducted in an environment in which administrative action, violence, intimidation, or detention do not hinder the parties, political associations, and the candidates from presenting their views and qualifications to the citizenry, including organizing supporters, conducting public meetings and events throughout the country, and enjoying unimpeded access to television, radio, print, and Internet media on a non-discriminatory basis;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote and the right to seek and acquire information upon which to make an informed vote, free from intimidation, undue influence, attempts at vote buying, threats of political retribution, or other forms of coercion by national or local authorities or others;

Whereas a genuinely free and fair election requires government and public authorities to ensure that candidates and political parties enjoy equal treatment before the law and that government resources are not employed to the advantage of individual candidates or political parties;

Whereas a genuinely free and fair election requires the full transparency of laws and regulations governing elections, multiparty representation on election commissions, and unobstructed access by candidates, political parties, and domestic and international observers to all election procedures, including voting and vote counting in all areas of the country;

Whereas increasing control and manipulation of the media by national and local officials and others acting at their behest raise grave concerns regarding the commitment of the Ukrainian authorities to free and fair elections;

Whereas efforts by the national authorities in Ukraine to limit access to international broadcasting, including Radio Liberty and the Voice of America, represent an unacceptable infringement on the right of the Ukrainian people to independent information;

Whereas efforts by national and local officials of Ukraine and others acting at their behest to impose obstacles to free assembly, free speech, and a free and fair political campaign have taken place in Donetsk, Sumy, and elsewhere in Ukraine without condemnation or remedial action by the Government of Ukraine;

Whereas numerous substantial irregularities have taken place in recent Ukrainian parliamentary by-elections in the Donetsk region and in mayoral elections in Mukacheve, Romny, and Krasniy Luch;

Whereas intimidation, violence, and fraud during the April 18, 2004, mayoral election in Mukacheve, Ukraine, represent a deliberate attack on the democratic process;

Whereas in the period leading to the first round of the Presidential election, the government power structures used state resources such as schools, state factories, hospitals, and public transport systems to force students, state workers, and citizens who rely on state services for their livelihood to campaign against their will for the government-backed candidate;

Whereas there was notable partisan engagement of security services, military, and local police in support of the government-backed candidate;

Whereas there was a failure of national and local state-owned and private electronic media to provide impartial and fair coverage of, or access to, opposition candidates;

Whereas some election commission members affiliated with opposition candidates were dismissed from their duties just prior to election day;

Whereas there was collaboration with a foreign government to allow a foreign President to appear in Ukraine and express his opinions on one of the candidates just days before election day, in an effort to influence the vote, and a military parade, which was held in Kyiv 3 days prior to the election, was clearly an effort to intimidate voters; and

Whereas in the first round of the Presidential election in Ukraine that occurred on October 31, 2004, international observers noted fraud and other significant problems, including poorly maintained voter lists, which resulted in people being denied their right to vote, as well as many additional names on voter rolls for which no accounting could be made, prevalent interference by unauthorized persons into the electoral process, and credible reports of busing of voters among oblasts and polling stations for the purpose of multiple voting: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges and welcomes the strong relationship formed between the United States and Ukraine since the restoration of Ukraine's independence in 1991;

(2) recognizes that a precondition for the full integration of Ukraine into the Western community of nations, including as an equal member in institutions such as the North Atlantic Treaty Organization (NATO), is its establishment of a genuinely democratic political system;

(3) expresses its strong and continuing support for the efforts of the Ukrainian people to establish a full democracy, the rule of law, and respect for human rights in Ukraine;

(4) urges the Government of Ukraine to guarantee freedom of association and assembly, including the right of candidates, members of political parties, and others to freely assemble, to organize and conduct public events, and to exercise these and other rights free from intimidation or harassment by local or national officials or others acting at their behest;

(5) urges the Government of Ukraine to meet its Organization for Security and Cooperation in Europe (OSCE) commitments on democratic elections and to address issues previously identified by the Office of Democratic Institutions and Human Rights (ODIHR) of the OSCE in its final reports on the 2002 parliamentary elections and the 1999 Presidential elections, such as illegal interference by public authorities in the campaign and a high degree of bias in the media;

(6) urges the Ukrainian authorities to ensure—

(A) the full transparency of election procedures before, during, and after the second round of the 2004 Presidential election;

(B) free access for Ukrainian and international election observers;

(C) multiparty representation on all election commissions;

(D) unimpeded access by all parties and candidates to print, radio, television, and Internet media on a non-discriminatory basis;

(E) freedom of candidates, members of opposition parties, and independent media organizations from intimidation or harassment by government officials at all levels, including selective tax audits and other regulatory procedures, and in the case of media, license revocations, and libel suits;

(F) a transparent process for complaint and appeals through electoral commissions and within the court system that provides timely and effective remedies;

(G) vigorous prosecution of any individual or organization responsible for violations of election laws or regulations, including the application of appropriate administrative or criminal penalties;

(H) remedies to all improprieties reported in the first round of the Presidential election in Ukraine, including—

(i) the replacement at a polling station of any Territorial Election Commission member found to have engaged in fraud;

(ii) a complete review of voter lists in each polling station in order to correct inaccuracies;

(iii) equal time on state media and equal access to private media for the two runoff candidates; and

(iv) immediate prosecution of individuals who have violated the election law;

(7) further calls upon the Government of Ukraine to guarantee election monitors from the ODIHR, other participating states of the OSCE, Ukrainian political parties, representatives of candidates, nongovernmental organizations, and other private institutions and organizations, both foreign and domestic, unobstructed access to all aspects of the election process, including unimpeded access to public campaign events, candidates, news media, voting, and post-election tabulation of results and processing of election challenges and complaints;

(8) urges the President to fully employ the diplomatic and other resources of the Government of the United States to encourage the Government of Ukraine to ensure that the election laws and procedures of Ukraine are faithfully adhered to by all local and national officials, by others acting at their behest, and by all candidates and parties, during and subsequent to the Presidential campaign and election-day voting;

(9) strongly encourages the President to clearly communicate to the Government of Ukraine, to all parties and candidates in Ukraine, and to the people of Ukraine the high importance attached by the Government of the United States to this Presidential campaign as a central factor in determining the future relationship between the two countries;

(10) strongly encourages the President to consider visa bans and other targeted sanctions on those responsible for encouraging or participating in any efforts to improperly influence the outcome of the election, whether through direct or indirect involvement; and

(11) pledges its enduring support and assistance to the people of Ukraine for the establishment of a fully free and open democratic system, the creation of a prosperous free market economy, the establishment of a secure independence and freedom from coercion, and Ukraine's assumption of its rightful place as a full and equal member of the Western community of democracies.

SENATE CONCURRENT RESOLUTION 147—EXPRESSING THE SENSE OF CONGRESS THAT THE DEPARTMENT OF DEFENSE SHOULD CONTINUE TO EXERCISE ITS STATUTORY AUTHORITY TO SUPPORT THE ACTIVITIES OF THE BOY SCOUTS OF AMERICA, IN PARTICULAR THE PERIODIC NATIONAL AND WORLD BOY SCOUT JAMBOREES

Mr. NELSON of Florida submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 147

Whereas the Boy Scouts of America was incorporated on February 8, 1910, and received a Federal charter on June 15, 1916, which is codified as chapter 309 of title 36, United States Code;

Whereas section 30902 of title 36, United States Code, states that it is the purpose of the Boy Scouts of America to promote, through organization, and cooperation with other agencies, the ability of boys to do things for themselves and others, to train them in scoutcraft, and to teach them patriotism, courage, self-reliance, and kindred virtues;

Whereas, since the inception of the Boy Scouts of America, millions of Americans of every race, creed, and religion have participated in the Boy Scouts, and the Boy Scouts currently uses more than 1,200,000 adult volunteers to serve more than 4,700,000 young people;

Whereas the Department of Defense and members of the Armed Forces have a long history of supporting the activities of the Boy Scouts of America and individual Boy Scout troops in the United States, and section 2606 of title 10, United States Code, authorizes the Department of Defense to cooperate with and assist the Boy Scouts of America in establishing and providing facilities and services for members of the Armed Forces and their dependents, and civilian employees of the Department of Defense and their dependents, at locations outside the United States;

Whereas sections 4682, 7541, and 9682 of title 10, United States Code, authorize the Department of Defense to sell, and in certain cases donate, obsolete or excess material to the Boy Scouts of America to support its activities; and

Whereas, under section 2554 of title 10, United States Code, the Department of Defense is authorized to make military installations available to, and to provide equipment, transportation, and other services to, the Boy Scouts of America to support national and world gatherings of Boy Scouts at events known as Boy Scout Jamborees: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Department of Defense should continue to exercise its long-standing statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees.

SENATE CONCURRENT RESOLUTION 148—HONORING THE LIFE AND CONTRIBUTION OF YOGI BHAJAN, A LEADER OF THE SIKHS, AND EXPRESSING CONDOLENCES TO THE SIKH COMMUNITY ON HIS PASSING

Mr. BINGAMAN submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 148

Whereas the Sikh faith was founded in the northern section of the Republic of India in the 15th century by Guru Nanak, who preached tolerance and equality for all humans;

Whereas the Sikh faith began with a simple message of truthful living and the fundamental unity of humanity, all created by one creator who manifests existence through every religion;

Whereas the Sikh faith reaches out to people of all faiths and cultural backgrounds, encourages individuals to see beyond their differences, and to work together for world peace and harmony;

Whereas Siri Singh Sahib Bhai Sahib Harbhajan Singh Khalsa Yogiji, known as Yogi Bhajan to hundreds of thousands of people worldwide, was born Harbhajan Singh Puri on August 26, 1929, in India;

Whereas at age 8, Yogi Bhajan began yogic training, and 8 years later was proclaimed by his teacher to be a master of Kundalini Yoga, which stimulates individual growth through breath, yoga postures, sound, chanting, and meditation;

Whereas during the turmoil over the partition between Pakistan and India in 1947, at the age of 18, Yogi Bhajan led his village of 7,000 people 325 miles on foot to safety in New Delhi, India, from what is now Lahore, Pakistan;

Whereas Yogi Bhajan, before emigrating to North America in 1968, served the Government of India faithfully through both civil and military service;

Whereas when Yogi Bhajan visited the United States in 1968, he recognized immediately that the experience of higher consciousness that many young people were attempting to find through drugs could be alternatively achieved through Kundalini Yoga, and in response, he began teaching Kundalini Yoga publicly, thereby breaking the centuries-old tradition of secrecy surrounding it;

Whereas in 1969, Yogi Bhajan founded "Healthy, Happy, Holy Organization (3HO)", a nonprofit private educational and scientific foundation dedicated to serving humanity, improving physical well-being, deepening spiritual awareness, and offering guidance on nutrition and health, interpersonal relations, child rearing, and human behavior;

Whereas under the direction and guidance of Yogi Bhajan, 3HO expanded to 300 centers in 35 countries;

Whereas in 1971, the president of the governing body of Sikh Temples in India gave Yogi Bhajan the title of Siri Singh Sahib, which made him the chief religious and administrative authority for Sikhism in the Western Hemisphere, and subsequently the Sikh seat of religious authority gave him responsibility to create a Sikh ministry in the West;

Whereas in 1971, Sikh Dharma was legally incorporated in the State of California and recognized as a tax-exempt religious organization by the United States, and in 1972, Yogi Bhajan founded the ashram Sikh Dharma in Española, New Mexico;

Whereas in 1973, Yogi Bhajan founded "3HO SuperHealth", a successful drug rehabilitation program that blends ancient yogic wisdom of the East with modern technology of the West;

Whereas in June 1985, Yogi Bhajan established the first "International Peace Prayer Day Celebrations" in New Mexico, which still draws thousands of participants annually;

Whereas Yogi Bhajan traveled the world calling for world peace and religious unity at meetings with leaders such as Pope Paul VI; Pope John Paul II; His Holiness the Dalai Lama; the President of the former Union of Soviet Socialist Republics, Mikhail Gorbachev; and two Archbishops of Canterbury;

Whereas Yogi Bhajan wrote 30 books and inspired the publication of 200 other books through his teachings, founded a drug rehabilitation program, and inspired the founding of several businesses;

Whereas Sikhs and students across the world testify that Yogi Bhajan exhibited dignity, divinity, grace, commitment, courage, kindness, compassion, tolerance, wisdom, and understanding;

Whereas Yogi Bhajan taught that in times of joy and sorrow members of the community should come together and be at one with each other; and

Whereas before his passing on October 6, 2004, Yogi Bhajan requested that his passing be a time of celebration of his going home: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes that the teachings of Yogi Bhajan about Sikhism and yoga, and the businesses formed under his inspiration, improved the personal, political, spiritual, and professional relations between citizens of the United States and the citizens of India;

(2) recognizes the legendary compassion, wisdom, kindness, and courage of Yogi Bhajan, and his wealth of accomplishments on behalf of the Sikh community; and

(3) extends its condolences to Inderjit Kaur, the wife of Yogi Bhajan, his 3 children and 5 grandchildren, and to Sikh and "Healthy, Happy, Holy Organization (3HO)" communities around the Nation and the world upon the death on October 6, 2004, of Yogi Bhajan, an individual who was a wise teacher and mentor, an outstanding pioneer, a champion of peace, and a compassionate human being.

Mr. BINGAMAN. Mr. President, I rise today with my colleagues, Senators DOMENICI and CORNYN, to introduce a resolution honoring the life of Yogi Bhajan. Yogi Bhajan, the chief religious and administrative authority for Sikhism in the West, died in Española, NM, on October 6, 2004, at the age of 75. Born Harbhajan Singh Puri on August 26, 1929, in Northern India, now Pakistan, he began yogic training at age 8 and was proclaimed a master of Kundalini Yoga by age 16. After the partition of India and Pakistan in 1947, his family migrated to New Delhi, India, where he continued his education. after graduating from Punjab University in economics, he worked for India's Internal Revenue Service and later became head of customs at the New Delhi Airport.

Yogi Bhajan introduced thousands around the world to Sikhism, a religion that carries the message of truthful living and the fundamental unity of humanity, and reaches out to people of all backgrounds to work together for world peace. When he came to North America in 1968, he recognized that the experience sought by many young people through drugs could be alternatively achieved through Kundalini Yoga, which stimulates individual growth through breath, chanting, and meditation among other components. Breaking the centuries old tradition of secrecy surrounding Kundalini Yoga, he began teaching it publicly. Soon after, he founded the Healthy, Happy, Holy Organization (3HO), a nonprofit private educational and scientific foundation with 300 centers in 35 countries, dedicated to improving physical well-being, deepening spiritual awareness, and offering guidance on matters of health and heart. He later founded 3HO SuperHealth, a successful drug rehabilitation program, blending ancient yogic wisdom of the East with the modern technology of the West. SuperHealth was accredited by the Joint Commission on Accreditation of Healthcare Organization and received its highest commendation. In 1973 it distinguished itself as being in the top 10 percent of all treatment programs throughout the United States. In 1989 Yogi Bhajan met with then President Mikhail Gorbachev and established addiction treatment programs in Russia based on the 3HO SuperHealth model. Currently a pilot project of SuperHealth is being formed by the Punjab State Government in India. He taught Yoga in Toronto and Los Angeles and finally founded a Sikh Dharma community in Española, NM. In 1971, the president of the governing body of Sikh Temples in India gave Yogi Bhajan the title of chief religious and administrative authority for Sikhism in the Western Hemisphere. About 250.000 Sikhs now reside across the United States, including a community of about 500 families in Northern New Mexico.

Yogi Bhajan wrote 30 books and inspired 200 more through his teaching, and inspired the founding of several businesses, including Akal Security Inc. He had an inclusive view of the world's major religions and considered all of them valid. Throughout his lifetime, he traveled the world and met with world leaders such as Pope John Paul II and the Dalai Lama to discuss world peace and religious unity. In June 1985. Yogi Bhajan established the first International Peace Prayer Day Celebration in New Mexico that stills draws thousands of participants annually.

After the events of 9/11/01, Yogi Bhajan reached out to Sikhs across America, encouraging and helping them to educate their fellow citizens about Sikhs, and to work with law enforcement and community leaders to help them protect Sikh populations. His efforts have helped contribute to the opening of some major law enforcement agencies to Sikh employees, including the Los Angeles County Sheriff's Department. Yogi Bhajan established links to human rights advocates nationwide, working to make sure that the issue of Sikh identity is understood and respected. When Balbir Singh Sodhi was murdered in Phoenix 5 days after 9/11 because of his beard and turban, Yogi Bhajan worked with community and government leaders in Arizona to help raise awareness about the Sikh community there.

Yogi Bhajan is survived by his wife, Inderjit Kaur; two sons, Ranbir Singh and Kulbir Singh; a daughter, Kamaljit Kaur; and five grandchildren. He will be missed by his family, followers and his friends, and his contribution to the cause of world peace will be remembered and celebrated for generations to come.

SENATE CONCURRENT RESOLUTION 149—COMMENDING THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND ITS EMPLOYEES FOR ITS DEDICATION AND HARD WORK DURING HURRICANES CHARLEY, FRANCES, IVAN, AND JEANNE

Mr. HOLLINGS (for himself, Mr. NELSON of Florida, Mr. LOTT, and Mr. BREAUX) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 149

Whereas the National Oceanic and Atmospheric Administration's National Weather Service consistently provides critical forecasts and warnings about severe weather to the Nation's citizens;

Whereas 4 hurricanes, Charley, Frances, Ivan, and Jeanne, recently hit the State of Florida, an event which has not occurred since 4 hurricanes struck Texas in 1886;

Whereas Hurricane Jeanne was the fourth hurricane in 6 weeks to hit the United States mainland;

Whereas the employees of the National Oceanic and Atmospheric Administration Tropical Prediction Center/National Hurricane Center and the employees of key Southern Region Weather Forecast Offices worked tirelessly and under great pressure to provide the most up to date information to the public, the media, and emergency management officials during Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas the employees of the National Hurricane Center conducted approximately 1,128 live television and radio interviews as well as 1,480 telephone briefings to the media and others during Hurricane Frances;

Whereas the forecasts and information from the National Hurricane Center provided notice for the evacuation of millions of residents in the line of Hurricanes Charley, Frances, Ivan, and Jeanne and warnings to the residents of Florida, Mississippi, Alabama, and Louisiana;

Whereas the Office of Oceanic and Atmospheric Research's Hurricane Research Division at the Atlantic Oceanographic and Meteorological Laboratory in Miami, Florida conducts the research needed to improve hurricane forecasts and went on flights in and around hurricanes to gather and improve data that goes into the National Hurricane Center's forecasts, watches, and warnings to protect lives and property;

Whereas the Office of Oceanic and Atmospheric Research's Geophysical Fluid Dynamics Laboratory in Princeton, New Jersey developed, carefully monitors, and continues to improve the National Weather Service's operational hurricane model used to determine where the storms are likely to go;

Whereas the National Oceanic and Atmospheric Administration's Marine and Aviation Operation's Hurricane Hunters logged over 300 hours of operational hours of flight time through and above the storms to assist the National Hurricane Center in tracking Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas the 53rd Weather Reconnaissance Squadron of the 403rd Wing of the Air Force Reserve Command at Keesler Air Force Base, Biloxi, Mississippi, logged 739 hours of flight time through and around the storms to assist the National Hurricane Center in tracking Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas the Hurricane Liaison Team, a joint National Oceanic and Atmospheric Administration and Federal Emergency Management Agency partnership, provided support to the 25 different media outlets operating out of the National Hurricane Center;

Whereas the National Oceanic and Atmospheric Administration's Hydrometeoro- logical Prediction Center provided rainfall forecasts and hurricane track guidance to the National Hurricane Center;

Whereas the National Weather Service's National Data Buoy Center, in partnership with the United States Coast Guard, worked expediently after Hurricane Charley to fix data buoys that proved critical for forecasts of Hurricane Frances, Ivan, and Jeanne;

Whereas the National Oceanic and Atmospheric Administration's National Ocean Service provided storm surge predictions and hydrographic information support to Federal partners before, during, and after Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas the National Oceanic and Atmospheric Administration's National Environmental Satellite Data and Information Service provided images of Hurricane Frances every 5 minutes over a 4-day period, an unprecedented number of images for hurricane tracking;

Whereas the Southern, Eastern, and Central Region Weather Forecast Offices of San Juan, Miami, Tampa Bay, Key West, Melbourne, Jacksonville, Tallahassee, Atlanta, Birmingham, Huntsville, Mobile, Morristown, Charleston, Morehead City, Wilmington, Wakefield, and Taunton provided up-to-the-minute local details for residents throughout Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas employees from other offices within the Southern Region provided additional support to key Weather Forecast Offices directly impacted by Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas more than 7,000 watches, warnings, advisories, and other statements were issued by key local Weather Forecast Offices during Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas the Southeast River Forecast Center provided critical river flooding forecast information to Federal, State, and private partners during Hurricanes Charley, Frances, Ivan, and Jeanne and accurately predicted the amount of excessive rainfall over the Southeastern United States several days in advance; and

Whereas the hurricane season continues through November, and all these employees continue tracking new tropical depressions approaching the United States coast: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) commends the employees of the National Weather Service, especially the National Oceanic and Atmospheric Administration Tropical Prediction Center/National Hurricane Center, Hydrometeorological Prediction Center, and National Data Buoy Center; the National Oceanic and Atmospheric Administration Aircraft Operations Center at MacDill Air Force Base, Tampa, Florida; the 53rd Weather Reconnaissance Squadron of the 403rd Wing of the Air Force Reserve Command at Keesler Air Force Base, Biloxi, Mississippi; the Hurricane Liaison Team; the National Ocean Service; and the National Environmental Satellite Data and Information Service, for their extraordinary dedication and hard work during Hurricanes Charley, Frances, Ivan, and Jeanne;

(2) commends the Southern, Eastern, and Central Region Weather Forecast Offices of San Juan, Miami, Tampa Bay, Key West, Melbourne, Jacksonville, Tallahassee, Atlanta, Birmingham, Huntsville, Mobile, Morristown, Charleston, Morehead City, Wilmington, Wakefield, Taunton, Lake Charles, New Orleans, Jackson, Nashville, and Houston for their extraordinary dedication and hard work during Hurricanes Charley, Frances, Ivan, and Jeanne;

(3) commends the employees of the Office of Oceanic and Atmospheric Research, especially the Hurricane Research Division;

(4) thanks the commercial and media meteorologists for their contributions in disseminating the National Oceanic and Atmospheric Administration forecasts and warnings to the public; and

(5) expresses its support for the ongoing hard work and dedication of all who provide accurate and timely hurricane forecasts.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, November 18, 2004, at 9:30 a.m. on various nominations (names to be released later in week) at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet on Thursday, November 18, 2004, at 10 a.m., to hear testimony on "FDA, Merck and Vioxx: Putting Patient Safety First?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, November 18, 2004, at 10 a.m. in room 485 of the Russell Senate Office Building to conduct a business meeting on pending Committee matters, to be followed immediately by an oversight hearing on the Water Problems on the Standing Rock Sioux Reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management support of the committee on Armed Services be authorized to meet during the session of the Senate on November 18, 2004, at 3:30 p.m. in open session to receive testimony on the status of financial management reform within the Department of Defense and the individual services.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space be authorized to meet on Thursday, November 18, 2004, at 2 p.m. on the Science Behind Pornography Addiction.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND ITS EMPLOYEES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 149, introduced earlier today by Senator HOLLINGS.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 149) commending the National Oceanic and Atmospheric Administration and its employees for its dedication and hard work during Hurricanes Charley, Frances, Ivan, and Jeanne.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 149) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 149

Whereas the National Oceanic and Atmospheric Administration's National Weather Service consistently provides critical forecasts and warnings about severe weather to the Nation's citizens;

Whereas 4 hurricanes, Charley, Frances, Ivan, and Jeanne, recently hit the State of Florida, an event which has not occurred since 4 hurricanes struck Texas in 1886;

Whereas Hurricane Jeanne was the fourth hurricane in 6 weeks to hit the United States mainland;

Whereas the employees of the National Oceanic and Atmospheric Administration Tropical Prediction Center/National Hurricane Center and the employees of key Southern Region Weather Forecast Offices worked tirelessly and under great pressure to provide the most up to date information to the public, the media, and emergency management officials during Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas the employees of the National Hurricane Center conducted approximately 1,128 live television and radio interviews as well as 1,480 telephone briefings to the media and others during Hurricane Frances;

Whereas the forecasts and information from the National Hurricane Center provided notice for the evacuation of millions of residents in the line of Hurricanes Charley, Frances, Ivan, and Jeanne and warnings to the residents of Florida, Mississippi, Alabama, and Louisiana;

Whereas the Office of Oceanic and Atmospheric Research's Hurricane Research Division at the Atlantic Oceanographic and Meteorological Laboratory in Miami, Florida conducts the research needed to improve hurricane forecasts and went on flights in and around hurricanes to gather and improve data that goes into the National Hurricane Center's forecasts, watches, and warnings to protect lives and property;

Whereas the Office of Oceanic and Atmospheric Research's Geophysical Fluid Dynamics Laboratory in Princeton, New Jersey developed, carefully monitors, and continues to improve the National Weather Service's operational hurricane model used to determine where the storms are likely to go;

Whereas the National Oceanic and Atmospheric Administration's Marine and Aviation Operation's Hurricane Hunters logged over 300 hours of operational hours of flight time through and above the storms to assist the National Hurricane Center in tracking Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas the 53rd Weather Reconnaissance Squadron of the 403rd Wing of the Air Force Reserve Command at Keesler Air Force Base, Biloxi, Mississippi, logged 739 hours of flight time through and around the storms to assist the National Hurricane Center in tracking Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas the Hurricane Liaison Team, a joint National Oceanic and Atmospheric Administration and Federal Emergency Management Agency partnership, provided support to the 25 different media outlets operating out of the National Hurricane Center;

Whereas the National Oceanic and Atmospheric Administration's Hydrometeorological Prediction Center provided rainfall forecasts and hurricane track guidance to the National Hurricane Center;

Whereas the National Weather Service's National Data Buoy Center, in partnership with the United States Coast Guard, worked expediently after Hurricane Charley to fix data buoys that proved critical for forecasts of Hurricane Frances, Ivan, and Jeanne;

Whereas the National Oceanic and Atmospheric Administration's National Ocean Service provided storm surge predictions and hydrographic information support to Federal partners before, during, and after Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas the National Oceanic and Atmospheric Administration's National Environmental Satellite Data and Information Service provided images of Hurricane Frances every 5 minutes over a 4-day period, an unprecedented number of images for hurricane tracking;

Whereas the Southern, Eastern, and Central Region Weather Forecast Offices of San Juan, Miami, Tampa Bay, Key West, Melbourne, Jacksonville, Tallahassee, Atlanta, Birmingham, Huntsville, Mobile, Morristown, Charleston, Morehead City, Wilmington, Wakefield, and Taunton provided up-to-the-minute local details for residents throughout Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas employees from other offices within the Southern Region provided additional support to key Weather Forecast Offices directly impacted by Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas more than 7,000 watches, warnings, advisories, and other statements were issued by key local Weather Forecast Offices during Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas the Southeast River Forecast Center provided critical river flooding forecast information to Federal, State, and private partners during Hurricanes Charley, Frances, Ivan, and Jeanne and accurately predicted the amount of excessive rainfall over the Southeastern United States several days in advance; and

Whereas the hurricane season continues through November, and all these employees continue tracking new tropical depressions approaching the United States coast: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) commends the employees of the National Weather Service, especially the National Oceanic and Atmospheric Administration Tropical Prediction Center/National Hurricane Center, Hydrometeorological Prediction Center, and National Data Buoy Center; the National Oceanic and Atmospheric Administration Aircraft Operations Center at MacDill Air Force Base, Tampa, Florida; the 53rd Weather Reconnaissance Squadron of the 403rd Wing of the Air Force Reserve Command at Keesler Air Force Base, Biloxi, Mississippi; the Hurricane Liaison Team; the National Ocean Service; and the National Environmental Satellite Data and Information Service, for their extraordinary dedication and hard work during Hurricanes Charley, Frances, Ivan, and Jeanne;

(2) commends the Southern, Eastern, and Central Region Weather Forecast Offices of San Juan, Miami, Tampa Bay, Key West, Melbourne, Jacksonville, Tallahassee, Atlanta, Birmingham, Huntsville, Mobile, Morristown, Charleston, Morehead City, Wilmington, Wakefield, Taunton, Lake Charles, New Orleans, Jackson, Nashville, and Houston for their extraordinary dedication and hard work during Hurricanes Charley, Frances, Ivan, and Jeanne;

(3) commends the employees of the Office of Oceanic and Atmospheric Research, especially the Hurricane Research Division;

(4) thanks the commercial and media meteorologists for their contributions in disseminating the National Oceanic and Atmospheric Administration forecasts and warnings to the public; and

(5) expresses its support for the ongoing hard work and dedication of all who provide accurate and timely hurricane forecasts.

HONORING THE LIFE OF ASTRONAUT LEROY GORDON COOPER, JR.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 470, which was submitted earlier today by Senator INHOFE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 470) honoring the life of astronaut Leroy Gordon Cooper, Jr.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 470) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 470

Whereas Leroy Gordon Cooper, Jr., was born on March 6, 1927, in Shawnee, Oklahoma;

Whereas Gordon Cooper served as a colonel in the United States Air Force and was selected as one of the original Project Mercury astronauts in April of 1959;

Whereas the 7 original Project Mercury astronauts helped to inspire generations of scientists and engineers;

Whereas, when Gordon Cooper piloted the Faith 7 spacecraft on the final operational mission of Project Mercury from May 15 to May 16, 1963, he traveled a total of 546,167 statute miles and became the first astronaut from the United States to spend more than a day in space;

Whereas, when Gordon Cooper served as command pilot on the 8-day 120-orbit Gemini 5 mission that began on August 21, 1965, he and pilot Charles Conrad established a new space endurance record by traveling a distance of 3,312,993 miles in an elapsed time of 190 hours and 56 minutes;

Whereas Gordon Cooper was the first man to go into space for a second time;

Whereas Gordon Cooper served as backup command pilot for the Gemini 12 mission and as backup commander for the Apollo 10 flight;

Whereas Gordon Cooper logged 222 hours in space and retired from the Air Force and the National Aeronautics and Space Administration in 1970;

Whereas the special honors Gordon Cooper received during his lifetime included the Air Force Distinguished Flying Cross, the National Aeronautics and Space Administration Distinguished Service Medal, and the John F. Kennedy Trophy; and

Whereas Gordon Cooper passed away at his home in Ventura, California, on October 4, 2004, at the age of 77: Now, therefore, be it

Resolved, That the Senate honors the life of astronaut Leroy Gordon Cooper, Jr.

AUTHORIZING THE PRINTING OF TRIBUTES AND OTHER RELATED MATERIALS IN HONOR OF THE LATE SENATOR PAUL SIMON

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 471, submitted earlier today by Senator DURBIN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 471) authorizing the printing of tributes and other related materials in honor of the late Senator Paul Simon.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, as we approach the first anniversary of the death of Senator Paul Simon, I would like to take this opportunity to pay tribute to my late friend and colleague.

At the age of 19, Paul Simon became the Nation's youngest editor-publisher when he accepted a Lion's Club challenge to save the Troy Tribune in Troy, IL. From that start, he build a chain of 13 newspapers in southern and central Illinois.

Paul Simon served the State of Illinois and the United States for decades. He is the only individual to have served in both the Illinois House of Representatives and the Illinois Senate, and the U.S. House of Representatives and U.S. Senate.

Paul highly valued education and the youth of our Nation. In addition to his work in Congress to strengthen public education in America, he started the public affairs reporting program at Sangamon State University, now the University of Illinois at Springfield. He later became the founder and director of the Public Policy Institute at Southern Illinois University in Carbondale, IL, and taught there for more than 6 years.

Weeks before his death, Paul made the rounds to Washington and the editorial boards in Chicago. He was promoting an idea to create a new scholarship program which would send American students overseas to study and invite their foreign counterparts to come to America to learn. As Paul explained it, this opportunity to learn would help an often hostile world to understand us and help the next generation of American leaders to understand the world we live in. It was Paul Simon's long-term solution to the threat of terrorism: dialogue, education and tolerance—the hallmarks of his public life. In a modest way, we came through for him.

Earlier this year, this Congress established a commission to recommend the framework for an international study abroad program for college students. The program Senator Simon envisioned and worked so hard to create was what he called the Lincoln Fellowships. The program under development is designed to encourage and support the experience of studying abroad in developing countries—in countries whose people, culture, language, government, and religion might be very different from ours.

Shortly after Paul's death, I introduced legislation to name the Federal building located at 250 West Cherry Street in Carbondale, IL, the "Senator Paul Simon Federal Building." In May 2004, this bill was signed into law. Naming this building in Carbondale after Paul Simon will help present and future generations remember and honor a great man who lived in and worked for the people of Southern Illinois and served in our Federal Government with the greatest integrity.

From journalism to Government to education, Paul Simon set the standard for honesty and caring in public life. Paul set a standard for integrity in public life the rest of us can only aspire to. Whether you agreed with his politics or not, you always knew you could trust Paul. He didn't apologize for dedicating his public life to the less fortunate. He believed and taught those of us who worked with him that honesty and caring were the real standards for public service. He was genuine in his politics, in his life, and in his values.

I wouldn't be a Senator today if it weren't for Paul Simon. He believed in me, he inspired me, and he was a true friend.

Today I am introducing a resolution to authorize the printing of tributes and other related materials in honor of Senator Simon. This resolution will authorize the collection and printing of these materials in an official Senate document. The compilation of the tribute statements made by my Senate colleagues will serve as a lasting testament to our former colleague.

Through these small measures, Congress has paid tribute to the lasting legacy of our friend, Paul Simon. His dedication to public service serves as an example for all Americans.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 471) was agreed to, as follows:

S. RES. 471

Resolved, That there be printed as a Senate document a compilation of tributes and other related materials concerning the Honorable Paul Simon, late a Senator from the State of Illinois.

FEDERAL RECOGNITION OF CONFEDERATED TRIBES COMMENDING INEZ SITTER FOR HER SERVICE TO THE UNITED STATES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Indian Affairs Committee be discharged from further consideration and the Senate proceed to the immediate consideration of S. Res. 423 and S. Res. 441, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the resolutions by title.

The legislative clerk read as follows:

A resolution (S. Res. 441) expressing the sense of the Senate that October 17, 1984, the date of the restoration by the Federal Government of Federal recognition to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, should be memorialized.

A resolution (S. Res. 423) commending Inez Sitter for her service to the United States.

There being no objection, the Senate proceeded to consider the resolutions, en bloc.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolutions be agreed to, en bloc, the preambles be agreed to, en bloc, the motions to reconsider be laid upon the table, and that any statements relating to the measures be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 441 and S. Res. 423) were agreed to, en bloc.

The preambles were agreed to, en bloc.

The resolutions, with their preambles, read as follows:

S. RES. 441

Whereas the Coos, Lower Umpqua, and Siuslaw Restoration Act (25 U.S.C. 714 et seq.), which was signed by the President on October 17, 1984, restored Federal recognition to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians;

Whereas the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians historically inhabited land now in the State of Oregon, from Fivemile Point in the south to Tenmile Creek in the north, west to the Pacific Ocean, then east to the crest of the Coast Range, encompassing the watersheds of the Coos River, the Umpqua River to Weatherly Creek, the Siuslaw River, the coastal tributaries between Tenmile Creek and Fivemile Point, and portions of the Coquille watershed;

Whereas in addition to restoring Federal recognition, that Act and other Federal Indian statutes have provided the means for the Confederated Tribes to achieve the goals of cultural restoration, economic self-sufficiency, and the attainment of a standard of living equivalent to that enjoyed by other citizens of the United States;

Whereas by enacting the Coos, Lower Umpqua, and Siuslaw Restoration Act (25 U.S.C. 714 et seq.), the Federal Government—

(1) declared that the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians were eligible for all Federal services and benefits provided to federally recognized tribes;

(2) provided the means to establish a tribal reservation; and

(3) granted the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians self-government for the betterment of tribal members, including the ability to set tribal rolls;

Whereas the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians have embraced Federal recognition and self-sufficiency statutes and are actively working to better the lives of tribal members; and

Whereas economic self-sufficiency, which was the goal of restoring Federal recognition for the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, is being realized through many projects: Now, therefore, be it

Resolved, That it is the sense of the Senate that October 17, 1984, should be memorialized as the date on which the Federal Government restored Federal recognition to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians.

S. RES. 423

Whereas the United States, and subsequently the Choctaw Nation of Oklahoma, have operated a school at Hartshorne, Oklahoma, called the Jones Academy for more than 100 years, a facility that, since 1952, has provided residential services to predominately at-risk children from more than 20 Indian tribes throughout the United States who attend local, public school academic classes;

Whereas for approximately half that time, Mrs. Inez Sitter has been a vital part of that school and its efforts to educate American Indian children;

Whereas Mrs. Sitter came to the school in an administrative post in March of 1944 and progressed through various administrative capacities to be the Administrative Assistant at the school;

Whereas Mrs. Sitter formally retired from the Bureau of Indian Affairs in 1983, after 39 years of service;

Whereas Mrs. Sitter immediately thereafter assumed the position as the Study Hall/Tutorial Coordinator for Jones Academy, the Library Services Coordinator, and the Director of the critically important Foster Grandparents program at the school, positions she has held to this day;

Whereas Mrs. Sitter, who is a member of many civic organizations, including the Hartshorne Edgewood United Methodist Church, the Daughters of the American Revolution, and the American Legion Auxiliary, is known throughout the community for her extra work with students, including mentoring, tutoring, and preparation of homework and term assignments;

Whereas for such work she gained a position of advocate for the children of Jones Academy and the de facto position of liaison with the local public school in Hartshorne;

Whereas Mrs. Sitter, who resided with her family on campus, became a surrogate parent for hundreds of Jones Academy children;

Whereas Mrs. Sitter has been described by a colleague as “87 years young, and only 95 pounds, but with 60 years of service to the children of Jones Academy and the people of Hartshorne, the State of Oklahoma, and these United States”; and

Whereas the Bureau of Indian Affairs, recognizing her selfless and outstanding contributions, awarded Mrs. Sitter its Lifetime Achievement Award, presented by Assistant Secretary Dave Anderson on August 3, 2004: Now, therefore, be it

Resolved, That the Senate commends Mrs. Inez Sitter for her outstanding service to the Choctaw Nation of Oklahoma, the State of Oklahoma, and the United States.

ELDER FALLS PREVENTION ACT OF 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 785, S. 1217.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1217) to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

There being no objection, the Senate proceeded to consider the bill, which was reported from the Committee on Health, Education, Labor, and Pensions, with an amendment and an amendment to the title, as follows:

(Strike the part printed in black brackets and insert the part printed in italic.)

S. 1217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the “Elder Fall Prevention Act of 2003”.

[SEC. 2. FINDINGS.

[The Congress finds as follows:

[(1) Falls are the leading cause of injury deaths among individuals who are over 65 years of age.

[(2) By 2030, the population of individuals who are 65 years of age or older will double. By 2050, the population of individuals who are 85 years of age or older will quadruple.

[(3) In 2000, falls among elderly individuals accounted for 10,200 deaths and 1,600,000 emergency department visits.

[(4) Sixty percent of fall-related deaths occur among individuals who are 75 years of age or older.

[(5) Twenty-five percent of elderly persons who sustain a hip fracture die within 1 year.

[(6) Hospital admissions for hip fractures among the elderly have increased from 231,000 admissions in 1988 to 332,000 in 1999. The number of hip fractures is expected to exceed 500,000 by 2040.

[(7) Annually, more than 64,000 individuals who are over 65 years of age sustain a traumatic brain injury as a result of a fall.

[(8) Annually, 40,000 individuals who are over 65 years of age visit emergency departments with traumatic brain injuries suffered as a result of a fall, of which 16,000 of these individual are hospitalized and 4,000 of these individuals die.

[(9) The rate of fall-induced traumatic brain injuries for individual who are 80 years of age or older increased by 60 percent from 1989 to 1998.

[(10) The estimated total cost for non-fatal traumatic brain injury-related hospitalizations for falls in individuals who are 65 years of age or older is more than $3,250,000,000. Two-thirds of these costs occurred among individual who were 75 years of age or older.

[(11) The costs to the Medicare and Medicaid programs and society as a whole from falls by elderly persons continue to climb much faster than inflation and population growth. Direct costs alone will exceed $32,000,000,000 in 2020.

[(12) The Federal Government should devote additional resources to research regarding the prevention and treatment of falls in residential as well as institutional settings.

[(13) A national approach to reducing elder falls, which focuses on the daily life of senior citizens in residential, institutional, and community settings is needed. The approach should include a wide range of organizations and individuals including family members, health care providers, social workers, architects, employers and others.

[(14) Reducing preventable adverse events, such as elder falls, is an important aspect to the agenda to improve patient safety.

[SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

[Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

[“PART R—PREVENTION OF ELDER FALLS

[“SEC. 399AA. PURPOSES

[“The purposes of this title are—

[“(1) to develop effective public education strategies in a national initiative to reduce elder falls in order to educate the elders themselves, family members, employers, caregivers, and others who touch the lives of senior citizens;

[“(2) to expand needed services and conduct research to determine the most effective approaches to preventing and treating elder falls; and

[“(3) to require the Secretary to evaluate the effect of falls on the costs of medicare and medicaid and the potential for reducing costs by expanding education, prevention, and elderly intervention services covered under these two programs.

[“SEC. 399AA-1. PUBLIC EDUCATION.

[“Subject to the availability of appropriations, the Administration on Aging within the Department of Health and Human Services shall—

[“(1) oversee and support a three-year national education campaign to be carried out by the National Safety Council to be directed principally to elders, their families, and health care providers and focusing on ways of reducing the risk of elder falls and preventing repeat falls; and

[“(2) provide grants to qualified organizations and institutions for the purpose of organizing State-level coalitions of appropriate State and local agencies, safety, health, senior citizen and other organizations to design and carry out local education campaigns, focusing on ways of reducing the risk of elder falls and preventing repeat falls.

[“SEC. 399AA-2. RESEARCH.

[“(a) In General.—Subject to the availability of appropriations, the Secretary shall—

[“(1) conduct and support research to—

[“(A) improve the identification of elders who have a high risk of falling;

[“(B) improve data collection and analysis to identify fall risk and protective factors;

[“(C) design, implement, and evaluate fall prevention interventions to identify the most effective of the numerous potential strategies available;

[“(D) improve strategies that are proven to be effective in reducing falls by tailoring these strategies to specific elderly populations;

[“(E) conduct research in order to maximize the dissemination of proven, effective fall prevention interventions;

[“(F) expand proven interventions to prevent elder falls;

[“(G) improve the diagnosis, treatment, and rehabilitation of elderly fall victims; and

[“(H) assess the risk of falls occurring in various settings;

[“(2) conduct research concerning barriers to the adoption of proven interventions with respect to the prevention of elder falls (such as medication review and vision enhancement);

[“(3) conduct research to develop, implement, and evaluate the most effective approaches to reducing falls among very high risk elders living in nursing homes, assisted living, and other types of long-term care facilities; and

[“(4) evaluate the effectiveness of community programs to prevent assisted living and nursing home falls by elders.

[“(b) Administration.—In carrying out subsection (a), the Secretary shall—

[“(1) conduct research and surveillance activities among community-dwelling and institutionalized elders through the Director of the Centers for Disease Control and Prevention;

[“(2) conduct research related to elder fall prevention in health care delivery settings and clinical treatment and rehabilitation of elderly fall victims through the Director of the Agency for Healthcare Research and Quality; and

[“(3) ensure the coordination of the activities described in paragraphs (1) and (2).

[“(c) Grants.—The Secretary shall award grants to qualified organizations and institutions to enable such organizations and institutions to provide professional education for physicians and allied health professionals in elder fall prevention.

[“SEC. 399AA-3. DEMONSTRATION PROJECTS.

[“Subject to the availability of appropriations, the Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Director of the Agency for Healthcare Research and Quality, shall carry out the following:

[“(1) Oversee and support demonstration and research projects to be carried out by the National Safety Council and other qualified organizations in the following areas:

[“(A) A multi-State demonstration project assessing the utility of targeted fall risk screening and referral programs.

[“(B) Programs designed for community-dwelling elderly individuals that shall utilize multi-component fall intervention approaches, including physical activity, medication assessment and reduction when possible, vision enhancement, and home modification strategies.

[“(C) Programs targeting newly-discharged fall victims who are at a high risk for second falls, which shall include modification projects available to various living settings (in accordance with accepted building codes and standards) and which are designed to maximize independence and quality of life for elders, particularly those elders with functional limitations.

[“(D) Private sector and public-private partnerships to develop technology to prevent falls and prevent or reduce injuries if falls occur.

[“(2)(A) Provide grants to qualified organizations and institutions to design, implement, and evaluate fall prevention programs using proven intervention strategies in residential and institutional settings.

[“(B) Provide one or more grants to one or more qualified applicants in order to carry out a multi-State demonstration project to implement and evaluate fall prevention programs using proven intervention strategies designed for multi-family residential settings with high concentrations of elders, including identifying high risk populations, evaluating residential facilities, conducting screening to identify high risk individuals, providing pre-fall counseling, coordinating services with health care and social service providers and coordinating post-fall treatment and rehabilitation.

[“(C) Provide one or more grants to qualified applicants to conduct evaluations of the effectiveness of the demonstration projects in this section.

[“SEC. 399AA-4. REVIEW OF REIMBURSEMENT POLICIES.

[“(a) IN GENERAL.—The Secretary shall undertake a review of the effects of falls on the costs of the medicare and medicaid programs and the potential for reducing costs by expanding services covered by these two programs. This review shall include a review of the reimbursement policies of the medicare and medicaid programs in order to determine if additional fall-related education, prevention, and early prevention services should be covered or reimbursement guidelines should be modified.

[“(b) REPORT.—Not later than 18 months after the date of the enactment of this title, the Secretary shall submit to the Congress a report describing the findings of the Secretary in conducting the review under subsection (a).

[“SEC. 399AA-5. AUTHORIZATION OF APPROPRIATION.

[“In order to carry out this title, there are authorized to be appropriated—

[“(1) to carry out the national public education provisions described in section 399AA-1(1), $5,000,000 for each of fiscal years 2004 through 2006;

[“(2) to carry out the State public education campaign provisions of section 399AA-1(2), $8,000,000 for each of fiscal years 2004 through 2006;

[“(3) to carry out research projects described in section 399AA-2, $10,000,000 for each of fiscal years 2004 through 2006;

[“(4) to carry out the demonstration projects described in section 399AA-3(1), $7,000,000 for each of fiscal years 2004 through 2006; and

[“(5) to carry out the demonstration and research projects described in section 399AA-3(2), $8,000,000 for each of fiscal years 2004 through 2006.”.]

SECTION 1. SHORT TITLE.

This Act may be cited as the “Keeping Seniors Safe From Falls Act of 2004”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Falls are the leading cause of injury deaths among individuals who are over 65 years of age.

(2) In 2000, falls among older adults accounted for 10,200 deaths and 1,600,000 emergency department visits.

(3) Hospital admissions for hip fractures among the elderly have increased from 231,000 admissions in 1988 to 332,000 in 1999.

(4) Annually, more than 64,000 individuals who are over 65 years of age sustain a traumatic brain injury as a result of a fall.

(5) The total cost of all fall injuries for people age 65 and older was calculated in 1994 to be $27,300,000,000 (in 2004 dollars).

(6) A national approach to reducing falls among older adults, which focuses on the daily life of senior citizens in residential, institutional, and community settings, is needed.

SEC. 3. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended—

(1) by redesignating section 393B (as added by section 1401 of Public Law 106–386) as section 393C and transferring such section so that it appears after section 393B (as added by section 1301 of Public Law 106–310); and

(2) by inserting after section 393C (as redesignated by paragraph (1)) the following:

“SEC. 393D. PREVENTION OF FALLS AMONG OLDER ADULTS.

“(a) PURPOSES.—The purposes of this section are—

“(1) to develop effective public education strategies in a national initiative to reduce falls among older adults in order to educate older adults, family members, employers, caregivers, and others;

“(2) to intensify services and conduct research to determine the most effective approaches to preventing and treating falls among older adults; and

“(3) to require the Secretary to evaluate the effect of falls on health care costs, the potential for reducing falls, and the most effective strategies for reducing health care costs associated with falls.

“(b) PUBLIC EDUCATION.—The Secretary shall—

“(1) oversee and support a national education campaign to be carried out by a nonprofit organization with experience in designing and implementing national injury prevention programs, that is directed principally to older adults, their families, and health care providers, and that focuses on reducing falls among older adults and preventing repeat falls; and

“(2) award grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, for the purpose of organizing State-level coalitions of appropriate State and local agencies, safety, health, senior citizen, and other organizations to design and carry out local education campaigns, focusing on reducing falls among older adults and preventing repeat falls.

“(c) RESEARCH.—

“(1) IN GENERAL.—The Secretary shall—

“(A) conduct and support research to—

“(i) improve the identification of older adults who have a high risk of falling;

“(ii) improve data collection and analysis to identify fall risk and protective factors;

“(iii) design, implement, and evaluate the most effective fall prevention interventions;

“(iv) improve strategies that are proven to be effective in reducing falls by tailoring these strategies to specific populations of older adults;

“(v) conduct research in order to maximize the dissemination of proven, effective fall prevention interventions;

“(vi) intensify proven interventions to prevent falls among older adults;

“(vii) improve the diagnosis, treatment, and rehabilitation of elderly fall victims; and

“(viii) assess the risk of falls occurring in various settings;

“(B) conduct research concerning barriers to the adoption of proven interventions with respect to the prevention of falls among older adults;

“(C) conduct research to develop, implement, and evaluate the most effective approaches to reducing falls among high-risk older adults living in long-term care facilities; and

“(D) evaluate the effectiveness of community programs to prevent assisted living and nursing home falls among older adults.

“(2) EDUCATIONAL SUPPORT.—The Secretary, either directly or through awarding grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, shall provide professional education for physicians and allied health professionals in fall prevention.

“(d) DEMONSTRATION PROJECTS.—The Secretary shall carry out the following:

“(1) Oversee and support demonstration and research projects to be carried out by qualified organizations, institutions, or consortia of qualified organizations and institutions, in the following areas:

“(A) A multistate demonstration project assessing the utility of targeted fall risk screening and referral programs.

“(B) Programs designed for community-dwelling older adults that utilize multicomponent fall intervention approaches, including physical activity, medication assessment and reduction when possible, vision enhancement, and home modification strategies.

“(C) Programs that are targeted to newly discharged fall victims who are at a high risk for second falls and which are designed to maximize independence and quality of life for older adults, particularly those older adults with functional limitations.

“(D) Private sector and public-private partnerships to develop technology to prevent falls among older adults and prevent or reduce injuries if falls occur.

“(2)(A) Award grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, to design, implement, and evaluate fall prevention programs using proven intervention strategies in residential and institutional settings.

“(B) Award 1 or more grants, contracts, or cooperative agreements to 1 or more qualified organizations, institutions, or consortia of qualified organizations and institutions, in order to carry out a multistate demonstration project to implement and evaluate fall prevention programs using proven intervention strategies designed for multifamily residential settings with high concentrations of older adults, including—

"(i) identifying high-risk populations;

"(ii) evaluating residential facilities;

"(iii) conducting screening to identify high-risk individuals;

"(iv) providing pre-fall counseling;

"(v) coordinating services with health care and social service providers; and

"(vi) coordinating post-fall treatment and rehabilitation.

"(3) Award 1 or more grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, to conduct evaluations of the effectiveness of the demonstration projects described in this subsection.

"(e) STUDY OF EFFECTS OF FALLS ON HEALTH CARE COSTS.—

"(1) IN GENERAL.—The Secretary shall conduct a review of the effects of falls on health care costs, the potential for reducing falls, and the most effective strategies for reducing health care costs associated with falls.

"(2) REPORT.—Not later than 36 months after the date of enactment of the Keeping Seniors Safe From Falls Act of 2004, the Secretary shall submit to Congress a report describing the findings of the Secretary in conducting the review under paragraph (1).".

Amend the title so as to read: "A bill to direct the Secretary of Health and Human Services to intensify programs with respect to research and related activities concerning falls among older adults.".

Ms. MIKULSKI. Mr. President, I am pleased that today the Senate will pass the Keeping Seniors Safe from Falls Act of 2004 (S. 1217) that Senator ENZI and I introduced. Falls are a serious public health problem that affects millions of seniors each year. This bill focuses on public education, research, and demonstration projects to help reduce falls by older adults.

The facts are staggering. One out of every three Americans over age 65 falls every year. In 2000, over 10,200 seniors died and approximately 1.6 million seniors visited an emergency department as a result of a fall. Falls are the leading cause of injury deaths among seniors, accounting for 64,000 traumatic brain injuries and 340,000 hip fractures each year. Falls can be financially disastrous for families, and falls place a serious financial strain on our health care system. By 2020, falls by older adults are estimated to cost the health care system more than $32 billion.

These facts do not begin to tell the story of what falls can mean for older adults and their loved ones. Falls don't discriminate. Kay Graham was the victim of a fall. Many of us have friends or relatives who have fallen. A fall can have a devastating impact on a person's physical, emotional, and mental health. If an older woman loses her footing on her front porch steps, falls, and suffers a hip fracture, she would likely spend about two weeks in the hospital, and there is a 50 percent chance that she would not return home or live independently as a result of her injuries.

Two years ago, I chaired a hearing of the Subcommittee on Aging on the problem of falls among older adults. The subcommittee heard testimony from Lillie Marie Struchen, a 91-year-old woman who had recently fallen in her bathroom when she slipped on the tile. Lillie Marie could not reach the panic button in her apartment, and it took her some time before she could get to her feet and call for help. Lillie Marie was lucky. She recovered from her fall and returned to her normal routines. She shared with the subcommittee some steps that she and her family have taken to prevent future falls, knowing that she may not be so lucky next time.

These falls, like the ones that Lillie Marie and thousands of others suffer from each year, can be prevented. With some help, there are simple ways that seniors can improve the safety of their homes and make a fall far less likely. Home modifications like hand rails in the bathroom, rubber mats on slippery tile floors, and cordless telephones that seniors can keep nearby can make a big difference. Well-trained pharmacists can review medications to make sure that two drugs do not interact to cause dizziness and throw a senior off balance.

That's what this legislation is about—getting behind our Nation's seniors and giving help to those who practice self-help. This bill creates public education campaigns for older adults, their families, and health care providers about how to prevent falls. It expands research on falls by older adults to develop better ways to prevent falls and to improve the treatment and rehabilitation of elder victims. This legislation also requires an evaluation of the effect of falls on health care costs, the potential for reducing falls, and the potential for reducing health care costs associated with falls.

Reducing the number of falls will help seniors live longer, healthier, more independent lives. I want to acknowledge the leadership of the National Safety Council on this issue. I also thank Senator ENZI for working with me in such a bipartisan manner to move this bill forward. The support of Senator GREGG and Senator KENNEDY was also vital in getting this bill through the Senate. I hope that our colleagues in the House will take swift action to pass this important bill this year.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the committee amendment be agreed to, the bill, as amended, be read a third time and passed, the amendment to the title be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1217), as amended, was read the third time and passed.

The title was amended so as to read: A bill to direct the Secretary of Health and Human Services to intensify programs with respect to research and related activities concerning falls among older adults.

HONORING THE 10 COMMUNITIES RECEIVING THE 2004 ALL-AMERICAN CITY AWARD

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res 464.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 464) honoring the 10 communities selected to receive the 2004 All-American City Award.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 464) was agreed to.

The preamble was agreed to.

NATIONAL DAY OF THE HORSE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 452 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 452) designating December 13, 2004, as "National Day of the Horse" and encouraging the people of the United States to be mindful of the contribution of horses to the economy, history, and character of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 452) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 452

Whereas the horse is a living link to the history of the United States;

Whereas without horses, the economy, history, and character of the United States would be profoundly different;

Whereas horses continue to permeate the society of the United States, as witnessed on movie screens, on open land, and in our own backyards;

Whereas horses are a vital part of the collective experience of the United States and deserve protection and compassion;

Whereas because of increasing pressure from modern society, wild and domestic horses rely on humans for adequate food, water, and shelter; and

Whereas the Congressional Horse Caucus estimates that the horse industry contributes much more than $100,000,000,000 each year to the economy of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 13, 2004, as "National Day of the Horse", in recognition of the importance of horses to the security, economy, recreation, and heritage of the United States;

(2) encourages all people of the United States to be mindful of the contribution of horses to the economy, history, and character of the United States; and

(3) requests that the President issue a proclamation calling on the people of the United States and interested organizations to observe the day with appropriate programs and activities.

HONORING THE LIFE AND LEGACY OF ALEXANDER HAMILTON

NATIONAL CHILDREN'S MEMORIAL DAY

Mr. McCONNELL. Mr. President, I ask unanimous consent that it be in order for the Judiciary Committee to be discharged from further consideration en bloc of the following and the Senate proceed en bloc to their immediate consideration: S. Con. Res. 123 and S. Res. 436.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution and resolution be agreed to, en bloc, the preambles be agreed to, en bloc, and that any statements relating to the measures be printed in the RECORD, and the consideration of these items appear separately, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 123) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 436) was agreed to.

The preamble was agreed to.

The resolutions, with their preambles, read as follows:

S. CON. RES. 123

Whereas Alexander Hamilton dedicated his life to serving his adopted country as a Revolutionary soldier, aide-de-camp to General George Washington, Representative to the Continental Congress, member of the New York State Assembly, first Secretary of the Treasury of the United States, and Inspector General of the Army;

Whereas Alexander Hamilton was a poor teenage immigrant to New York from the West Indian Islands of Nevis and St. Croix;

Whereas in the early days of the Revolutionary War Alexander Hamilton was commissioned as a captain and raised and trained his own New York artillery regiment and served valiantly in the battles of Long Island and Manhattan;

Whereas Alexander Hamilton quickly captured the attention of General George Washington who made him his aide-de-camp and confidant throughout the most difficult days of the Revolutionary War;

Whereas in 1781, Lieutenant Colonel Alexander Hamilton of the Continental Army led a bold attack of New York troops during the siege of Yorktown, the decisive and final battle of the Revolutionary War;

Whereas in 1782, Alexander Hamilton was elected as a member of the Continental Congress from New York;

Whereas as a private citizen Alexander Hamilton served many philanthropic causes and was a co-founder of the New York Manumission Society, the first abolitionist organization in New York and a major influence on the abolition of slavery from the State;

Whereas Alexander Hamilton was a strong and consistent advocate against slavery and believed that Blacks and Whites were equal citizens and equal in their mental and physical faculties;

Whereas Alexander Hamilton was one of the first members of the founding generation to call for a convention to drastically revise the Articles of Confederation;

Whereas Alexander Hamilton joined James Madison in Annapolis, Maryland in 1786 to officially request that the States call a constitutional convention;

Whereas Alexander Hamilton was elected as a delegate to the Constitutional Convention of 1787 from New York, where he played an influential role and was the only delegate from New York to sign the Constitution;

Whereas Alexander Hamilton was the primary author of the Federalist Papers, the single most influential interpretation of American constitutional law ever written;

Whereas Alexander Hamilton was the most important individual force in achieving the ratification of the Constitution in New York against the strong opposition of many of the delegates to the ratifying convention;

Whereas Alexander Hamilton was the leading voice of the founding generation in support of the controversial doctrine of judicial review, which is the backbone for the role of the Supreme Court in the constitutional system of the United States;

Whereas on September 11, 1789, Alexander Hamilton was appointed by President George Washington to be the first Secretary of the Treasury;

Whereas as Secretary of the Treasury Alexander Hamilton salvaged the public credit, created the first Bank of the United States, and outlined the basic economic vision of a mixed agricultural and manufacturing society supported by a strong financial system that would underlie the great economic expansion of the United States for the next 2 centuries;

Whereas Alexander Hamilton was the leading proponent among the Founding Fathers of encouraging a strong manufacturing base for the United States in order to create good paying middle-class jobs and encourage a society built on merit rather than class or skin color;

Whereas in pursuit of this vision Alexander Hamilton founded The Society for Establishing Useful Manufactures which in turn founded the town of Paterson, New Jersey, one of the first industrial centers of the United States;

Whereas Alexander Hamilton proposed and oversaw the creation of the Coast Guard for law enforcement in territorial waters of the United States;

Whereas in 1798, President John Adams called upon Alexander Hamilton to raise an army in preparation for a possible war with France and, as Inspector General of the Army, he trained a powerful force of well-equipped soldiers who were able to help deter war at this vulnerable stage in the founding of the United States;

Whereas throughout the founding era Alexander Hamilton was the leading advocate of a strong national union led by an efficient Federal Government with significant protections for individual liberties;

Whereas on July 11, 1804, Alexander Hamilton was fatally wounded in a duel in Weehawken, New Jersey at the hands of Vice President Aaron Burr; and

Whereas Alexander Hamilton died in Manhattan on July 12, 1804, and was eulogized across the country as one of the leading visionaries of the founding era: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the great importance of the life and legacy of Alexander Hamilton to the United States of America on the bicentennial of his death;

(2) recognizes the tremendous significance of the contributions of Alexander Hamilton to the United States as a soldier, citizen, and statesman; and

(3) urges the people of the United States to share in this commemoration so as to gain a greater appreciation of the critical role that Alexander Hamilton had in defense of America's freedom and the founding of the United States.

S. RES. 436

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from myriad causes;

Whereas the death of an infant, child, teenager, or young adult of a family is considered to be one of the greatest tragedies that a prevent or family will ever endure during a lifetime;

Whereas a supportive environment, empathy, and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one; and

Whereas April is National Child Abuse Prevention month: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CHILDREN'S MEMORIAL DAY.

The Senate—

(1) designates the second Sunday in the month of December 2004 as "National Children's Memorial Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe "National Children's Memorial Day" with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died.

FIRST ANNIVERSARY OF THE ROSE REVOLUTION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 472, which was submitted earlier today by Senator McCAIN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 472) to honor the people of Georgia on the first anniversary of the Rose Revolution.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 472) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 472

Whereas, on November 23, 2004, the people of Georgia will celebrate the first anniversary of the Rose Revolution, the peaceful and bloodless protests that followed parliamentary elections deemed to be fraudulent;

Whereas following the resignation of President Eduard Shevardnadze, Interim President Nino Burdzhanadze worked diligently to restore order and to prepare Georgia for a new Presidential election;

Whereas after a free, fair, and democratic election was held, Mikheil Saakashvili was sworn into office on January 25, 2004, as President of Georgia;

Whereas President Saakashvili visited the United States Congress earlier this year and delivered a strong message of peace, stability, democracy, political reform, and economic opportunity;

Whereas Georgia is a small but strategically situated country located in the Caucasus, and is of additional interest to the United States because of the oil and gas pipelines now being constructed from Baku, Azerbaijan to the port of Ceyhan, Turkey;

Whereas Georgia has also become a key player in the global war on terrorism by combating members of al Qaeda and other Muslim terrorist organizations, denying them sanctuary in remote areas such as the Pankisi Gorge, and working with the United States to help train border guards;

Whereas Georgia has recently increased its commitment of troops in Iraq and its contributions to help build peace and democracy in Afghanistan and Kosovo;

Whereas the United States supports Georgia's efforts to peacefully reestablish government control, security, and political stability in regions such as Abkhazia and South Ossetia;

Whereas the United States congratulates the Government of Georgia on the peaceful resolution of the conflict in Adjara and welcomes the restoration of democracy and political stability in that region; and

Whereas the United States supports representative democracy, political stability, economic growth, and peace in Georgia and throughout the Caucasus region: Now, therefore, be it

Resolved, that the Senate—

(1) congratulates the people of Georgia on the first anniversary of the Rose Revolution, the peaceful and bloodless protests that followed parliamentary elections deemed to be fraudulent, and for their commitment to democracy, peace, stability, and economic opportunity;

(2) commends President Mikheil Saakashvili for his vision of, and commitment to, a peaceful and democratic Georgia, the rule of law, an open market economy, regional cooperation, and closer integration into western institutions;

(3) supports the sovereignty, independence, territorial integrity, and democratic government of Georgia; and

(4) supports continued assistance to the people and Government of Georgia to help them consolidate the democratic process in their country.

URGING THE GOVERNMENT OF UKRAINE TO ENSURE A DEMOCRATIC, TRANSPARENT, AND FAIR ELECTION PROCESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 473, which was submitted earlier today by Senator MCCAIN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 473) urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the Presidential run-off election on November 21, 2004.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 473) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 473

Whereas the establishment of a democratic, transparent, and fair election process for the 2004 Presidential election in Ukraine and of a genuinely democratic political system are prerequisites for that country's full integration into the Western community of nations as an equal member, including into organizations such as the North Atlantic Treaty Organization (NATO);

Whereas the Government of Ukraine has accepted numerous specific commitments governing the conduct of elections as a participating state of the Organization for Security and Cooperation in Europe (OSCE), including provisions of the Copenhagen Document;

Whereas the election of Ukraine's next President will provide an unambiguous test of the extent of the Ukrainian authorities commitment to implement these standards and build a democratic society based on free elections and the rule of law;

Whereas the second round of the Presidential election takes place against the backdrop of past elections and improprieties in the first round of the election, which did not fully meet international standards;

Whereas it is the duty of government and public authorities of Ukraine at all levels to act in a manner consistent with all laws and regulations governing election procedures, and to ensure free and fair elections throughout the entire country, including preventing activities aimed at undermining the free exercise of political rights;

Whereas a genuinely free and fair election requires a period of political campaigning conducted in an environment in which administrative action, violence, intimidation, or detention do not hinder the parties, political associations, and the candidates from presenting their views and qualifications to the citizenry, including organizing supporters, conducting public meetings and events throughout the country, and enjoying unimpeded access to television, radio, print, and Internet media on a non-discriminatory basis;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote and the right to seek and acquire information upon which to make an informed vote, free from intimidation, undue influence, attempts at vote buying, threats of political retribution, or other forms of coercion by national or local authorities or others;

Whereas a genuinely free and fair election requires government and public authorities to ensure that candidates and political parties enjoy equal treatment before the law and that government resources are not employed to the advantage of individual candidates or political parties;

Whereas a genuinely free and fair election requires the full transparency of laws and regulations governing elections, multiparty representation on election commissions, and unobstructed access by candidates, political parties, and domestic and international observers to all election procedures, including voting and vote counting in all areas of the country;

Whereas increasing control and manipulation of the media by national and local officials and others acting at their behest raise grave concerns regarding the commitment of the Ukrainian authorities to free and fair elections;

Whereas efforts by the national authorities in Ukraine to limit access to international broadcasting, including Radio Liberty and the Voice of America, represent an unacceptable infringement on the right of the Ukrainian people to independent information;

Whereas efforts by national and local officials of Ukraine and others acting at their behest to impose obstacles to free assembly, free speech, and a free and fair political campaign have taken place in Donetsk, Sumy, and elsewhere in Ukraine without condemnation or remedial action by the Government of Ukraine;

Whereas numerous substantial irregularities have taken place in recent Ukrainian parliamentary by-elections in the Donetsk region and in mayoral elections in Mukacheve, Romny, and Krasniy Luch;

Whereas intimidation, violence, and fraud during the April 18, 2004, mayoral election in Mukacheve, Ukraine, represent a deliberate attack on the democratic process;

Whereas in the period leading to the first round of the Presidential election, the government power structures used state resources such as schools, state factories, hospitals, and public transport systems to force students, state workers, and citizens who rely on state services for their livelihood to campaign against their will for the government-backed candidate;

Whereas there was notable partisan engagement of security services, military, and local police in support of the government-backed candidate;

Whereas there was a failure of national and local state-owned and private electronic media to provide impartial and fair coverage of, or access to, opposition candidates;

Whereas some election commission members affiliated with opposition candidates were dismissed from their duties just prior to election day;

Whereas there was collaboration with a foreign government to allow a foreign President to appear in Ukraine and express his opinions on one of the candidates just days before election day, in an effort to influence the vote, and a military parade, which was held in Kyiv 3 days prior to the election, was clearly an effort to intimidate voters; and

Whereas in the first round of the Presidential election in Ukraine that occurred on October 31, 2004, international observers noted fraud and other significant problems, including poorly maintained voter lists, which resulted in people being denied their right to vote, as well as many additional names on voter rolls for which no accounting could be made, prevalent interference by unauthorized persons into the electoral process, and credible reports of busing of voters among oblasts and polling stations for the purpose of multiple voting: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges and welcomes the strong relationship formed between the United States and Ukraine since the restoration of Ukraine's independence in 1991;

(2) recognizes that a precondition for the full integration of Ukraine into the Western community of nations, including as an equal member in institutions such as the North Atlantic Treaty Organization (NATO), is its establishment of a genuinely democratic political system;

(3) expresses its strong and continuing support for the efforts of the Ukrainian people to establish a full democracy, the rule of law, and respect for human rights in Ukraine;

(4) urges the Government of Ukraine to guarantee freedom of association and assembly, including the right of candidates, members of political parties, and others to freely assemble, to organize and conduct public events, and to exercise these and other rights free from intimidation or harassment by local or national officials or others acting at their behest;

(5) urges the Government of Ukraine to meet its Organization for Security and Cooperation in Europe (OSCE) commitments on democratic elections and to address issues previously identified by the Office of Democratic Institutions and Human Rights (ODIHR) of the OSCE in its final reports on the 2002 parliamentary elections and the 1999 Presidential elections, such as illegal interference by public authorities in the campaign and a high degree of bias in the media;

(6) urges the Ukrainian authorities to ensure—

(A) the full transparency of election procedures before, during, and after the second round of the 2004 Presidential election;

(B) free access for Ukrainian and international election observers;

(C) multiparty representation on all election commissions;

(D) unimpeded access by all parties and candidates to print, radio, television, and Internet media on a non-discriminatory basis;

(E) freedom of candidates, members of opposition parties, and independent media organizations from intimidation or harassment by government officials at all levels, including selective tax audits and other regulatory procedures, and in the case of media, license revocations, and libel suits;

(F) a transparent process for complaint and appeals through electoral commissions and within the court system that provides timely and effective remedies;

(G) vigorous prosecution of any individual or organization responsible for violations of election laws or regulations, including the application of appropriate administrative or criminal penalties;

(H) remedies to all improprieties reported in the first round of the Presidential election in Ukraine, including—

(i) the replacement at a polling station of any Territorial Election Commission member found to have engaged in fraud;

(ii) a complete review of voter lists in each polling station in order to correct inaccuracies;

(iii) equal time on state media and equal access to private media for the two runoff candidates; and

(iv) immediate prosecution of individuals who have violated the election law;

(7) further calls upon the Government of Ukraine to guarantee election monitors from the ODIHR, other participating states of the OSCE, Ukrainian political parties, representatives of candidates, nongovernmental organizations, and other private institutions and organizations, both foreign and domestic, unobstructed access to all aspects of the election process, including unimpeded access to public campaign events, candidates, news media, voting, and post-election tabulation of results and processing of election challenges and complaints;

(8) urges the President to fully employ the diplomatic and other resources of the Government of the United States to encourage the Government of Ukraine to ensure that the election laws and procedures of Ukraine are faithfully adhered to by all local and national officials, by others acting at their behest, and by all candidates and parties, during and subsequent to the Presidential campaign and election-day voting;

(9) strongly encourages the President to clearly communicate to the Government of Ukraine, to all parties and candidates in Ukraine, and to the people of Ukraine the high importance attached by the Government of the United States to this Presidential campaign as a central factor in determining the future relationship between the two countries;

(10) strongly encourages the President to consider visa bans and other targeted sanctions on those responsible for encouraging or participating in any efforts to improperly influence the outcome of the election, whether through direct or indirect involvement; and

(11) pledges its enduring support and assistance to the people of Ukraine for the establishment of a fully free and open democratic system, the creation of a prosperous free market economy, the establishment of a secure independence and freedom from coercion, and Ukraine's assumption of its rightful place as a full and equal member of the Western community of democracies.

ORDER FOR PRINTING MAIDEN SPEECHES

Mr. McCONNELL. Mr. President, I ask unanimous consent that all maiden speeches by new Senators from the 108th Congress be printed as a Senate document, provided further that Senators have until the close of business tomorrow, Friday, November 19, to submit such statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PRINTING TRIBUTES TO RETIRING SENATORS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there be printed as individual Senate documents, a compilation of materials from the CONGRESSIONAL RECORD in tribute to retiring Senators of the 108th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. I ask unanimous consent the Senate proceed to executive session to consider the following nominations: No. 940, No. 941, and all nominations on the Secretary's desk in the Navy.

I ask unanimous consent the nominations be confirmed en bloc, the motions to reconsider be laid on the table, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

EN BLOC

IN THE AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General John H. Folkerts, 4060

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Bruce A. Wright, 5759

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE NAVY

PN2021 NAVY nominations (457) beginning ARMAND P ABAD, and ending MATTHEW P ZENTZ, which nominations were received by the Senate and appeared in the Congressional Record of October 7, 2004.

NOMINATIONS PLACED ON THE CALENDAR

Mr. McCONNELL. I further ask unanimous consent that the following nominations be discharged from their respective committees and that they be placed on the calendar. From the Foreign Relations Committee, three nominations to the United Nations that are at the desk: PN 1847, PN 1846, PN 1975; from the HELP Committee, seven nominations: PN 1722, PN 1651, PN 1623, PN 1624, PN 2046, PN 1654, and PN 1509.

I finally ask unanimous consent the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR FRIDAY, NOVEMBER 19, 2004

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Friday, November 19. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, and the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of the conference report to accompany H.R. 1047, the miscellaneous tariffs bill, provided that there be 30 minutes divided with Chairman GRASSLEY in control of 10 minutes, Senator BAUCUS in control of 10 minutes, Senator FEINGOLD for up to 8 minutes, and Senator KOHL for up to 2 minutes; provided further that at the conclusion of that time the Senate proceed to the cloture vote on the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, tomorrow the Senate will vote on cloture on the miscellaneous tariffs conference report. It is our expectation that cloture will be invoked by a large margin, and I hope we will complete our work on this measure in short order. Also, during tomorrow's session we are continuing to await the Omnibus appropriations conference report from the House of Representatives. Finally, we will also consider the intelligence reform legislation if it becomes available.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:49 p.m., adjourned until Friday, November 19, 2004, at 9:30 a.m.

DISCHARGED NOMINATIONS

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nominations and the nominations were placed on the Executive Calendar:

EUGENE HICKOK, OF PENNSYLVANIA, TO BE DEPUTY SECRETARY OF EDUCATION.

EDWARD R. MCPHERSON, OF TEXAS, TO BE UNDER SECRETARY OF EDUCATION.

ROBERT DAVILA, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2006.

LINDA WETTERS, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2006.

JULIA L. WU, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING FEBRUARY 4, 2008.

LAURIE STENBERG NICHOLS, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING MARCH 3, 2010.

CAROL D'AMICO, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF TWO YEARS.

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were placed on the Executive Calendar:

YOUSIF B. GHAFARI, OF MICHIGAN, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JANE DEE HULL, OF ARIZONA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

SUSAN L. MOORE, OF TEXAS, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 18, 2004:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL JOHN H. FOLKERTS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. BRUCE A. WRIGHT

NAVY NOMINATIONS BEGINNING ARMAND P ABAD AND ENDING MATTHEW P ZENTZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 7, 2004.

HOUSE OF REPRESENTATIVES—*Thursday, November 18, 2004*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 18, 2004.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Blessed be the God and Father of us all, for he has chosen you to be representatives of his people.

Lord God, what a blessing it is to realize one has a calling at a particular time for a specific service to accomplish Your holy will. It is then we truly have purpose.

Both in great and small things, we become neither overwhelmed nor disdainful. Every task can be embraced. Every duty fulfilled. Every burden can be lightened by the knowledge that You, O Lord, are accomplishing great things in and through us, both now and always. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Wisconsin (Mr. GREEN) come forward and lead the House in the Pledge of Allegiance.

Mr. GREEN of Wisconsin led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MEDIA THREATENS DEMOCRACY

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, most Americans now realize that Big Media, network TV news programs and the largest newspapers and news magazines, tried to determine the outcome of the Presidential election.

A study by the Project for Excellence in Journalism confirms what Americans already suspected: George Bush received more than twice as much negative coverage as JOHN KERRY. Think what President Bush's margin of victory would have been without the media bias.

But the danger is the media bias will continue. That is a real threat to democracy.

When the American people do not have the facts, the unvarnished truth, they cannot make the best decisions and we do not have good government.

Big Media needs to reassure the American people that they will strive for objectivity and seek to restore their reputation as the protector of democracy, rather than remaining a threat to it.

AMERICA NEEDS THE BOY SCOUTS

(Mr. GREEN of Wisconsin asked and was given permission to address the House for 1 minute.)

Mr. GREEN of Wisconsin. Mr. Speaker, a few minutes ago, this body pledged its allegiance to our flag and to our Republic, under God. Just so, at every meeting, the Boy Scouts of America give their oath to our Republic and to God. There it is, that name again: God. It is good enough for our pledge, it is good enough for our currency, it is even good enough to be in the phrase above the Speaker's podium behind me.

But the ACLU has sued the Department of Defense because the Boy Scouts of America use that phrase and DOD sponsors Boy Scout troops. This is not just the usual left-wing, anti-American foolishness.

Boy Scouts of America is a voluntary organization. It teaches American values like self-reliance and civic duty, values that are at the heart of our military, values that have created so many great leaders, even former presidents. Like never before, America needs leaders, America needs role models and positive, values-based programs. America needs our Boy and Girl Scouts.

The Department of Defense should not back down and, surely, the ACLU has better things to do.

REWARDING AMERICANS FOR THEIR TRUST

(Ms. HARRIS asked and was given permission to address the House for 1 minute.)

Ms. HARRIS. Mr. Speaker, the American people voted for much more than candidates or parties this election year. They embraced our bold vision, and they expect us to deliver results.

They elected us with a mandate to keep our Nation on its path of economic growth and job creation, to continue tax relief for working families, and to pare back an inefficient, bloated bureaucracy that kills dreams.

One of our first priorities must be to reform our wasteful and oppressive Tax Code. Year after year, working Americans pay accountants and tax lawyers to help them understand this confusing labyrinth of laws and regulations. Just think about what this energy and capital could accomplish if directed towards truly creative purposes. Just imagine what a fair and simpler Tax Code could do to help us build a 21st century economy.

So let us engage in a vigorous debate. Let us begin rewarding the trust that the American people have placed in us, beginning today.

PAYING TRIBUTE TO AND HONORING PHIL CRANE AND BILL LIPINSKI

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, I rise to pay tribute and honor to two of our retiring colleagues, Congressman PHIL CRANE and Congressman BILL LIPINSKI, two of the finest men I have ever known.

I first met PHIL CRANE in 1966 when he spoke to a conservative student group at the University of Tennessee and a few years later invited him to speak to my law school class at George Washington University. PHIL CRANE was one of the early national leaders of the modern-day conservative movement, a highly-respected professor, author and legislator. His life has been a true inspiration to countless numbers of young people all across this Nation.

BILL LIPINSKI served as my Ranking Member for the entire 6 years I chaired the Subcommittee on Aviation. I said then that I do not believe any Chairman and Ranking Member got along or worked together better than BILL LIPINSKI and I did. BILL LIPINSKI never

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

forgot where he came from. I have always considered him to be a master politician in the very best sense of the word and the epitome of what a Congressman who truly serves his constituents should be.

I will miss seeing these two men on such a regular basis, but this Nation is a better place today because of the service of two gentlemen from Illinois, PHIL CRANE and BILL LIPINSKI.

PAYING TRIBUTE TO MARINE CORPORAL SHANE KIELION

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. Mr. Speaker, it is with a deep sense of gratitude and profound sense of sadness that I rise to pay tribute to the life of a brave young man who grew up in my hometown of Omaha, Nebraska, Marine Corporal Shane Kielion who died Monday in combat in Iraq, in Fallujah. On the same day, he became a father.

With his entire life in front of him, Shane chose to risk everything to fight for the values Americans hold close to our hearts in a land halfway around the world. This was his second tour of duty.

My heart goes out to his wife April and his brand-new son Shane and his parents, Roger and Patricia. As a father myself, I cannot imagine being unable to see my sons grow up, and it breaks my heart that Shane will not have the same experience. But I know that Shane will be watching over his young son, and I hope the boy will grow up knowing that his father loved him and his mother very much.

Shane was known as a dedicated person to his wife and he would be to his son and to his country, and all Nebraskans will remember him as a true American. We can take pride in the example he set, bravely fighting to make the world a better place. My thoughts and prayers go out to Shane's family and friends during this difficult time. May God grant them strength, peace, and comfort.

PROVIDING FOR CONSIDERATION OF S. 2986, INCREASING THE PUBLIC DEBT LIMIT

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 856 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 856

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (S. 2986) to amend title 31 of the United States Code to increase the public debt limit. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to commit.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. REYNOLDS. Mr. Speaker, House Resolution 856 is a closed rule that provides for consideration of S. 2986, a bill to increase the public debt limit. The rule provides one hour of debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill. Finally, the rule provides 1 motion to commit.

Mr. Speaker, the debt limit increase bill that will come before this body is a necessary step in order to avoid a shutdown of our government. The Federal Government has never before defaulted on our obligations, but without our immediate action today we will simply be unable to pay our bills.

Mr. Speaker, the underlying bill increases the statutory debt limit in order to protect the full faith and credit of the United States. It is necessary and not an unusual step to ensure that the Federal Government is able to pay its bills.

It is important to note that the level of debt subject to limit is a function of past decisions made by decades of administrations and Congresses. It is equally important to note that increasing the debt limit does not increase the deficit.

As Robert Rubin, President Clinton's Treasury Secretary noted, "Passage of the debt ceiling is totally unrelated to deficit reduction." And in testimony before the House Committee on Banking and Financial Services, he further noted that "The debt limit is about meeting obligations already incurred, while future deficits can only be reduced so actions taken in the budget process itself."

While the publicly-held debt has increased more rapidly in recent years, it is a result of the ongoing war against terrorism, an effort that began after the horrific attacks on our Nation on September 11, 2001.

Without passage of the underlying bill today, vital programs such as Social Security, medicare, unemployment insurance benefits, veterans' care, and military retirement are all put in jeopardy.

We risk not providing food, clothing, ammunition, and other necessary resources to our brave men and women engaged in the war on terror. Highway funding, disaster assistance, the Low-Income Home Energy Assistance Program, all will be at risk.

In addition, if we do not act today, taxpayers will be further burdened with higher interest rates, and we risk the disruption of financial markets at a time when our national economy continues to grow at a strong pace.

Mr. Speaker, this rule and this underlying legislation is necessary to keep the government operating, ensure the continued delivery of vital services for our citizens, and provide the equipment, supplies, and munitions our troops need to continue our fight in the war on terror.

Mr. Speaker, I urge my colleagues to support this rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

□ 1015

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Ms. SLAUGHTER. Mr. Speaker, as of yesterday, the national debt hit $7,444,423,020,967.95. It translates to over $25,000 owed by each and every one of us. The national debt is growing so fast, $1.6 billion every single day, that the last seven digits on the national debt clock in New York City are flipping faster than can be seen by the human eye.

No one is spared this heavy economic burden, not even America's children. In fact, today every child born in America comes into this world owing a birth tax of $25,255 which is their share of payment on a national debt that they had no part in creating.

To my friends on the other side of the aisle that fought with such fervor and passion against the so-called death tax, I ask, where is the moral indignation when it comes to the birth tax which is levied on this Nation's most innocent Americans, its children?

This is a moral issue. The Federal Government cannot continue to borrow 20 cents of every dollar it spends, run up historic deficits, and add to the Federal debt without seriously harming the economy for generations yet unborn.

Today, Mr. Speaker, the House will consider a measure to raise the debt ceiling for the third time in 3 years. The debt ceiling is a statutory limit, imposed by law on the total amount of debt that the United States of America can incur. It currently stands at $7.384 trillion. At the beginning of President Bush's first term, Congress was told that the debt ceiling would not need to be raised until the year 2008 at the earliest. However, if we count the $800 billion increase provided for under S. 2986, the bill to be considered later today, the debt limit will have been raised by more than $2 trillion since President Bush took office.

On this day, with Americans coming together in Little Rock, Arkansas, to open the Bill Clinton Presidential Library, I find myself waxing nostalgic for the budget policies of the 1990s: the PAYGO rules, the spending caps and other critical budget policies that set our Nation's budget on a path to historic surpluses and allowed us to pay down the national debt for 7 straight years. It was not easy but it was the right thing to do.

Last night in the Committee on Rules, my colleague, the gentleman from California (Mr. THOMPSON), offered an amendment to S. 2986 to help us get on the path of fiscal discipline. The Thompson amendment, co-authored with the gentleman from Texas (Mr. STENHOLM), one of this body's most thoughtful Members on budget issues, would have allowed this body to restore the PAYGO rules and spending caps that were allowed to lapse in 2002. Regrettably, the Thompson amendment was rejected and my colleagues are being denied the opportunity to restore some budget discipline.

Mr. Speaker, our national deficit keeps hitting historic highs, $413 billion by the end of September, and no end in sight, particularly as we are spending $5 billion a month on the war. At this rate, deficits will continue for years to come, adding several trillion at a minimum to the colossal debt we have already incurred. In fact, the Congressional Budget Office analysis indicates that at the current rate of deficit spending, by the year 2014 the debt ceiling will have to be raised to $14.5 trillion.

Chronic budget deficits also undermine the economic security of Americans. As the government's appetite for money increases and it consumes more and more of the capital available in credit markets, more Americans will face higher interest rates and find it harder to finance their homes, their education, and their businesses.

Moreover, there is cause for alarm when we look at how this debt is being financed. I have serious concerns about how this Nation will maintain its sovereignty as foreign governments and nationals continue to bankroll us.

Today, the Japanese hold over $600 billion in U.S. debt paper and the Chinese hold between $225 and $275 billion. When 90 percent of new debt is purchased by the likes of the Bank of China and Japanese interests, how can we be sure that we have the resources to provide for the national defense? How do we ensure our independence when foreign governments who do not share our Nation's values or views on foreign policy issues buy up our bonds?

I strongly believe that the level of foreign holdings is a grave and gathering threat to our Nation's sovereignty.

Mr. Speaker the closed rule before us today only allows an hour to debate the national debt. That is simply not enough time to debate an issue that affects every man, woman and child, living and unborn, in this country. Moreover, the majority's refusal to let the Simpson-Stenholm PAYGO amendment come to the floor for a vote is foolhardy. Without a major change in course, we are on the path to debt for generations to come.

[From the Washington Post, Nov. 17, 2004]

SOARING CEILINGS

This week the lame-duck Congress will have to raise the federal debt ceiling. For several weeks the Treasury Department has been doing the governmental equivalent of scrounging for spare change in the couch cushions to pay its obligations. Now, with the election safely past and Treasury at the limits of its ingenuity, lawmakers will do the inevitable and increase the government's borrowing authority by as much as $800 billion—raising the debt ceiling to more than $8 trillion.

This will be the third time in three years that the debt limit has been increased, for a grand total of more than $2 trillion during President Bush's first term. The last hike was nearly $1 trillion, but it took less than 18 months for the government to hit the newly raised ceiling. By way of comparison, the entire federal debt in 1980 was less than $1 trillion;

There will be some noisy debate about this, only partly on point. The debt limit, as now defined, both overstates and understates the problem of the national debt. It overstates the problem by including not only what an ordinary person would think of as "real debt"—the $4.3 trillion the government has borrowed—but also money the government essentially owes itself. These are the "trust funds" to finance future obligations, such as Social Security and Medicare, that the government "borrows" from to pay its current bills. To the extent this reflects a debt, it's of a different sort from a Treasury bond. But if this is a debt, the ceiling understates the problem because the trust fund IOUs the government issues to itself don't come close to reflecting the full cost of its future commitments to those programs.

This much is beyond question: The government is living far beyond its means. The deficits it racks up year after year impede economic growth, burden future generations and force the United States to rely on foreign governments and investors. Since Mr. Bush took office, foreign holdings of U.S. debt have grown from 30 percent to 43 percent of the total, and 90 percent of the new debt has been purchased by foreigners. Meanwhile, as the government has to pay more interest on its debt, it has less for health care, education and other programs. According to the Congressional Budget Office, the government's interest payments are expected to more than double between 2003 ($153 billion) and 2010 ($319 billion); interest costs will account for almost 10 percent of federal spending in the next decade.

"We owe it to our children and grandchildren to act now," Mr. Bush said in his first State of the Union address. He was speaking about his plan to pay off over the next decade the entire $2 trillion in government debt held by the public. Now, instead of being eliminated, debt held by the public—real debt—is on track to reach $6.5 trillion by 2011. How do Mr. Bush and all the lawmakers who have enabled his irresponsibility plan to explain that to the grandchildren?

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is important to just clarify the record that while public debt is held by foreign interests, foreigners invest in the United States because we have a sound economy and we provide a safe place for them due to our low risk of default.

The market for U.S. Treasury securities is the largest, most liquid and transparent financial market in the world.

It is also important for our colleagues to know that our debt limit increase is not an unusual function if we just look at the 21st century, but I think we kind of have to look at the last half of the 20th century.

The level of outstanding debt is subject to a limit and a function that is past decisions made by previous administrations and Congresses over decades, as I mentioned in my opening remarks, as well as current and past levels of economic activity and should not be subject to political gamesmanship.

As we look at the debt limit increase measures, there have been 83 since 1940, Mr. Speaker, seven during the 1940s, six during the 1950s, 13 during the 1960s, 18 during the 1970s, 24 during the 1980s, 13 during the 1990s and two far this decade. So it is not an unusual function or an unprecedented function or a Republican function or a Democratic function. It is a function of keeping the government running.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding me time.

I want to begin by saying that I suspect that this may be the last rule that will be managed by our good friend from Buffalo, New York (Mr. REYNOLDS), as he is going to be taking the position that the gentleman from New York (Mr. HOUGHTON) is giving up as a member of the Committee on Ways and Means representing the State of New York on the Committee on Ways and Means. So I want to say that rarely have we seen the kind of passionate eloquence when it has come to management of rules on the House floor that we have from my friend, the gentleman from New York (Mr. REYNOLDS). And I want to congratulate him and thank him for his stellar service to the Committee on Rules and to this institution overall.

Mr. Speaker, I rise in strong support of this rule. It is the fiscally responsible policy for us to increase by $800 billion the national debt limit. One might say, how can that be fiscally responsible for us to all of the sudden increase that burden which has the potential to increase interest rates and do all of these other things that obviously we bemoan increases in spending.

Well, the reason it is the fiscally responsible thing for us to do is that if we do not, there are tremendous obligations that the Federal Government has that could potentially be jeopardized. Not that they will be jeopardized or not, but potentially be jeopardized. One of the things that is important for us to realize, Mr. Speaker, is that if we look at the question of the auction of our Treasury bills that is on the horizon, we know one thing full well. If we do not take this action now as expeditiously as possible, get this done, we will increase the already-high interest costs that the American taxpayer will be shouldering.

Now, this issue is a wonderful issue to demagogue, and I will tell you that I probably in my quarter century here have been guilty of having done it in the past. I will say that clearly increasing the debt ceiling is something that it is easy to cast a "no" vote on it, but it is not the responsible thing to do.

Now, we listen to people decrying a number of things. Obviously, there is talk about how this President inherited a wonderful surplus and today many of our colleagues are in Little Rock, and we congratulate President Clinton on the opening of his library; but let us remember that as we looked at the surplus that was created during the decade of the 1990s, Mr. Speaker, it was done so because of the fact that we Republicans came to majority in 1994. And we came to majority focusing on a couple of things. Yes, trying to restrain the growth of Federal spending, but at the same time we had our attention on the issue of economic growth. And we know that we brought about that economic growth because of the fact that we were able to reduce taxes to stimulate the economy.

Now, one of the things people say when we talk about the problems of increased spending that has taken place over the past 4 years, one of the things we need to recognize is that even if we did not have the horrendous attacks of September 11, 2001, against the United States of America, even if we did not have the war and the costs of that war in Iraq, we still would be dealing with deficit spending. We still would be faced with the challenge of increasing the debt ceiling. Why? Because it was the fact that we saw an economic slowdown that really began as every economist, virtually every economist has recognized, every nonpartisan economist has recognized, began in the waning, waning months of the year 2000, before George Bush was even elected President of the United States. We saw this economic slow-down. And that economic slow-down obviously diminished flow of revenues to the Federal Treasury.

Now, what is it that we have done? Fortunately, with the policies we have put in place, Mr. Speaker, we have actually seen an increase to the flow of revenues to the Federal Treasury and the last projection showed actually an unanticipated $108 billion in revenues have come into the Federal Treasury. Why? Because of the fact that the economy is growing.

So we are on a path toward greater economic growth. And now that this election is behind us, Mr. Speaker, one of the things that we also need to realize is that we have the potential to make permanent the tax cuts, to bring about reform of Social Security, which is a very high priority, and a wide range of other things, like market-opening opportunities which will help us.

The other thing that was just raised by my friend from Buffalo that I think is important for us to talk about is this wringing our hands over the fact that there are nations like the People's Republic of China that might consider investing its dollars in the United States of America. What better signal of the strength and confidence that the world has for our economy than to see them invest in our economy? I see that, Mr. Speaker, as a positive for us as a Nation.

So it is very clear, some people who want to politicize and say, oh, well, let us not increase the debt limit. Well, it is very important that we do this. Increasing this debt ceiling will save U.S. taxpayer dollars because if we do not, we will see an even greater interest burden shouldered on the U.S. taxpayer. So let us vote for this rule. Let us vote for the rule as it is reported out because of the fact that any kind of delay would delay action over in the other body, and we need to move as quickly as we can on this and then let us vote for the package itself.

Mr. Speaker, I thank the gentleman for yielding me time.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Committee on Rules.

☐ 1030

Mr. MCGOVERN. Mr. Speaker, that did not take long. On just the third legislative day after the election we are yet again confronting a need to raise the Nation's debt limit. It is interesting that even though this problem has been apparent for months the Republican leadership chose to wait until after the election to bring this issue to the floor, interesting but not at all surprising.

Once again, the historic fiscal mismanagement of this Republican Congress and the Bush administration is on display, and, once again, we are reminded that we are passing on a massive, unpaid credit card bill to our children and our grandchildren, and the numbers are staggering.

In 2002, the Bush administration came to Congress asking for a debt limit increase of $450 billion. In 2003, they asked for another increase of $984 billion, an unprecedented increase, and this year's request will increase the debt ceiling by another $800 billion. Amazingly, this increase is only expected to last the Treasury 1 year, which means that unless this Congress gets its act together we will be back here next year debating yet another multibillion dollar increase in the national debt limit.

In the last 18 months, this Nation's debt has gone up by nearly $1 trillion, $1 trillion. Today's debate proves once again that the promises made by the Bush administration when they came into office were nothing more than empty rhetoric.

They promised under their plan the debt ceiling would not be reached until 2008. Instead, because they continue to insist on massive tax breaks for the wealthy that are not paid for, the debt limit will have to be raised for the third time in 3 years.

On January 29, 2002, George Bush stood in this Chamber and told the Nation our budget will run a deficit that will be small and short term. I guess he misspoke.

But this debate is about more than numbers, Mr. Speaker. It is about priorities. It is about the kind of country we are leaving for future generations. How will our children be able to afford things like education and health care, homeland security and national defense? How will they be able to pay for us when we retire?

These massive deficits, this huge debt will mean higher interest rates, and that means that the American people will have to pay more for a college education or a new car or a new home. Reckless fiscal policy is not a value. It is a vice, and it has to stop.

Mr. Speaker, the fiscal irresponsibility of the majority and the administration is magnified by the Republican leadership's refusal to institute budget reforms requiring Congress to pay for any new spending. PAYGO simply is a responsible plan that says if you want to increase spending or if you want to give tax cuts to your rich friends, you have got to pay for it.

In the Committee on Rules, several members offered, and I supported, an amendment to increase the debt limit and reinstate the pay-as-you-go spending policies, and it was rejected.

Now I know what my friends on the other side of the aisle are thinking, the next election is not for another 2 years. They think the American people will forget about this fiscal irresponsibility that they are pursuing. Well, maybe they might and maybe they will not, but, in the meantime, they are undermining our economy and they are passing on to our kids a big fat credit card bill and it is shameful.

Mr. Speaker, I urge my colleagues to reject this rule and vote no on the underlying bill so we can have a real debate on the gross fiscal mismanagement of this Congress and this administration and institute real budget reforms that will provide pay-as-you-go for increased spending and these tax cuts.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

I think it is important, after listening to my colleague and fellow member of the Committee on Rules, that we point out that tax relief did not cause the deficit. We would have triple-digit budget deficits today if taxes remained at the historically high levels of 2000. The tax policies that were put in place helped our economy out of a recession that began in the Clinton administration and was in the early Bush years.

Without our tax policies, the economy would not have recovered as quick and as well as it has. More Americans would have lost their jobs. A less robust recovery from recession would have had the adverse effects on revenues and the budget deficit, and healthy revenue growth continues even with tax relief. The recent decline in the deficit is largely a result of revenue increasing faster than anticipated because of strong economic growth.

After 3 years of declining revenue in the wake of September 11, revenue is now growing more robustly than expected. Just since July, we have seen the deficit projections for this year drop by $32 billion. While I cannot predict what the next election will be, I do know the President ran on those tax cuts, as did the majority in this Congress, and both the President will serve another term and in the 109th Congress the Republican majority will continue in being the majority in this body

Mr. McGOVERN. Mr. Speaker, will the gentleman yield?

Mr. REYNOLDS. I yield to the gentleman from Massachusetts.

Mr. McGOVERN. Mr. Speaker, I just refer him to CBO's report in which it concludes that the tax cuts are the largest legislative contributor to the negative debt that we have right now. I mean, so it runs contrary to what the gentleman is saying.

All we are suggesting here is that when my colleagues pass these tax cuts for their corporate friends and for wealthy people that they pay for them, pay as you go. That is the responsible thing, so we do not pass this debt on to our kids and our grandkids.

Mr. REYNOLDS. Mr. Speaker, reclaiming my time, in the time of the last 2 years of this Congress we have had a great debate. A guy from the left that believes that there should not be tax cuts, or to have some kind of message for middle America to feel that they might get a piece of it.

I am a guy that believes if you pay taxes, you ought to get a tax cut. We took that referendum, I guess, to the public, and they have ratified an opportunity for this majority to remain.

Now, I also understand majority/minority politics, and I guess if I look through the years of 1940, 1950, 1960s, 1970s, 1980s, 1990s and 2000 when we would find that Republicans controlled the place or Democrats controlled the place, I am sure that there were a few that made the debt reduction or the aspect of all of that debate at the same time they looked at the debt limit.

But also in my opening remarks we heard from Secretary Rubin who said that the aspect of raising the debt limit was not the aspect of addressing the deficit. It was the budget itself. And I will quote him.

As Robert Rubin, then Treasury Secretary under the President said in November of 1995 in that quote, Passage of the debt ceiling is totally unrelated to deficit reduction. The deficit can only be reduced in the budget process.

He reiterated this truth 1 month later in testimony before the House Committee on Banking and Financial Services when he said, The debt limit is about meeting obligations already incurred, while future deficits can only be reduced through actions taken in the budget process itself.

Mr. McGOVERN. Mr. Speaker, will the gentleman yield?

Mr. REYNOLDS. I yield to the gentleman from Massachusetts.

Mr. McGOVERN. Mr. Speaker, this is the third time under this administration that we have raised the debt limit, and what we were asking for last night in the Committee on Rules and what we are asking for today is that, before we do this again, that we institute the necessary budget reforms that require pay-as-you-go so that we are not going down this path of fiscal irresponsibility, so we are not passing down to our kids and our grandkids this massive credit card bill.

My colleagues denied us that ability to be able to vote up or down on a pay-as-you-go bill today, and that is what we are urging here today. That is why we are opposing this rule, and that is why I am going to vote against increasing the debt limit. Because there is no reason to believe that my colleagues' bad habits are not going to continue into the next Congress.

Mr. REYNOLDS. Mr. Speaker, reclaiming my time, a couple things.

One, in the finger pointing of this 21st century of deficit and debt limit increases, again, I will put on the record, we had seven during the 1940s, six during the 1950s, 13 during the 1960s, 18 during the 1970s, 24 during the 1980s, 13 during the 1990s and two so far this decade. So we are not into a new venture, and we are not into a Republican venture. We are into a congressional decision of whether we keep the government moving or whether we do not, and there were 83 debt limit measures that have been enacted into law.

I believe the gentleman from Texas will come up and talk about the PAYGO amendment that was offered before the Committee on Rules last night, and I think that it will be important for us to listen to him, and I believe that the issue of PAYGO will have bipartisan support if and when it comes to this floor.

But I also want to caution my colleagues that this is a Senate bill that we are taking up, and further delay once again results in this body jeopardizing our trust funds such as Social Security, Medicare, highways, and we further jeopardize veterans' care and military retirement.

So when we put our military at risk, at not having the necessary resources of food and clothing and ammunition, we also endanger unemployment benefits and disaster assistance, low-income home energy assistance programs.

The debate on PAYGO I believe should happen and will happen. It is not necessarily that it has to happen when we are looking at debt limit for a number of reasons, including the quotes of Robert Rubin of 1995.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I want to begin by congratulating my Republican colleagues for bringing this bill to the floor today, clean, up and down. There is a certain amount of justice to this because those who have built up these deficits should have the courage to vote to increase the debt ceiling for the policies of which they have been very successful, and that is commendable.

I sincerely say that, even though my opposition to those policies help contributed to my defeat. Because I have stood on this floor many times, Mr. Speaker, asking that PAYGO be reinstated, but it was never the right time, and, according to the Committee on Rules, it is not the right time today to bring up pay-as-you-go.

But we can talk about these deficits and debt and my friends on the majority side can continue to explain them as they really do not matter anymore. It does not matter that we have borrowed $570 billion in the last 12 months, that we borrowed $1.5 trillion in the last 3 years, that we are going to borrow who knows how much more, continuing to fund the same policies. Because I assume if one was elected on these policies they will continue them. That means, based on most economists, the deficit is going to explode into the next year, 2, 3, 5, 10 years.

I hope I am wrong. I want to say here today to my friends on this side of the aisle, I sincerely hope they are right because our country will be so much better off if they are right than if they are wrong, because I detect in today's motion a reluctance to change anything.

I have come to the conclusion now that politics are not going to change my colleagues' policies. They have got the majority in the House. They have got the majority in the Senate. They have got the White House. Therefore, they are going to do what they believe is in the best interest of our country.

I just do not share the belief that deficits do not matter. I just do not share the belief, and I never dreamed I would be a member of the party of fiscal responsibility, which my party has become.

Based on historical records, they talk about a trillion and a half is not much money, $800 billion, not much money. Well, it took our country 204 years to borrow the first $1 trillion. Today, we are going to make it possible to borrow another $800 billion, and it probably will occur in the next 12 to 18 months.

It is not politics that is going to ultimately decide this question. It is the market that is going to decide this question, and I would encourage my friends on this side of the aisle to start paying attention to the market.

It was not insignificant that 2 months ago the Japanese, for the first time since 2002, chose not to increase their holdings of United States Treasury notes. It is not of some insignificance that the European community is concerned about the fall of the dollar.

Much of what the gentleman from New York (Mr. REYNOLDS) has said I agree with him on. I agree with Mr. Rubin, Secretary Rubin. I agree with him 100 percent. I am glad the gentleman repeated it twice for the RECORD because more Members of this body need to read that and understand that what he is talking about is exactly as he has restated it.

This is not a budget vote. What we were talking about last night in asking my colleagues to make pay-as-you-go a part of this rule is changing the policy just a little bit in reinstating pay-as-you-go which worked in a bipartisan way in 1993 and 1997. But this bunch, those of my colleagues who control this House today, have said, nope, that is not any good anymore. We have got a new and better policy. Some of us disagree with that, and we just ask respectfully that we be allowed to vote on that today, but my colleagues said no, and this is their prerogative. That is their prerogative.

To those of my colleagues who believe that the amount of deficits this country is running today and will run under the policies they advocate, if they are going to make the tax cuts permanent, if they are going to continue to have the reductions in the amount of revenue, if we are going to continue to fight to a successful culmination, which I hope we do, of the wars, if we are going to do that, I think there may be a little justice in this for the gentleman from New York (Mr. REYNOLDS), and I hope you will be up to it.

Going to the Committee on Ways and Means means the gentleman is going to be part of the ways and means of solving this problem, sooner or later, but not today, obviously. Sooner or later, the gentleman is going to have to be part of that, I believe.

So, again, I conclude by congratulating my colleagues for bringing this bill up for a clean up and down vote. If they would have allowed pay-as-you-go, I would have been one of those votes, but I am not going to ratify a policy that I believe is going to drive this country to the brink of ruin, and the market will ultimately be the judge of this, not any vote in this body according to the majority today.

□ 1045

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

It is true that in 2004, as we consider whether we increase the debt limit, the government is controlled by Republicans, a Republican President, a Republican Congress in both the other body and in this one. But I am reminded of President Bill Clinton's State of the Union address in 1996, and I quote him: "And on behalf of all Americans, especially those who need their Social Security payments at the beginning of March, I challenge Congress to preserve the full faith and credit of the United States, to honor the obligations of this great Nation as we have for 220 years, to rise above the partisanship and pass a straightforward extension of the debt limit. Show them that America keeps its word."

That rang true when a Democratic President spoke to a Republican Congress; it rings true today as we consider the debt limit.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 1 second just to say that President Bush, in his first State of the Union said, "We owe it to our children and grandchildren to act now," speaking about his plan to pay off in the next decade the entire $2 trillion in government-debt held by the public.

Mr. Speaker, I yield 5½ minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, we are here because the Secretary of the Treasury has warned us that he has run out of tricks. Five times he has written the leadership of the Congress and told us that he was approaching the legal limit which Congress has imposed by law on how much debt the United States can incur. We call it the debt ceiling. Now he has told us that he is out of tricks and he is having to do things he does not regard as prudent unless we increase the debt ceiling. So it is right that we are here to do just that.

But it is also right that we take an hour or two to ponder what brings us to this juncture, to raise the debt ceiling again by $800 billion, when we have already raised it twice in the last 3 years.

Let us go back to January 1, 2001. The Bush administration takes office, and the fruits of our labor in the last two administrations of the Clinton years are laid before him. They look out and see surpluses of $5.6 trillion and decide that this warrants huge tax cuts. We warned them against buying into a blue-sky projection which might not be obtained, and surely enough, that happened.

They told us, nevertheless, that even if we adopted their tax cuts, they would not have to be back to request an increase in the debt ceiling due to the fantastic surpluses they foresaw, until the year 2008. In truth, they were back in 2002 asking for $450 billion. And then on May 26, 2003, just 18 months ago, the second request from the Bush administration was passed raising the debt ceiling by $984 billion. And now we have the third debt ceiling increase in 3 years, equal to $800 billion, before us.

Let me just take a minute to go through some charts which will explain more graphically why it is we are here and what it is we need to do at this point in time.

This was the debt ceiling when Mr. Bush came to office in January 2001, $5.950 trillion. This first increase took it to $6.4 trillion. The next, where we are today, $7.384 trillion. That was a $984 billion increase just 18 months ago. Today, they would like to take that up another $800 billion because they have rung up $984 billion in debt in the last 18 months.

Just consider that. Every 18 months the government of the United States under the Bush administration is incurring $1 trillion in additional debt. Every 18 months. That is the rate at which we are running right now. This next increase will take the debt ceiling to $8.2 trillion, up from $5.950 trillion. That is quite a statement about the fiscal policies of this administration.

Now, the administration assured us that they would not need to come back until 2008; that we could cut taxes by immense amounts not only in 2001, but 2002 and 2003, because there have been three tax cuts, and even more, and still enjoy an increase in revenues. This was the path they plotted when they sold their tax cuts to the Congress of the United States showing that tax revenues would rise from a little over $1 trillion to $1.118 trillion, individual and corporate income taxes.

Instead, the revenues of this country have followed this descending path here, and we can see the gaping hole, the difference of $300 billion today between what they predicted and where we actually are. This is an underlying cause.

In addition to that, there have been things that have taken their toll on the budget: defense. Much larger than anybody anticipated in 2001. Homeland Security. We did not even have a heading called Homeland Security 3 years ago. And the 9/11 response. But the increases in spending that have affected the bottom line of the budget have all been sought by the Bush administration. Ninety percent of the increases in spending over and above current services have been things they have sought and we have appropriated because they were urgently needed.

So where are we? A $450 billion increase in the debt ceiling in 2002. In 2003, we had a $984 billion increase in the debt ceiling. And today, an $800 billion increase in the debt ceiling. That means this administration has had to come to Congress and ask for the debt ceiling to be raised by $2.234 trillion. Let me say that again. It is so fantastic: $2.234 trillion to accommodate its budgets over the last 4 years. That is the bottom line. It is inescapable.

And how much is $984 billion, the last increase we had 18 months ago? Well, $984 billion is more than the entire debt of the United States in the year 1980–81 when Ronald Reagan came to Congress. The last increase 18 months ago exceeded it.

Let me just wrap up by saying that this calls for action. Sure, the ceiling has to be increased, but we should not just increase the ceiling and leave the problem unattended. The very least we can do is reinstate the PAYGO rules which have worked so well and put the budget in surplus for the first time in 30 years in the 1990s. That is what we ask today, an opportunity to put up an amendment that would at least take one solid step towards stopping this head-long descent deeper and deeper into debt.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, may I inquire how much time remains on each side.

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from New York (Ms. SLAUGHTER) has 9½ minutes remaining, and the gentleman from New York (Mr. REYNOLDS) has 12 minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's courtesy in yielding me this time.

I heard the distinguished chairman of the Committee on Rules talk about how this is an easy issue to be a demagogue. Well, I would suggest what we heard from the gentleman from Texas (Mr. STENHOLM) and the gentleman from South Carolina (Mr. SPRATT) was the antithesis of demagoguery. It does not require an emotional or irrational appeal to prejudice. They have been direct and straightforward in telling the consequences of the Republican approach to debt management and spending.

I should amend that. It is not the Republican approach, because the gentlemen I just referred to from South Carolina and from Texas represent many Republicans, like I do back in Oregon, that do not subscribe to this; and it insults them to suggest this is the Republican approach to budgeting.

The distinguished Committee on Rules member from New York talked about the mandate. Well, I would think the Republicans and the President would have a mandate if they had ever talked about this. I did not hear a single Republican talk about increasing the debt. I did not hear them talk about reckless spending on programs for special interests, divorcing it from reality. In fact, they employed tactics to disguise the fact that we had exceeded the debt limit. They have been borrowing from retirement and disability funds, for instance, we expired in October.

No, if they had talked about this directly and honestly to the American public, I would accept the notion there is a mandate. And in fact I would suggest if they had done that with their plans, they would not have had a mandate, because they would not have won the election.

The fact is we are incurring more debt than is necessary for weapons that do not add to security, for handouts to special interests that do not need them, and tax cuts for people who need them least, making them permanent regardless of the fiscal consequences.

We are given a program from the majority party and the President that, if we approved it, would almost double this problem over the next 10 years. I, for one, cannot go back home to campuses and look these young men and women in the eye and suggest that I was a part of approving it.

I long for the day when we have a bipartisan effort to reduce the deficit and to deal meaningfully with our spending priorities. But unless and until that happens, I will vote "no" as the one way I have of protesting this bizarre divorce from reality, of the fiscal reality that all of us are going to have to live with.

Mr. Speaker, would that their rosy scenarios come to pass. In some respects, I hope that they will. I do not wish ill on our country. But the fact is, the policies and the practices are leading us down a path that we will regret for years to come.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

First of all, I want to correct my colleague from Oregon. I do not think I said I had a mandate on anything. I think I outlined the fact we had a great debate before an election and Republicans continue here.

I also wonder if my colleague ever voted for a debt limit increase in his many terms of service, as we demagogue the issue today. As we come to a vote, it is going to get down to whatever excuse you find if you do not vote for it. But if you do not vote for it, you are actually putting the government in harm's way, which means the people are in harm's way. We have said that in repeated messages on the record today, and that still remains a fact as we look at consideration of the debate on the rule and then the underlying legislation following it.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, last night I had the opportunity to testify before the Committee on Rules on behalf of my Blue Dog colleague, the gentleman from Texas (Mr. STENHOLM), who had proposed an amendment to reintroduce PAYGO into the rule. That proposed amendment would have reestablished one of the most basic, most responsible, and most successful principles of budget enforcement, the PAYGO rule.

I am sad to stand on this floor today and say that this amendment was stopped. It was stopped by the majority on that Committee on Rules from being able to be part of this final resolve to this issue today.

PAYGO was a provision in the original Budget Enforcement Act which this House allowed to expire in 2002. Prior to that time, not only were we forced to operate within the caps imposed on our discretionary spending; we had to offset all legislation that had the effect of increasing spending or reducing revenue. Put plainly, we had to pay for our bills as we passed our bills.

Since the expiration of the Budget Enforcement Act provisions, PAYGO included, this Congress has not been operating with anywhere near the same level of fiscal responsibility.

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Deficits are growing. They are growing in size, they are growing as a percentage of our gross domestic product and, most important, they are growing unchecked because we have allowed provisions such as PAYGO to expire.

The Stenholm proposed amendment would have returned us to the rules by which Congress operated during the 1990s, bipartisan rules. This is not a partisan concept. In its original form in 1990, PAYGO was part of a bipartisan budget agreement between the first President Bush and a Democratic Congress. In 1993, it was extended with a Democratic President and Congress, and again in 1997 it was extended with a Democratic President and a Republican Congress. One hundred ninety-three Republicans voted for PAYGO when it was last extended. One hundred twenty-one of them are still serving in this House today.

Mr. Speaker, the Federal budget should emphasize fiscal responsibility, saving the money necessary to keep both Social Security and Medicare solvent, and paying down the national debt, not increasing it.

I do not like voting to increase the debt ceiling any more than anybody else in this body, but I am not opposed to it if it is accompanied by a plan that would put us back on solid fiscal ground. A good way to start is to reinstate the PAYGO rules. It would be irresponsible for this body to raise the debt limit without a plan for controlling this runaway spending.

I urge my colleagues on both sides of the aisle to stand up for fiscal responsibility, to stand up for fiscal integrity and vote no on this rule and insist that we restore PAYGO.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have listened to a number of my colleagues, and I have been on the record repeated times. First of all, what came before the Committee on Rules last night was a Senate bill. The Committee on Rules made a vote and decision without having any further delay to bring forward the Senate bill for consideration on the rule that we are now in debate on, and later we will have debate on the underlying legislation.

We can demagogue it and put on the record all sorts of messages to feel good or draw political lines or switch from when might have been responsibility for voting for debt limit and now not, and now PAYGO. We have had debate on that. But I want to make sure that we listen to two things when we talk about bipartisanship. Bipartisanship is a two-way street of working together.

I suspect, as I said before my colleague from California entered the Chamber, I expect to see Republican support again for PAYGO. Republicans are looking at it closely. There is certainly support for consideration of that. My colleague from California outlined some of the votes in a bipartisan vote that came for PAYGO, and I addressed that I think, with the gentleman from Texas, that there is support.

The question is, under the terms of the debate, we want it altogether, right now, right here, and that is the position we are carrying. Some of that has been now a Blue Dog position that has been laid out by a number of members of that caucus. But the reality is if we keep screwing around with this thing, we are going to shut the government down. We cannot have it both ways.

Each of us has voted for something that makes the government run and takes credit for it when it is the fall of the election year, making sure that voters knew they were working hard to bring some of that Federal money back home.

Any further delay will result in this body's jeopardizing our trust funds, like Social Security, Medicare and highways. We further jeopardize military care and retirement. We put our military at risk. We endanger unemployment benefits and disaster assistance and low-income home energy assistance programs, programs many of us had in our messages back in our respective States and districts.

We also talk about listening to presentations from 2000. At least twice I put on the record in this hour 83 different times over the last 64 years has the Congress taken upon itself to increase the debt limit.

I also put on the record President Clinton's 1996 State of the Union address where he asked for bipartisan cooperation to ask the Congress to do the right thing and increase the debt limit.

So it is not a new thing, it is not a Republican thing, it is not at Democrat thing, it is a government thing. There will be a consequence if we do not keep the government running because, for the history of our Nation, we have never not made sure that we honored what needed to be done with respect to debt limit.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, the gentleman from New York talks about the great mandate the Republicans got in the election. Why did they not have the guts to bring up an increase in the debt limit before the election?

This is no surprise. In fact, we technically reached default over a month ago. They have been borrowing Federal employees' retirement to keep the government floating, but now they say we have no option but to vote for this today, and they have no plan.

Let us distill it down to something Americans understand. Trillions, billions, they do not get it. This is the third time we are going to ask for an increase in our borrowing on our credit card limit in 3 years under the Republican leadership, $2,000 per U.S. citizen. That is what they are authorizing today to borrow. Now everybody here is going to have to pay that back with interest. With interest. And they have no plan to stop borrowing into the indefinite future. No plan at all.

They will not allow us to adopt a simple principle: If they want to increase spending, cut something else. If you want to cut income, decrease taxes, either get tax increases elsewhere or cut spending. That is all we are saying. It is a simple principle. It is something every American would have to do before their credit card company would give them an increase for the third time in 3 years. That is what they are doing here.

They say, there is no time to do that. We are powerless in face of the Senate.

Come on. Give me a break. Members want to talk about demagogues. You are a champion demagogue. You really are. We are borrowing $1 million a minute to run this government. They want to say let us cut spending.

We can eliminate the entire government, the entire government, far beyond libertarians' dreams, and we would still have a deficit this year. Now we would keep half of the Department of Defense, but we would eliminate everything else the government does, and we would still have a deficit this year. That is how serious this problem is.

And they are borrowing money in the name of the American people who are going to have to pay it back with interest. Our kids are going to pay it back with interest. Our grandkids are going to pay it back with interest. In their scenario, our great great grandkids are going to pay it back with interest to the Chinese and others who are now financing our government and our spendthrift ways.

All we are asking for here is a little bit of fiscal responsibility, a plan, a plan to deal with this mounting debt, a plan that any American would have to have if they asked their credit card company for the third increase in 3 years in their credit card limit, and they were also cutting their income.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 1996, we heard, as I put on the record, President Clinton's appeal to the Congress. I thought I might share a little bit of the appeal of our colleagues. The two I have come from the Democratic side of the aisle at that time who made the appeal for the debt limit to be rising.

Barbara Kennelly of Connecticut stated, "Lifting the debt limit should not be a matter of politics, but of governance. Ensuring that it is done should not be a question of partisan leverage, but of leadership."

The gentlewoman from Texas (Ms. JACKSON-LEE), "If the debt ceiling is not extended or is sent to the President in a form he cannot sign, the repercussions will be devastating. Already, the leaders of our European allies are warning of an international financial crisis should the United States default on its debt payments. Bond rating agencies are raising alarm that our Nation's triple A bond rating is in jeopardy.

"An actual default would cause interest rates on Treasury bonds to rise, making a balanced budget almost impossible to achieve. Home mortgage and business borrowing rates would increase. slowing economic growth.

"In the past, many clean debt limit extensions have been passed in a bipartisan manner by this House. It was the right thing to do then, and it is the right thing to do now."

I do not always agree with my colleagues on some of their viewpoints of getting government solutions, and I am sure that many do not agree with me on government solutions, but we have certainly had a history of administrations, Democrat and Republican, and 83 times this Congress since 1940 has said let us do it.

Now I understand showmanship. I understand consumption back home. I understand we are still in November. so we have a little election spirit in us. But the reality is if we do not increase this debt limit, we are putting America's people in jeopardy.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I might ask the gentleman how he himself voted.

Mr. Speaker, the full faith and credit of the United States is not seriously at issue here. What is at issue is what we do not hear a lot about anymore. We do not hear the other side saying we can grow our way out of this debt. We do see the danger signs, the decline of the dollar, the rise in debt purchased by foreigners.

How can we plunge ourselves back into debt so quickly? As President Clinton dedicates his library, I cannot help remember the halcyon days of surplus where the President imposed pay-as-you-go discipline. We can do this ourselves.

Postponing a vote on the debt limit to get through an election is pathetically transparent. The moral bankruptcy of that postponement is deepened by the failure to even make a promise on PAYGO during this debate.

Unless we move, this generation will be remembered as the generation that had a party at the expense of their grandchildren, so selfish that they gave themselves a tax cut, robbed their children's Social Security, and then charged it straight away to them. Let us do better than that. That is the very definition of a national moral issue.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

I will be calling for a no vote on the previous question so we can change the rule and add the Stenholm amendment to reinstate pay-as-you-can-go programs in our budget process.

This amendment was offered in the Committee on Rules last night and defeated on a straight party-line vote. I want to emphasize that this no vote will not in any way prevent or block the consideration of the underlying bill to increase the debt ceiling, but a yes vote will block us in voting to restore the pay-as-you-go provisions in the budget process. I urge a no vote on the previous question

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. REYNOLDS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this Congress must honor our commitments and America's priorities. We must stand up today in support of our seniors and veterans and military and all citizens who will be harmed by our inaction. I urge my colleagues to do the right thing and support the rule and the underlying bill.

I also look at the 109th Congress as an opportunity for those who want to look at PAYGO, Republican and Democrat, from those from the left to those on the right to come together in a bipartisan fashion and continue working through the will of the House to see those types of considerations debated in committee and debated on the floor of this great House.

Before I yield back, I would like to quickly thank the gentleman from California (Chairman DREIER) and all of the members of the Committee on Rules and staff as this is most likely the last time I will manage a rule for this industrious panel. I have been honored to serve on the Rules Committee for the past 6 years.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTIONS FOR H. RES. 856: RULE ON S. 2986

Strike all after the resolved clause and insert:

That upon the adoption of this resolution it shall be in order to consider in the House the bill (S. 2986) to amend title 31 of the United States Code to increase the public debt limit. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment specified in section 2 of this resolution, if offered by Representative Stenholm of Texas or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to commit with or without instructions.

SEC. 2. The amendment referred to in the first section of this resolution is as follows:

Redesignate section 1 as section 101 and before such section add the following:

TITLE I—INCREASE IN PUBLIC DEBT LIMIT

At the end, add the following new title:

TITLE II—REINSTATING BUDGET ENFORCEMENT AND ACCOUNTABILITY

SEC. 201. EXTENSION OF PAY-AS-YOU-GO REQUIREMENT.

(a) PURPOSE.—Section 252(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking "2002" and inserting "2009".

(b) SEQUESTRATION.—Section 252(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking "2002" and inserting "2009".

(c) CONFORMING AMENDMENT.—Section 274 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking "2006" and inserting "2013".

Mr. REYNOLDS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 15 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 2035

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 8 o'clock and 35 minutes p.m.

PROVIDING FOR CONSIDERATION OF S. 2986, INCREASING THE PUBLIC DEBT LIMIT

The SPEAKER pro tempore. The pending business is the question on ordering the previous question on H. Res. 856 on which further proceedings were postponed earlier today.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on which the yeas and nays are ordered.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 205, nays 191, not voting 36, as follows:

[Roll No. 534]

YEAS—205

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Ehlers
Emerson
Everett
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—191

Abercrombie
Allen
Andrews
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCollum
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—36

Ackerman
Baca
Boehner
Burr
Cannon
Carson (OK)
Crane
Dooley (CA)
Dunn
English
Feeney
Gephardt
Greenwood
Hoeffel
Houghton
John
Kleczka
Lipinski
Matsui
McCarthy (NY)
McDermott
Millender-McDonald
Musgrave
Nethercutt
Norwood
Oxley
Quinn
Radanovich
Rangel
Schrock
Simmons
Stark
Stearns
Tancredo
Toomey
Weller

□ 2102

Mr. WEXLER and Mr. BLUMENAUER changed their vote from "yea" to "nay."

Mr. MCINNIS changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 2100

AUTHORIZING THE CLERK TO MAKE CORRECTION IN ENGROSSMENT OF H.R. 3204, BENJAMIN FRANKLIN COMMEMORATIVE COIN ACT

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 3204, the Clerk be authorized to make the following correction: In section 4(a)(4)(B), strike "2010" and insert "2006".

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Delaware?

There was no objection.

INCREASING THE PUBLIC DEBT LIMIT

Mr. BRADY of Texas. Mr. Speaker, pursuant to House Resolution 856, I call up the Senate bill (S. 2986) to amend title 31 of the United States Code to increase the public debt limit, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The text of S. 2986 is as follows:

S. 2986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN PUBLIC DEBT LIMIT.

Subsection (b) of section 3101 of title 31, United States Code, is amended by striking "$7,384,000,000,000" and inserting "$8,184,000,000,000".

The SPEAKER pro tempore. Pursuant to House Resolution 856, the gentleman from Texas (Mr. BRADY) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

The issue before us is really America's responsibility to pay its bills, to meet obligations that America and Congress, as our Members, have already incurred.

Before September 11 and the war on terror, the Republican-led Congress paid down nearly half a trillion dollars in public debt, marking the first time since 1969 that Congress had reduced the national debt. Today, America is fighting an elusive and determined enemy abroad, while working to stimulate the economy and help industry still recovering from the 9/11 attacks.

At this extraordinary time, with our Nation's many obligations, the government is nearing the debt limit. If the Treasury cannot issue the debt, the government may be unable to meet many of its obligations, such as the regular investment into the Civil Service Retirement and Disability Fund. Republicans want to do the responsible thing. As a result, Congress is increasing the debt limit to $8.1 trillion.

Holding the line on spending and raising the debt limit are not mutually exclusive, and it is important to remember that. Earlier this year, the House approved a lean, responsible budget that would cut the deficit in half within 5 years, hold the line on spending and guard against Democrats' calls for job-killing tax hikes.

Republicans are committed to reducing America's debt through responsible and restrained spending. Congress must meet America's priorities such as Social Security and Medicare. That is why raising the debt limit is so critical. But, in doing so, we can remain steadfast in our quest to eliminate the waste, the fraud and abuse on behalf of all taxpayers and future generations.

Mr. Speaker, I do have a bipartisan request. Tonight's measure is an appropriate time to discuss spending and deficits and solutions, but as we debate this and as we make our final vote, let us not punish our seniors, let us not punish our elderly, let us not punish our military just to score political points. If the debt ceiling is not increased, America cannot pay its bills. We cannot meet existing obligations. We will not ultimately have the cash on hand to pay Social Security benefits, military retirement, Medicare benefits, unemployment benefits and other trust fund obligations.

As raw as this recent election was, as bitterly contested as it was, with hurt feelings all around, we need to work together as Americans to take responsibility for our bills. Let us not default on our obligations. Let us not stop the checks to our needy who are counting on us. Let us not use our elderly as political pawns in trade for a seven second sound byte back home. They deserve better. We have a responsibility to pay our bills.

Mr. Speaker, I reserve the remaining time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I would like to join in the bipartisan request that we try to work this out. The request sounds like a drunk going to an Alcoholic Anonymous meeting, saying just give me one more drink and I will not do it again. But there has to be a program involved in joining with my colleagues in this bipartisan approach, and we have a program and that is pay-as-you-go.

My colleagues cannot help themselves with spending. They think they have a credit card with no limit on it. They go to the richest of their friends and they tell them, they do not ask for it, that they are going to give them a $1 trillion tax cut. Then when they ask, well, where are we going to get the money, do not worry about it, we will increase the debt ceiling, we will just borrow some money.

Who are we borrowing the money from? The Japanese and the Chinese. What kind of patriotism is that? What kind of bipartisanship do my colleagues want for that?

The truth is every day for the next 2 years we are going to be dealing with the moral issues that encompass this Congress and this country, and the quicker my colleagues try to explain how they can take a surplus projected at $5.6 trillion and then come up and waste it and come up with a deficit of $3 trillion, the quicker they can see that the interest on this debt is going to be larger than the things that they talk about in the Koran, in the Bible or in the Torah and all of those things. That is, talking about education and health care and help your fellow man and let us not help the high rollers that my colleagues try to do.

So we are prepared to work in a bipartisan way. If a creditor wants to try to help someone that just could not control the spending, the first thing they do is get a plan. We will give my colleagues plenty of opportunity to be bipartisan by saying pay-as-you-go. Do not stop everything. Do not hurt the aged. Do not hurt Social Security. Do not hurt Medicare. We know how compassionate they feel about those issues, but do not get us involved in anymore debt unless you have some kind of a cockamamie plan to get us out of the mess that you put us in.

Mr. Speaker, I yield the remainder of my time to the gentleman from Tennessee (Mr. TANNER) for the purposes of control, who has a true understanding of patriotism and compassion and moral values, and take notes because my colleagues are going to be hearing a lot about this.

The SPEAKER pro tempore. Without objection, the gentleman from Tennessee (Mr. TANNER) will control the time.

There was no objection.

Mr. BRADY of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, why are we here for the third time in 3 years? It is because our country has borrowed over $1.5 trillion in that time from 2001 until now.

Mr. Speaker, this is not an accident. This is the first administration and the first Congress in the history of this country that has knowingly, willfully, deliberately, and consciously pursued an economic plan that will leave our country weaker in the long run than when they found it. No other people who have occupied these seats have consciously, willfully and deliberately bankrupted our country like what is going on today.

Just in the last 4 years, at a 5 percent interest rate, these people have raised taxes on the American people $67 billion a year each and every year from now on to the rest of our lives because of this prolific borrowing that is going on.

President Jimmy Carter once said that the highest office in our land is that of citizen, and he is right. Citizens hire us to come here every couple of years in this body to do the public work, to try to run their business like we would run our own.

All we have asked of the majority is before we borrow another $800 billion in the name of every citizen in this country, they would at least give us the opportunity to stop and say why do we not pay for what we are spending? Why do we not do the moral value of paying our bills? We are not paying our bills by borrowing another $800 billion. We are passing our bills on to our children, our grandchildren and anybody else who follows us. That is no moral value.

I tell my colleagues one other thing. We are creating a financial vulnerability in this country that is second only to the threat of terrorism. Since 2001, there has been an $844 billion increase in foreign-held debt, and do my colleagues know who holds it? Almost every country in the world.

I hold this up from the Treasury Department: Japan, over $700 billion; mainland China and Hong Kong, over $230 billion; the Caribbean banking centers, over $100 billion.

□ 2115

We are literally, you are literally mortgaging our future economy to anybody in the world that will give us money on the cheap today so we do not have to face up and pay our own bills from my generation: pass it on to somebody else. It is nothing less than a national security issue, and we will have more to say about that later.

Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

Some people have a short memory around here. I do believe that reducing the debt, restraining spending is a bipartisan effort. We have to work together. But I recall my friends on the Democratic side, when Republicans proposed a Medicare drug plan of around $400 billion, our friends on the Democrat side proposed a plan of $968 billion. We did not spend too little; they wanted to spend more. When we talked about unemployment extensions, they increased it $30 billion over the Republican plan. It was not that we were spending too little; they wanted to spend more. And when we talked about welfare reform and the need to move people to work, they added $52 billion, my Democratic colleagues, so concerned about the debt. It was not that we were spending too little; they wanted to spend more.

And when we are talking about moral obligations, I guess I would ask this: Is it a moral obligation when you trumpet that press release for that new firefighting equipment, for that new road you got, for that new university research, for that farm bill you championed, when you stand for the ribbon-cutting back home, and when you court public approval for spending tax dollars? Do you also have the moral obligation to pay for it?

Today, the issue is are we going to pay the bills of America, pay for the spending that has been incurred and take responsibility for our own actions?

Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I yield myself such time as I may consume to say one thing. We are not paying for anything. We are borrowing every dime he is talking about.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. The gentleman from Texas (Mr. BRADY) asked us to be bipartisan. Why were the Republicans not bipartisan when you put your budget together? You want us to be bipartisan now. What about the past? You want us to be fiscally responsible for your fiscal irresponsibility. We will not do that.

You mentioned the Medicare bill. We paid for ours. You hid the facts about what you were proposing. You hid them from us, and you continue to do so.

It has been said here let everybody understand the impact on the families of America. The gross interest on the national debt this year: three-quarters of all nondefense discretionary spending. And when projected over 10 years, it is going to be even larger than nondefense discretionary spending.

This action of yours today is the bitter fruit of your fiscal irresponsibility. You give every reason for this problem except your own actions, your own default. It is time that you stood up to the bitter fruits of your policies. Do not stonewall. Do not give us the hollow excuses. This country's families are now being asked by you for a tax increase on every family of America. You can vote for that; I am not going to do so.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

Like a mortgage payment, like a credit card payment, we are paying for past decisions by this Congress, some of them decades old. In fact, if we are talking about the past 40 years of control by our Democratic friends, we are talking about raiding the Social Security trust fund, increasing the debt, and in more recent years voting against every bill because we did not spend more. Because we did not spend more.

Republicans are standing up for this responsibility. We understand that America took three big hits to our economy on 9/11: the recession President Bush inherited, the attacks of 9/11 that cost us almost 2 million American jobs, and then the technology bubble burst and the scandals from the false economy of the 1990s.

America fought back. Republicans fought back with the simple principle: if we want to create jobs in America, leave the tax dollars in America, in our hometowns, on Main Street in our small businesses. By fighting back from a hit that would have sent most countries stumbling to their knees, we are creating jobs, we are increasing revenue to the Federal Government, and the deficit is dropping.

But today, the question is, for all those Members who have been so eager to trumpet that press release, so eager to take credit for that spending that they brought home, the question is: Are you going to step up and pay the bills that America and Congress has incurred, or are you going to vote to stop our Social Security checks, stop the retirement checks to our military, stop the Medicare payments so important for the elderly?

It is bipartisan, whether you agree or disagree with how we got here. And that is a fair argument. Republicans and Democrats have a different view of this, and that is a healthy one. But regardless of that, if you supported the farm bill, if you supported the road bills, if you supported the water projects, if you supported the road projects, then step up and pay the bill tonight.

Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the gentleman from Texas described a situation here 3 years ago before we went on this borrowing binge. What he conveniently neglected to point out was that President Bush and the Republican Party inherited the strongest economy in the history of America that was expected to post a $5.6 trillion, 10-year surplus. And he conveniently neglects to point out that it is the $2 trillion that they have taken from the budget through tax cuts that have helped to put us in the situation that we are in. Talk about amnesia.

In just 4 years of Republican management, the country's fiscal situation has collapsed to the tune of nearly $9 trillion, draining the entire Clinton surplus and digging a deficit of $3 trillion, the largest deficit in the history of the world. And today, for the third time in 4 years, the country's fiscal situation has become so dire that we bumped up against the legal limit on how much we can borrow. So we are going to raise the limit or the government will default. All of this from the party that in American history has preached fiscal responsibility. So we have to come up with enough money now for their tax cuts, the war, and, by the way, just think of this, two wars with four tax cuts. That defies human history.

And the President has very big plans for the next 4 years. He says he is going to spend a lot of capital that he has earned. So we are going to create private accounts for Social Security, which would cost more than $1 trillion, more than the current system might offer; and we do not even have enough money in the current system so that we are going to borrow this money tonight.

The gentleman from Texas (Mr. BRADY), who is a nice enough fellow, he mentioned a couple of moments ago the situation that we are in. I want to remind this body that 8 years ago the Republican Party was going to impeach Bob Rubin for doing precisely the things their Secretary of the Treasury is doing this evening.

Mr. BRADY of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I have 2 minutes and three or four charts that I think I can tell the whole story with.

The year 2001. The President saw, looking out 10 years, surpluses of $4.6 trillion, and he said we can have it all, tax cuts and surpluses too. So he sent us a budget with enormous tax cuts. We warned against buying into those projections, but it was not heeded. They told us at the time that we could pass these tax cuts and we would not even have to consider an increase in the debt ceiling until the year 2008. That promise lasted 1 year.

The next year, in 2002, there was a $450 billion request for another hike in the debt ceiling. The following year, 2003, there was a request for an increase in the debt ceiling of $984 billion, the single largest increase in history, a bigger amount than the entire national debt in 1981 when Ronald Reagan came to office.

Add those three together and they tell you a lot: $450 billion, plus $984 billion, plus tonight's request, $800 billion, comes to $2.234 trillion. $2.234 trillion. That is the amount by which we have had to increase the debt ceiling of the United States in order to accommodate the budgets and fiscal policies of the Bush administration: $2.234 trillion.

Now, that is bad enough, but we asked CBO last September to take its latest economic forecast and to project the Bush budget 10 years, through the year 2014, and tell us how much debt would be accumulated in that period of time if we stayed on this course. This is what is to come. Tonight is only the beginning. This is what is to come if we follow those policies for the next 10 years. We will accumulate a national debt of $14.545 trillion.

And here, the final chart tells it all. Our debt is increasing twice as fast as our GDP, or income. This cannot be sustained, and that is why we do not believe this bill in its present form should be adopted.

Mr. BRADY of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from

California (Mr. COX), a long-serving Member with strong leadership on the Select Committee on Homeland Security.

Mr. COX. Mr. Speaker, I thank the gentleman for yielding me this time.

Many of our colleagues are just back from the Clinton library. I will never forget the night on this floor, not so long ago, in 1996, when in this very Chamber President Clinton said right on the heels of his attempt to have the Federal Government take over responsibility for one-sixth of the Nation's economy, "the era of big government is over."

That line recalled similar sentiments by such earlier conservative Presidents as Ronald Reagan, Calvin Coolidge and Abraham Lincoln, with the difference being that the latter three actually meant it.

How many of you remember not just Clinton's favorite line but the entire passage in proper context? It went as follows: "We know big government does not have all the answers. We know there is not a program for every problem. We have worked to give the American people a smaller, less bureaucratic government in Washington, and we have to give the American people one that lives within its means. The era of big government is over."

I remember that moment vividly. I was, of course, sitting in this House Chamber, about 20 feet from the President, in this seat right here when he spoke those words. He was reading from the teleprompter, and his line of sight over the Plexiglas extended directly to my reserved place here at the leadership table.

Because Bill Clinton was very comfortable using the teleprompter, he routinely made eye contact with the Members sitting in the Chamber, and he looked me directly in the eye, and at that moment I could see that he was enormously satisfied with that line in his speech. Yet in retrospect, when Bill Clinton declared "the era of big government is over," he was right, for now we are living in "the era of really big government."

Assuming we keep to our schedule this evening, Mr. Speaker, the Federal Government will spend more than $100 million just in the time we are debating this debt ceiling legislation. The growth of government in modern history has been astounding. In 1952, the year I was born, which we all agree was not very long ago, Federal spending was a quaint $68 billion compared to over $2.5 trillion today. And it was just that high because America was at war in Korea at the time.

When my oldest child was born in 1993, Federal spending was $1.4 trillion. In just one generation, the size of the Federal Government had increased more than 20-fold. We blew by the $2 trillion mark in 2002, and we have not even taken our foot off the accelerator.

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We are past the point where we can make excuses for the big government elephant in the living room. He has taken over our living space, contributing nothing to the family and, as Ronald Reagan knew, posing a threat to our freedoms.

President Reagan, my first boss in Washington, said it best in his 1989 farewell address, "Man is not free unless government is limited. There is a clear cause and effect here that is as neat and predictable as a law of physics: As government expands, liberty contracts."

President Reagan knew this fundamental truth: Big government is incompatible with freedom.

There is a reason that fiscal restraint is a traditionally conservative value. Big government requires big spending and, therefore, a comfort level in taking and using the fruits of other people's labor. It is a comfort level found in socialism, not conservatism.

So it is with great sadness that I come to the floor tonight to recommend a vote on increasing the debt ceiling. But the reason it is necessary is that the money has already been spent. The bills have come due for what this Congress has already voted for.

Three years ago, we endured a vicious attack on our Nation. As horrifying as it was, it was a visible attack, an attack from without. We knew then how to mount a defense against a foreign enemy. We would not give in to terror. At the time, Osama bin Laden boasted, "I tell you, freedom and human rights in America are doomed." He was wrong then, and he is wrong now. We will not cede this Nation to tyranny, but neither should we cede it to the burdens of big government.

We have got to acknowledge that, unlike the hideous face of terrorism, big government is an attractive seductress. It is sometimes enticing to our citizenry and certainly to many of us in this Chamber. But as chairman of the Committee on Homeland Security, I know that every tax dollar spent on nonessential functions of government is, in these times, doubly squandered. Monies given to National Public Radio or the National Endowment for the Arts cannot go toward our national defense.

The truth is, rapid, unsustainable increases in nondefense spending threaten our ability to protect American citizens and to respond to future threats. Period. That is precisely what is happening now so long as the liberal big spenders in this Congress will not say no.

This vote on the debt ceiling tonight is nothing but a reminder that it is high time we get back to pruning back the waste of government. It can be done. We did it in 1995, the first year of the Republican House majority, and we can do it now.

The truth is, the biggest spenders in this Congress will be the ones who vote against this resolution. Because, for big spenders, reining in the government is not a serious priority. The majority of us, however, have got to be responsible. We have got to go forward with renewed resolve to be fiscally responsible. We have to keep uppermost in mind that big government does not have all of the answers. It really does not have many answers at all. Not good ones, anyway.

We know there is not a program for every problem. We have discovered, after all these years, that is really a good thing. So as we do the right thing tonight, Mr. Speaker, let us vow to stick with what the Founding Fathers wanted us to do. Not surprisingly, those are the very things we have been good at all along.

Mr. TANNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what the gentleman just told Members is up is down, and down is up. The liberal big spenders have not spent a dime in this place in 10 years. They do not have the votes.

Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would suggest to the gentleman from Tennessee that Lewis Carroll is writing the speeches that are being given on this legislation: Up is down, black is white, good is bad, and bad is good.

Dick Armey said Republicans control this town, and you have for 4 years. Republicans control it. This House, the Senate, and the White House. Not a nickel is spent because Democrats vote on it. It is all your spending that you are talking about. All your spending.

The immoral, intellectually bankrupt fiscal policies that we have been pursuing for the last 4 years resulted in this request for this gargantuan increase on the debt on the head of every American, young and old.

Bill Clinton was President of the United States and, in 1998, no increase in the debt; 1999, no increase in the debt; 2000, no increase in the debt; 2001, no increase in the debt. Not until the Republican fiscal policies were adopted did this country start to sink deeper and deeper and deeper into debt. From less than $6 trillion, in 42 months you have taken this country another $2 trillion in debt.

Let us talk of moral values in America. Let us talk of squandering the public resources of a $5.6 trillion surplus that President George Bush said was available when he spoke to this Congress in February, 2001. We have some fiscal conservatives, they say, on this floor and they say spending is the problem. Why have they not stopped it for 4 years?

They say there has been terrorism. I agree. There has been a war. We had a war under President Clinton. Members recall, one the other side of the aisle was not enthusiastic about, but we lost very few people, and the despot who committed genocide against the Bosnian people is now locked in The Hague.

I tell my friends, this is the right thing to do if we adopt the motion to instruct that will be offered by the gentleman from Texas (Mr. STENHOLM), the most fiscally responsible Member of this body. Increase it for a short time. The United States cannot welch on its debt. We must pay our debt, but fiscal responsibility ought to be adopted by the majority that have control to do so.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

"We did not spend a dime around here for the past 10 years. All the spending is yours"?

That is not what you told your constituents. I have seen your press releases. You said you secured the road project. You said you championed university research. You said you got that road project. Here is my question: Who are you not leveling with, the voters back home or the people listening tonight?

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. BRADY of Texas. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

I am prepared to pay for the public works projects that I secure. The public works project that this side secured pales into insignificance beside the public works projects that you get for your Members on your side of the aisle, 17 times as much as we did, and you came here saying we are against pork. Seventeen times, my friend. Seventeen times is the pork in your bills.

Mr. BRADY of Texas. "Mr. Speaker, we did not spend a dime around here for the past 10 years. It is all your spending." That was 2 minutes ago.

Today, it is, yeah, we spent a lot, but you spent more. Well, there is a difference. What we spent our deficit on was tax relief for the American people. I readily admit that. When we look at the deficit today, and we do share this, the fact of the matter is 50 percent of our deficit is caused because of this recession and we have to strengthen this economy. We have to get into a stronger economy. Twenty-five percent of it was new spending, spending that you have claimed credit for, not tonight, but you have claimed credit for years and years throughout the districts, in your speeches and in your campaigns. And the rest of that, that small amount left, is for tax relief to get people back to work, to help small businesses create jobs and get this economy strong again.

Mr. Speaker, Republicans are stepping up tonight to accept that responsibility to get the economy going. We are going to pay our bills. We are not going to claim credit for spending, lay the blame on another party, and then try to stop the checks for our Social Security recipients and our Medicare recipients and our military retirees.

Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I do not think people realize the situation we are in. We will step up to the plate if the other side will allow us to pay-as-you-go, but they will not do that. They are not paying anything. They are borrowing another $800 billion. We are not paying any bills. We are borrowing money right now based on last year of $1.1 billion a day, $48 million an hour, $796,000 a minute. We have already borrowed $10 million while we have been talking. It is $13,000 a second, and you will not let us have pay-as-you-go.

Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, there is a lot of talk about morality on this House floor and about patriotism.

I want someone to explain to me how it can be moral for a father to stick his kids with his bills. How can it be moral for me to stick my three kids and CHARLIE STENHOLM's beautiful grandson here with $800 billion of new debt? I want to hear how it is patriotic to burden the next generation of Americans with so much debt that they cannot pay for their wars which they will unfortunately have, that they cannot pay for their natural disasters that are going to happen. Please tell me how that is moral or patriotic.

And for God's sake, Mr. BRADY, please do not tell me you are paying the bills tonight when you are borrowing $800 billion that you are going to stick your kids with. You are not paying the bill. Your kids are going to pay the bill. And until they pay the bill, we are going to continue to squander $1 billion a day on interest on the national debt.

It gets better, Mr. BRADY, because I bet when you got back to Texas you tell them how much you hate foreign aid; and so I am sure you would love to tell the people of Texas that one-third of that billion dollars a day that we spend on interest on the national debt goes to the Communist Chinese, goes to the Japanese, goes to the other countries that now own one-third of our debt. I am sure you are proud of that.

But let me just remind you, Mr. BRADY, 3 years ago on this floor, on my son's birthday, you all came down and said you can cut taxes, increase spending, and you were going to pay off the debt. Since that time, you have borrowed $1,786,314,460,700.45. It gets better. Because in that time you have stolen over $600 billion from the Social Security trust fund. Tell me how it is moral for you to steal from the Social Security trust fund, how it is moral to steal from the Medicaid trust fund, how it is moral to steal from the military retirees.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair reminds Members to address the Chair and not other Members in the second person.

Mr. BRADY of Texas. Mr. Speaker, I yield myself 45 seconds.

Mr. Speaker, tell me the moral clarity of going home each week and trumpeting that press release for the firefighter fund or the road project or for that water project, and then stand up here tonight and tell us we are not going to pay the bill for it. So the seniors who need their Social Security checks, the heck with them. The military retirees who are counting on their retirement, the heck with them. I got my press acclaim, I got my public support, but you, you on the other side of the aisle, you take responsibility for making sure those checks get there. Tell me the moral obligation of that.

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Mr. Speaker, I yield 1½ minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of this proposal. Some will talk and just say no and just point fingers. Others will stand and take the responsibility for governing. We have absolutely had a very difficult last several years. We came into this, this administration, with a recession, we were attacked, we are dealing with a war on terror, increased costs of homeland security to fight terror, to prevent further attacks on the United States. That costs a lot of money. There is no doubt that dealing with those costs during a recession put us in a difficult situation.

So what are we to do? Simply say, oh my, let's raise taxes on the American people who are in a recession? That is a huge mistake. We are getting out of the recession. We see growth. We see job improvement, all as a result of the President's and our decision to keep taxes low.

The whole point of this tonight is to take responsibility, not cry and whine and say it is not our fault, it is your fault. We are taking responsibility. We are going to raise the debt ceiling. We are continuing with a conservative budget that will cut our deficit in half in 5 years. That is responsible. I urge my colleagues to grow up, take responsibility and support this tonight.

Mr. TANNER. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker:

> A little patience, and we shall see the reign of witches pass over, their spells dissolve, and the people, recovering their true sight, restore their government to its true principles. It is true that in the meantime we are suffering deeply in spirit, and incurring the horrors of a war and long oppressions of enormous public debt. If the game runs sometimes against us at home we must have patience till luck turns, and then we shall have an opportunity of winning back the principles we have lost, for this is a game where principles are at stake.—Thomas Jefferson, 1798, after the passage of the Sedition Act.

These words of Jefferson ring particularly true at this moment. Principles are indeed at stake—basic principles of standing up for fiscal integrity, keeping our promises to American workers, and leaving the next generation free of crushing deficits. The majority has abandoned these principles, but we will not let them be forgotten. The futures of our children and our grandchildren are at sake.

We are here to vote on the administration's demand for an increase in the debt limit of $800 billion dollars. This is the third increase in the debt that this administration has demanded in its first term—for a total of $2.1 trillion, the largest debt increase in our history. This administration has spent recklessly and immorally, driving the deficit each year to a new record.

Democrats know how to reduce the deficit—and so did Republicans, in earlier years. When I came to Congress in 1992 we had a deficit of $290 billion. Yet, after 8 years of bipartisan policies of fiscal responsibility we ended President Clinton's second term with a projected 10-year surplus of $5.6 trillion.

After only 4 years of this administration's irresponsible spending, we have a 10-year projected deficit of $2.3 trillion—a free fall of almost $8 trillion dollars in only 4 years. How much worse will it get before we can restore the government to its true principles?

Having been chastised by all the financial ministers of Europe this week for allowing the U.S. budget deficit to get to this point, Secretary Snow said today that the budget deficit is the administration's highest economic priority. I challenge the administration to put its money where its mouth is.

If the administration meant what it said, it would urge Republicans to join Democrats in reinstituting the pay-go rules that enabled us to reduce the deficit under President Clinton. We had bipartisan support for these rules for 8 years—because they work, and because they represent the necessary and responsible course.

If the administration meant what it said, we would have a strategy to pay down the debt held by China and other Asian countries before they acquire a stranglehold on our economy and can dictate our fiscal choices.

If the administration meant what it said, we would not be here debating a further increase in the debt limit while the Secretary has already raided the Civil Service Retirement Fund.

For the sake of our children and grandchildren, we must bring government back to fiscal responsibility. Any vote on increasing the debt limit must be coupled with a vote to reinstate the pay-go rules.

Mr. TANNER. Mr. Speaker, I yield myself 10 seconds. We want to take responsibility. We want to pay as you go instead of borrowing and borrowing and borrowing. That is responsible.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. We are all sinners. None of us has clean hands, particularly on spending issues. But there is one among us who over the last 26 years has the cleanest record and the best record of doing the right thing on Federal budget deficits. That man's name is CHARLIE STENHOLM, and he is proudly from Texas. Sadly, tragically, due to the last election and very unfair partisan gerrymandering, he will no longer be with us. But we need to carry CHARLIE STENHOLM's message in our hearts, in both parties, every day, because this man has lived it for 26 years and in a friendly and bipartisan fashion tried to carry each one of us on his ample shoulders.

It is a tough job, even in the greatest country in the history of the world, to do the right thing when it comes to future generations like his grandson sitting right there. It is a tough job to live within the budget that you set. But CHARLIE has done the best job of any of us. So I hope that in this debate tonight, as we are literally borrowing nearly $1 million a minute against our children and grandchildren, that we will learn to reform, because this debate is really about whether we reform our ways starting tonight. Not next Congress, not next year. Starting now. Will we adopt pay-as-you-go? Because that is the only thing that has worked around here. CHARLIE STENHOLM has championed that. It has worked. It worked for 12 years magnificently. We all need to get behind CHARLIE STENHOLM and adopt pay-as-you-go as the policy of this House.

Mr. BRADY of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform.

Mr. BURTON of Indiana. I thank the gentleman for yielding me this time.

Mr. Speaker, I am no longer the chairman of the Committee on Government Reform, but I am the chairman of a subcommittee and I do appreciate it. The gentleman from Virginia (Mr. TOM DAVIS) might take issue with that.

Let me just say, I looked around this Chamber and I was listening to the debate. I have a lot of friends on the Democrat side, including my good buddy CHARLIE STENHOLM and CHARLIE RANGEL. We have all been here for a long time. All I can say is that it really kind of tickles me because I hear many of my colleagues on the Democrat side of the aisle talking about spending constraint. For 40 years you guys had control of this place and year after year after year after year the budget deficit went up and up and up and up, and now that we are in the majority and we have got all these problems and granted we do have a lot of problems we have got to get control of spending and I am for all of that.

To hear colleagues of mine like CHARLIE and others come up here and talk about spending constraints tickles me to death, because for 40 years you did not do that. I love you guys. I love working with you. But there is nothing like a reformed lady of the evening, and I love you guys because you are changing.

But where were you for those 40 years? I do believe we have to work together. I do believe we have to work together, but please remember your past when you are admonishing us to change things.

Mr. TANNER. Mr. Speaker, I yield myself 10 seconds. The gentleman from Indiana's side of the aisle has borrowed more money in 3½ years than the Democrats borrowed in 40.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, I am so proud to stand in this well as a Democrat, and I hope that the people of this country are taking good notes tonight, because it is the Democrats in this Congress who are standing up for sound fiscal responsibility. I think it is very important for us to realize and never forget that it was President Clinton who left a huge surplus that has been squandered in these last 4 years.

Here are the facts. This is the third time in 3 years that the debt limit has been increased for a grand total of more than $2 trillion. The last hike was nearly $1 trillion. But it took less than 18 months for the government to hit the new rate ceiling. By way of comparison, the entire Federal debt in 1980 was just less than $1 trillion. We are on a runaway train without any brakes. And all we are asking for is pay-as-you-go so that we can be responsible.

I will tell you really just how irresponsible you are being on the other side of the aisle. Do you realize that 90 percent of this new debt that you are creating is being purchased by foreign countries and foreign interests? And just the amount of the interest that we are paying on it, just the cost of borrowing this money from these countries accounts for more than 10 percent of all of Federal spending, which is more than what we are spending on our own homeland security. You talk about irresponsibility. It is truly irresponsible for us to turn over our debt, our fiscal security, to foreign interests, let alone the irresponsibility we are showing for passing on this debt to our children.

Mr. BRADY of Texas. Mr. Speaker, I yield myself 1 minute.

Let us do a quick fact check here. Eighty-eight percent of the debt that we are raising today comes from government transfers, or from past debts before President Bush's administration took office. Eighty-eight percent of that. So we are paying for past decisions, including past Democratic administrations and Democratic holds of this Congress.

Second point. Our deficit and our debt is way too high. I think we all agree on that. I do not know anyone here who thinks otherwise. That truly is bipartisan. Let us keep in perspective that publicly held debt today is 37 percent of the economy. It was as high as 49 percent in 1995 during President Clinton's tenure. The fact of the matter is the debt and the deficit is too high at all levels in America's history, and at some point at the end of this debate after this is all done and we get out and get through with all of our purging of our frustrations on how we got here, we are going to have to work together to balance this budget, to start paying down this debt and find some solutions.

Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I yield myself 5 seconds. You have got an opportunity to do that tonight by adopting a PAYGO rule. You can start right now.

Mr. Speaker, I yield 1¼ minutes to the gentleman from Tennessee (Mr. DAVIS).

Mr. DAVIS of Tennessee. Mr. Speaker, there has been a lot of talk and discussion in the media recently about our country's morals which played an important role, I think, to many in our recent elections. I personally welcome these discussions, but I am saddened by the fact that there has been little talk about the moral values of the government's borrow-and-spend economic policies.

Tonight we will have a vote to raise the debt ceiling for the third time in the last 3 years. Why? Because Congress has been content to manage the American taxpayers' money in a way that immorally disregards the well-being of our Nation's economic future. I believe it is immoral for this country to keep racking up debt as far as the eye can see and to pass it on to our children and our grandchildren. I think it is immoral to borrow and spend and ask our soldiers to make the ultimate sacrifice while we refuse to make even marginal sacrifices in our fiscal policies.

Mr. Speaker, last week on Thursday, November 11, the 278th Regimental Combat Unit left for Iraq. Many of these brave men and women of this National Guard unit come from Tennessee and from my congressional district. I was able to visit the 278th in Fort Shelby, Mississippi, the day they went off to defend our country. I wish them luck and offer my prayers for their safe return home. Now I wish our soldiers' government would take the steps necessary to curb this deficit spending, to reinstate true budget enforcement measures like PAYGO, and to pay down this Nation's debt, instead of continuing to raise the ceiling, so that our troops when they return home, they are not left with footing the bill for a war they so bravely fought. As we continue to discuss morality in America, I hope we will not continue to ignore the immoralities of our current fiscal policies.

Mr. BRADY of Texas. Mr. Speaker, I yield myself 30 seconds.

I think it is important to keep focus that 88 percent of this debt occurred through intergovernmental transfers or before the Bush administration. It is a shared debt and a shared responsibility. The way we do not tackle it is to cut off the retirement checks for the military mothers and fathers of those serving today. That is exactly the wrong way to do it, the wrong way to duck responsibility. Together we can agree to pay our bills and then work together to reduce the debt.

Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, there are two reasons why we should vote against this debt ceiling limit. The first is that there is no plan to pay it off and the second is that what we are really doing is mortgaging our children's future. The reality is that when you talk about social spending, we could eliminate all social spending and we would still have an annual deficit. Tax cuts have equaled 17 times all domestic discretionary spending, and every child born in this country is now going to inherit $85,000 in interest costs on this debt, and that is what you are passing on to the next generation. That is immoral.

Also, bear in mind that 90 percent of this new debt is being bought by foreign countries. Forty-three percent of it is now owned by foreign countries. Imagine the situation that you are leaving to the next generation. This is the result of a $10 trillion fiscal reversal. We are going to offer a PAYGO proposal where we would look at revenue as well as spending. That is what you have to do. That is the only thing that has worked, and that is the only responsible thing to do tonight.

Mr. BRADY of Texas. Mr. Speaker, I yield myself 30 seconds as a reminder that it is the economy that has caused this deficit; it is additional spending both for homeland security, supporting our troops, and for those press releases Members in this Chamber have so proudly touted back home. Today, and in fact we could have taken away all the tax cuts and we would still be running a deficit in America. It is time to pay our bills. Let us not cut off checks to our Social Security people simply for partisan purposes.

Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

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Mr. OBEY. Mr. Speaker, we have heard some quite interesting statements tonight. One of the previous speakers derided this side of the aisle for the way we handled the national economy for the 40 years we were in control.

Here are the facts: from 1946 until 1979, our national debt as a percentage of total national income declined by almost three-quarters, from 126 percent of our total national income to about 25 percent of our total national income. Then along came Ronald Reagan and his free lunch budgets; and in the years he was President, our national debt, as a percentage of our national income, doubled. Our national debt went from less than $1 trillion to more than $3 trillion under Ronald Reagan's stewardship.

Bill Clinton came into the White House, and with the support of the Democratic Party with not a single vote from the Republican side of the aisle, he took the actions that led to a balanced budget and produced the surpluses that were referred to earlier by the gentleman from Maryland (Mr. HOYER). Mr. Bush then came along and reversed all of that progress.

So I am sorry. We can all have our own spin, but the fact is one cannot change history. One cannot change the record.

I would say only one other thing. All of the talk about the past is beside the point. This debate tonight is about what we are going to do tomorrow, and that is what the Stenholm motion is all about. It says that regardless of what anybody has done in the past, tomorrow we are going to return to the kind of fiscal responsibility we have not seen under the Bush administration by returning to PAYGO. If they believe in being more responsible tomorrow than they have been up until today, they will vote against this resolution and they will vote for the Stenholm motion.

Mr. BRADY of Texas. Mr. Speaker, I reserve the balance of my time

Mr. TANNER. Mr. Speaker, I yield 1 minute to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I want to wish everybody aloha here. Can we get a smile on everybody's face? Aloha. I invite everybody all out to Honolulu. As long as we are spending money, why not come out to Honolulu and enjoy it while they have the opportunity?

Let us face it. The only reason that we are not out there right now is that the Democrats did not take over. If I were chairing one of the committees, we would have an excuse to bring everybody along. We could have a discussion out there on the beach.

Somebody asked me today, What are we doing down there during this lame duck session? I said, We are organizing our delusions. That is what we are doing, organizing our delusions.

I just spoke to the gentleman from Indiana (Mr. BURTON), and I said, You are engaged in a non sequitur here, the fact that you can point to somebody and say you did something real bad for a long time and so now we have an excuse to keep on doing it.

That is not an answer. If we are going to do right by the American people, starting tonight, as the gentleman from Tennessee (Mr. TANNER) said, it is always time to start doing the right thing. And tonight we ought to start by doing it by passing the Stenholm motion and acting responsible towards the people who sent us here.

Aloha, Mr. Speaker. Have a wonderful holiday.

Mr. TANNER. Mr. Speaker, I yield myself such time as I may consume.

I do not really believe that people of our country realize the shape the financial balance sheet of our country is in. The budget deficit last year, if we stack $1 bills on top of one another, would be 41,000 miles high. Listen to this: we are paying $5,100 a second in interest, $310,000 a minute. The American people will have paid $19 million in interest while we have been talking about this matter right now, and that is not including what we are borrowing.

I tell my colleagues if we do not adopt pay-as-you-go, which simply says we are going to pay the bills, not borrow the money from our children and grandchildren, from anybody on Earth that will buy our paper at a relatively low rate of interest while we are here in this place, I tell my colleagues, I said at the outset, this is not an accident, Mr. Speaker. This is a willful, knowingly, deliberately conscious act of following an economic plan that puts us further and further into debt, and they will not accept a simple provision that says simply we ought to pay for what we are consuming. They will not accept that. We are going to have a motion to recommit that will ask for it to.

He said we are going to get around it. We can do it tonight. We can start acting responsibly tonight by simply adopting pay-as-you-go. That is what most American families do. That is considered a virtue where I come from. One pays their bills, they try to behave, they go to work, they get up, they go to church. That is responsibility. It is not responsible to say I am going to buy a new house and give the mortgage to my son. That is not responsible.

I tell my colleagues this is very frustrating because it is so abundantly clear we are mortgaging the future of this country. And what makes it worse is that now 43 percent of our paper is being held by foreign governments that do not see the world as we see it. And some day, I sound like a canary in a coal mine, some day, these chickens are going to come home to roost. When they quit buying, we are going to have lost control of this economy and we will have to pay whoever however much in order to refinance this debt. And that market is going to respond to what you people are doing. And it is not going to be too much longer, I am afraid. And when it does, it is going to be something that the American people are going to suffer from for a long time to come.

Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Tennessee for yielding me this time, and I commend him for his very excellent work on fiscal soundness for our country and in this Congress. He has so eloquently driven the message home that no country has ever been strong, prosperous, and bankrupt. I thank him for his eloquence and his leadership.

The gentleman from New York (Mr. RANGEL), our distinguished ranking member on the Committee on Ways and Means, has been a champion for middle-income families in America and understands the importance of the fiscal soundness they have in their homes in paying their mortgages, their credit cards, their car payments, and the impact of a huge budget deficit, a huge national debt has on the lives of working families in America, and I commend the gentleman from New York (Mr. RANGEL) as well.

I want to reserve my highest praise for the gentleman from Texas (Mr. STENHOLM). This Congress has been blessed for many years by his distinguished service in the House of Representatives. He has been a champion for the American people, for the American farmer, and a leader for fiscal soundness in our country. He is about accountability, accountability in our service here. No one has been a stronger or more eloquent voice for that message and what it means. He has been a teacher to the Congress. He has changed the thinking of a political party by making Democrats the party of fiscal responsibility for having a pay-as-you-go policy where we say no more budget deficit, no more deficit spending.

It has too high a cost in the personal lives of the American people. It has too high a cost to fiscal soundness of our country, and as others have indicated, there are countries that own our debt that we are at the mercy of should they decide not to play in those markets at any given time.

So this place will simply not be the same without the gentleman from Texas (Mr. STENHOLM), but I hope that as a source of comfort, if that is the word, to him as he goes on to other great things, and I know he will, that he has made a tremendous difference for our country. He has made tremendous progress for our country. I know I speak for every person here when I say it has been an honor to call him colleague. I thank the gentleman from Texas (Mr. STENHOLM).

Mr. Speaker, many of us just came back from the dedication of the Clinton Library, where obviously we were drenched in the rain for several hours. But it was well worth it because we could pay tribute to a President who too was committed to fiscal soundness. Under the economic policy and the plan that was passed in this body by only Democratic votes, our country went on a path of fiscal soundness that had zero deficit in 1999. Zero deficit. Think of it. Compared to this year when the deficit is over $425 billion just for this year. And President Clinton, when he left office, he put us on a path of fiscal soundness and surplus of $5.6 trillion, $5.6 trillion in surplus.

And now we are going on a path of over $3 trillion in deficit, a huge swing approaching $10 trillion. It is historic, the swing that has taken place. So no wonder we would endure the driving rain and all that it did to us there to thank President Clinton.

And I might say that in attendance were also present Jimmy Carter, President George Herbert Walker Bush, and President George W. Bush. And both Presidents Bush spoke with great eloquence. They spoke with great unity for our country. It was an honor for all of us to hear their words and to be there with them at the dedication of the Clinton Library. So it was a very wonderful occasion. And I, as Democratic leader, want to thank President George W. Bush for giving us the planes to enable us to go there and to thank our distinguished Speaker for rolling the votes so that the Democrats and I think some of the Republicans could go there. Senator FRIST was there, but some from the House were there as well.

But just to get back to our subject here, here we come back. Is it not ironic that the Republicans in the campaign went out there and talked about their economic policy and the first order of legislative business when we get back here is to increase the debt ceiling? In the course of the President's administration now, this 4 years, it will have been raised $2 trillion. This is absolutely astounding in terms of these figures. Whatever happened to the deficit hawks? I know they are over there.

We heard from them in earlier manifestations of their legislative lives that they really were concerned about the fiscal soundness of our country. Have the deficit hawks become an endangered species?

Be true to yourselves. Face the facts. We have to have pay-as-you-go again. Pay-as-you-go is what brought us into surplus. Pay-as-you-go is the way we have to go now. And we will have that opportunity to do that later.

I am going to submit my fuller statement for the RECORD because the hour is late and because my colleagues have spoken so eloquently to this point. But I just want to close with a point about accountability. This budget that we have is supposed to be a statement of our national values. We have talked about that over and over again. And a value that we have to have is accountability, how we answer to the next generation for the debt that we are piling on them. We want to give our children opportunity. Instead, we are giving them obligations.

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It is simply not right.

So I urge all of my colleagues to support our motion to commit which will accommodate, will give the government a chance to go forward, but also to put a limit on this profligate increase in the debt. I hope at the end of the evening, though, that everyone who stands up for fiscal soundness will vote against this irresponsible lifting of the debt ceiling unless there is a responsible discipline thrust upon it of pay-as-you-go or a plan from the President to say how he intends to reduce the deficit.

With that, once again, I want to commend my colleagues, the gentleman from New York (Mr. RANGEL), the gentleman from Tennessee (Mr. TANNER), and the gentleman from Texas (Mr. STENHOLM) for their exceptional leadership on this subject, which is a very, very important one to our children, that we are accountable to them, that what we hand to them is our responsibility and that we will never forget that.

With that, Mr. Speaker, I urge my colleagues to vote for fiscal soundness, vote for pay-as-you-go, vote for a plan to reduce the deficit, vote for a limitation on the time that the Republicans can continue to pile on and pile on the debt.

At the same time, President Clinton's responsible economic policies eliminated the deficit, and we had three years in a row of budget surpluses.

How ironic—and how sad—that our first item of legislative business upon returning to Washington after election is to raise the debt ceiling to make room for the enormous piles of debt that President Bush, and this Republican Congress have run up.

When President Bush took office, we were on a path to a $5.6 trillion surplus. We are now facing a $3 trillion deficit—a fiscal collapse of nearly $9 trillion. Record surpluses have become record deficits. The deficit for this year alone is $413 billion.

Now, Republicans want to raise the debt limit for the third time in three years. Including this year's increase, Republicans will have raised the debt limit by more than $2.2 trillion since President Bush took office.

What happened to the Republican deficit hawks? They have become an endangered species in Washington. The truth is that there really is no limit to the amount of debt Republicans are willing to run up.

Republicans will tell you that these deficits are not their fault; that they were caused by circumstances beyond their control. But it's just not true.

These deficits are the direct result of irresponsible Republican choices—tax cuts for the wealthy and reckless corporate handouts including tax breaks that encourage shipping jobs overseas.

The Republican policy of borrow-and-spend must end. We are running up a bill and handing it to our children.

We should be giving our children opportunity, not obligations, but America's growing debt will ensure that our children and our grandchildren are paying for Republican irresponsibility for the rest of their lives.

Their taxes will pay for the interest on our debt instead of keeping our military the strongest in the world, strengthening Social Security, or improving education.

Higher deficits also have real consequences for American families today. The federal government is by far the largest player in the credit markets, and when federal borrowing increases there is less credit available to everyone else, causing interest rates to rise.

Higher interest rates mean consumers must spend more on their mortgage, credit cards, and student loan payments.

And when it becomes more expensive to borrow money, businesses are less likely to make the investments that generate jobs and opportunities.

Democrats have a better way. We believe in accountability in government. Accountability was one of the six core values in our New Partnership for America's Future.

Democrats believe we must return to accountability by restoring fiscal discipline and eliminating deficit spending with pay-as-you-go budget rules in which both tax cuts and spending increases must be paid for.

These rules created the surpluses under President Clinton, and can work again.

Democrats tried earlier today to restore the successful pay-as-you-go rules, but Republicans wrongly rejected that effort. Now, because this issue is so critical, we offer the Republicans yet another chance to work together in good faith to reduce the deficit.

CHARLIE STENHOLM has long been one of the most passionate and eloquent advocates for fiscal responsibility in this Congress. And tonight he is giving us another opportunity to meet our moral responsibility to the next generation.

By supporting his motion to instruct, we will agree to increase the debt ceiling until April 15 next year, at which point the President must present a balanced budget. This would keep the government running and give the President and Congress time to put forward the balanced budget the American people need and deserve.

Thank you, CHARLIE, for all of your leadership, and for this motion. I urge my colleagues to support the Stenholm motion to instruct.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, let me first, on behalf of this side of the aisle, join with the Minority Leader in praising the service of the gentleman from Texas (Mr. STENHOLM). His grandson ought to be proud of his granddad, his service here, both for our country here in Congress and in Texas where, as a fellow Texan, I can tell my colleagues I am very proud of his service and proud to have served with him.

There is something else we share as well. We share a debt in this Nation and we share a responsibility to pay those bills. The debt we face tonight is shared. Eighty-eight percent of this debt occurs from intergovernmental transfers of before the Bush administration. This is debt generated over decades and decades that every Member in this House today had a hand in creating.

The solution in the end, after all of the rhetoric is said and done, is going to be to join together for spending restraint, for abolishing obsolete agencies, to eliminating the billions of dollars of duplication, to getting a backbone to say no to projects. And, in fact, we have the opportunity starting in January, maybe tonight, to have a fresh start about working together, Republicans and Democrats, to again balance this budget and to start paying down that debt.

But, in truth, the question tonight is much simpler than that. The question is, are we going to pay our bills? Are we going to take responsibility for that press release, that project, that water funding, that university research, all of those things that we have championed and ran on back home, are we going to take responsibility to pay those bills tonight? Or are we going to vote to go into default, to not meet our obligations, to stop our Social Security checks to the elderly or retirement checks and medicare payments?

It is time to gather Republicans and Democrats to pay our bills, to look out for our seniors and to vote yes on this debt ceiling.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today thoroughly discouraged with the current proposal to increase the public debt limit by a staggering $800 billion. If this proposal is allowed to pass the American people will inherit a budget system that allows the federal deficit to grow to $8.18 trillion. This kind of economic maneuvering is not only dangerously foolish, it is in fact unethical. There is a reason why we have a federal debt limit, because incurring too much debt ruins our ability for long-term growth, by adding an additional $800 billion to the debt limit we are only laughing at the idea of fiscal constraint. This proposal being considered by this body only continues the fiscal irresponsibility of the Bush administration and this Republican Congress.

This administration has tried to say that deficits don't matter; we know that that is simply not true. History has proven that chronic deficits threaten our economic strength by crowding out private investment, driving up interest rates, and slowing economic growth. Indeed foreign investment in the United States has dried up because foreign investors have no confidence in the Bush economic agenda. This administration's irresponsible budget policies have turned a surplus into a large deficit that is choking off growth in the American economy.

President Bush likes to say his budget is geared towards tax cuts for all Americans. When in fact the average American won't receive a substantial tax cut, but will instead be hit with a tax hike in the form of an ever-growing deficit. A large deficit means taxpayers have to shoulder the costs of paying the interest on this new national debt. The end result will be a debt tax on the great majority of Americans. This will be a tax on lower and middle class Americans; it will be a tax on the elderly and most unfortunately it will be a tax on our children. The truly sad part of the President's economic policies is that while they are bad for America today they are even worse for future generations of American taxpayers.

Today, we celebrated the opening of the Bill Clinton Presidential Library in Little Rock, Arkansas. One of President Clinton's greatest achievements was the fact that he led his country through one of our most economically prosperous periods and furthermore he took our large public debt built up through 12 years of Republican administrations and actually turned it into a surplus. It saddens me that while that was one of President Clinton's greatest achievements, it will not be one of his most lasting due to the irresponsible and misguided fiscal policies of the Bush administration. Republican mismanagement has turned large projected surpluses of over $5.6 trillion into huge projected deficits of more than $3.5 trillion. The difference in only a few years is staggering and ultimately reckless. The large public debt could be significantly reduced by instituting the pay-as-you-go (PAYGO) system that applies to tax cuts as well as mandatory spending. These PAYGO enforcement rules were so effective in the 1990s at reducing our deficit and making our way towards a surplus. Democrats in Congress have time after time supported the reestablishment of these effective rules, but it seems no one on the other side of the chamber is listening.

These Republican policies will double the current debt in 10 years. The CBO projects that the debt subject to limit will continue to rise, reaching $13.272 trillion by 2014 if there is no change in current Republican budget policy. Accounting for the implementation of administration policies, such as making permanent the expiring tax cuts, the government will incur about $6.2 trillion in additional debt between now and 2014, raising the statutory debt to a projected $14.5 trillion, nearly double the current $7.384 trillion limit. These figures are astounding in their size, but truly they are saddening in their effect. Our children will bear the burden of this fiscal insanity. We can raise the debt limit today with little effect, but we are only postponing the inevitable. At some point all accounts have to be paid, unfortunately by then it will be our children who will be left with this oversized bill.

Mr. VAN HOLLEN. Mr. Speaker, as we prepare to convene the 109th Congress, one of our top priorities should be getting our fiscal house in order. Unfortunately the Republican leadership is sending us in the wrong direction. The House voted recently to raise the debt limit by a total of $800 billion. The vote to raise the debt limit for a third time in 3 years is a direct consequence of the reckless fiscal policy pursued by the Republican leadership over the last few years.

A key step to putting America back on the path to financial security would be re-implementing pay-as-you-go policies. The House Republican leadership blocked efforts to restore these rules. Using pay-as-you-go rules, the Clinton administration helped turn a $290 billion budget deficit in 1992 into budget surpluses in 1998, 1999, and 2000. As a result, the Clinton administration was successful in paying down $362 billion in publicly held debt. However, in 2002, the Republican leadership let the pay-as-you-go rules expire and once again we are facing endless budget deficits and soaring national debt.

Debt increases have serious consequences for American families. At a time when the House leadership is promoting more and more tax cuts that disproportionately benefit the wealthiest Americans, increased budget deficits create an enormous debt that will mortgage our future. While a few are benefiting disproportionately from certain Bush tax cuts, all Americans will pay the consequences through the rising "debt tax."

Throughout our history, every generation of Americans has worked to leave our children a world that is stronger and more secure than the one that was left to us. That is our legacy and it should also be our commitment. It is simply wrong to run up a debt on our national credit card and leave our children to pay the bill. We must take personal responsibility to return our Nation to fiscal responsibility.

Mr. PAUL. Mr. Speaker, Congress is once again engaging in fiscal irresponsibility and endangering the American economy by raising the debt ceiling, this time by $800 billion. One particularly troubling aspect of today's debate is how many Members who won their seats in part by pledging never to raise taxes will vote for this tax increase on future generations without so much as a second thought.

The term "national debt" really is a misnomer. It is not the Nation's debt. Instead, it is the Federal Government's debt. The American people did not spend the money, but they will have to pay it back.

Most Americans do not spend much time worrying about the national debt, which now totals more than $8 trillion. The number is so staggering that it hardly seems real, even when economists issue bleak warnings about how much every American owes—currently about $25,000. Of course, Congress never hands each taxpayer a bill for that amount. Instead, the Federal Government uses the people's hard-earned money to pay interest on this debt, which is like making minimum payments on a credit card. Notice that the principal never goes down. In fact, it is rising steadily.

The problem is very simple: Congress almost always spends more each year than the IRS collects in revenues. Federal spending always goes up, but revenues are not so dependable, especially since raising income taxes to sufficiently fund the government would be highly unpopular. So long as Congress spends more than the government takes via taxes, the Federal Government must raise taxes, print more dollars, or borrow money.

Over the past 3 years, we have witnessed an unprecedented explosion in federal spending. The national debt has actually increased an average of $160 billion a day since September 30, 2003.

Federal law limits the total amount of debt the Treasury can carry. Despite a historic increase in the debt limit in 2002 and another increase in 2003, the current limit of $7.38 trillion was reached last month. So Congress must once again vote to raise the limit. Hard as it may be for the American people to believe, many experts expect government spending will exceed this new limit next year.

Increasing the national debt sends a signal to investors that the government is not serious about reining in spending. This increases the risks that investors will be reluctant to buy government debt instruments. The effects on the American economy could be devastating. The only reason why we have been able to endure such large deficits without skyrocketing interest rates is the willingness of foreign nations to buy the Federal Government's debt instruments. However, the recent fall in the value of the dollar and rise in the price of gold indicate that investors may be unwilling to continue to prop up our debt-ridden economy. Furthermore, increasing the national debt will provide more incentive for foreign investors to stop buying federal debt instruments at the current interest rates. Mr. Speaker, what will happen to our already fragile economy if the Federal Reserve must raise interest rates to levels unseen since the seventies to persuade foreigners to buy government debt interests?

The whole point of the debt ceiling law was to limit borrowing by forcing Congress into an open and presumably somewhat shameful vote when it wants to borrow more than a preset amount of money. Yet, since there have been no political consequences for Members who vote to raise the debt limit and support the outrageous spending bills in the first place, the debt limit has become merely another technicality on the road to bankruptcy.

The only way to control federal spending is to take away the government's credit card, which will force Congress to control federal spending. Therefore, I call upon my colleagues to reject S. 2986 and, instead, to reduce government spending. It is time Congress forces the Federal Government to live within its constitutional means. Congress should end the immoral practice of excessive spending and passing the bill to the next generation.

Mr. ETHERIDGE. Mr. Speaker, I rise in opposition to this legislation, and I urge my colleagues to join me in voting "no." Congress and this administration simply must end the reckless and irresponsible budget path we are currently on.

Early next year, my wife Faye and I expect to become grandparents for the first time. While this is an exciting time for our family, I shudder to think that our Nation's legacy to that child is going to be the largest national debt ever bequeathed to a generation in this country's history. That is wrong. It is immoral. It violates to the core our most basic values of responsibility to one another.

The current administration and the Republican leadership has run up a massive national debt of $7.4 trillion and growing with no end in sight. Each newborn child now inherits $85,000 in debt. This so-called "baby tax" is wrong and is building inflation into our economy that poses catastrophic danger to our Nation's economic prosperity.

America must return to the values of balanced budgets and put our fiscal house in order. As someone who hails from a conservative state, I fail to see what at all is conservative about refusing to pay one's bills.

Mr. Speaker, Congress must reject this legislation and return to policies of budget sanity and economic growth so that every individual willing to work hard can make the most of his or her God-given abilities and live the American dream.

Mr. SHERMAN. Mr. Speaker, I recognize that we need to raise the debt limit this week. I vote against S. 2986 not for the purpose of causing the United States to default, but rather for the purpose of forcing a serious debate on fiscal policy.

I am confident that if this motion were to be defeated, Congress would in effect go into emergency session to deal with the fiscal issues that are before us.

Mr. MEEHAN. Mr. Speaker, I rise today to oppose increasing the debt limit without putting in place any plans or mechanisms to bring our budget into balance.

"Increasing the debt ceiling" is a technical term for what Congress is actually doing today—we've spent another $800 billion we didn't have, and now we're forced to borrow that amount of money from our children. The national debt, already $7.4 trillion, will soon rise to more than $8.1 trillion because of the irresponsible borrowing and spending of the Republican Congress.

Today marks the third time in the last 3 years that the Republican Congress has been forced to raise the debt ceiling. It's the moral equivalent of applying for a credit card in your child's name, running it up all the way, raising the credit limit, charging more money on it, raising the limit again, charging even more money, and raising the limit one more time. Only Congress is doing it on a much larger scale.

It's a fact that the biggest cause of the red ink is tax cuts—tax cuts that went overwhelmingly to the highest income brackets and failed to create jobs. The second biggest cause is the Republican Congress's addiction to unrestrained spending.

Ten years ago, the Republican Party took power in Congress promising to restore fiscal responsibility and balance the budget. I was proud to work with President Clinton and my Republican colleagues to achieve a historic balanced budget agreement in 1997.

In the 1990s, working under PAYGO budget constraints, we balanced the budget, lowered interest rates, grew the economy, and charted a course to a debt-free America. In January 2001, the Congressional Budget Office estimated that we'd be able to pay off the entire debt of the United States by 2011.

But over the last 4 years, Congress has veered onto a different course; $5.6 trillion in projected surpluses have turned into $5 trillion in projected deficits. The dream of a debt-free America has vanished—today, about 40 percent of our mounting debt is in foreign hands. That is the legacy of this Republican Congress—giveaways to special interests, tax cuts for the very wealthy, historic levels of borrowing, all leading to a diminished future for our children.

I urge my colleagues to support the Stenholm amendment to restore fiscal and moral responsibility to Congress and oppose another yet increase the debt limit.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in opposition to S. 2986, a bill that will increase the debt limit of the U.S. Federal Budget from $7.4 trillion to $8.2 trillion.

Why am I voting against this bill? I am following a basic rule that families in my district, and throughout the country follow—don't spend money you don't have.

When my constituents sit down and look at their credit card bills, they don't say, "Oh look, I'm in debt. I guess I better spend more." No, they think about where they can save money, in big and small ways. And they prioritize. And maybe, if there is something that they really need, they decide to work a little overtime next to add some more money to the balance.

That is exactly how government needs to function. Government needs to exercise fiscal responsibility. Government needs to spend within its means, or raise more money to finance unmet needs.

The Republican majority, unfortunately, does not seem to understand this basic principle. It increases federal spending—more than any other government in recent history—and it simultaneously cuts taxes. They want to have their cake and eat it too.

It is the time for the majority to start practicing what they preach about fiscal discipline. It needs to keep an eye on both the spending and revenue columns in the ledger. It needs to prioritize and economize, particularly in the areas where we are spending the most.

Let's be realistic. Families can't balance their budgets by spending dollars and saving pennies, they need to make real economies.

Similarly, we can't balance the budget on the back of domestic spending. Comparatively speaking, domestic spending makes up an insignificant part of our budget. If Congress really wants to balance the budget; it is going to have to look at entitlements, interest on debt, defense spending, and we're going to have to think twice about projected tax reductions.

The future fiscal health of the United States is in our hands. I urge my colleagues to be more responsible with the money of the taxpayers of this country. There are no more excuses.

Mrs. JONES of Ohio. Mr. Speaker, for the third time since President Bush took office, Republicans will increase the federal debt limit. This year, Republicans will increase the debt limit by $800 billion. This would allow borrowing to reach $8.2 trillion—$8.2 trillion. Where has the fiscal responsibility gone?

This year the deficit will hit a record $412 billion. Over the last 4 years the federal debt has ballooned by $1.4 trillion. Because there appears to be no end in sight to the annual budget deficits, the new debt ceiling will probably have to be raised again next year.

One would think that faced with this huge debt problem our friends on the other side of the aisle would want to reinstate "pay-as-you-go" rules as we, Democrats, have been advocating. But, unbeknownst to me and the American public—who are paying attention because they are the ones carrying this heavy debt burden—Republicans refuse to adopt "pay-go" rules.

These are the same "pay-go" rules that played a key role in balancing the budget in the 1990s under the Clinton administration. The Republicans' refusal to adopt "pay-go" does not make any sense.

f we have to increase the debt limit, then we should do so along with fiscally responsible "pay-go" rules that would stop Republicans from putting Americans deeper and deeper into debt. It is hard-working American people that are the victims of this growing, out of control debt. An average American family of four bears a debt burden of about $100,000—$100,000.

Something has to be done. At some point we will have to stop these massive increases in the federal debt. At some point we will have to make room to adequately fund our children's education, our brave troops, Social Security.

Republicans do not seem to understand that the larger our federal debt becomes, the less room there is to fund these important programs. This body should bear that in mind as we vote tonight.

The American people are watching.

Mr. STARK. Mr. Speaker, I rise today in opposition to S. 2986, a bill that increases the federal debt limit by $814 billion while doing nothing to ensure a return to fiscally responsible economic policy. If we continue to spend at the current rate while giving tax cuts to the wealthiest Americans, our national debt will top $8 trillion in the very near future.

Just weeks ago, President Bush and many Republican candidates across the country were campaigning on a platform of fiscal responsibility and cutting the deficit in half during the next 4 years. Now that they've won the campaign, that rhetoric is gone and their actions today—increasing the debt limit for the third time in 4 years—certainly don't meet their election promises.

We could have had a real debate today about re-implementing the pay-as-you-go rules that led to historic surpluses at the end of the Clinton administration. That would be a real move toward fiscal responsibility. Instead, Republicans are giving themselves the freedom to further reduce tax revenue while funding an ill-conceived war in Iraq, and claiming they just can't afford to pay for the government programs vital to this country's health and well-being.

Republicans will, however, continue to run up huge deficits while lowering taxes, especially for corporations and individuals making over $200,000 a year. Unfortunately, they don't want to pay for the loss of revenue caused by these tax-cutting measures. That means less money to spend on everything from education to Medicare.

Increasing the debt limit is a statutory necessity to keep the government running, but it is also a sad commentary on the fiscal stewardship shown to the American people by this administration and the Republican leadership in Congress.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Pursuant to House Resolution 856, the bill is considered read for amendment, and the previous question is ordered.

The question is on the third reading of the bill.

The Senate bill was ordered to be read a third time, and was read the third time.

MOTION TO COMMIT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Speaker, I offer a motion to commit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. STENHOLM. I most certainly am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to commit.

The Clerk read as follows:

> Mr. Stenholm moves to commit the bill S. 2986 to the Committee on Ways and Means with instructions that the Committee report the same back to the House forthwith with the following amendment:
>
> Add at the end of section 1 of the bill the following new sentence: "The amendment made by this section shall not apply after April 15, 2005.".

Mr. STENHOLM. Mr. Speaker, I want to begin by thanking our leader, the gentlewoman from California (Ms. PELOSI), and I thank the gentleman from Texas (Mr. BRADY) and the gentleman from Tennessee (Mr. COOPER) for their kind remarks about me.

I want to say it is with a little bit of mixed emotion tonight that I address this body for the last time. I guess it kind of came to me in a real way just a moment ago when my grandson, who is sitting beside me, asked me a moment ago, "What are you going to be doing?" I said, "I am going to offer a motion." "Are you going to win this one?" I said "No, we are not." And he said, "Why?"

Well, that is a question that a 9-year-old would ask. It is also a question a lot of 50- and 60-year-olds ought to be asking. Why is it those of us on this side who used to vote with my colleagues on that side on fiscal restraint have been losing every single vote for the last 4 years? What is it that has changed?

I listened to some of the rhetoric tonight, and I want to say with great respect tonight I recognize the right to have disagreements on this floor. It is so important that we do and that we do it without being disagreeable. But for the life of me I cannot understand how the majority can march in lockstep on this side and build up the largest fiscal deficits in the history of our country and explain it away in saying deficits really do not matter anymore.

Now, I know so many of my colleagues so well, and I appreciate everyone in this body. But when you come up to me privately and say, Charlie, you are right, but I cannot vote with you, I ask the simple question, why?

Now, I understand there has been an election and I understand you won, and I commend you for winning. But that also means you now have the responsibility of your actions.

It was amazing to me that some tonight tried to continue to blame it on Democrat spending. They know better than that. The minority cannot spend. Yes, I say to the gentleman from Texas (Mr. BRADY), we can take credit for some things within the budget because we are not for zero spending.

I tried to offer an amendment to this bill to say pay-as-you-go, which worked, bipartisanly. It worked. Why did my colleagues choose to knock it out in 2002 and say we are not going to have pay-as-you-go anymore? Why do you insist on that when you know in your heart that it works? We tried to do this in the rule today, but we lost, because you said, no, we are going to increase the debt ceiling by $800 billion. So I assume that means you are going to continue with the same policies that you have been carrying for the last 4 years.

Here I will say I hope and I pray you are right. Our country will do better if you are right. But you should be getting a little bit nervous tonight because, ultimately, politics and arguments across this side of the aisle in which you are going to in fact have 100 percent party loyalty is not going to cut it. The market is going to ultimately determine whether our fiscal policies for our Nation are correct or incorrect. You know that and I know that, and you should be getting nervous, as I am getting nervous.

The Japanese, for the first time since 2002, did not buy the amount of debt that they had previously been buying. You should be a little bit worried about the Chinese beginning to become our bankers at the rate that they are becoming our bankers. That should bother you a little, but it does not seem to.

Now, I hope you are right. Because for the good of the country, continuing down the economic path you are insisting on going down, in my judgment, is going to create a major problem. But that helped me lose an election, because the people in my district agree with you and, therefore, I respect the people of my district, and I hope and pray you are right.

But, tonight, let me conclude by saying this: Yes, I have one of Cindy's and my three grandchildren on the floor. And a lot of people have asked why I have been so involved in Social Security. I wish we had spent a part of the last 4 years dealing with the future of Social Security, because everyone in this room knows that we are 4 years closer to D-Day on Social Security, but we have done nothing on that. We tried. That got me opposition from my opponent in this race. But we are going to have to face up to it. You are.

Well, our grandchildren do not have a vote tonight. And to those of you who believe we can fight two wars, win the war on homeland security and do it with continued borrowed money and believe that our country is going to profit, then vote against the motion to commit. It is pretty simple. All we are saying tonight is, increase the debt ceiling until next April 15 and give the new Congress a chance to go in and reexamine the economic policy that we are following and, as many of you have said, you like pay-as-you-go. All we are saying with this motion to commit is, let us do it in the new Congress. That is all we are saying.

You have already said you did not want pay-as-you-go, but you said you might want it next year. All we are saying is, reduce the amount we can borrow and force bipartisan cooperation. Allow the Democratic Party and those on this side who believe, as many of you say you do, allow us the chance in the next Congress to do it.

That is what this motion to commit is all about tonight. It is increasing the debt ceiling just enough to get to April 15 so the 109th Congress can do everything that both sides are saying need to be done.

Please vote for the motion to commit.

Mr. BRADY of Texas. Mr. Speaker, I rise in opposition to the motion.

Mr. Speaker, like many of my colleagues, I agree with much of what our distinguished friend from Texas has said; and, again, he has been a long champion of balancing the budget and reducing this deficit. And he is so right, and we all agree: Deficits do matter. They mattered before we got here. They will always matter.

But jobs matter, too. Jobs matter, too. We did not ask for the attacks of 9/11 that not only struck the heart of our Nation, they struck two million American workers from the payroll. We did not ask for the recession. It was inherited. And we did not ask for the Enrons and the WorldComs and the technology bubble that not only cost so many workers their jobs but really damaged, I think, everyone's hopes for retirement in the future.

How we respond to that challenge, there was a difference, a respected difference. My colleagues on the Democratic side felt that if we kept the money here, if we spend and target different ways, that would move us out of the economy, and that is a fair position.

As Republicans, we felt otherwise. We thought if you want to create jobs in small business, leave the money in small business. If you want to create jobs on Main Street, leave the money on Main Street. If we want families to be able to recover and to make ends meet, let them keep more of the hard-earned money that they in the past have sent to Washington where, unfortunately, we have squandered with so many I think obsolete agencies and duplicative programs we would all agree with.

But the fact of the matter is leaving the money at home worked. We are creating more jobs, and we need to do more. I think, ultimately, after tonight is over, that is the solution we can agree on: continuing to grow this economy so more people work and they pay taxes and Social Security and Medicare, and then together, working together, identifying all of the wasteful spending, getting the backbone on spending, saying no when it would be easier to say yes, maybe doing without, with one less press release on that project back home, all of which, by the way, we have a responsibility today to pay for those bills and these spending projects.

☐ 2230

This motion has nothing to do with PAYGO. And I would respectfully say PAYGO as I have seen it really means higher taxes, unfortunately higher spending, and unfortunately fewer jobs. I just respectfully disagree on that. But the fact of the matter is if we keep the economy going, if we will work together on spending restraint, I know that we can balance the budget. I know we can pay down the deficit. But tonight we have a responsibility to pay our bills, to meet our obligations, to keep the checks going to our Social Security recipients, for our military retirees.

I would respectfully urge this Chamber to vote "no" on commit.

Mr. BRADY of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. TANNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 194, nays 213, not voting 21, as follows:

[Roll No. 535]

YEAS—194

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCollum
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—218

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Ackerman
Cannon
Carson (OK)
Dooley (CA)
Dunn
Feeney
Gephardt
Hoeffel
Kleczka
Lipinski
Matsui
McCarthy (NY)
McDermott
Millender-McDonald
Musgrave
Norwood
Quinn
Stark
Tancredo
Toomey
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 2254

Mr. OTTER, Mr. NUNES, Ms. PRYCE of Ohio, Mr. THOMAS and Mr. CHABOT changed their vote from "yea" to "nay."

Mr. OWENS, Mr. STRICKLAND and Mrs. LOWEY changed their vote from "nay" to "yea."

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on passage of the Senate bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TANNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 208, noes 204, not voting 21, as follows:

[Roll No. 536]

AYES—208

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Ehlers
Emerson
English
Everett
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—204

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gibbons
Gonzalez
Goode
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Herseth
Hill
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCollum
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—21

Ackerman
Cannon
Carson (OK)
Dooley (CA)
Dunn
Feeney
Gephardt
Hoeffel
Kleczka
Lipinski
Matsui
McCarthy (NY)
McDermott
Millender-McDonald
Musgrave
Norwood
Quinn
Stark
Tancredo
Toomey
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). There are 2 minutes remaining in this vote.

□ 2311

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 2986, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1350, INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2004

Mr. SESSIONS (during debate on S. 2986), from the Committee on Rules, submitted a privileged report (Rept. No. 108–781) on the resolution (H. Res. 858) waiving points of order against the conference report to accompany the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS (during debate on S. 2986), from the Committee on Rules, submitted a privileged report (Rept. No. 108–782) on the resolution (H. Res. 859) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. SESSIONS (during debate on S. 2986), from the Committee on Rules, submitted a privileged report (Rept. No. 108–783) on the resolution (H. Res. 860) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

□ 2310

CONGRATULATING BOSTON RED SOX ON WINNING THE 2004 WORLD SERIES

Mr. OSE. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the resolution (H. Res. 854) congratulating the Boston Red Sox on winning the 2004 World Series, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from California?

Mr. CAPUANO. Mr. Speaker, reserving the right to object, and I will not object because this is a resolution congratulating the greatest team in the history of baseball, the Boston Red Sox, who after 86 years finally relieved all New Englanders, and all wonderful people in America, of the greatest burden in the history of sports, 86 years of drought. No more. No more. The Cubs come next.

Mr. Speaker, down three to nothing against one of the greatest teams in baseball, they staged the greatest comeback in the history of sports, sweeping four games in a row against a fantastic Yankees team and one of the greatest rivalries in professional sports today, and then sweeping a four-game series against the Cardinals, another fantastic team, that many of us thought would win the World Series this year.

Not only did they do that, when they came home, we were fortunate enough a few years ago to have the Patriots win their championship in football. We had a million people in downtown Boston celebrating that. The Red Sox won, and we had well over 3 million people. That is half the population of the State of Massachusetts. We had people flying in from all over the country to witness a once-in-a-lifetime experience.

I heard that many people went to cemeteries and gave hats and gave baseball cards to their loved ones who were not here to see this. I heard that some people brought the ashes of their loved ones to the parade because there were those of us who just had no understanding of how to win with our beloved Red Sox.

Mr. OSE. Mr. Speaker, will the gentleman yield?

Mr. CAPUANO. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from California.

Mr. OSE. Mr. Speaker, what did they bring to the parade?

Mr. CAPUANO. Mr. Speaker, we will have to get a translator.

Mr. Speaker, this resolution congratulates the men of the Red Sox and the owners of the Red Sox for their dedication and their commitment to the sport and to their fans. They have opened up the park, I will translate that word, too, later on. They have opened up the park to the public. They have had the players out there talking to the people who come to the games. They have closed off a piece of public turf so we can expand the experience of Fenway.

For those fortunate enough to come to the convention this summer in Boston, I am hoping most Members got to go to Fenway Park, still the smallest ballpark in the major league, yet always sold out because the people of New England support their team.

Mr. Speaker, this resolution is a thank you to the best of our ability to thank the men of the Red Sox and the owners and to the entire Red Sox nation for 86 years of unflagging support and dedication to a team that has so often let us down but every year came back and gave us more to cheer for.

Mr. BRADLEY of New Hampshire. Mr. Chairman, will the gentleman yield?

Mr. CAPUANO. Further reserving the right to object, I yield to the gentleman from New Hampshire.

Mr. BRADLEY of New Hampshire. Mr. Speaker, the gentleman from Massachusetts knows that I am from New Hampshire. There is a friendly rivalry between our States, as Members know. We have gone back and forth for years and years on a number of things, but the one thing that we have always shared in common with other New England States is our love of the Red Sox.

I, too, like the Members from Massachusetts here tonight, wondered if I would ever live long enough to see the Red Sox win the World Series ever. When Dave Roberts stole that base and changed the tide against Mariano Rivera, the greatest closer ever, and then David Ortiz hit a home run, and then David Ortiz hit a bloop single the next night, Curt Schilling the next day pitched that great game, and then Derrek Lowe on 2 days' rest came back, and we won four games and then did it again against the Cardinals, there was a dream that most of us in New England thought would never happen.

People wondered where we would be on the night that the Red Sox won. I do not know where the gentleman from Massachusetts was, but I was with my sons who are younger, and they had never been through Bill Buckner and through Carlton Fisk or Jim Lamborg, or even Johnny Peske, and all of the memories that those of us who have grown up in New England have known for years and years and years. But, finally, we have done it.

Mr. Speaker, I thank the gentleman for yielding me this time, and may our States always be friends and always rooting for the Red Sox.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. CAPUANO. Further reserving the right to object, I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding me this time.

I have an offering for the House this evening with apologies to Ernest L. Thayer entitled "The Curse Has Struck Out."

The outlook wasn't guaranteed for the Red Sox nine this year.
Since 1918 the boys had left us crying in our beer.
And when they lost twice in New York and lost again at home,
A pall-like silence fell upon the loyal Red Sox fans.
A straggling few got up to go in deep despair.
"Wait 'til next year," they said. Resignation filled the air.
The rest clung to that hope that springs eternal in the human breast.
"It ain't over 'til its over" they muttered half in jest.
They thought, "If only our boys could put some bat on that ball,
We'd put Bambino's curse to rest once and for all."
And then Ortiz let fly a homer, to the wonderment of all.
And Johnny Damon, bases loaded, tore the cover off the ball.
And when the dust had lifted on that memorable night,
We had come back from three games down, the Curse was in our sights.
Then from all of Red Sox nation's throats there rose a wild call,
It echoed on the Common, it shook Fanueil Hall.
It pounded on the River Charles, and splashed upon the Bay,
The Yankees were all through, kaput, a World Series we would play.
And they rolled out to St. Louis, jewel of the Midwest.
The Cards had won their league with ease, but now they faced a test.
Were they ready for the Boston boys? The town was dressed in red.
The fans could not be nicer, the team was so well led.
But the Red Sox took the first three games, competing nobly one and all.
They overcame their errors, they answered every call.
And as game four proceeded, and a series win now loomed,
All New England shivered with the thought we might still be doomed.

□ 2320

What deus ex machina would fall down from the sky?
What Bucky Dent/Bill Buckner ghost might steer things all awry?
Keith Foulke climbed up upon the mound, ball burning in his hand.
The Curse stepped up to face him, to make a final stand.
There was ease in the Curse's manner as he stepped into his place.
There was pride in Bambino's bearing, a smile on the Curse's face.
And when, responding to his fans, he lightly doffed his hat,
No stranger in the crowd could doubt 'twas the Curse at the bat.
A nation's eyes were on him as he rubbed his hands with dirt.
60,000 tongues applauded when he wiped them on his shirt.
Then, while Foulke rubbed the ball into his shifty hip,
Defiance flashed in the Curse's eye, a sneer curled on his lip.
And now the leather-covered sphere came hurtling through the air,
And the Curse stood a-watching it in haughty grandeur there.
Close by the portly batsman the ball unheeded sped—
"I just can't hit that," said the Curse. "Strike one!" the umpire said.
From the canyons of Manhattan, there rose a muffled roar.
New York fans were screaming, "Would the Curse really be no more?"
"Kill him, kill the umpire," they shouted in Yankee land.
The Curse looked smug. In 86 years the Curse had never fanned.
With a smile of overconfidence, the Curse's visage shone.

He stilled the rising tumult, he bade the game go on.
He signaled the Red Sox closer, and once more the dun sphere flew,
But the Curse couldn't hit it, and the umpire said, "Strike two."
"It's over," thought the Cardinals fans, who are brought up so well.
But the Curse gave a scornful look and an eerie silence fell.
They saw his face frown stern and cold, they saw his muscles strain.
And they really thought the Curse wouldn't let that ball go by again.
The sneer has fled from the Curse's lip, the teeth are clenched in hate.
He pounds, with cruel violence, his bat upon the plate.
And now the pitcher holds the ball, and now he lets it go,
And now the air is shattered by the force of the Curse's blow.
Oh, all across this favored land the sun is shining bright.
The band is playing happily and our hearts are oh so light.
And Red Sox Nation smiles and laughs, and little children shout.
And there is pure joy in Beantown—the Curse has struck out.

Mr. CAPUANO. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I thank the gentleman for yielding. I would like to also congratulate all of the Red Sox, but I especially would like to congratulate my longtime friend Johnny Pesky. Johnny Pesky, at the age of 85, still dresses out every day with the Red Sox. Nobody loves the Red Sox more than Johnny Pesky, a longtime player, coach, manager, broadcaster, one of the most popular figures in all of New England.

I had the privilege as an 11 and 12-year-old boy of serving as his batboy for the Knoxville Smokies minor league baseball team and got to know him starting in 1959. He has had me right in the dugout at Fenway Park. I know that no one is more excited or happy over these great events of the last few weeks than my friend Johnny Pesky. I would like to offer a special congratulations to a really fine man and great American, Johnny Pesky.

Mr. CAPUANO. Mr. Speaker, further reserving the right to object, I am going to submit this for the RECORD but I would just like to read the first two paragraphs of an article that appeared in the Boston Herald:

"When Margaret 'Peg' Coyne lost her desire to eat, when she could no longer rise from her parlor chair, walk to the kitchen and fix herself a cup of tea, there was still the Red Sox.

"When the grand nieces who kept a vigil by Aunt Peg's hospice bed were sure the pain, the morphine and the Ativan had eased her into a tranquil delirium, Johnny Damon would step into the batter's box and Peg's 93-year-old eyes suddenly opened."

It is a longer article than that that I will submit for the RECORD. But I think those two paragraphs catch the tenor of how the Red Sox Nation feels. This is something we have waited for a long time and many people have come and gone. There have been fantastic players that have been with the team over the years that have given us joy. Johnny Pesky. The right field foul pole is named after Johnny Pesky because he gave us so many thrills while he was playing.

[From the Boston Herald, Nov. 1, 2004]

ANGEL IN THE OUTFIELD SENDS HEAVENLY MIRACLE FROM ABOVE

(By Peter Gelzinis)

When Margaret "Peg" Coyne lost her desire to eat, when she could no longer rise from her parlor chair, walk to the kitchen and fix herself a coup of tea . . . there was still the Red Sox.

When the grand nieces who kept a vigil by "Aunt Peg's" hospice bed were sure the pain, the morphine and the Ativan had eased her into a tranquil delirium, Johnny Damon would step into the batter's box and Peg's 93-year-old eyes suddenly opened.

"Come on, Johnny! Come on, Johnny!" she cried out at the television screen, her voice frail but unbowed.

"We couldn't understand how she knew the inning, let alone the batter," Jeannie Boutin recalled. "When we asked her, Peg just said, 'Because I pay attention, what do you think, Besides,' she'd say, 'they run the numbers along the top of the screen.' And, of course, she always wanted to see her Johnny."

"Oooh, my sister loved Johnny Damon all right," Nora Coyne said. "She loved how he managed to get on base. Peg loved Johnny's heart. But then, of course, she was always saying, 'I wish Johnny would cut his hair and shave that beard.'"

Nora betrayed the kind of self-conscious blush one might expect from a fan of, say, 19 . . . or maybe 29. She happens to be 89.

Ah, but when you venture this deep into the heart of Red Sox Nation—to the cozy sanctuary of a South Boston parlor where two easy chairs sit side-by-side—age is little more than a state of mind. And baseball is what keeps you forever young.

The Coyne sisters didn't particularly care for Babe Ruth. Why?

"Because Peg and I were there at Braves Field, when the Babe came to play for the Braves at the end of his career," Nora explains. "We used to sit in this box right there beside the Braves' dugout. We knew all the Braves. Really, they were our favorites for a long time. We always like the National League guys, because they were a lot more friendly.

"Oh . . . I'm sorry, back to Babe. Well, you see, all these little kids came down from the grandstands to get his autograph, and the Babe . . . well, he just ignored all the little kids. My sister and I thought that was really awful. We never forgot it. And, of course, don't get me started on the Southie girl Babe married. Her name was Nora, too. She lived on Fourth Street, just above F (Street), I think. And what did the Babe do but leave her for a New York showgirl."

In between caring for several generations of family—my wife and our son among them—and stitching curtains in factories throughout Southie, Roxbury and Dorchester, Peg and Nora didn't just watch baseball . . . they lived it.

There are tales of how the ancient Sox pitcher Boo Ferris charmed Peg and Nora with a "Hello Girls," on his way into the Harvard Club, or how Ted Williams fired off a string of "bad words" when the sisters stepped in front of his Caddie.

"Dizzy Trout, the Detroit pitcher, was sitting next to him in the front seat," Nora remembered, "and he just laughed."

On the final day of this past August, during a Red Sox winning streak, Peg Coyne's vantage point on this season shifted from a blue parlor to a celestial box seat. My son's theory was that in return for letting go and coming to heaven, God had surely promised Peg that the Sox would catch the Yankees down the stretch.

When Johnny Damon finally emerged from his playoff slump in truly miraculous fashion, Nora's phone rang off the hook.

"It's Peg," all the nieces screamed, "Peg's there in the outfield with him."

"When Keith Foulke made the last out," Nora said, "I leaned over to say something to Peg. But there was only an empty chair. I wanted her to know what just happened. The Sox finally won it all. They took the Series. But then, of course, my sister already knew. She was watching everything from a much better seat . . . way up there.

And she was smiling."

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Speaker, I thank the gentleman for yielding. I have the wonderful honor of representing the city of Boston with my colleague from Massachusetts (Mr. CAPUANO). This is a special moment for us. I want to rise here tonight just to remember a couple of great Red Sox fans from this body, a couple of people who just embodied the spirit of loyalty to the Red Sox and who I wish were here to share in this. Those two gentlemen are Silvio Conte who served in this body for such a long time representing western Mass. and also my predecessor, Congressman Joe Moakley. Two finer Red Sox fans there never were. I think Silvio Conte would have the full Red Sox uniform on tonight making his remarks if he were here.

The hour is late. I do want to before this resolution passes congratulate the Boston Red Sox and their superb management team, Larry Lucchino, John Henry, Tom Werner and also Theo Epstein and Terry Francona for putting together a wonderful team of just extraordinary gentlemen who not only carried out their athletic roles with excellence but also did it in a way that young people from Massachusetts and all through New England and through the country can really look up to. They really handled themselves with extreme class. The players of the 2004 World Series champion Red Sox, I do not have to name them tonight because their names as we all know will be forever written in the hearts of the citizens of Boston and of New England and of Red Sox Nation. I join with my colleagues in the House in congratulating them for their wonderful, wonderful accomplishment.

Mr. CAPUANO. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. I thank the gentleman for yielding. I was not intending to speak but I am now, because I am not a poet and cannot really compete with my colleague from Alden, but I am now goaded into speaking out of respect for my predecessor Silvio O. Conte who has just been referenced by my esteemed colleague from Boston (Mr. LYNCH).

And so, Mr. Speaker, I am adding my congratulations to the Boston Red Sox for overcoming what many thought was impossible, namely, the toppling of the New York Yankees and ultimately overcoming the Curse of the Bambino. While our Nation is often described as polarized and divided, this Red Sox team managed to bridge these gaps and bring fans from all corners of the country into the Red Sox Nation. All the 2004 Boston Red Sox team will be remembered for their stars, Curt Schilling, Manny Ramirez, Pedro Martinez and David Ortiz, the real underlying message of this team is that the impossible can occur when people come together with the right attitude.

In their march to the world championship, the Red Sox overcame obstacles not through individual triumphs but rather through team effort. Players who had been stars with other teams selflessly accepted lesser roles in the interest of the team. Such players could have easily sulked and pined for personal glory. Instead, they encouraged those who were participating and did their job when they were called upon. The triumph of the 2004 Boston Red Sox was twofold, physical and mental. While the Red Sox players, coaches and management would tell you they did not believe in curses, the fans and the media were convinced that there were forces at work far greater than those who give the curveball its break or cause a knuckleball to dance. Still, despite 86 years of expectations, capped by disappointments, this self-labored "bunch of idiots" managed to overcome preordained demise and ultimate collapse and they did it all with a goofy smile on their face, goofy styles in their hair and a love for the game that is a breath of fresh air in professional sports.

The 2004 World Series run will always hold a special place in the heart of Red Sox fans in the New England region as a whole.

☐ 2330

Gone is the label of lovable loser and all the "what if" speculation in the papers and on the airwaves. For the first time in 86 years, the Red Sox Nation can breathe a deep sigh of relief this off-season and enjoy the fruits of the hometown team's labor. Gone are the columns speculating on the cause of their most recent demise, and in their place are columns about long-suffering fans able to rest knowing that they have seen in their lifetime what others in the past were not so lucky to see.

Mr. Speaker, 2004 will be a year remembered for many reasons; and while some of those reasons may fade with the passing of time, I am sure that the citizens of the Red Sox Nation will keep a not-so-silent vigil to ensure that 2004 is remembered as the year an impossible dream became a reality, the hopes of the faithful and long suffering were met in full, and the season that was always going to be next year was finally this year.

Mr. CAPUANO. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise today to privately say we finally did it. The Boston Red Sox have won the World Series for the first time in 86 years. Not only did they win, but they made history in the process. Congratulations to the gentlemen. They have done what so many thought was impossible.

As a lifelong Red Sox fan, I can honestly say that this is a dream come true. Like millions of other fans, I had such high hopes year after year only to see the World Series slip through our fingers. We have had so many opportunities during our long drought, but something was always missing. Time and time again when victory seemed to be within our grasp, fate intervened and the season would end once again with us muttering the line "there is always next year." Next year was finally this year.

Self-confidence is the hallmark of this team embodied by Curt Schilling and is now classic mantra of "why not us?" History is in the past, and we must live and play for today, and that is what the 2004 Red Sox have taught all of us.

We also learned that over the course of this season that redemption cannot come easy. The Red Sox were three outs away from packing their bags for the winter, as they have so many times in the past. But perhaps the first time, these men knew they could not allow their arch rivals to celebrate at Fenway Park. More than that, Terry Francona knew that the Sox were not done and masterfully managed his team with four straight victories with the help of David Ortiz's amazing performances.

Red Sox fans know that the game is never over until the last out, but we have got to believe. We have all finally seen a dream come true. And it said that Red Sox, the Red Sox play 162 home games, the support of their amazing fans follows them everywhere and is a key factor that propelled the team to victory.

Finally, I am happy to be able to say this in my lifetime, that we did it and I look forward to the 2005 season when the Red Sox defend their World Series title.

Mr. CAPUANO. Mr. Speaker, further reserving the right to object, just yesterday the gentleman who runs the Democratic cloak room was brought to the hospital for a little problem, and I understand that as he was heading towards the hospital clutching his chest, he was heard to say, "It's okay, I've seen the Red Sox win. It's okay." He will be back soon.

But I will tell my colleagues that though many of the Sunday morning pundits are now thinking that some of us in Boston are scratching our heads wondering what happened on some issues this year, the truth is we are all looking at each other wondering how do we enter next year's baseball season now that we have won. We know what to do when we lose: do not worry, next year is it, we are going to make this trade. We have not got a clue how to deal with a win. So all of us at home are really kind of standing wondering now what do we do. We will figure it out, and we will stumble through. And the only thing I will say for the rest of the night is in 86 years, I will be back again to do this one more time.

Mr. MEEHAN. Mr. Speaker, I rise in support of H. Res. 854, congratulating the Boston Red Sox on winning the World Series.

The 2004 Boston Red Sox were no ordinary champion. I would urge my colleagues to remember the scene at Fenway Park as midnight neared on October 17, 2004.

The Sox had dropped the first three games of the American League Championship Series—a deficit that no team had ever surmounted. The night before, they were drubbed 19–8 before the hometown fans.

The Boston bats were silent. Their arms were spent. Their gloves were shaky. Their ace pitcher's foot was stapled to the rest of his leg.

Now trailing 4–3 in Game Four, they came to bat in the bottom of the ninth just three outs away from another close call, another heartbreak for another generation of Sox fans.

In the other dugout was a Yankees team that dashed our hopes last year and won 101 games this year—a team packed with talent and carrying a monster payroll of $184 million.

On the mound was Mariano Rivera, the best and most reliable closer in the history of the game.

Hovering over all of New England was the ghost of Babe Ruth.

Only a "band of idiots" could have believed that they could come back. And only the 2004 Boston Red Sox could have actually pulled it off.

But the slugger Kevin Millar patiently worked out a walk. The speedy pinch-runner Dave Roberts stole second, leaving third baseman Bill Mueller with the chance to tie it. He promptly did, smacking a single through Rivera's legs, and he—and all of the Red Sox Nation—watched Roberts speed home.

The game was tied. The Sox were alive. The Bambino rolled over in his grave. The Yankees' historic choke had begun.

David Ortiz ended the game with a twelfth-inning homer, and less than 24 hours later, the heroic "Big Papi" won Game Five with a fourteenth-inning single.

Game Six was won by the clutch Mark Bellhorn, the mythical Curt Schilling and the medical miracle workers who put his ankle back together.

In Game Seven, the Yankees succumbed to the biblical slugging of Johnny Damon and the untouchable sinkerballs of Derek Lowe.

The Series wasn't even close. The Cardinals had a great season, but they picked the wrong year to win the National League. 2004 belonged to Red Sox Nation. After the bitter endings of 1948, 1978, 1986 and 2003, we deserved it.

All of New England breathed a collective sigh of relief as the always dependable closer Keith Foulke grabbed the final ground ball of Game Four and tossed it to Gold Glove first baseman Doug Mientkiewicz for the final out.

For the first time in 86 years, the Red Sox are the World Champions of baseball—truly World champions, with a roster assembled from the Dominican Republic, South Korea, Colombia, Red-State and Blue-State America. Congratulations to the brilliant general manager Theo Epstein.

Congratulations to our field general, Terry Francona, and his lieutenants on the coaching staff.

Congratulations to the top brass—John Henry, Tom Werner, and Larry Lucchino.

Congratulations to World Series MVP Manny Ramirez. Congratulations to the dean of the Red Sox, Tim Wakefield. Congratulations to the bullpen saviors Mike Timlin and Alan Embree. Congratulations to the steady veterans Jason Varitek, Trot Nixon, and Doug Mirabelli. Congratulations to recent arrivals Bronson Arroyo, Orlando Cabrera, Gabe Kapler, and Pokey Reese.

Congratulations to the unparalleled Pedro Martinez—Pedro, please don't go!

Congratulations to the entire Red Sox team, who will be remembered forever as the conquering heroes who Reversed the Curse and brought a baseball championship to New England for the first time since the Wilson Administration. (Woodrow Wilson, not Mookie.)

Congratulations also to all the great Red Sox players of the past, including Johnny Pesky, Dom Dimaggio, Carl Yastrzemski, Jim Rice, and Luis Tiant—this victory was as much for them as anyone., The same can be said of Ted Williams and all the other Sox greats who have passed on, but who no doubt watched from the heavens above, smiling.

And most importantly, congratulations to baseball's most loyal and passionate fans: Red Sox Nation.

Mr. Speaker, on April 11, 2005, the Red Sox will raise the 2004 World Championship banner at Fenway Park alongside its counterpart from 1918. In the visiting dugout, watching the Sox try on their rings, will be a team that has suffered without a championship since the year 2000—the New York Yankees.

Don't worry, Yankees fans, there's always next year.

Mr. CAPUANO. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. FRANKS of Arizona). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 854

Whereas on October 27, 2004, the Boston Red Sox won their first World Series title in 86 years in a four-game sweep of the St. Louis Cardinals;

Whereas the Red Sox won their sixth world title in the 104-year history of the storied franchise;

Whereas the 2004 Red Sox World Champion team epitomized sportmanship, selfless play, team spirit, determination, and heart in the course of winning 98 games in the regular season and clinching the American League Wild Card payoff berth;

Whereas the 2004 Red Sox World Champion team honored the careers of all former Red Sox legends, including Joe Cronin, Bobby Doerr, Carlton Fisk, Jimmie Foxx, Carl Yastrzemski, Cy Young, Johnny Pesky, Dom DiMaggio, Jim Rice, and Ted Williams;

Whereas the 2004 postseason produced new Red Sox legends, including Derek Lowe, Pedro Martinez, Curt Schilling, Tim Wakefield, Jason Varitek, Keith Foulke, Manny Ramirez, David Ortiz, Johnny Damon, Trot Nixon, Orlando Cabrera, Kevin Millar, Mike Timlin, Alan Embree, Mark Bellhorn, Bill Mueller, and Dave Roberts;

Whereas Red Sox Manager Terry Francona brought fresh leadership to the clubhouse this year, and brought together a self-proclaimed "band of idiots" and made them into one of the greatest Red Sox teams of all time;

Whereas Red Sox owners John Henry and Tom Werner and Red Sox President and Chief Executive Officer Larry Lucchino never wavered from their goal of bringing a World Series Championship to Boston;

Whereas Red Sox General Manager Theo Epstein assembled a team with strong pitching, a crushing offense, and most important, the heart and soul of a champion;

Whereas the Red Sox never trailed in any of the 36 innings of the World Series;

Whereas the Red Sox set a new major league record by winning eight consecutive games in the postseason;

Whereas Derrek Lowe, Pedro Martinez, and Curt Schilling delivered gutsy pitching performances in the postseason worthy of their status as some of the best pitchers in Red Sox history;

Whereas the Red Sox starting pitching in Games 2, 3, and 4 of the World Series had a combined earned run average of 0.00;

Whereas Manny Ramirez won the 2004 World Series Most Valuable Player award in the World Series after batting 0.350 in the postseason with two home runs and 11 runs batted in;

Whereas the Red Sox staged the greatest comeback in baseball history in the American League Championship Series against their rivals, the New York Yankees, by winning four consecutive games after losing the first three games of the series;

Whereas the Red Sox prevailed in four consecutive American League Championship Series games, while producing some of the most memorable moments in sports history, including Dave Roberts stealing second base in the bottom of the ninth inning of Game 4, David Ortiz securing a walk-off home run in the 12th inning of Game 4, David Ortiz singling in the winning run in the bottom of the 14th inning in Game 5, and Johnny Damon making a grand slam in Game 7;

Whereas the entire Red Sox organization has a strong commitment to charitable causes in New England, demonstrated by the team's 51-year support of the Dana-Farber Cancer Institute's Jimmy Fund in the fight against childhood cancers;

Whereas fans of the Red Sox do not live only in Boston or New England, but all across the country and the world, and a grateful "Red Sox Nation" thanks the team for bringing a World Championship home to Boston;

Whereas the 2004 Boston Red Sox and their loyal fans believed; and

Whereas this IS next year: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates—

(A) the Boston Red Sox for winning the 2004 Major League Baseball World Series and for their incredible performance during the 2004 Major League Baseball season; and

(B) the eight Major League Baseball teams that played in the postseason;

(2) recognizes the achievements of the Boston Red Sox players, manager, coaches, and support staff whose hard work, dedication, and spirit made this all possible;

(3) commends—

(A) the St. Louis Cardinals for a valiant performance during the 2004 season and the World Series;

(B) the fans and management of the St. Louis Cardinals for allowing the Red Sox fans from Boston and around the Nation to celebrate their first title in 86 years at their home field; and

(4) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to—

(A) the 2004 Boston Red Sox team;

(B) Red Sox Manager Terry Francona;

(C) Red Sox General Manager Theo Epstein;

(D) Red Sox President and Chief Executive Officer Larry Lucchino;

(E) Red Sox Principal Owner John Henry; and

(F) Red Sox Chairman Tom Werner.

The resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. OSE

Mr. OSE. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. OSE:

On page 1 line 10 strike the word "payoff" and insert the ward "playoff".

Mr. OSE. Mr. Speaker, I do want to speak to the amendment, if I might, because I know the gentleman from Massachusetts (Mr. CAPUANO) comes from district eight in Massachusetts, and clearly there has been an error in the third paragraph of the resolution. We are going to call this E-8 in the gentleman from Massachusetts' (Mr. CAPUANO) memory because I do not believe he meant to put the word "payoff" in there, and we are attempting to correct this. And I just want to assure folks of the district that the gentleman from Massachusetts (Mr. CAPUANO) represents that it was an error made in good faith and that it was an error much like many errors in the past like Mr. Buckner has made, and I hope to never see such an error again in the next 86 years.

The SPEAKER pro tempore. The question is on the amendment to the preamble.

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. DREIER, (during debate on H. Res. 854) from the Committee on Rules, submitted a privileged report (Rept. No. 108–784) on the resolution (H. Res. 861) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

A FISCAL U-TURN: BACK IN THE HOLE AND STILL DIGGING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, earlier today I joined many of my colleagues in Little Rock, Arkansas, for the official dedication of the William Jefferson Clinton Presidential Center, a place where scholars and all Americans can study the many remarkable achievements of 8 years of the Clinton administration.

As I sat through the dedication ceremonies today, I reflected on the unparalleled economic prosperity that America experienced during President Clinton's tenure. I also could not help thinking about the important matter we would be confronted with on the House floor later in the day, a vote to raise the debt limit for the third time since President Clinton's successor took office. With today's vote, the majority of this House has agreed to a whopping $800 billion increase in the debt ceiling from its present level of $7.38 trillion to $8.18 trillion.

The impending breach of the statutory debt ceiling is the latest warning about the Nation's fiscal health. Our debt has been growing faster than our economy's ability to repay it due in large part to a reckless economic policy over the last 4 years. These policies have undone the hard work it took to balance the budget during the 1990s and have left us awash in a sea of red ink.

At the beginning of the Clinton administration in 1992, the Federal budget deficit was at a historic high of $290 billion, 10 million Americans were out of work, and the Nation's economic growth rate was the lowest in more than half a century. In response, President Clinton and the congressional Democrats worked together to enact the 1993 Deficit Reduction Plan which passed the House and Senate without a single Republican vote. The balanced budget plan demonstrated that guided by common sense and realism, we could slash the deficit in half while also making important investments in our future including education, health care, science, and technology.

The plan included more than $500 billion in deficit reduction and cut taxes for 15 million of the hardest pressed Americans as well as small businesses.

□ 2340

What followed is unarguable: the creation of more than 22 million new jobs and the Nation's lowest unemployment rate in 30 years. The Nation went from the largest budget deficits in history to the largest budget surpluses in history. Four consecutive years of debt reduction also followed, a total of $453 billion paid down, bringing the public debt down to $2.9 trillion lower in 2001 than projected in 1993.

When President Clinton left office, we were on track to eliminate the Nation's public debt by 2012, making America debt-free for the first time since Andrew Jackson was President.

Today, we continue the fiscal U-turn that this Congress and administration have steered us into over the last 4 years. Today's vote to increase the debt limit marks yet another unfortunate milestone in our Nation's history where we have the largest deficits we have ever had, $413 billion, and absolutely no plan in sight to put our fiscal House in order.

For years, members of the Blue Dog Coalition have warned that we were spending money we did not have, that the administration had no economic plan, and that tax cuts alone were not a substitute for an economic plan for our country's future. This Congress continues to reject efforts to budget in the same way that your family and mine does, by paying as you go.

Even as we sought to stave off the day of reckoning, middle-class Americans are paying for our profligacy in the form of rising interest rates. As a result, American consumers are paying more for their mortgages and on their credit cards.

With the retirement of the baby-boom generation beginning in just 4 years, we must rededicate ourselves to ensuring that our children and future generations are not saddled with the enormous responsibility of paying for our economic health and our safety. We owe it to the American people to stop imperiling the Nation's economic future by borrowing money to pay for irresponsible policies.

We all acknowledge that the September 11 attacks and the resulting war on terrorism as well as the war on Iraq have put an additional stress on our economy. But instead of spending political capital to ask all Americans to share in the Nation's sacrifice, the President and the majority today took the easy way out.

Mr. Speaker, the day of reckoning is at hand, and with today's vote we must all acknowledge we have hit rock bottom.

In his farewell address to the Nation from the Oval Office in February, 2003, President Clinton left the American people with three thoughts about our future. His first admonition was that America must maintain its fiscal responsibility. Pointing to record deficits turned into record surpluses and the paying down of our national debt, he urged us to stay on track. "If we choose wisely," he said, "we can pay down the debt, deal with the retirement of the baby-boomers, invest more in our future, and provide tax relief."

Unfortunately, this Congress and this administration have not chosen wisely. The juxtaposition of today's dedication of the Clinton Library and this evening's vote to increase the national debt is a clarion call to return to the sound fiscal policies that were central to the economic boom of the 1990s. We have a duty to the American people to restore sanity and discipline to our Nation's finances.

EXCHANGE OF SPECIAL ORDER TIME

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. STUPAK. Mr. Speaker, I ask unanimous consent to take my special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PUTTING PEOPLE FIRST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, it was an honor and a privilege to join with over 100 of my colleagues, Democrats and Republicans, and four U.S. presidents to dedicate the William J. Clinton Library in Little Rock, Arkansas. All of the four presidents spoke eloquently. I was especially moved by the words of former President George W. Bush when he said it not a Democrat or Republican day, but it was a great day for all Americans.

I joined President Clinton in the 1992 election here in Washington to represent northern Michigan to do, as President Clinton challenged us then, to put people first. I have learned and tried to do that each day as a Congressman. I learned this not just from President Clinton but from my own father who was a local elected official in Delta County, Michigan.

I come tonight to put people first, to put our children first as I continue to speak out against the acne drug Accutane. As a legislator, I have called for more restrictions on the distribution and use of this drug, which is known to cause severe birth defects and a form of impulsive behavior and depression in young people taking this drug.

This drug has devastated my family with the loss of our son BJ and more than 250 other families who have lost their young son or daughter across this Nation who have lost them while they were taking Accutane.

As we were flying back from Little Rock, Arkansas, CBS news ran a story tonight, and I quote an FDA safety reviewer, Dr. David Graham, when he spoke to the Senate Finance Committee. Dr. Graham said, "I would argue that the FDA as currently configured is incapable of protecting America against another Vioxx." He told the Senate Finance Committee that "there are at least five other drugs on the market today that should be looked at seriously to see whether they should remain on the market." He cited the acne drug Accutane.

Why Accutane? Because of the horrendous birth defects, but also because of a recent study by Dr. J. Douglas Bremner. He has demonstrated how Accutane mediates depression, causes impulsive behavior due to changes in the orbito frontal cortex in the front part of the brain. That mediates depression. Depression is found in this part of the brain.

Over the course of our investigation of the Committee on Energy and Commerce research, it has indicated that the current formula of Accutane may be about 240 times greater than what is necessary to be effective. Too much Accutane, a synthetic vitamin A, causes cerebri tumor or a pseudo tumor in some patients. This pseudo tumor is a warning that is found on the packaging, but what does it really mean? It means severe headaches. And while it acts like a tumor in the brain, it cannot be discovered. CAT scans will not show it. There is no evidence of a tumor. So what happens?

As Dr. Bremner showed us here in a study of the orbito frontal cortex, there is a decrease in the metabolism of the brain. This is the baseline of a person before they started Accutane. This is post Accutane, or 4 months on Accutane. Notice the red brain activity in the front part of the brain. Notice very little red after 4 months on Accutane. It neutralizes or decreases the metabolism in this part of the brain.

In this one slide that Dr. Bremner has shared with us, there is a 21 percent decrease in brain metabolism with this patient. This only occurred in Accutane patients. Dr. Bremner did the same thing with other patients on oral antibiotics. And it was not all Accutane patients, just those who complained of severe headaches. Is this excessive dosage found in the current formula of Accutane that is being given to patients, is this the cause in the change that we see?

The medical evidence is clear that Accutane causes changes in the brain, which leads some young people to take their own life through impulsive behavior.

Putting people first. Let us put children first. Let us join with the FDA drug safety reviewer and pull this drug from the market or, at a minimum, severely restrict the use and distribution of Accutane until we have all the answers about this powerful, dangerous drug.

Is a decreased metabolism that we see here, is this reversible? Will the brain repair itself? How much Accutane is safe? What should the real dose be so we do not hurt the developing young brains of our children? Has the FDA done enough to protect our children? Has the FDA seriously looked at this study and similar studies in animal testing, which also demonstrate Accutane harms the brain?

It is time to put our children first. It is time to pull this drug off the market until all of our questions are seriously answered. Put our children first.

Mr. Speaker, I will submit for the Record the CBS news report and also a photocopy of the CAT scan from Dr. Bremner.

INSIDER: FDA CAN'T PROTECT PUBLIC

The American public is "virtually defenseless" if another medication such as Vioxx proves to be unsafe after it is approved for sale, a government drug safety reviewer told a congressional committee Thursday.

"I would argue that the FDA as currently configured is incapable of protecting America against another Vioxx," said David Graham, who warned that the arthritis drug had been linked to an increased risk of heart attack and stroke.

He told the Senate Finance Committee that there were at least five other drugs on the market today that should be looked at seriously to see whether they should remain there. He cited the acne drug Accutane, the weight loss drug Meridia, the anti-cholesterol drug Crestor, the pain reliever Bextra, and the asthma drug Serevent.

Vioxx's maker, Merck & Co. pulled the drug from the market on Sept. 30 after a study indicated the popular painkiller doubled the risk of heart attacks and stroke when taken for longer than 18 months.

Raymond V. Gilimartin, the company president, said in prepared testimony that Merck acted within four days of learning about the risk.

"Given the availability of alternative therapies and the questions raised by the data withdrawing Vioxx was consistent with an ethic that has driven Merck actions and decisions for more than 100 years," he said.

Gilimartin also said the company was surprised by the cardiovascular risk because it differed from past clinical trials. "My wife was a user of Vioxx until the day we withdrew it from the marketplace," he said.

The Food and Drug Administration has defended its actions regarding Vioxx. In a statement issued late Wednesday, the agency cited its "well-documented and long-standing commitment to openness and transparency in its review of marketed drugs."

"What's come to light about Vioxx since Sept. 30 makes people wonder if the FDA has lost its way when it comes to making sure that drugs are safe," said Senate Finance Committee Chairman Charles Grassley, R-Iowa, as the hearing opened.

Grassley suggested that an independent board of drug safety might be needed to ensure the safety of medications after they're approved for the market.

"Consumers should not have to second-guess the safety of what's in their medicine cabinet," he said.

Graham told the committee that research indicated that Vioxx caused up to 160,000 heart attacks and strokes.

"If we were talking about Florida or Pennsylvania, 1 percent of the entire state population would have been affected," he said. "I'm sorry to say Sen. Grassley, but 67 percent of the citizens of Des Moines would be affected and, what's worse—the entire population of every other city in the state of Iowa."

Graham said his research helped to coax the FDA to withdraw a number of drugs including Fen-phen, a weight loss drug, Lotronex, Baycol and Rezulin. "During my career I have recommended the market withdrawal of 12 drugs," he said. "Only two of these remain on the market today."

At the same time, though, he questioned the agency's commitment to removing unsafe drugs from the market, since it would call into question their earlier approval.

Sen. Jeff Bingman, D-New Mexico, said the problem was within the FDA's own culture.

"The culture within the FDA, being one where the pharmaceutical industry, which the FDA is supposed to regulate, is seen by the FDA as its client instead," he said.

He called on President Bush to appoint a new head for the agency. Lester Crawford has been acting commissioner of the agency.

Lester Crawford's statement, sent by e-mail to reporters about 16 hours before the Senate Finance Committee's scheduled hearing on Vioxx, said the FDA initiated and paid for reviews of Vioxx and antidepressants after those drugs had hit the market. "That is evidence the system is working," Crawford said.

"It's not working good for them to have a drug to be out on the market this long . . . and never really announcing that it was causing strokes and heart attacks," John Byrd of Coats, N.C., told CBS Radio News Thursday morning. He's a 47-year-old who had a heart attack last spring and is now suing the maker of Vioxx.

Critics contend the agency ignored risks in both instances, then intimidated its own reviewers when they pointed to safety concerns.

In October, the FDA ordered that all antidepressants carry warnings that they "increase the risk of suicidal thinking and behavior" in children who take them.

Vioxx's maker, Merck & Co. pulled the drug from the market on Sept. 30 after a study indicated the popular painkiller doubled the risk of heart attacks and stroke when taken for longer than 18 months.

"I've never had any knowledge that it could cause a heart attack or blood clots or stroke. That's where I find a little shadiness in this recall," said Byrd, a Goodyear employee, who added the Vioxx paperwork only warned that it could upset his stomach.

The FDA's statement disturbed lawyer Andy Birchfield, who is evaluating thousands of potential cases against Merck on behalf of injured patients.

"How can they see that type of problem and look back and say 'We did everything right'?" Birchfield said. "When they're not willing to recognize mistakes, we have no hope for them voluntarily taking measures to correct the situation."

Crawford's statement did not mention Graham by name, but suggested that the reviewer was a maverick who did not follow agency protocol.

Graham was lead author on a research project that studied the records of almost 1.4 million Kaiser Permanente patients, including 40,405 treated with Pfizer's Celebrex and 26,748 treated with Vioxx. The study found that high doses of Vioxx tripled risks of heart attacks and sudden cardiac death.

Vioxx was responsible for an additional 27,785 deaths from heart ailments from 1999 to 2003, Graham concluded.

He has told congressional investigators that, superiors pressured him to soften his conclusions.

Crawford said in his statement that the reviewer voluntarily chose to revise his conclusions, and he did so, in his own words, "without compromising my deeply held convictions."

EXCHANGE OF SPECIAL ORDER TIME

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from North Carolina (Mr. JONES).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

IMMIGRATION CONCERNS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, in yesterday's Congress Daily published by the National Journal, there was an article stating that some of the Nation's largest high-tech companies are pushing for a big increase in the H–1B visa program. This is the program that grants visas to so-called skilled foreigners such as computer specialists, engineers, and technical medical researchers. This program already allows 65,000 foreigners each year to come in and take some of the best jobs this country has to offer.

Now, these giant corporations are waging what Congress Daily described as an "intense lobbying" campaign to get 30,000 to 40,000 more of these foreign workers, and this goes on every year and has undoubtedly let in hundreds of thousands or even more over the last several years.

□ 2350

This, of course, is on top of the many millions of illegal aliens we already have here, probably at least double or triple the ten million illegals the government estimates are here based on what I have read and heard and seen.

I realize the H1–B program is a way to get here legally, and I do commend those involved for at least going through the proper legal channels. But over the last 16 years since I have been in Congress, I have had many parents and grandparents bring me their college graduate children or grandchildren who cannot find good jobs. And these are good-looking young people with very good grades.

All over this country there are many thousands of college graduates who cannot find good jobs so they work as waiters and waitresses and go to graduate school or more often law school. Sometimes people with masters degrees or even PhDs are having trouble finding good jobs. Our unemployment is low, but our underemployment is terrible. Yet we bring in many thousands more foreign workers each year while we continue to send huge numbers of good jobs to other countries with our astounding $1 million-a-minute trade deficit.

Many years ago I read that our government estimated that half the people of the world wanted to come here to live. Consistent with that I read in the last few months that half of the people in the world have to get by on $2 or less a day and do not have a second pair of shoes. We simply cannot take 3 billion more people in to this Nation, especially over a short period of time. Already our schools and hospitals are overrun with illegal immigrants in areas near our borders.

God has blessed every nation in this world with either natural beauty and natural resources and usually both that could make those countries rich if they had a free market, free enterprise system. However, all over this world people have fallen for the myth that government can solve all problems, and they have either voted in or had governments forced on them that were liberal, left-wing or socialist. And all over this world all big government has done is to ruin economies and wipe out the middle class.

Big government means a few elite rulers at the top, a huge underclass, usually near starvation, and almost no middle class. Today with many of our trade and immigration policies, our own big government is slowly wiping out our own middle class to try to benefit a small number of huge multi-national companies. The big giants are growing bigger in large part because of government favoritism, government contracts, tax breaks, free land. Big government, though, really only helps extremely big business and the bureaucrats who work for the government. Everyone else gets the crumbs or the shaft.

There really cannot be such a thing as big government conservatism. That is an oxymoron. Only in a very small government, truly free market system does the little man or a person without great capital have a real chance.

Big government liberalism, while always claiming to help the little guy, has actually been the best friend extremely big business has. And this proposed expansion of the H1–B program is just another example of this big government, big business duopoly that is in the long run bringing down American small business and our great middle class.

EXCHANGE OF SPECIAL ORDER TIME

Mr. PALLONE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Ohio (Mr. BROWN).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ARMS SALES TO PAKISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to express my deep concern about the proposed Pentagon arms sale to Pakistan.

Reports indicate that the Pentagon has proposed sales of the following weapons to Pakistan: eight P–3C Orion surveillance aircraft valued at up to $970 million and 2,000 TOW–2A missiles and 14 TOW–2A Fly-to-Buy missiles valued at $82 million. It is undoubted that Pakistan has been an ally in the war on terror; however, it is necessary to urge President Bush to block these proposed arms sales for several reasons.

A number of my colleagues and I were extremely disappointed to learn of the Major Non-NATO Alliance status that was bestowed upon Pakistan earlier this year because it allowed Pakistan to purchase military equipment that is not normally sanctioned to a country that is not under democratic rule. Pakistan unfortunately continues to remain under military rule and is not taking meaningful steps to return to a democracy; and therefore I support democracy sanctions that will prohibit military assistance to Pakistan entirely. Moreover, I feel that it is unprecedented for the Pentagon to be engaging in weapon sales with Pakistan due to its political instability.

Mr. Speaker, the Bush administration's policies with respect to military assistance and now military sales to Pakistan are contributing to increased security concerns throughout South Asia and particularly to India. Although Pakistan has been an ally in the global war on terror, Pakistan has not taken steps to end terrorism in its own backyard, and foreign military assistance to Pakistan has oftentimes been used against India.

I sent a letter today, Mr. Speaker, to President Bush urging him to reexamine the interests and priorities of the United States and to take a strong position against selling arms to Pakistan both now and in the future. The Pentagon is still in the proposed phase of selling these weapons to Pakistan. I urge my colleagues to block this inappropriate and unnecessary arms sales to Pakistan.

Mr. Speaker, the Bush administration and this Congress should be promoting peace in South Asia, not a war between Pakistan and India.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MILLENDER-MCDONALD (at the request of Ms. PELOSI) for today on account of business in the district.

Mr. WELLER (at the request of Mr. DELAY) for today and the balance of the week on account of his wedding.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. SCHIFF, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1284. An act to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project.

H.R. 4794. An act to amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 to extend the authorization of appropriations, and for other purposes.

H.R. 5245. An act to extend the liability indemnification regime for the commercial space transportation industry.

H.R. 5213. An act to expand research information regarding multidisciplinary research projects and epidemiological studies.

H.R. 5163. An act to amend title 49, United States Code, to provide the Department of Transportation a more focused research organization with an emphasis on innovative technology, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 434. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes.

S. 1446. An act to implement the recommendations of the Garrison Unit Joint Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota.

S. 1241. An act to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes.

S. 1727. An act to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978.

S. 2042. An act for the relief of Rocco A. Trescota of Fort Lauderdale, Florida.

S. 2214. An act to designate the facility of the United States Postal Service located at 3150 Great Northern Avenue in Missoula, Montana, as the "Mike Mansfield Post Office".

S. 2302. An act to improve access to physicians in medically underserved areas.

S. 2484. An act to amend title 38, United States Code, to simplify and improve pay provisions for physicians and dentists and to authorize alternate work schedules and executive pay for nurses, and for other purposes.

S. 2640. An act to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the "Guardians of Freedom Memorial Post Office Building" and to authorize the installation of a plaque at such site, and for other purposes.

S. 2693. An act to designate the facility of the United States Postal Service located at 1475 Western Avenue, Suite 45, Albany, New York, as the "Lieutenant John F. Finn Post Office."

S. 2965. An act to amend the Livestock Mandatory Price Reporting Act of 1999 to modify the termination date for mandatory price reporting.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Friday, November 19, 2004, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10904. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Glyphosate; Pesticide Tolerance [OPP-2004-0323; FRL-7683-9] received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10905. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Mepanipyrim; Pesticide Tolerances [OPP-2004-0299; FRL-7681-8] received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10906. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Cyprodinil; Pesticide Tolerances [OPP-2004-0327; FRL-7682-1] received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10907. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Edward Soriano, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

10908. A letter from the Deputy Chief of Naval Operations (Manpower and Personnel), Department of Defense, transmitting notification of a decision to implement performance by the Most Efficient Organization (MEO) for the Physical Distribution in Bremerton, WA (initiative number NC20000784); to the Committee on Armed Services.

10909. A letter from the Acting Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting the Department's report on the amount of purchases from foreign entities for Fiscal Year 2003, pursuant to Public Law 107-248, section 8033(b); to the Committee on Armed Services.

10910. A letter from the Acting Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting the Department's Strategic Plan for Corrosion Prevention and Mitigation, pursuant to Public Law 107-314, section 1067; to the Committee on Armed Services.

10911. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report as of September 30, 2004, entitled, "Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account," pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

10912. A letter from the Administrator, Rural Housing Service, Department of Agriculture, transmitting the Department's "Major" final rule—Reinventionof the Sections 514, 515, 516, and 521 Multi-Family Housing Programs (RIN: 0575-AC13) received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10913. A letter from the Secretary, Department of Education, transmitting the annual report of the National Advisory Committee on Institutional Quality and Integrity for Fiscal Year 2004, pursuant to 20 U.S.C. 1145(e); to the Committee on Education and the Workforce.

10914. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the

Community Services Block Grant Discretionary Activities: Community Economic Development Program (CEDP) Projects Funded During Fiscal Year 2000; to the Committee on Education and the Workforce.

10915. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a preliminary report on the Department's Alternative Fuel Vehicle (AFV) program for FY 2004, pursuant to Public Law 105–388 42 U.S.C. 13211–13219; to the Committee on Energy and Commerce.

10916. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District [CA 309–0468a; FRL–7834–3] received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10917. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Interim Final Determination to Stay Sanctions, Imperial County Air Pollution Control District [CA 309–0468c; FRL–7834–5] received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10918. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Corrections to the California State Implementation Plan [CA120–REC; FRL–7837–9] received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10919. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Plan Revisions; Indiana [R05–OAR–2004–IN–0002; FRL–7826–8] received October 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10920. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implmentation Plans; Texas; Memorandum of Agreement between Texas Council on Environmental Quality and the North Central Texas Council of Governments Providing Emissions Offsets to Dallas Fort Worth International Airport [R06–OAR–2004–TX–0002; FRL–7830–8] received October 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10921. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State Of Missouri; Designation of Areas for Air Quality Planning Purposes, Iron County; Arcadia and Liberty Townships [R07–OAR–2004–MO–003; FRL–7831–1] received October 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10922. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Idado; Correcting Amendments [ID–02–003; FRL–7825–3] received October 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10923. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [CA 307–0464a; FRL–7818–6] received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10924. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Bay Area Air Quality Management District [CA284–0462; FRL–7811–2] received October 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10925. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Environmental Performance Track Program; Corrections [OA–2004–0004; FRL–7830–1] (RIN: 2090–AA13) received October 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10926. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules; Delegation of Authority for New Source Performance Standards [ND–0001–0011; FRL–7823–2] received October 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10927. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Determination of Attainment and Redesignation of the City of Weirton PM10 Nonattainment Area to Attainment and Approval of the Maintenance Plan [R03–AOR–2004–WV–0001; FRL–7821–4] received October 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10928. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania VOC and NO_X RACT Determinations for National Fuel Gas Supply Corporation [PA208–4231; FRL–7822–5] received October 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10929. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Redesignation of Kent and Queen Anne's Counties Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan [MD160–3113; FRL–7821–1] received October 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10930. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC Emissions from Yeast Manufacturing [MD170–3113a; FRL–7819–7] received October 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10931. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Colorado; Designation of Areas for Air Quality Planning Purposes, Steamboat Springs [CO–001–0077a; FRL–7815–5] received October 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10932. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Pakistan for defense articles and services (Transmittal No. 05–05), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10933. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to the United Arab Emirates for defense articles and services (Transmittal No. 05–09), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10934. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Pakistan for defense articles and services (Transmittal No. 05–06), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10935. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Pakistan for defense articles and services (Transmittal No. 05–07), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10936. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 13–04 informing of an intent to sign a Memorandum of Understanding Concerning Land Battlespace Systems with the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10937. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 14–04 informing of an intent to sign a Memorandum of Understanding Concerning Defense Space Cooperation with Turkey, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10938. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Poland (Transmittal No. DDTC 082–04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10939. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the annual report of the activities of the United Nations and of the participation of the United States therein during the calendar year 2003, pursuant to 22 U.S.C. 287b; to the Committee on International Relations.

10940. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

10941. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section

204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13338 of May 11, 2004, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on International Relations.

10942. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979; to the Committee on International Relations.

10943. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule— Amendment to the International Traffic in Arms Regulations: Registration Fee Change (RIN: 1400–AB97) received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10944. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the semiannual report on the activities of the Office of Inspector General for the six-month period ending September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10945. A letter from the Chairman, Broadcasting Board of Governors, transmitting in accordance with the requirements of the Accountability of Tax Dollars Act of 2002 (Pub. L. 107–289), the Board's FY 2004 Performance and Accountability Report; to the Committee on Government Reform.

10946. A letter from the Chairman, Consumer Product Safety Commission, transmitting the Commission's FY 2004 Performance and Accountability Report; to the Committee on Government Reform.

10947. A letter from the Chief Financial Officer and Assistant Secretary for Administration, Department of Commerce, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, and the Office of Management and Budget Memorandum 04–07, the Department's report on competitive sourcing efforts for FY 2003; to the Committee on Government Reform.

10948. A letter from the Chief Financial Officer and Assistant Secretary for Administration, Department of Commerce, transmitting an inventory of functions performed by the Department that are not inherently governmental after the inventory has been reviewed by the Office of Management and Budget; to the Committee on Government Reform.

10949. A letter from the Secretary, Department of Energy, transmitting the Department's Performance and Accountability Report for FY 2004; to the Committee on Government Reform.

10950. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's FY 2004 Report on Performance and Accountability; to the Committee on Government Reform.

10951. A letter from the Attorney General, Department of Justice, transmitting the Department's FY 2004 Performance and Accountability Report; to the Committee on Government Reform.

10952. A letter from the Secretary, Department of Transportation, transmitting the Secretary's Management Report on Management Decisions and Final Actionson Office of Inspector General Audit Recommendations for the period ending March 31, 2004, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

10953. A letter from the Secretary, Department of Transportation, transmitting the Department's FY 2004 Performance and Accountability Report; to the Committee on Government Reform.

10954. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's Fiscal Year 2004 Performance and Accountability Report required under the Accountability for Tax Dollars Act of 2002; to the Committee on Government Reform.

10955. A letter from the Chairman, National Endowment for the Arts, transmitting pursuant to the "Accountability of Tax Dollars Act of 2002" and related guidance from the Office of Management and Budget, the Endowment's Performance and Accountability Report for FY 2004; to the Committee on Government Reform.

10956. A letter from the Chairman, National Endowment for the Humanities, transmitting the Endowment's inventory of activities as required by OMB Circular A–76 and the Federal Activities Inventory Reform Act; to the Committee on Government Reform.

10957. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the FY 2004 Performance and Accountability Report, prepared in accordance with the Reports Consolidation Act of 2000 and the Government Performance and Results Act of 1993; to the Committee on Government Reform.

10958. A letter from the Director, Office of Management and Budget, transmitting a report entitled "Statistical Programs of the United States Government: Fiscal Year 2005," pursuant to 44 U.S.C. 3504(e)(2); to the Committee on Government Reform.

10959. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the Board's Performance and Accountability Report for Fiscal Year 2004, including the Office of Inspector General's Auditor's Report, Report on Internal Control, and Report on Compliance with Laws and Regulations; to the Committee on Government Reform.

10960. A letter from the Commissioner, Social Security Administration, transmitting the Administration's Fiscal Year 2004 Performance and Accountability Report; to the Committee on Government Reform.

10961. A letter from the Director, Trade and Development Agency, transmitting the Agency's annual financial audit for FY 2004, pursuant to 22 U.S.C. 2421(e)(2); to the Committee on Government Reform.

10962. A letter from the Executive Director, United States Access Board, transmitting the Board's consolidated report for the Inspector General Act and the Federal Financial Manager's Integrity Act, pursuant to (102 Stat. 2525); to the Committee on Government Reform.

10963. A communication from the President of the United States, transmitting the study, findings, and report for the Squirrel River in Alaska, consistent with section 5(a) of the Wild and Scenic Rivers Act, Public Law 90–542, as amended; (H. Doc. No. 108–235); to the Committee on Resources and ordered to be printed.

10964. A letter from the Federal Registrar Liason Officer, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Coal Production Fees (RIN: 1029–AC46) received October 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10965. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 031126297–3297–01; I.D. 100704A] received October 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10966. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 031125292–4061–02; I.D. 092404A] received October 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10967. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Amendment 16–3; Corrections [Docket No. 040618188–4265–02; I.D. 061404A] (RIN: 0648–AS26) received October 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10968. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281–0369–02; I.D. 101804C] received November 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10969. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 031126297–3297–01; I.D. 100604A] received October 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10970. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Pacific Halibut Fisheries; Oregon Sport Fisheries [Docket No. 040209049–4117–02; I.D. 091404G] received October 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10971. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fishery; Suspension of Minimum Surfclam Size for 2005 [Docket No. 031015257–3308–02; I.D. 092804B] received October 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10972. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 031124287–4060–02;

I.D. 101504B] received October 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10973. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Zone Off Alaska; "Other Species" in the Bering Sea and Aleutian Islands [Docket No. 031124287–4060–02; I.D. 10504A] received October 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10974. A letter from the Deputy Assistant Administrator for Regulatory Programs; NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Framework Adjustment 5 [Docket No. 040804226–4278–02; I.D. 071904C] (RIN: 0648–AR50) received November 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10975. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the Recreational Red Snapper Component [I.D. 101904A] received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10976. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No. 040706201–4279–02; I.D. 060204F] (RIN: 0648–AR97) received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10977. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to the Annual Harvest Specifications Process for the Groundfish Fisheries of the Gulf of Alaska and the Bering Sea and Aleutian Islands Management Area [Docket No. 040713206–4292–02; I.D. 070704F] (RIN: 0648–AR77) received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10978. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Mackeral, Squid, and Butterfish Fisheries; Inseason Adjustment of the Quater III Fishery of Loligo Squid [Docket No. 031104274–4011–02; I.D. 071604E] received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10979. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Tilefish Fishery; Quota Harvested for Part-time Category [Docket No. 040122024–4105–02; I.D. 092104C] received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10980. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeastern (NE) Multispecies Fishery; Closure of the Eastern U.S./Canada Area and Prohibition of Harvesting, Processing, or Landing of Yellowtail Flounder from the U.S./Canada Management Area [Docket No. 040112010–414–02; I.D. 093004C] received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10981. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Zone Off Alaska; Groundfish Fisheries by Vessels Using Hook-and-Line Gear in the Gulf of Alaska [Docket No. 031125292–4061–02; I.D. 093004D] received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10982. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 031125292–4061–02; I.D. 093004E] received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10983. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackeral in the Western Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 031124287–4060–02; I.D. 093004F] received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10984. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 031125292–4061–02; I.D. 100504B] received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10985. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish; Annual Specifications and Managemetn Measures; Inseason Adjustments [Docket No. 031216314–3314–01; I.D. 092904C] received October 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10986. A letter from the Secretary, Department of Health and Human Services, transmitting the thirty-sixth in a series of reports on refugee resettlement in the United States covering the period October 1, 2001 through September 30, 2002, pursuant to 8 U.S.C. 1523(a); to the Committee on the Judiciary.

10987. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended-Student and Exchange Visitor Information System (SEVIS)—received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10988. A letter from the Chair of the Committee on the Budget and Secretary, Judicial Conference of the United States, transmitting a letter asking that the judiciary be specifically exempted from any across-the-board reductions that may be considered during the FY 2005 Appropriations Process; to the Committee on the Judiciary.

10989. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hoffman Propeller GmbH & Co KG Models HO–V343 and HO–V343K Propellers [Docket No. FAA–2004–18958; Directorate Identifier 2004–NE–32–AD; Amendment 39–13778; AD 2004–18–01] (RIN: 2120–AA64) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10990. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777 Series Airplanes [Docket No. 2002–NM–350–AD; Amendment 39–13777; AD 2004–17–05] (RIN: 2120–AA64) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10991. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–14, DC–9–15, and DC–9–15F Airplanes; and Model DC–9–20, DC–9–30, DC–9–40, and DC–9–50 Series Airplanes [Docket No. 2002–NM–345–AD; Amendment 39–13789; AD 2004–18–11] (RIN: 2120–AA64) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10992. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airport Noise Compatibility Planning [Docket No. FAA–2004–19158; Amendment 150–14] (RIN: 2120–AI37) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10993. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Picture Identification Requirements [Docket No. FAA–2002–11666; Amendment No. 61–107] (RIN: 2120–AH76) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10994. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Flight Limitation in the Proximity of Space Flight Operations [Docket No. FAA–2004–19246; Amendment Nos. 91–284] (RIN: 2120–AI40) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10995. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Prohibition Against Certain Flights Between the United States and Libya [Docket No. FAA–2004–19316; Special Aviation Regulation (SFAR) No. 65–1] (RIN: 2120–AI46) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10996. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Civil Penalty Assessment Procedures [Docket No. 27854; Amendment No. 13–32] (RIN: 2120–AE84) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10997. A letter from the Senior Attorney, RSPA, Department of Transportation, transmitting the Department's final rule—Hazardous Materials Regulations; Compatibility with the Regulations of the International Atomic Energy Agency; Correction; Final Rule [Docket No. RSPA-99-6283 (HM-230)] (RIN: 2137-AD40) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10998. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes [Docket No. 2002–NM–338–AD; Amendment 39–13788; AD 2004–18–10] (RIN: 2120-AA64) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10999. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC-8-311 Airplanes [Docket No. FAA-2004-18563; Directorate Identifier 2002–NM–98–AD; Amendment 39–13783; AD 2004–18–05] (RIN: 2120-AA64) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11000. A letter from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting the Department's report entitled, "Report to Congress-Part 135 Air Taxi Operators Study," as required by the Aviation Investment and Reform Act of the 21st Century under Section 735; to the Committee on Transportation and Infrastructure.

11001. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–10–10F, MD–10–30F, MD–11, MD–11F, and 717–200 Airplanes [Docket No. FAA–2004–19017; Directorate Identifier 2004–NM–144–AD; Amendment 39–13782; AD 2004–18–04] (RIN: 2120-AA64) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11002. A letter from the Deputy Assiociate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Water Quality Standards for Coastal and Great Lakes Recreation Waters [OW–2004–0010; FRL–7837–5] (RIN: 2040–AE63] received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11003. A communication from the President of the United States, transmitting an Agreement between the United States of America and Japan on Social Security, with a principal agreement and an administrative arrangement, both signed at Washington on February 19, 2004, pursuant to 42 U.S.C. 433(e)(1); (H. Doc. No. 108-234); to the Committee on Ways and Means and ordered to be printed.

11004. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report on the intent to initiate negotiations for a free trade agreement between the United States and the United Arab Emirates, pursuant to Section 2104(a)(1) of the Trade Act of 2002; to the Committee on Ways and Means.

11005. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report on the intent to initiate negotiations for a free trade agreement between the United States and the Sultanate of Oman, pursuant to Section 2104(a)(1) of the Trade Act of 2002; to the Committee on Ways and Means.

11006. A letter from the Acting Secretary of the Army and Secretary of Agriculture, Departments of the Army and Agricutlure, transmitting notice of intention of the Departments of the Army and Agriculture to interchange jurisdiction of Army and National Forest lands at the Joint Readiness Training Center (JRTC) and Fort Polk, Louisiana and the Kisatchie National Forest, Louisiana, pursuant to 16 U.S.C. 505a (70 Stat. 656); jointly to the Committees on Armed Services and Agriculture.

11007. A letter from the Secretary, Department of Health and Human Services, transmitting the report to Congress on Standards for Supervision of Physical Therapist Assistants (PTAs) and the Implications of Eliminating the "Personal" PTA Supervision Requirements on the Finanical Caps for Medicare Therapy Services, requested by Congress in Appendix F, Section 421 of Pub. L. 106–554; jointly to the Committees on Energy and Commerce and Ways and Means.

11008. A letter from the Secretary, Department of Health and Human Services, transmitting three documents in response to requests for reports to Congress on outpatient therapy services mandated or modified in Section 4541(d)(2) of Pub. L. 105-22, Balanced Budget Act of 1997 (BBA), Sections 221(c) and (d) of Pub. L. 106–113, Balanced Budget Refinement Act of 1999 (BBRA), Section 421(b) of Pub. L. 105–551, Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act (BIPA) of 2000, and Section 624(b) of Pub. L. 108–173, Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA); jointly to the Committees on Energy and Commerce and Ways and Means.

11009. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting a determination that there exists an emergency need for an outlet for Devils Lake, North Dakota, as defined by Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. 93–288; jointly to the Committees on Transportation and Infrastructure and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 4634. A bill to extend the terrorism insurance program of the Department of the Treasury; with an amendment (Rept. 108–780). Referred to the Committee of the Whole House on the State on the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 858. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes (Rept. 108–781). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 859. Resolution providing for consideration of motions to suspend the rules (Rept. 108–782). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 860. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–783). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 861. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–784). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ROHRABACHER (for himself, Mr. BOEHLERT, and Mr. GORDON):

H.R. 5382. A bill to promote the development of the emerging commercial human space flight industry, and for other purposes; to the Committee on Science.

By Mr. RAHALL (for himself, Mr. COSTELLO, Mr. BOUCHER, and Mr. STRICKLAND):

H.R. 5383. A bill to clarify that certain coal industry health benefits may not be modified or terminated; to the Committee on Ways and Means.

By Mr. BRADY of Texas (for himself, Mr. BAIRD, Mr. BARTON of Texas, Mr. BELL, Ms. BERKLEY, Mr. BILIRAKIS, Mrs. BLACKBURN, Mr. BONILLA, Mr. BOYD, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. CARTER, Mr. COOPER, Mrs. CUBIN, Mr. CULBERSON, Mr. DAVIS of Tennessee, Mr. DELAY, Mr. DICKS, Mr. DUNCAN, Ms. DUNN, Mr. EDWARDS, Mr. FORD, Mr. FOLEY, Mr. GIBBONS, Mr. GONZALEZ, Mr. GORDON, Ms. GRANGER, Mr. HALL, Ms. HARRIS, Mr. HASTINGS of Washington, Mr. HINOJOSA, Mr. INSLEE, Mr. JENKINS, Mr. SAM JOHNSON of Texas, Mr. MILLER of Florida, Mr. NEUGEBAUER, Mr. PAUL, Mr. PORTER, Mr. PUTNAM, Mr. REYES, Mr. SANDLIN, Mr. SESSIONS, Mr. SHAW, Mr. SMITH of Texas, Mr. STEARNS, Mr. THORNBERRY, Mr. WAMP, and Mr. WELDON of Florida):

H.R. 5384. A bill to amend the Internal Revenue Code of 1986 to make the allowance of the deduction of State and local general sales taxes in lieu of State and local income taxes permanent; to the Committee on Ways and Means.

By Mr. BOEHLERT:

H.R. 5385. A bill to authorize the establishment of a Centennial Challenge Prize Program at the National Aeronautics and Space Administration; to the Committee on Science.

By Mr. CONYERS:

H.R. 5386. A bill to amend title 18, United States Code, to reform Federal Prison Industries, and for other purposes; to the Committee on the Judiciary.

By Mr. CRANE:

H.R. 5387. A bill to direct the Administrator of the Environmental Protection Agency to provide remedial actions and other assistance to affected residents near the Wauconda Sand and Gravel Superfund Site; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS:

H.R. 5388. A bill to establish an interagency aerospace revitalization task force to develop a national strategy for aerospace workforce cultivation, training, and recruitment; to the Committee on Education and the Workforce.

By Mr. GRAVES:

H.R. 5389. A bill to amend title 23, United States Code, to establish requirements for the operation of high occupancy vehicle facilities on highways; to the Committee on Transportation and Infrastructure.

By Mr. SHERMAN:

H.R. 5390. A bill to amend title 3, United States Code, to revise the procedures for Presidential succession in the case of the death, resignation, removal from office, inability, or failure to qualify of the President, and for other purposes; to the Committee on the Judiciary.

By Ms. SLAUGHTER:

H.R. 5391. A bill to reduce sexual assault and domestic violence involving members of the Armed Forces and their family members and partners through enhanced programs of prevention and deterrence, enhanced programs of victims services, and strengthened provisions for prosecution of assailants, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 5392. A bill to authorize the use of a covered grant to provide a reasonable stipend to paid-on-call or volunteer first responders for travel to or participation in training to prevent, prepare for, respond to, or mitigate terrorist attacks, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LOFGREN:

H.J. Res. 112. A joint resolution proposing an amendment to the Constitution of the United States to abolish the Electoral College and to provide for the direct election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. SHERMAN:

H.J. Res. 113. A joint resolution proposing an amendment to the Constitution of the United States relating to the process by which the House of Representatives chooses the President of the United States in the event no candidate receives a majority of the electoral votes; to the Committee on the Judiciary.

By Mr. HEFLEY (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. SMITH of New Jersey, Mr. AKIN, Mr. BARTLETT of Maryland, Mr. TANCREDO, Mr. PAUL, Mr. GREEN of Wisconsin, Mr. BUYER, Mr. CALVERT, Mr. ADERHOLT, Mr. DUNCAN, Mr. WILSON of South Carolina, Mr. FEENEY, Mr. WICKER, Mr. HERGER, Mr. GREEN of Texas, Mr. JONES of North Carolina, Mr. KENNEDY of Minnesota, Mr. TIAHRT, Mr. BISHOP of Utah, Mr. SKELTON, Mr. SHERWOOD, and Mr. ROHRABACHER):

H. Con. Res. 522. Concurrent resolution expressing the sense of the Congress that the Department of Defense should continue to exercise its statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees; to the Committee on Armed Services.

By Mr. ROHRABACHER:

H. Con. Res. 523. Concurrent resolution strongly denouncing the danger of international terrorism inspired by an apostate vision of Islam, one of the historic religions of the world; to the Committee on International Relations.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. SMITH of New Jersey, Mr. MCCOTTER, Mr. BLUMENAUER, and Mr. BURTON of Indiana):

H. Res. 862. A resolution urging the European Council to continue to maintain its embargo on the sales of arms to the People's Republic of China; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

459. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 279 memorializing the Congress of the United States to enact the Specialty Crop Competitiveness Act; to the Committee on Agriculture.

460. Also, a memorial of the Legislature of the Commonwealth of Puerto Rico, relative to Senate Concurrent Resolution No. 107 memorializing the Congress of the United States to consign the public policy of the Legislature of Puerto Rico in facing and attending to the urgent need to review the political relations between Puerto Rico and the United States through a Constitutional Convention on Status elected by the people in the exercise of the natural rights to self-determination and sovereignty, and to initiate its organizational process; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 962: Ms. PELOSI.

H.R. 1205: Mr. JEFFERSON.

H.R. 1306: Mr. FILNER.

H.R. 1316: Mr. LANTOS, Mr. DICKS, Ms. JACKSON-LEE of Texas, and Mr. JACKSON of Illinois.

H.R. 1431: Mr. NADLER.

H.R. 1563: Ms. JACKSON-LEE of Texas, Mr. INSLEE, Ms. KAPTUR, Mrs. JOHNSON of Connecticut, and Mr. GREEN of Wisconsin.

H.R. 1684: Mr. WATT and Ms. WATERS.

H.R. 1783: Mr. BURNS.

H.R. 2237: Mr. SWEENEY.

H.R. 2379: Mr. ALEXANDER and Mr. BUTTERFIELD.

H.R. 2414: Mr. BROWN of South Carolina.

H.R. 2509: Mr. DUNCAN.

H.R. 2560: Mr. BOUCHER.

H.R. 2705: Mr. FARR.

H.R. 2735: Mr. GIBBONS.

H.R. 2823: Mr. BOSWELL and Mr. CLAY.

H.R. 2824: Mr. MARSHALL.

H.R. 3388: Mr. ENGLISH.

H.R. 3476: Mrs. MILLER of Michigan.

H.R. 3484: Mr. NADLER.

H.R. 3602: Mr. HONDA.

H.R. 3634: Mr. BURTON of Indiana, Mr. JEFFERSON, and Ms. CARSON of Indiana.

H.R. 3859: Mr. CLYBURN and Mr. EVANS.

H.R. 3880: Mr. WEINER.

H.R. 4002: Mr. DAVIS of Alabama.

H.R. 4116: Mr. LIPINSKI.

H.R. 4343: Mr. FLAKE.

H.R. 4391: Mr. CHANDLER, Mr. FRANK of Massachusetts, and Mr. BLUMENAUER.

H.R. 4491: Mr. HINCHEY and Mr. SANDERS.

H.R. 4732: Ms. GRANGER.

H.R. 4888: Mrs. DAVIS of California.

H.R. 4900: Mr. SAXTON.

H.R. 4940: Mr. GERLACH.

H.R. 4957: Mr. DAVIS of Alabama.

H.R. 5063: Mr. PAYNE.

H.R. 5206: Mr. MEEK of Florida.

H.R. 5236: Mr. MILLER of Florida.

H.R. 5244: Mr. DEFAZIO, Ms. DELAURO, and Mr. WAXMAN.

H.R. 5252: Mr. FRANK of Massachusetts, Mr. ALLEN, and Ms. SCHAKOWSKY.

H.R. 5261: Mr. KIND.

H.R. 5292: Mr. FRANK of Massachusetts, Mr. LANTOS, and Mr. SABO.

H.R. 5335: Mr. STARK and Mr. MENENDEZ.

H.R. 5374: Mrs. DAVIS of California, Ms. SOLIS, Ms. LINDA T. SÁNCHEZ of California, Mr. THOMPSON of California, Mr. GEORGE MILLER of California, Mr. STARK, Mr. HONDA, Mr. SHERMAN, Ms. WATSON, Ms. WATERS, and Ms. MILLENDER-MCDONALD.

H. Con. Res. 521: Mr. HERGER.

H. Res. 853: Mr. DAVIS of Florida, Mr. HEFLEY, Mr. BARTON of Texas, and Mr. BRADY of Texas.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

120. The SPEAKER presented a petition of the Legislature of Orange County, New York, relative to Resolution No. 245 of 2004 petitioning the U.S. Department of Homeland Security, the U.S. Nuclear Regulatory Commission, the Federal Aviation Administration, and the New York State Office of Homeland Security to investigate and address safety issues at the Indian Point Power Plant; to the Committee on Energy and Commerce.

121. Also, a petition of the Association of Pacific Island Legislatures, relative to APIL Resolution No. 23-GA-18, CD1, supporting the cause of securing just compensation for victims of radiation exposure as a consequence of activities related to the U.S. Government's nuclear tests in Micronesia; to the Committee on International Relations.

122. Also, a petition of the Association of Pacific Island Legislatures, relative to APIL Resolution No. 23-GA-09, supporting the Government and the people of the Republic of Kiribati for their efforts to address war reparations; to the Committee on International Relations.

123. Also, a petition of the Enough is Enough Campaign, Chicago, IL, relative to a petition for investigation, indictment, and prosecution; to the Committee on the Judiciary.

124. Also, a petition of Mr. James N. Thivierge, a Citizen of Amesbury, MA, relative to a petition to amend the Constitution of the United States; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

ILLEGAL IMMIGRATION—FRIEND OR FOE?

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. TANCREDO. Mr. Speaker, a friend of mine recently sent me an essay that his granddaughter drafted for her college English composition course on the issue of illegal immigration. I was thoroughly impressed upon reading the article, written by a Ms. Karen Berg—so much so that I have decided to insert it into the CONGRESSIONAL RECORD so that other members might be able to review it. I would encourage them all to do so, Mr. Speaker, as it appears to me that this 19-year-old woman has a better grasp of this issue than many people—including opinion leaders on the subject—that I have met.

ILLEGAL IMMIGRATION—FRIEND OR FOE?

America, since its inception, has been viewed as a land of opportunity for those driven to find freedom from tyrannical rule, as well as those seeking to expand their wealth and influence. Today, little has changed with these motivations but much has changed in regard to the population, infrastructure, and perception regarding the management of U.S. borders. This is a new era, where immigration control needs to be orchestrated more effectively than at any other time in America's history due to diminishing resources, threats of terrorism, and the socio-economic imbalance that can result from unregulated influx. In regard to the later, it is believed that the immense and continuing immigration from Mexico is the single most immediate and most serious challenge to America's national identity. Therefore, the question arises; what are the true economic, social, and resultant political impacts of immigration, and in particular the unique issues and problems posed by contemporary Hispanic immigration.

When Vicente Fox was elected Mexican President, he ended the Institutional Revolutionary Party's, or PRI's, seventy-one year monopoly on executive power, thereby elevating hope for economic development (Wall 3). Fox promised Mexicans an employment boost, as well as the eventual opening of the U.S.-Mexican border. However, if employment opportunities increased, then the need for migration would decrease (Wall 3). In 1994, the United States, Canada, and Mexico implemented NAFTA, the North American Free Trade Agreement. NAFTA promised hundreds of thousands of new high-wage jobs, an increase in living standards, improved environmental conditions in the U.S., Canada, and Mexico, and transformation of Mexico from a poor developing country into a booming new market for U.S. exports (The Mexican Economy, Agriculture and Environment 1). Mexicans were promised that NAFTA would increase trade and investment inflows which would in return create better jobs, raise wages, and lift millions out of poverty (The Mexican Economy, Agriculture and Environment 2). Although NAFTA did stimulate trade, economic growth did not materialize. Fox had promised a 7 percent per year economic growth, but two and a half years after his inauguration, growth averaged less than 1 percent (Faux 2). From there, NAFTA concentrated economic growth along Mexico's northern border by opening factories called maquiladoras, which processed and assembled goods for the booming U.S. consumer market, thereby doubling Mexican employment (Faux 3). But after the U.S. economy slowed down in 2000, employment in maquiladoras decreased (Faux 3). Since then, hope that NAFTA would enable Mexican prosperity had vanished. Therefore; Mexican workers who could not support themselves in Mexico turned to the United States for greater opportunities. Currently, Fox is trying to convince U.S. President, George W. Bush, to "liberalize migration, create guest-worker programs, and provide migrants with civil rights and social benefits" in order to encourage Mexican immigration to the U.S. (Faux 4).

Debate over Mexican illegal immigration to the United States consists of two opposing sides. Supporters of illegal immigration believe it is not fair to prohibit immigrants from entering the United States, since the U.S. was founded by immigrants. Second, illegal immigrants take the low-paying jobs other Americans are not willing to take. They help the American economy because the amount of skilled and unskilled workers created by high levels of immigration contributes to the nation's prosperity (Masci 1). Alan Greenspan, Federal Reserve Chairman, states, "As we are creating an ever more complex, sophisticated, accelerating economy, the necessity to have the ability to bring in . . . people from abroad to keep it functioning in the most effective manner increasingly strikes me as [sound] policy" (Masci 1). Greenspan reasons that immigrant's work ethic and motivation make them the cornerstones of America's economic prosperity. Finally, illegal immigrants provide cheap labor to employers, thereby lowering the cost of goods and services.

Opponents of Mexican illegal immigration believe that even though the United States was founded by immigrants, immigration of the past is not the same as it is today. First, Mexican immigrants are not here legally. Second, most Mexicans do not take the dangerous journey across the border to become American citizens, but rather to help provide for their families in Mexico. Also unlike former immigrants, Mexican illegal immigrants are able to remain in contact with their home localities because of the close proximity of the two countries (Huntington 2). Opponents of illegal immigration also believe the United States doesn't need a million illegal immigrants each year to ensure a strong economy. The majority of illegal immigrants are not well educated entrepreneurs, but rather, "poorly educated people who take low-skilled jobs for little money," says Dan Stein, executive director for the Federation for American Immigrant Reform (Masci 1). Illegal immigration opponents also reject the argument that illegal immigrants are willing to do the jobs that most Americans wouldn't do. In parts of the country where there are small amounts of immigrants, low wage jobs are filled by native born residents (Masci 1).

After analyzing the history, causes, and contrasting sides of illegal immigration, one might wonder if Mexican illegal immigration hurts the United States. The conclusion made, from extensive research in specific areas, is Mexican illegal immigration is a detriment to the United States. But, the reasons why illegal immigration hurts the United States still need to be addressed.

First, many discussions of immigration fails to take into account the attitude towards immigration in the sending countries. For example, the Mexican media and political elite portray the United States negatively, and therefore dissention between the two countries in regards to immigration is amplified. Second, manipulation of American politics might occur through Mexican immigrants that become influential in American government. Third, if the United States continues to allow illegal immigrants to take advantage of government provided benefits in states like California, there is a possibility the entire country will have similar economic misfortunes in the future. Finally, since Mexican illegal immigrants have monopolized specific areas of employment, Americans have difficulty pursuing and acquiring those jobs—especially with the prospect of guest-worker programs which would intensify their monopoly.

In Mexico, the media and political elite pay close attention to illegal immigration to the United States, and have created a one-sided, unfavorable portrayal of the United States. The United States' attempts to control their borders are presented as "racist, xenophobic, and anti Mexican" (Wall 1). Mexican citizens even blame the U.S. for the deaths of illegal aliens who die crossing the border, and Mexican politicians have called the U.S. border a "slaughterhouse, or modern Nazi zone" (Wall 1). In Mexico, all political parties support immigration to the United States, amnesty, and government benefits for Mexicans in the United States, regardless of migratory status (Wall 2). Common slogans Mexicans use to justify illegal immigration are: "Mexican illegal aliens are not criminals, they only do the work the gringos won't do," and "they are obliged to cross the border" (Wall 2). Because the Mexican media and political elite portray illegal immigration to the United States in this manner, dissension between the two countries is amplified.

Throughout history, Mexican-Americans had always been viewed as an embarrassment. They were a sign of Mexico's economic failure, or "exiles who had thrown in the towel" (Castaneda 2). The last president of the PRI, Ernesto Zedillo, declared that, "we will not tolerate foreign forces dictating laws to Mexicans," referring to Mexican immigrants in the United States (Wall 3). However, towards the end of the PRI's reign, Mexican-Americans became a sign of opportunity—an opportunity for the Mexican government to gain influence in the United States over migration policy, and therefore

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

keep the gates open for continued immigration (Wall 3).

After Vicente Fox was elected, he stressed a greater importance associated with Mexican immigration to the United States. His intentions are not only to govern Mexicans resident in the United States, but also American citizens of Mexican ancestry (Wall 3). In essence, Fox intends to manipulate American politics through Mexican immigrants that become influential in the American government. Thereby, naturalized American citizens' political power could possibly be diluted, resulting in more favorable immigration and trade regulations for Mexico.

The state of California is already on its way to bankruptcy, and the inability to control illegal immigration is doing more than "some damage" to the state's weakening budget (Coleman 1). More than half of the Mexican undocumented workers do not have taxes withheld from their wages, and are able to take advantage of expensive taxpayer-supported government benefits (Izumi 1). The result of this has escalated economic troubles in California creating a "welfare and healthcare state" benefiting non-Californians (Coleman 1). According to the Auditor General, Mexican illegal immigration costs California taxpayers $3 billion annually (Izumi 2). This cost estimate includes benefits like education, health-care, social services, and criminal justice.

If the United States allows this situation to propagate to other states, the entire country will likely have similar economic misfortunes as California. Evidence of this is already beginning to show. Harvard Professor George Borjas claims illegal immigration costs American taxpayers $133 billion annually just in wage depression and job loss (Wooldridge 1).

Mexican illegal immigrants have monopolized jobs that don't require skilled labor—through acceptance of low wages and ethnic camaraderie—preventing unemployed Americans from pursuing and acquiring those jobs. Even though U.S. employers hire illegal immigrants for reduced wages, the average American wage still exceeds the average Mexican wage by a factor of ten—thereby creating an incentive for Mexicans to find jobs in the U.S. ("Wages and Poverty" 1). Also, communities of legal immigrants create immigration networks for illegal immigrants so they can conveniently enter the United States, and find jobs and housing easily ("Illegal Immigration" 1). These combined factors result in a situation where job competition prevents Americans from obtaining jobs that don't require skilled labor.

However, this monopoly could be intensified if the Bush administration follows through with the implementation of guest-worker programs. Under these programs, illegal immigrants would be granted a three-year renewable permit allowing them legal rights to work in the United States (Eccleston 2). Guest-worker programs were proposed in response to Vicente Fox's request for legalizing Mexican immigrants in the United States, and the assumed shortage of unskilled workers—especially in agriculture (Briggs 2). However, Mark Krikorian of The Washington Post, believes guest-worker programs cause severe social and economic problems for the U.S., as well as pose a threat to America's agricultural competitiveness. "By artificially inflating the supply of labor, the government's interference in the labor market keeps wages low, resulting in slowed mechanization, and stagnating productivity in fruit and vegetable production" (1). Two reasons why guest-worker programs intensify the monopoly illegal immigrants have on low paying-employment opportunities are: they increase the amount of illegal immigrants to the United States because many of the participants elect to stay in the U.S., and more illegal immigrants are encouraged to come in the hope that amnesty programs will be enacted again in the future (Briggs 2).

Throughout time, legal and illegal immigrants have crossed America's border in search of opportunity. Recently, however, Mexican illegal immigrants are migrating to the United States in increasingly larger numbers in order to take advantage of the opportunities America has to offer. The economic, social, and political results of illegal immigration—in particular, the unique issues and problems posed by contemporary Hispanic immigration—are detrimental to the United States.

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TRIBUTE TO CONGRESSMAN AMO HOUGHTON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of the gentleman from New York, my colleague in the New York delegation, Amo Houghton. After eighteen years of distinguished service, Amo is leaving the Congress. Amo was widely known as one of the most thoughtful and highly regarded members in the House from both sides of the aisle. He was also a tireless representative for his constituents in the western portion of upstate New York.

As the fifth-ranking Republican on the powerful House Ways and Means Committee, Amo has been an invaluable member for the entire State of New York. After the tragedy and destruction of September 11, 2001, Amo was instrumental in enacting the Liberty Zone Act, which provided $5 billion in tax breaks and incentives to help New Yorkers rebuild lower Manhattan.

He has also been a leader in furthering U.S. diplomacy around the world. He is a member of the International Relations Committee where he is Vice Chairman of its Subcommittee on Africa. He was appointed Co-Chairman of the Canada—U.S. Interparliamentary Group, serves as Chairman of the U.S. delegation to the Asia Pacific Parliamentary Forum, and was appointed by President George W. Bush to serve as the Congressional Delegate to the 58th General Assembly of the United Nations. Additionally, he sponsored the Clean Diamond Trade Act, which was signed into law last year. The bill requires that the President ban the import of rough diamonds coming from any country that has not made an effort to control their trade in diamonds in accordance with the internationally negotiated "Kimberley Process."

I would also like to recognize that Amo's service to our country goes all the way back to his youth. At just 18 years old, he volunteered for service in the U.S. Marine Corps. He was trained and deployed as part of a Marine Security Detachment on the cruiser USS *Macon* in the Atlantic theater. Houghton was honorably discharged from the Marine Corps as a Private First Class in 1945.

Mr. Speaker, I think the record is clear that Amo Houghton has been a devoted patriot whose service will be missed by his constituents as well as all of us who had the pleasure of working with him. We wish you all of the best in the future.

IN HONOR OF MR. PETE MANETTO'S SERVICE TO OUR NATION DURING D-DAY 1945

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. KINGSTON. Mr. Speaker, Pete Manetto served in 1st Signal Company, 1st Infantry Division, the Big Red One during the D-Day invasion (Red One). He shares his D-Day memories for the Congressional Record:

I remember the stormy sea at 0600, as I climbed down the rope ladder of the U.S.S. *Chase.* I struggled with my balance nearly falling into the water, but managed to land in the landing craft. The sight of the armada on that morning was one of the most impressive, that I could recall. I turned and caught the sight of a nervous expression on the face of the coxswain as he pushed away from the beach. Shortly after this the craft was hit with enemy fire.

There we were on the beach with no one in control of us. We were met with the sight of rows of dead GIs; among them was a member of the MP, who I remember being very jovial the night before. There were many who were wounded, and the scene of the beach caused fear to appear on the faces of many of my acquaintances. I cannot remember being fired upon at this point, but remember one of my company fellows, named Bush, going into the water to retrieve some valuable equipment.

It was around noon when BG Andrews of the 5th Artillery was passing the silent 88mm emplacement. The General was forced to take shelter with a couple of GIs and myself, who were attached to the 36th infantry unit. As the enemy fire rained down on our position, SGT Tate, our wire chief sergeant, spotted us and approached our position. We were lying in front of our fox trench hole, while SGT Tate was providing us with news, encouragement, and instructions. Sergeant Tate was not able to finish, because a tremendous, noisy, whirlwind came upon us. When I was able to recover, I noticed SGT Tate on the ground in agony, after receiving a wound just below the shoulder. We called for medics and in minutes SGT Tate was taken away. This was the last time I saw SGT Tate during the war.

Shortly after this I was ordered to run my assault wire to the Juno or English beach to link up with the infantry. Along my way I encountered more realities of the battle, I saw a wounded pathfinder officer who was comatose, and being cared for by two GIs. I continued to move down the beach. About a mile from the pathfinder officer, I came across two medics who were drained mentally. They requested any information that I could offer them to help. The next time I saw these men was on my return trip after completing my assignment. They were victims of an apparent mortar attack, which I surely would have been part of if I had stayed much longer than I had. When I returned, I learned that headquarters was up a hill. As I climbed the hill, the first line of walking wounded was descending the hill. I saw wounds of all sorts, from wounded arms and legs, to those who suffered serious eye injuries. As I approached the command post two more sights served as educating reminders: two GIs were laid on the ground facing skyward. One of them was missing the middle of his torso, the other was beheaded.

Once I completed the setup of the communication line, I was given the first accumulation of information that was obtained from captured prisoners. After giving this information to the general officer, I was chastised for my lack of protocol for saluting a superior, which was a great hazard, because of possible snipers, and observing enemy intelligence. All that day and night I felt as though I was in a dwarfed position, as we continued to troubleshoot problems with the telecommunication lines. COL Picket's command post was to my left. Colonel Picket was sitting on the ground gathering and relaying information on the failed landing of amphibious vehicles to the high seas. As we sat on the ground working on the gathered information, we heard the sound of oncoming planes. The famous duo of German planes came over the horizon, and began to strafe our position. I hugged the ground as bullets hit the ground near me, but thankfully far enough away. Besides the ammunition from the German aircraft, we were in danger of being hit from our own anti-aircraft ammunition, because we were aiming at the low flying planes.

This was my true baptism of fire. I was a real GI by June 7th 1944. In retrospect, these 24 hours were to make me a mature GI! June 6th 1944, what a memory.

IN HONOR AND REMEMBRANCE OF CARDINAL JAMES A. HICKEY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. KUCINICH. Mr. Speaker, we rise today in honor and remembrance of Cardinal James A. Hickey, a humble leader, friend and guide to many, whose spiritual journey focused on civil rights and the struggle of the oppressed and poor. His significant contribution served to uplift the lives of countless individuals and families, here in Cleveland, and far beyond.

Throughout his entire vocation, Cardinal Hickey was a tireless advocate on behalf of those held back by racism and poverty. In 1974, he was named Bishop of the Cleveland Catholic Dioceses. During his six-year tenure here, Cardinal Hickey worked with community leaders and organizations on vital issues such as the peaceful integration of the public schools, and he also worked to stop banks from red-lining urban neighborhoods. He strongly encouraged leaders of neighborhood parishes to become involved with the issues affecting their congregations. Cardinal Hickey led by example, and led with a consistently kind and humble nature. When he was named Archbishop of Washington, DC in 1980, he again worked to establish strong bonds with local community leaders to address the needs of the growing population of citizens struggling with poverty and AIDS. He led the charge to create and implement social programs to address the needs of the poor, with a special focus on children, the elderly and refugee individuals and families. While in Washington, Cardinal Hickey worked closely with Americans of Hispanic heritage, and advocated on behalf of their collective and individual struggles here in America, and in El Salvador as well. His twenty-year tenure in Washington, DC, where he was named Cardinal in 1988, reflected a man who became a powerful representative of the poor and homeless. Throughout the metropolitan area of Washington, Cardinal Hickey directed the efforts that established sixteen parish missions, housing for dependent elderly, housing for independent elderly, and countless educational, legal and medical services for the homeless, individuals suffering from AIDS, refugees, and the poor.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Cardinal James A. Hickey, whose compassion, guidance and good works uplifted the lives of countless individuals—in Michigan where he was first ordained, here in Cleveland, in Washington, DC, and in Latin America. His leadership and advice were consistently sought by national and world leaders, yet he felt most at home when working with the people of the neighborhood parishes and missions. Graceful, humble, committed and articulate, the words and deeds of Cardinal James A. Hickey will live on forever in the hearts of the countless families and individuals whom he so greatly served—reflecting his light of hope and justice, today, and for generations to come.

HONORING DR. DAN COLGAN, SUPERINTENDENT OF SCHOOLS, SAINT JOSEPH SCHOOL DISTRICT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Dr. Dan Colgan, Saint Joseph School District Superintendent of Schools. Last Friday, October 8, 2004, Dr. Colgan received the Russell C. Hill Award at the 2004 Learning for Life Conference in Florida. The Russell C. Hill Award is the highest recognition for individuals and organizations making outstanding contributions to character education at the local, State, or national level. The award itself is named after Russell Clinton Hill, a Texas businessman who dedicated himself to the cause of character education.

Learning for Life supports schools and other youth-oriented organizations that strive to prepare young people to take on the complex issues that face our society and nation today. Learning for Life is such a successful program, because it encourages self-confidence, motivation, self-worth, and other positive personal values. A big part of the program's success in the Saint Joseph area is due to the participation of Dr. Colgan and his colleagues on the Pony Express Council of the Boy Scouts of America, a dedicated group of citizens committed to the principles of character development.

Mr. Speaker, I proudly ask you to join me in commending Dr. Dan Colgan, recipient of the Russell C. Hill Award. Dr. Colgan truly exemplifies the qualities of dedication and service to northwest Missouri, and I am honored to call him one of my constituents.

A PROCLAMATION IN MEMORY OF NICHOLAS L. SKORICH

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. NEY. Mr. Speaker:

Whereas, I hereby offer my heartfelt condolences to the family and friends of Nicholas L. Skorich; and

Whereas, Nicholas L. Skorich was a hero to his wife of 56 years, Teresa, and their three children and three grandchildren; and

Whereas, Nicholas L. Skorich was a significant part of the National Football League for fifty years, served in World War II for three years, and was head football coach of Central Catholic High School in Pittsburgh, Pennsylvania, and was inducted into six Halls of Fame; and

Whereas, Nicholas L. Skorich will certainly be remembered by all those who knew him because of his loving nature towards his family, friends, and community; and

Whereas, the kindness and compassion he showed towards others will stand as a reminder to a truly remarkable person. His life and love gave joy to all who knew him.

Therefore, while I understand how words cannot express our grief at this most trying of times, I offer this token of profound sympathy to the family and friends of Nicholas L. Skorich.

RECOGNITION OF SECOND LIEUTENANT RYAN LEDUC

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the life of 2LT Ryan Leduc who was recently killed in Rutbah, Iraq.

2LT Leduc was a 28 year old native of Pana, Illinois. He was killed on September 22nd in a non-combat related vehicle accident. Leduc was assigned to 2nd Battalion, 10th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, NC.

2LT Leduc was a 1994 graduate of Pana High School, in Pana Illinois. Not enough can be said about the great sacrifice this man made for his country, he made the ultimate sacrifice. He is survived by his fiance, Megan McCabe; his mother, Nola Hector of Pana: and his father, David Leduc of Pana. My thoughts and prayers go out to his families and loved ones.

2LT Leduc gave his life in an effort to improve the lives of others. This sacrifice should never be forgotten. Leduc, along with so many other brave men and women, put their lives on the line day in and day out. My sincere thanks goes out to them all. God bless them, and may God continue to bless America.

HONORING E. WILLIAM IOVANNE, JR., 2004 RECIPIENT OF THE CHARLES CARROLL OF CARROLTON AWARD

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join family and friends in paying tribute to one of our community's most outstanding citizens and my dear friend, E. William Iovanne, Jr. In recognition of his invaluable contributions to our community, Bill is to be honored with the coveted Charles Carroll of Carrolton Award—the highest honor given to a Catholic layman by the Fourth Degree, Knights of Columbus. Through his generosity and compassion, Bill has touched the lives of thousands and I cannot think of a more deserving individual for such a prestigious honor.

Each year, this medal is presented by the John Barry Assembly, Knights of Columbus, to an individual who has made an outstanding contribution to the welfare of the church, his or her parish, and the community at large. Throughout his life, Bill has dedicated both his professional and personal time to enriching the lives of others. As a member of the New Haven business community he has earned our respect and as a member of the Wooster Square community he has gained our affection.

Born in New Haven, Connecticut's Fair Haven neighborhood, Bill graduated from Notre Dame High School and pursued a career in the funeral business established by his father. The Iovanne Funeral Home has been a fixture in Wooster Square since 1928. For more than seventy-five years, Bill Iovanne and his family have reached out to families in need, helping them cope with the pain of loss. With a combination of compassion and professionalism, Bill has long been known for making a most difficult period, a bit easier.

Beyond his professional career, Bill is also an active and involved member of our community. Well known for his work with a number of local service organizations, Bill has always demonstrated a unique combination of civic commitment and enthusiastic volunteerism. For anyone who has seen his comic routine pantomiming the late bandleader Louis Prima, which has been lent to numerous fund-raising efforts, his enthusiasm and heart-felt good will is undeniable. The Sacred Heart Academy, St. Michael's Church, the Society of St. Maria Maddalena, the Saint Andrew Apostle Society, Connecticut Hospice, and the Campania Club are just a few of the organizations which have benefitted from Bill's good work. It has been through these efforts that he has made such a difference in the lives of others.

There is one family that I know has been touched by Bill's generosity and spirit: my family. The Iovannes and DeLauros have a long history. For my mother, father, and me, the Iovannes have been trusted friends, steadfast supporters, and always a part of our extended family—the type of people who are always there with a kind word or a helping hand. I cannot thank Bill enough for the special friendship we have shared over the years.

Throughout his life, Bill has embodied the very spirit in which this prestigious award is bestowed. For his innumerable contributions to our community and in recognition of his outstanding generosity to others, I am proud to stand today to join his children: William and his wife Angeline; Richard and his wife Susan; and Beth Ann and her husband Joseph, grandchildren: Christina and Alec, family, friends, and the New Haven community in extending my sincere congratulations to my dear friend, E. William Iovanne, Jr. as he is honored with the Charles Carroll of Carrolton Award. His is a legacy that will continue to touch the lives of others for generations to come.

HONORING RABBI ALLEN B. BENNETT

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Ms. LEE. Mr. Speaker, I rise on behalf of myself and Congressman STARK to honor the extraordinary contributions of Rabbi Allen B. Bennett of Alameda, California for thirty years of dedicated service to the community. Rabbi Bennett, through his tireless efforts as a religious and community leader in the Bay Area for over three decades, worked not only to improve and enrich the lives of those within his congregation, but has also served in that capacity to become a champion for peace, justice, and the well-being of all.

Born in Akron, Ohio, Rabbi Bennett began his post secondary studies at Western Reserve University, where he earned a degree in psychology in 1968. He then attended the Hebrew Union College-Jewish Institute of Religion in Cincinnati, Ohio, where he earned a Bachelor of Hebrew Letters in 1972 and a Master of Arts in Hebrew Letters as well as rabbinical ordination in 1974. After reaching this milestone, Rabbi Bennett moved to Rochester, Minnesota, where he began a residency program in Clinical Pastoral Education, a certification that would allow him to become a hospital chaplain. As a result, he served in the Rochester area for over three years, first as a resident, and then as the Jewish chaplain for the two hospitals affiliated with the Mayo Clinic as well as Rabbi of Congregation B'nai Israel, the multi-denominational synagogue in Rochester.

Following his time of service and education in Minnesota, Rabbi Bennett entered into a doctoral program at the Graduate Theological Union at the University of California, Berkeley in 1977. There, while pursuing a Ph.D. in theology, psychology, sociology, and anthropology, he taught various Jewish studies courses at Emeritus College at the College of Marin, as well as other Bay Area universities.

In the years that followed, Rabbi Bennett continued and expanded his involvement in the Bay Area Jewish community. In addition to being elected rabbi at San Francisco's Congregation Sha'ar Zahav in 1979, he was later appointed Assistant Director of the Northern Pacific Regional Office of the American Jewish Congress, a capacity in which he served until 1989, at which point he became the Congress' Regional Executive Director. He later served also as the Executive Director of the Jewish Community Relations Council of the Jewish Federation of the Greater East Bay in Oakland, until becoming the Rabbi at Temple Israel in 1996.

Since that time, Rabbi Bennett's work has been outstanding not only within the Temple at which he currently serves, but has also been a remarkable force for peace and social justice within the community as a whole. In addition to serving the Jewish community, he has been involved in an astounding number of civic and interfaith initiatives and activities on the local, regional, and national levels. Among these activities are his service on the San Francisco Human Rights Commission, the

Mayor's Committee for a Living Holocaust Memorial, the Conference of Black and Jewish Clergy, the San Francisco Interfaith Coalition on AIDS, and the Coalition for Civil Rights. Furthermore, was the Jewish representative taking testimony at the U.N. sponsored Oakland Hearings on Racism as a Violation of Human Rights, and has also served on the Board of Most Holy Redeemer AIDS Support Group in San Francisco. Rabbi Bennett also currently serves on the Leadership Team and the Race and Community Relations Planning Team of the FAITHS Initiative of the San Francisco Foundation, the Alameda Hospital Ethics Committee and its Institutional Review Board, as Chair of the Alta Bates Summit Medical Center Chaplaincy Advisory Board, as Vice President of the Board of Rabbis of Northern California, as Treasurer of the East Bay Council of Rabbis, and the Union for Reform Judaism's Regional Committee on AIDS.

On November 13, 2004, Rabbi Bennett will be honored in Oakland, California for thirty years of truly outstanding service to Temple Israel and the greater Bay Area. This occasion is an opportunity for us to recognize him not only for his service within the faith community, but also for his outstanding leadership on the issues of civil rights, social equality, human rights, and the HIV/AIDS pandemic. By remaining active in and dedicated to these important areas, Rabbi Bennett has contributed immeasurably to Alameda County and the East Bay, and the 9th and 13th Congressional Districts salute and congratulate him for his many years of invaluable service.

RECOGNIZING THE CONTRIBUTIONS AND SERVICE OF ADAMS COUNTY, COLORADO, COMMISSIONER TED STRICKLAND

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. BEAUPREZ. Mr. Speaker, I rise today to voice my appreciation for the many years of dedicated service that Commissioner Ted Strickland has provided to the residents of Adams County, CO. After many years in public office, Ted Strickland has time and again proven his commitment to making Colorado a better place to live, and his presence on the Adams County Board of County Commissioners will truly be missed.

Commissioner Strickland, born and raised in Austin, Texas, settled in Colorado in 1954 after being honorably discharged from the United States Army. His lengthy and distinguished career in public service began with two years in the Colorado House of Representatives and continued with 24 years of service in the Colorado State Senate, including 12 years as President of the Senate. He served as Lieutenant Governor from 1973–1974.

Commissioner Strickland was elected to the Adams County Board of County Commissioners in 1996 and re-elected in 2000. The leadership that he has provided has been instrumental in improving relationships and cooperation with the municipalities within the County. Additionally, his work with Adams County Economic Development has contributed greatly to the growth and progress of the County. His service as a commissioner is distinguished by his business acumen, commitment to improve county facilities and seeing the county recognized as the "can do county." Commissioner Strickland has proven himself to be a true Colorado statesman.

Again, Mr. Speaker, I want to thank Ted for his distinguished service on behalf of the citizens of Adams County, and wish him all the best as I'm sure he will remain an active member of the Adams County community.

IN HONOR OF THE 1956 HUNGARIAN REVOLUTION AND VIKTOR ORBAN, FORMER PRIME MINISTER OF THE REPUBLIC OF HUNGARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the Hungarian Freedom Fighters of 1956. These men and women of Hungary, armed with the promise of liberty and hope for a better tomorrow, were the first to courageously rise up in defiance of the Soviet occupation. Their historical struggle for freedom continues to inspire those who are not yet free. I also rise today in honor and welcome of Former Prime Minister of Hungary, Viktor Orban, who has journeyed to Cleveland to commemorate the sacrifice, determination and heart of the Hungarian "Freedom Fighters" of 1956.

The 1956 Hungarian Revolution marked the beginning of the end of Soviet oppression in Central and Eastern Europe. As the Soviet army blazed a trail of aggression and control, millions of Hungarians fled Europe and sought refuge in America. More than two hundred thousand Hungarians settled in Cleveland, bringing with them the culture and memories of their beloved homeland, and the promise of freedom and democracy.

A leader on the front lines of liberty in Hungary, Former Prime Minister Viktor Orban carried the blazing torch of freedom, passed to him from the generation before. He was one of the founders of the Federation of Young Democrats—one of Hungary's first parties to oppose communist rule. In a speech delivered on June 16, 1989, the words of Former Prime Minister Viktor Orban rang loud and clear along the streets and countryside of Hungary and far beyond, demanding free elections and the immediate withdrawal of Soviet troops from Hungary.

Mr. Speaker and Colleagues, please join me in honor and recognition of the Hungarian Freedom Fighters of 1956. Thousands of Hungarian men and women made the ultimate sacrifice so that all could be free. The Hungarian Freedom Fighters of 1956 pierced the darkness of tyranny and sparked the first light of liberty throughout Central and Eastern Europe. The rising light of their quest for freedom and their bravery, heart and sacrifice continues to inspire us all, lending us hope for the dawning of a peaceful new day.

RECOGNIZING MATTHEW SCOTT A. GALLAMORE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Matthew Scott A. Gallamore of Pleasant Valley, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, and by earning the most prestigious award of Eagle Scout. Matthew became an Eagle Scout on August 5, 2004 and he will be recognized at an Eagle Scout Court of Honor in November 2004.

Matthew has been very active with his troop by participating in many Scout activities, earning over 40 merit badges, and serving in a variety of leadership positions. At age 9, Matthew joined the Cub Scouts. He advanced from Cubs to Webelos and then crossed over into the Boy Scouts at age 11, achieving the rank of Arrow of Light. Now 17, Matthew is described by his parents, peers, and community as exemplifying the qualities of citizenship: he is loyal, helpful, trustworthy, thrifty, friendly, courteous, kind, obedient, cheerful, brave, clean, and reverent.

Mr. Speaker, I proudly ask you to join me in commending Matthew Scott A. Gallamore for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A PROCLAMATION RECOGNIZING JOSEPH BAUMGARNER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. NEY. Mr. Speaker:

Whereas, Joseph Baumgarner is a resident of Midvale in Tuscarawas County; and

Whereas, Joseph Baumgarner has devoted his love to his companion, Tammy, and his three children; and

Whereas, Joseph Baumgarner demonstrated a commitment to his country while serving in the Persian Gulf; and

Whereas, Joseph Baumgarner is active with his community and is appreciated by all who know him.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in recognizing Joseph Baumgarner for his dedication to the United States, his community, family, and friends.

RECOGNITION OF THE SOUTH CENTRAL MIDDLE SCHOOL FALCON BASEBALL TEAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to congratulate the South Central Middle School Falcon Baseball Team of Farina, Illinois.

The Falcons had an outstanding season this year, with a 16–6 record. They placed 1st in Conference and Regional tournaments and took 2nd place at the State Tournament.

The members of the Falcons are: Justin Armstrong, Seth Arnold, Kyle Bischoff, Tanner Bushue, Shane Donoho, Jacob Erwin, Ian King, Ryan Gesell, Tyler Gillet, Isaac Grapperhaus, Brock Johnson, Luke Kulesza, Kyle Monical, Travis Potter, Nathan Powless, Aaron Robb, Treavor Robbins, and Dylan Sill. The team is coached under the leadership of Stephen Phillips and Derick Vincent.

This exceptional group of seventh and eighth graders has shown great sportsmanship, teamwork, and stamina throughout their season. They have made their coaches, fans, and parents very proud.

Congratulations, Falcons, on a terrific year.

HONORING PROFESSOR VINCENT SCULLY, 2004 RECIPIENT OF THE NATIONAL MEDAL OF ARTS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the National Endowment of the Arts in congratulating Professor Vincent Scully as he receives a 2004 National Medal of Arts. One of our Nation's foremost architectural historians, Professor Scully has not only developed a renowned reputation as a historian, but as an educator and mentor as well.

Over the last two decades, the National Medal of Arts has been awarded in recognition of the extraordinary accomplishments of those engaged in the creation and production of the arts in the United States. Both as an educator and author, Professor Scully has deeply influenced the world of architecture by highlighting its social value. Defining architecture as a "continuing dialogue between generations that creates an environment across time," Professor Scully has taught thousands of architects, planners, art historians, and politicians that architecture is not simply the design of a building, but how that design adds to the character of a community or environment.

Professor Scully's illustrious career began when he enrolled at Yale University at the age of sixteen. After completing his undergraduate studies, he accepted a position with the University and, through his unique teaching style, became one of its most popular professors. His standing room only lectures could boast five hundred students—filling the largest lecture hall on campus. In speaking of his former professor, the New Yorker's Paul Goldberger said, "His thinking has always been based on the notion that architecture is not purely aesthetics, and that the real meaning is how it can be used to make better places." It has been through this vision that Professor Scully has had the greatest influence on the arts—passing it on to generations of scholars and students.

For his invaluable contributions to the arts and in recognition of his lifetime of achievement, I am proud to stand today and extend my sincere congratulations to Professor Vincent Scully as he is awarded the National Medal of Arts. His is a legacy which will continue to inspire others for generations to come.

A TRIBUTE TO MAGGIE KATIE BROWN KIDD

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. SCOTT of Georgia. Mr. Speaker, I rise today to pay tribute to Mrs. Maggie Katie Brown Kidd, a loyal and loving wife and mother who has devoted her long and wonderfully blessed life to her family. Mrs. Kidd will be celebrating her 100th birthday with her family on November 26th in my congressional district.

Maggie was born on December 8, 1904 to Lucy and William "Doc" Brown of Stephens, Georgia; the eleventh of twelve children. William received the nickname "Doc" from his neighbors because of his reputation for helping anyone in need. His neighbors used to tell everyone to "go see Doc" if they were ever in trouble. Maggie began to develop a similar reputation as she grew up as she never hesitated from sharing whatever she had, even when she had little.

Lucy and Doc owned a farm in Stephens where the whole family was welcomed when they needed a place to live. Maggie continued this tradition when she took over the farm, offering a home to all of her relatives that needed one. She even helped raise her grandniece. The people who lived close to her farm knew her as a good neighbor. Her parents joined Mt. Zion Baptist Church in Stephens where Rosalyn worshipped and studied when she was a child. She still maintains a membership at the church today.

On November 30, 1940, Maggie married Willie Kidd. They had two children, Rosalyn and John and continued to work on her parent's farm. Maggie and Willie worked the farm until 1961, when she and Willie decreased the size of their farm and began gardening. Willie passed away in 1962 from complications due to diabetes. She lived on the same land until 1989. Now she lives with Rosalyn in Riverdale, GA where she continues to make beautiful quilts when her health permits. She is blessed to have four grandchildren and three great-grandchildren.

Mr. Speaker, I ask my colleagues to join me and Maggie's family in wishing her a happy 100th birthday.

PAYING TRIBUTE TO THE DUTCHESS COUNTY HISTORICAL SOCIETY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. HINCHEY. Mr. Speaker, I rise today to honor the Dutchess County Historical Society located in Poughkeepsie New York, which is part of the 22nd Congressional District that I proudly serve. This year marks the 90th anniversary of the Historical Society. I am pleased to recognize the Dutchess County Historical Society, which has dedicated itself to discovering, preserving, and interpreting the extraordinary history of Dutchess County.

Originally formed in 1914, the Historical Society received its State Charter in 1918. Although it had been the principal repository for all aspects of Dutchess County history for many years, it was not until 1979 that the organization found a permanent home. It was at that time that Society entered into a cooperative agreement with the State of New York to operate the Governor Clinton House in Poughkeepsie as its headquarters, an agreement that has recently been renewed for a third time. The success of this partnership led to the Society being trusted with the responsibility of managing a second historic site, the City of Poughkeepsie owned Glebe House.

During its nine decades the Society has grown and expanded, adding professional staff, new technologies and innovative programs designed to reach a variety of audiences. Known for its publications, the Society has contributed to as many as 14 books on local history, developed a local history curriculum for use in the 4th and 7th grades and, since 1914, published the oldest continuously printed annual in New York State, a "Year Book" of articles on local history. In addition to its publications, the Dutchess County Historical Society maintains a collection of archival material, photographs and dimensional objects inclusive of the entire county.

Key components in the ongoing success of this exceptional organization are its educational and community outreach activities. The Society's Board of Directors has made diversity a priority and they have extended their reach into new communities and organizations throughout Dutchess County. Exhibits, lectures, conferences, and tours complete the outstanding array of programming that the Society offers its members and the community at large.

Organizations like the Dutchess County Historical Society play a vital role in preserving and protecting our nations history, one community at a time. Mr. Speaker, it gives me great pleasure to recognize the 90th Anniversary of the Dutchess County Historical Society and commend its dedicated, professional and caring members for their outstanding efforts.

IN HONOR OF THE RESILIENCE, HOPE AND FAITH OF ST. STANISLAUS PARISH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. KUCINICH. Mr. Speaker, we rise today in honor of Pastor Michael Surufka, Father George Kusy, Father Joachim Studwell, and every member of St. Stanislaus parish community, upon the dedication of the restoration of the parish rectory. We also rise in honor of the legacy and memories of Pastor William Gulas, whose life, though tragically taken from us two years ago, continues to rise in our hearts, memories, and in the Slavic Village neighborhood that he so loved.

The restoration of the St. Stanislaus Parish symbolizes the rebirth of faith and hope that was shattered when Father Gulas' life was felled by senseless violence. As the rectory is resurrected, so is the life of Father Gulas. His gentle guidance and support that he freely and openly offered to every parishioner continues to renew faith and inspiration along East 65th Street and far beyond. His willingness to learn the Polish language to better serve this parish community is testament to the unwavering dedication and love he shared with the people of Slavic Village.

Father Gulas led this parish with kindness, compassion and an undying faith in the goodness of all people. His life-long ministry was framed by his service to others and by his unshakeable faith and strong sense of spirituality. His graceful liturgy, outlined with poignancy and wit, captured the minds and hearts of his parishioners. His legacy of renewing the hearts and souls of all those who knew him, extended to the bricks and mortar of St. Stanislaus Church. Today, as we celebrate the renewal of the parish rectory, we pause in remembrance and honor of the man, Father Gulas, who led the colossal effort to renovate the historic and inspirational St. Stanislaus Church.

Mr. Speaker and Colleagues, please join us in honor and recognition of the dedication of the newly restored parish rectory of St. Stanislaus Parish. This restoration reflects the unity, strength and faith of this community to rise above the traumatic loss of their beloved Pastor, Father William Gulas. This celebration also reflects the commitment of Pastor Michael Surufka, Father George Kusy, Father Joachim Studwell, and every parishioner committed to carrying on the vital work of Father William Gulas. The Peace Garden, planned and cultivated by parishioners, serves as a living reminder that hope will rise from the ashes, and that Father Gulas' light continues to offer guidance, inspiration and hope throughout the St. Stanislaus community, today, and for all time.

RECOGNIZING ROBERT HILL FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Robert Hill, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 249, and in earning the most prestigious award of Eagle Scout. Robert achieved the rank of Eagle Scout on April 7, 2004 and will be recognized at an Eagle Scout Court of Honor this November.

Robert has been very active with his troop, participating in many scout activities. Over the many years Robert has been involved with scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

For his Eagle Scout Project, Robert organized a the clean up and repair of a facility used by law enforcement officers for training exercises at Weston Bend State Park.

Mr. Speaker, I proudly ask you to join me in commending Robert Hill for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A PROCLAMATION IN MEMORY OF LINDSAY CUTSHALL AND JASON ALLEN

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. NEY. Mr. Speaker:

Whereas, I hereby offer my heartfelt condolences to the families and friends of Lindsay Cutshall of Fresno, Ohio and Jason Allen of Zeeland, Michigan; and

Whereas, Lindsay Cutshall and Jason Allen were both caring and loving individuals who were both active in the Rock-N-River Christian Camp, and

Whereas, Lindsay Cutshall and Jason Allen will certainly be remembered by all those who knew them; and

Whereas, through those lives that they touched, the memories of Lindsay Cutshall and Jason Allen will stand as monuments to two truly fine people.

Therefore, while I understand how words cannot express our grief at this most trying of times, I offer this token of profound sympathy to the families and friends of Lindsay Cutshall and Jason Allen.

HONORING THE LIFE OF 1ST LT. MATTHEW LYNCH, USMC

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. ISRAEL. Mr. Speaker, there are times in our lives when we fully realize the presence of heros among us. And there are times when we fully realize that we have lost one of those heros; that is the case with Marine 1st Lt. Matthew Lynch, a young man who gave his life for his country in Iraq. It is difficult to memorialize a man who stood as tall in life as Matthew did and harder yet to memorialize a man who stands even taller in death. I believe the words of his father, Bill Lynch, spoken at Matt's funeral speak best to this fallen hero and not only capture the magnitude of the great life Matt lived but the magnitude of the loss to our nation:

“To all Matt's friends, and you are many; I thank you for coming. Saying farewell to our beloved Matthew is the hardest thing I have ever done. At this time, my thoughts alternately fly through my mind like sharp arrows; or slip through my mental fingers like quicksilver; and I cannot hold them fast. Because of this; and because I have only this one time to pay tribute to Matt, and to tell you about his life, I must affix my thoughts to paper, and read them; and for this, I beg your indulgence.

But for now, I borrow from Shakespeare, and tell you that . . . We gather today to praise Matt, not to bury him. And that is because all the things Matt was; Love of family and friends; gentleness, strength, humor, grace, dedication, honor, loyalty, patriotism, humility, and yes, of course, courage . . . can never be buried, because they are eternal, as is now, our beloved Matt.

While we mourn Matt's loss it brings with it an opportunity for us all, in private moments, to reflect on what he was, and perhaps to develop in ourselves, those attributes he had, which we lack; so that the warm light of remembrance which fills this church today, may one day shine on us.

I will speak to you today of Matt's life, and of ironies gentle, and tragic, which at present you know nothing of, and I will tell you of a curious sign I've lately seen which reassures me.

But for now, to understand Matt's life, you are in the right place; because this is where all that he was, began, on a Summer day in 1979, when my wife Angela and I brought our little Matthew Devin Lynch to that very baptismal font, to be baptized. The Gospel that day, I remember vividly, was the Gospel according to Saint Matthew, and I thought that a very propitious beginning. The name Matthew, we knew, came from Hebrew, and meant “Gift of God.”

And what a gift he was! Cherubic, loving, obedient, and oh yes, very active. As he developed, it was evident that he had extraordinary athletic skills. One day when he was about 3 years old, and bounding about with his brother Tim and their friends, a visitor to our neighbor's patio said to me “Is that your son?” “Yes,” I replied. “Do you realize that he is a natural athlete?” the man said. “How do you know,” I asked? “I am a pediatrician,” he said, “I see thousands of kids, and believe me, he is a natural athlete.” It was a prophecy, which would be fulfilled.

I raised both our sons as athletes, and spent countless hours drilling various skills into them. I always did it with some zany game I had devised . . . Kids learn best when they are having fun. In most of those games, I was the villain, the opponent, the one to be conquered, but I always did it with humor, and they came to love “the games.”

When they were only 5 or 6 years old, we used to play a game I had devised to build their swimming speed, I called it “Shark and Minnows.” In our community pool, I would emplace Matt and Tim near a ladder at one end of the pool. Their mission was to swim to a ladder directly opposite them, and get out of the pool before the shark could catch them. I stood waist deep in the water, at the far end . . . the feared and fearsome Shark.

At first I was a very successful shark, but very shortly, the minnows got much quicker, and the shark caught nothing but air. Soon the Minnows "can't catch me" glee, told me that my days as a big fish were over, and that Matt's were just beginning. A few years later, as Matt swam by me, I raised my head, to see if someone was pulling him on a rope.

At that time, Tim, had his eyes on two Jericho High School swim records, and he decided to join the Long Island Aquatic Club, to begin his assault on those records, which he did in fact, later claim. But in the beginning Matt just tagged along. After their first three hour LIAC workout, I asked Matt "How did it go?" "I . . . NEVER . . . want . . . to . . . do that . . . again," said Matt. But like everything Matt did, he went back, and excelled . . . a theme you will come to recognize.

Soon, he became one of the elite LIAC swimmers. He also swam right across his high school's record board, eclipsing every individual record, even Tim's, leaving his own name in his wake. He set the country record in the 200-yard individual medley, finished third in New York State in that event and the 100-yard freestyle. He was All County swimmer three years in a row; a County champion in two events each of his last two years.

Baseball was the same. All-County catcher his last two years in high school, nominated for the "Diamond Award," as one of the best players in Nassau County; and as a senior, he tied for the home run record, all of this easily fulfilling the prophecy that stranger had made so many years ago.

He continued this at Duke University. He was the swim team's "Rookie of the Year," and became a mainstay of that team. He was also a catcher on the Duke baseball team for two years, but in his Senior year, carrying out the theme which defines his life, he told his swim coach he wanted to return to his swim team "family," his buddies, and he did. As a Senior, and in his very last race, when his team needed him to step up, we saw him swim one of his best 100-yard freestyle times, then sadly walk off, his career over. Between high school and college, he loved his job as a Jones Beach lifeguard; competed on their competition team, and there too, he excelled, and developed many friends.

"What next?" I asked him shortly after he graduated from Duke. "Dad, the Marine Corps, or course." "Are you doing this because Tim and I did it, or because YOU want to do it?" I asked. "Dad, I want to do it," he replied.

The next few years were difficult for Angela and I. Our Marine sons began to go in harm's way. First, Tim in Afghanistan; then Tim and Matt in Iraq. But they always returned. Last Easter, Matt phoned us to say he was ordered to Iraq a 2nd time, as a replacement for some Lieutenants in another unit who had been wounded. But after 3 months, he again returned, and we were overjoyed. But shortly, he said, "Mom, Dad, you will think I'm crazy, but my old unit, my buddies are going back to Iraq, and I really want to join them." Again, that theme of loyalty, family.

All during our son's deployments, I had been haunted by a specter of Marines in Dress Blue uniforms, walking to our door, bearing terrible news . . . and that specter was rooted in my past.

You see, in 1966, I too was a 1st Lieutenant, then serving a short tour at The Marine Corps District Headquarters in Garden City. One of my duties was casualty calls. That meant when a Marine was wounded or killed, I had to personally notify his next of kin. "I'll only be here 3 months," I thought, "I should be O.K."

The next week, my Colonel grimly dropped a Teletype on my desk. "KIA," it started. "Lt., will you handle this?" he said. My stomach rolled. My duty that day was to break a mother's heart. I gathered two NCOs, got a priest, and drove to the Marine's home. His mother was getting out of her car . . . she had just returned from the beach . . . she looked at us . . . and dropped like a stone. We took her inside, neighbors came, someone called her husband, "Come home right now, was all he was told."

When he arrived he told me that he had immediately punched the wall at work, and would have punched me, had he been at home. "I just would not have wanted to hear what I knew you were going to say," he said.

I told my Colonel we had a dangerous situation, and that someone would eventually get hurt. We had no standing operating procedure for these casualty calls . . . no S.O.P. "Write one, Lieutenant," he said, and I did. I specified NCOs for wounds . . . but always an NCO and an officer for a death. I put my heart and soul into it, trying to devise something, which would give aid and comfort to the bereaved, and protection to our Marines. Years later, I encountered marines from that same office, and we discussed casualty calls by then quite numerous. "It's no fun," they said, "but at least we have a really good S.O.P." "I know," I said, "I wrote it."

On August 31, Matt returned with his buddies for a third tour, and, on October 31, he was killed by a roadside bomb. That same day, my wife Angela and I, still unaware, drove to the beach, to walk the boardwalk. It was a gorgeous day, and we spoke of how fortunate we were to have such fine sons, and how proud we were of our two Marines. We passed the beach where Matt worked, and again spoke of him, and then we returned home. I parked the car, we entered our house . . . just as that mother had done almost 40 years ago . . . the day I broke her heart. The door was ajar, and as I heard Angela exclaim, "Oh No!" . . . I turned to see two Marines in dress blue uniforms, grimly walking towards us. One an NCO, the other an officer. Each wore the same stony mask I had worn years ago, and in an instant I knew our Matt was gone . . . you see, I'd written that S.O.P.

How ironic that the pain I'd delivered so long ago to someone else; was now visited on my doorstep; and stranger still, that the procedure I'd then written to console others, was now applied to us. The next day, Angela and I took our shattered hearts to this church. It was All Souls Day, and the Gospel that day . . . was according to St. Matthew. "Wire to wire," I thought, "Saint Matthew."

Matt, our beloved gift of God died trying to free a people from a vicious enemy, whose unspeakable acts of barbarism, even against their own people, while done in the name of God, reveal them to be Godless; and such evil must be opposed. We revere Matt's service, and while we are saddened, we are not angry. Not at our government, not at our President, and certainly not at the United States Marine Corps, that fine fighting force our Matt was so proud to serve.

The days ahead will be difficult for us. When the last of you have gone, and our door has closed, our ordeal will begin. A bright light has left our home, never to return, and all the sand in Iraq cannot fill the hole in our hearts. But recently, I've noted a sign, although in the strangest place, which suggests reassurance. Now, you may think this forced, contrived, or fabricated for this moment; perhaps the ranting of one whose heart, buffeted too hard by this tragedy, is trying too hard to see, but you are wrong, because I saw this sign long before Matt's death.

Some months ago, I looked down upon a floor tile in our home, and saw clearly what could easily be an artist's rendition of the face of Christ. It stared directly at me. Curious. For weeks, I looked at that visage every day. What to make of it? Eventually, my eyes began to scan around the visage, and recently, I also clearly saw, sheltered in the corner, and under the right shoulder of that visage . . . the perceptible head and face of a very small child. Each had slowly been revealed to me, and until lately I have not known what to make of this; but clearly, the events of this last week suggest to me that Matt, and formerly our little Gift of God, has, as was his custom, made one final return to family and is now, the visage assures me, sheltered, and safely home, and this gives me great comfort.

It is time to close, and I must do this in two ways:

To the heavens I say:

"Lord this is our son Matthew, in whom we are well pleased. He was your precious gift to us, and we return him to you now. Please grant Matt a place of favor, where he may rest comfortably until those of us who have loved him so can join him."

And finally, to our son Matt, I say those words every Marine longs to hear;

"Well done Marine . . . and Semper Fi!"

CHANGING NATURE OF U.S.-CARIBBEAN RELATIONSHIP

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. RANGEL. Mr. Speaker, the United States-Caribbean relationship has long been characterized as one of dependency. More specifically, the Caribbean has historically been portrayed as overly reliant on the United States, while having minimal significance to our country beyond general geopolitical concerns. Indeed, the widespread damage wrought by the recent Caribbean hurricanes has necessitated assistance from the U.S. However, a broader look at the current reality points to a highly reciprocal relationship, with the Caribbean proving to be an increasingly important component of the economic and commercial interests of the United States.

A telling indicator of the evolving U.S.-Caribbean relationship is in the area of trade. The Caribbean is now the 13th largest importer to the United States and the 8th largest destination for American exports. U.S. exports to the Caribbean have helped to sustain nearly 500,000 U.S. jobs. While the magnitude of Caribbean trade with the U.S. is changing, so too is the nature of that trade. The Caribbean is not simply a supplier of agricultural products, or an American tourist destination. It is now becoming a significant source of U.S. energy imports. An October 7th story in the New York Times examined this recent ascendancy, with a focus on the island nation of Trinidad and Tobago.

In the last few years, the Caribbean, led by Trinidad and Tobago, has positioned itself as significant player in energy trade with the U.S. Already an important regional exporter of crude oil, Trinidad is now the leading exporter of Liquid Natural Gas (LNG) in the Western Hemisphere. After 9–11, the U.S. sought to find energy sources beyond the Middle East and Persian Gulf. Additionally, rising gas prices, and increasing domestic shortages increased U.S. demand for LNG. Trinidad has impressively stepped in to fill that demand. Since 2001, it has been the leading exporter of Liquid Natural Gas to the United States, accounting for 75 percent of all LNG exports. These exports are projected to further increase over the next decade. Additionally, a planned LNG pipeline from Trinidad to surrounding Caribbean islands will increase the refining capacity of the surrounding region, as well as spur the region's ability to engage in related manufacturing.

Besides Trinidad, other countries in the region have plans to increase their energy market presence. At an October 11th address, Jamaican Commerce, Science and Technology Minister, Phillip Paulwell, stated that three oil and gas systems have been identified in Jamaica for the first time. One of the systems has possible reserves of 2.8 billion barrels of oil (BBO) and 10.6 trillion cubic feet (TCF) of natural gas. With its close proximity to the United States, development of Jamaican energy resources would be a very beneficial endeavor for both nations.

As can be seen, the importance of the Caribbean to the United States has radically evolved over the last several years. This evolution will only be strengthened as we move towards greater regional integration through agreements like the Free Trade Area of the Americas (FTAA). Future U.S.-Caribbean policy must take into account this new and mutually beneficial dynamic.

A SMALL ISLAND, A BIG EXPORTER OF ENERGY

TRINIDAD IS SUPPLYING MOST U.S. IMPORTS OF LIQUEFIED NATURAL GAS

(By Simon Romero)

PORT OF SPAIN, TRINIDAD, Oct. 7—Cranes are active here again, working around the clock to erect some of the Caribbean's tallest skyscrapers against a backdrop of colonial-era buildings. Traffic snarls throughout this small island country, with imported luxury cars rubbing up against 70's-era gas guzzles left from the last time energy prices soared.

But it is not only the rising price of crude oil that has produced such excitement and activity in Trinidad, the Caribbean's largest petroleum producer and one of the few islands that is thriving these days. Instead, what is transforming the situation here is another fossil fuel: natural gas.

Amid a scramble to meet growing international energy demands and to satisfy an American market where the price of gas has risen to about $7 for each thousand cubic feet from just $2 in 1999, Trinidad has emerged as the Western Hemisphere's leading supplier of liquefied natural gas. It has stealthily outpaced rivals, this year accounting for nearly 80 percent of shipments to the United States, up from virtually nothing five years ago.

Trinidad's leap to the forefront in liquid natural gas—a fast-growing area of the energy industry where companies invest billions to chill the fuel to temperatures around 150 degrees below zero and ship it across the seas in supertankers—has ignited rapid growth here. Economic activity increased 13 percent in 2003 and could grow as much again this year. The economy has expanded for 10 consecutive years on Trinidad and Tobago, a twin-island nation of 1.3 million with an area nearly the size of Delaware.

Trinidad's gas resources has fueled a web of chemical factories, including nine ammonia plants, and iron and steel complex, and two of the largest methanol plants in the world. The conglomeration of factories, largely in Point Lisas, an industrial site and port south of the capital, Port of Spain, exports most of its production to the United States.

"We've become a highly industrialized nation, something that was a pipe dream a few years ago," said Anthony Bryan, former director of the Institute of International Relations at the University of the West Indies on Trinidad.

But some experts here worry that the natural gas boom is taking on the same character as the oil-fueled growth burst of the 1970's, which was followed by a ruinous decade-long bust culminating in a violent coup attempt in 1990 by Muslim militants.

"There's the 'here-we-go-again' phenomenon," said Ronald Ramkissoon, chief economist at Republic Bank of Trinidad and Tobago, the country's largest financial institution. "If we're not wise enough to hive away some of the excess money we're getting from this boom, then we stand the risk of getting hit again."

Weighing over everything are fears about what will happen when the energy bounty runs out. Although Trinidad is envied by other energy producers, it has just 0.5 percent of the world's proven gas reserves, far less than big producers like Qatar and Russia. Unless big new discoveries are made, the Inter-American Development Bank says, Trinidad's existing reserves guarantee only 20 years of gas and oil production at current extraction rates.

For now, though, economic opportunities in Trinidad are luring people and money from elsewhere in the hemisphere. A growing number of Spanish-speaking immigrants from Venezuela and Colombia have moved here recently to fill service jobs in restaurants and other work shunned by Trinidadians. Continental Airlines began flying this summer to Port of Spain directly from Houston, ferrying, energy executives eager to cash in on the bonanza.

Trinidad owes much of its current good fortune to a plan conceived a decade ago by BP and BG, two of Britain's largest energy companies, together with Repsol of Spain and the National Gas Company of Trinidad and Tobago, to build the first of four large liquid natural gas plants. That strategy transformed BG, formerly British Gas, into the largest corporate supplier of L.N.G. to the United States. By 1999, the venture was, ready to start exporting gas.

Trinidad quickly leapt ahead of Venezuela, where domestic political quarreling stalled ambitions to exploit ample natural gas reserves.

"I'm reluctant to talk about Venezuela because they're the sleeping giant next door," said Frank Look Kin, president of the state-controlled National Gas Company. "You could say we're doing O.K. with what we've got."

The importance of natural gas in Trinidad's economy eclipsed that of oil in recent years, with gas output now worth about $4.8 billion a year compared with $1.4 billion for oil, according to the Inter-American Development Bank.

The Bush administration has responded by showering attention on Trinidad, amid concern over a prospective shortage of the fuel, which is used to generate electricity, run industrial processes and heat homes and offices.

President Bush surprised Prime Minister Patrick Manning last December when he came to Washington to meet Condoleezza Rice, Mr. Bush's national security adviser. Instead of limiting the visit to her, the White House granted Mr. Manning an impromptu meeting with Mr. Bush to discuss ways of increasing Trinidad's role in resolving problems in other Caribbean countries like Haiti.

Seeking to further strengthen ties, Spencer Abraham, the energy secretary, declared in a visit here in April that Trinidad was "a very effective example of how a country with natural gas resources can enter the international marketplace."

Much noticed here as well was a meeting over the summer between Mr. Manning and Henry A. Kissinger, the former secretary of state. Mr. Kissinger's visit to Trinidad aroused speculation that he might have lobbied the government on behalf of Freeport McMoRan Energy, a New Orleans company that allied itself this year with Trinidad to build a terminal for receiving L.N.G. off Louisiana's coast. Mr. Kissinger is a director emeritus of a mining concern controlled by Freeport McMoRan Energy's parent company.

In responding to questions from local reporters, Mr. Kissinger and Mr. Manning denied that the purpose of their meeting was related to negotiations with the Louisiana company.

Trinidad's aim to cement its position as the leading supplier to the United States fits into its ambition to help guide the policies of large gas-exporting nations. It has held talks with Algeria and Indonesia to interest them in joining the Louisiana terminal venture. And next year, Trinidad is seeking a more active role in the Gas Exporting Countries Forum, a group of more than a dozen nations that also includes Qatar, Iran and Nigeria.

Trinidad, a former British colony that gained independence in 1962, views trade as another priority, with Port of Spain competing against several American cities, including Miami and Atlanta, to be selected as administrative headquarters for the planned Free Trade Area of the Americas.

The government, meanwhile, intends to invest about $700 million to build a pipeline that would transport gas to seven islands in the eastern Caribbean, including Barbados and Martinique. Trinidadian officials hope to persuade Venezuela to prepare its own gas for export to the United States from Trinidad plants.

Despite all the activity concern persists over the energy industry's influence as memories linger of the painful adjustment Trinidad faced in the 1980's after oil prices plummeted. But that has not prevented natural gas from ascending to the heights of the economy after oil production reached a peak in 1978.

As in many developing countries that are rich in resources, there is a perception that the wealth generated from Trinidad's oil and gas is not widely shared, creating big problems for a nation whose population is largely divided between people of African and Indian descent.

Unemployment remains stubbornly high, at around 10 percent. Crime is also a prominent concern, underlined by a spate of kidnappings of wealthy Trinidadians in the last two years. A pressing issue Trinidad faces is how to wriggle more royalties out of the multinational energy producers active in its territory.

"The issue of who gets what and how from our gas and oil needs to be revisited," said Winston Dookeran, a member of Parliament and former central bank president.

[In the budget released on Oct. 8, the government laid out a plan to channel substantial energy revenue to social programs and public security. Included are an increase in old age pensions of more than 10 percent, lower taxes on brown sugar and funds to hire 744 police officers.]

Despite a gross domestic product of about $8,000 a person, about a fifth of the population still lives in poverty. On average, Trinidadians are richer than most Caribbean islanders though still poorer than people in nearby Barbados and the Bahamas, where tourism revenue has improved living standards.

Translating its gas reserves into lasting wealth, of course, depends largely on the growth of the liquid natural gas industry in the United States, where more than 30 projects are in planning phases to import the fuel from countries around the world.

"The boom," Mr. Dookeran, the former, central banker, said, "is aligning our interests with those of the U.S. like never before."

THE EXCELLENT WORK OF THE NATIONAL GAY AND LESBIAN CHAMBER OF COMMERCE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. FRANK of Massachusetts. Mr. Speaker, this month marks the second anniversary of a very important organization dedicated to fighting prejudice in the United States in a very constructive manner. The National Gay and Lesbian Chamber of Commerce, founded in November 2002 by Justin Nelson and Chance Mitchell is, to quote from the statement which the NGLCC submitted to our Financial Services Committee hearing on diversity, "the only national not-for profit advocacy organization specifically dedicated to the economic advancements and opportunities of the American LGBT business community."

The NGLCC carries on this work by its formation of a " broad-based coalition, representative of the various interests of American LGBT owned and friendly businesses, professionals, and students of business to increase economic opportunities among membership, corporate interests and federal, state and local governments."

We hear a great deal in our public debate these days about the importance of people working together, being constructive, avoiding divisiveness etc. This can be overdone—democracy requires the honest airing of differences. But it is also important that these differences take place within a context of recognition of shared values, and the NGLCC plays an extremely important role in this. This organization demonstrates that combating prejudice based on sexual orientation and gender identity is not only not inconsistent with an effort to work for greater unity in our country, but is in fact an essential part of that effort, properly understood.

Justin Nelson and Chance Mitchell through their own commitment to advancing our capitalist system, while simultaneously fighting the prejudice which deprives some people of the full chance to participate in that system, play a very important role. To quote further from the statement which they submitted to our Financial Services Committee, "It is the unfortunate experience of millions of LGBT Americans that homophobia and ignorance has been the silent killer of developing and growing LGBT enterprises and a better quality of life for all LGBT Americans. Too often it is the experience that LGBT Americans feel compelled to remain in the closet to safeguard their personal and professional financial condition . . . That millions of LGBT Americans live half lives in the financial marketplace, and the workplace is simply not in the best interest of a strong, vibrant and competitive American economy.

"It is a universal truth that as human beings, we are at our best when we can represent ourselves as whole and complete individuals, encouraged to contribute with vibrant creative energy the many talents unique to each of us as individuals. That LGBT Americans are shackled by institutionalized discrimination is not only shameful, it is not good business."

It is not easy to start an organization, and it is particularly difficult when the organization being started is one that seeks to bridge significant gaps that divide people in our society. There are a number of organizations that effectively advocate for the rights of LGBT Americans. There are others that are forceful supporters of the legitimate interests of the business community. I know no other at the national level that exists precisely not simply to show that these two goals are not inconsistent, but that, properly understood, they reinforce each other.

I have had the opportunity to work with Mr. Mitchell and Mr. Nelson on several occasions, and I am impressed by the quality of their work. I make this statement today on the floor to call attention to this excellent example of how people can work truly to better our country in every way.

Mr. Speaker, Members seeking more information on this useful organization can consult the hearing of the Subcommittee on Oversight of the House Financial Services Committee on diversity and financial services, which was conducted on July 15, 2004.

IN HONOR OF OUR UNITED STATES VETERANS AND HOLLY LANE ELEMENTARY SCHOOL OF WESTLAKE, OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of all veterans of the 10th Congressional District of Ohio—for their service, bravery, and dedication on behalf of our country. Most significantly, we stand in tribute and remembrance of those veterans who have made the ultimate sacrifice when they answered the call to duty.

I also stand in honor and recognition of the children and educators of Holly Lane Elementary School. By allowing our students the opportunity to meet and know our veterans, we are presenting them living examples of real heroes. We are giving them a true understanding of the meaning of the words conviction, courage and selflessness. We are offering them the understanding of a vital, living lesson that speaks to our American history and to the preservation of our liberty—the brave men and women who have endured great pain and sacrifice in order to secure freedom and democracy for us all—our United States Veterans.

Every veteran that stands before us today at Holly Lane Elementary School represents the heart and soul of America and reminds us of our quest for justice and peace here at home, and the struggle of those who seek justice and peace around the world. The staff and students of Holly Lane Elementary School reflect the gratitude and respect for our men and women in the armed forces, sentiments that are shared by all Americans. The students of Holly Lane Elementary School also reflect a vision of hope and faith for our future.

Mr. Speaker and Colleagues, please join me in honor, tribute and gratitude to the men and women of our armed forces, past and present. They reflect the quest and struggle for human rights and freedom from oppression, a basic human element that unifies us all. Let us forever remember and honor their ultimate service, great sacrifice and unwavering sense of commitment to the preservation of our American democracy and our freedoms.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. McDERMOTT. Mr. Speaker, I was unable to be in Washington, DC yesterday. Two weeks ago, I injured my leg and my physician prefers that I not put it through the stress of an airplane flight from my home in Seattle, WA to Washington, DC. Were I able to attend today's session in the House of Representatives, I would have voted in support of H.J. Res. 110, H. Res. 750, S. 2693, S. 2214, S. 2640, and H. Res. 641.

IN RECOGNITION OF SUNNYSIDE COMMUNITY SERVICES

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Ms. VELÁZQUEZ. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives to offer my congratulations to the Sunnyside Community Services Center on its 30th anniversary.

The residents of New York's 12th Congressional District have been enriched by this institution's outstanding example of community cooperation, which provides valuable social, recreational, and educational services to the seniors and families of Western Queens. Thanks to the exemplary board, staff, and volunteer base of the Sunnyside Community Services Center, this once small organization that started in a church basement has blossomed, and has grown to provide an array of integrated activities and programs to over 12,000 residents, annually.

The center offers these services to ensure that members have the opportunity to fully participate in all aspects of community life, while maintaining their independence and healthy lifestyle. This institution has also become a local economic engine, employing 90 percent of its staff from within the Queens community. The staff runs caregiver programs for frail elderly and homebound seniors, after school programs and camps for elementary and middle-school children, and a variety of educational, social, and recreational activities for active adults.

Over the past 30 years, Sunnyside Community Services Center has expanded its services even further to help meet the challenges faced by emerging immigrant and youth populations that reside in the area today. Their work has reached a significant number of residents of all backgrounds and ages and has allowed them to enjoy an enhanced and comfortable lifestyle.

Therefore, Mr. Speaker, I rise today to honor the 30th anniversary of the Sunnyside Community Services Center, and join with my colleagues in the House of Representatives to recognize the organization's outstanding service and dedication in addressing the needs of the Western Queens community.

TRIBUTE TO LEXINGTON VETERANS ADMINISTRATION MEDICAL CENTER

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. CHANDLER. Mr. Speaker, I rise here today in honor of Veteran's Day; the day our nation sets aside to honor the sacrifice and service of the millions of Americans who risked their lives to protect our country and promote peace. These brave servicemen and women answered the call to defend freedom and serve our country during its time of greatest need. Now, during the month of November, we should repay our gratitude by honoring our commitment to veterans and their families.

As we stand here today and pledge to work for veterans throughout the nation, I am proud to celebrate a recent victory for the veterans of Central Kentucky. Over the last two years, our local veterans fought to keep the Leestown Drive facilities of our Lexington Veterans Affairs Medical Center open in the face of potential consolidation. Thanks to their commitment, the veterans of Central Kentucky will continue to benefit from the excellent medical services and the unique beauty of this facility.

The Lexington Veterans Affairs Medical Center is a nationally recognized health care center with a number of distinguished awards. Most recently, the facility received a $500,000 award for "Best Overall Performance" among VA hospitals in the MidSouth Healthcare Network, and received the first-ever John M. Eisenberg award for patient safety co-sponsored by the National Quality Foundation and the Joint Commission on Accreditation of Healthcare Organizations. I am proud that this hospital will continue to serve the community and provide our veterans with the quality service they deserve.

Veterans Day is a time to honor our nation's true patriots for their courage and commitment to this country. These men and women have protected our families over the years, and now it is our turn to take care of them. Let us renew our promise to our veterans and military retirees and honor the sacrifices they have made so that we may live free. As our troops return home let's treat them with the respect they have earned and continue fighting for a guaranteed stream of benefits for all veterans.

HONORING C. STUART HUNT

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. QUINN. Mr. Speaker, I rise today to honor Mr. C. Stuart Hunt for his outstanding service, tireless dedication and fruitful endeavors for Western New York.

Mr. Hunt served on the Board of Directors of Buffalo Place Inc. from 1991 through 2004. Buffalo Place enjoyed phenomenal growth during his tenure as Chairman from 1994 to 1998. During that time, Buffalo Place Inc. went from a $1.8 million organization to a $3.2 million organization.

Beginning in 1997, under Mr. Hunt's leadership and direction, a strong emphasis was placed on increasing funding for special event production in Downtown Buffalo. The success of the Thursday at the Square concert series positively impacted the Downtown economy, representing $4.4 million annually.

Under Mr. Hunt's leadership, an annual weekend music festival on Buffalo's waterfront was conceived, Buffalo Place Rocks the Harbor. In addition, the Cars Sharing Main Street initiative became one of the top three priorities on the federal legislative agenda for Western New York.

In 1997, under Mr. Hunt's guidance, the Americorps Ranger Escort Program was launched and received federal funding until 2003 when it was eliminated. This important initiative continues today as the Buffalo Place Ranger Program. He also was involved in the Park N' Go Shuttle Program, converting major streets from one-way to two-way traffic and providing both on-street and off-street parking.

In his professional life, Mr. Hunt serves as Chairman of Hunt Commercial Real Estate, a wholly owned subsidiary of Hunt Real Estate, the largest commercial/residential real estate organization in Upstate New York.

With the purchase of the Brisbane Building in 1984, Stuart began a tireless restoration of this beautiful property. The building holds a special place in his heart, as his father, Charles Stanley Hunt, was a tenant in the Brisbane Building for almost 50 years. I'm proud that my district office is located at this historic site also.

Mr. Hunt's career spanned more than half a century. He is a consummate professional and gentleman. His work ethic and professionalism place him at the top of the list of the most well respected professional civic leaders of our time. His commitment to Downtown Buffalo has never wavered and future generations will benefit from and enjoy the fruits of his labor.

Mr. Hunt's college career was interrupted when he answered the call to serve his country. Mr. Hunt is a veteran of World War II and a 1947 graduate of Colgate University.

In addition to a successful civic and professional career, Stuart has enjoyed a wonderfully fulfilling personal life. On December 27, 1946, C. Stuart Hunt married the beautiful Jane Helfrich. They have enjoyed a full and rich life and were blessed with three sons and one daughter.

Mr. Speaker, Mr. Hunt touched the lives of so many Western New Yorkers and while he vacates his seat on the Board of Directors of Buffalo Place Inc., he will always remain a role model and mentor to the staff of Buffalo Place Inc. C. Stuart Hunt leaves a unique and indelible mark on Downtown Buffalo, as he will never be forgotten.

Thank you, Stuart, for your strong leadership, diligent effort and personal commitment to our community. Thanks also for your friendship.

RECOGNIZING GARRETT KENT, BRANNAN SMITH, NICHOLAS MANLEY, AND WILL WATTS

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. COLLINS. Mr. Speaker, it is with great pleasure that I recognize the achievements of four outstanding young men from Griffin, Georgia: Garrett Kent, Brannan Smith, Nicholas Manley, and Will Watts of Griffin Christian Academy. These young men recently visited our Nation's Capital while working on their Citizenship in the Nation Merit Badge for the Boy Scouts. During their trip they studied the Declaration of Independence, the Constitution, and the Federal Government. They learned about our system of checks and balances and how our government is financed. In addition, each of these Scouts wrote to me to share their views on important national issues.

I am proud that these young men are learning about our government and the freedoms and principles on which our Nation was founded. I think we can all learn from the example of Garrett, Brannan, Nicholas and Will, and remember to learn about the great history of our Nation. I encourage everyone to read the Constitution and the Declaration of Independence, or to come to the United States Capitol and walk through its storied halls. All Americans should be active citizens and be conscious of this magnificent creation, and our duty to serve it well. May God bless this great Nation.

RECOGNIZING WORK OF MR. PERLEY BEANE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the work of Mr. Perley Beane, Maine's Director of Economic and Community Development, for more than 40 years in public service at the federal, state and local level.

A graduate of Waterville High School and Thomas College, Perley's first job was as a teacher in Jackman. After working as a business manager, Perley was appointed as the first director of the Waterville Public Housing Authority. He also served as director of the Maine Affordable Housing Alliance at the Department of Economic and Community Development before being appointed to his present position in Madison, Maine.

Perley has dedicated his life to bettering his community. He has served as a board member for such organizations as The Salvation Army, the Waterville Housing Authority, the Somerset County Jail Committee, the Somerset County Rural Housing Replacement Committee, the Somerset County Economic Development Corporation, the Waterville Zoning Board and the Kennebec Valley Community Action Program.

Though Perley's retirement is well deserved and begins a new and exciting chapter in his life, it also signifies that Maine is losing one of its most valued service providers. His dedication to the people of Maine has been a blessing for our State, and has improved the lives of countless Mainers. I am both honored and privileged to pay tribute to Perley for his hard work and commitment to the people of Maine. I offer my sincere appreciation on behalf of the entire State.

RECOGNIZING THE APPOINTMENT OF CADET STEVEN J. SARKEES TO CHIEF PETTY OFFICER, USNSCC

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Ms. SLAUGHTER. Mr. Speaker, I rise today to honor one of my constituents, Steven J. Sarkees, on his appointment to Chief Petty Officer in the United States Naval Sea Cadet Corps. While a high school senior in Grand Island, New York, Cadet Sarkees is a member of the Sullivans Division, Naval Sea Cadet Corps located in Buffalo, New York. Cadet Sarkees' appointment to Chief Petty Office is bestowed on less than one half of one percent of the ten thousand Naval Sea Cadets in the program, and is a reflection of his exceptional leadership skills and mastery of seamanship training.

The U.S. Naval Sea Cadet Corps was established in 1958 in order to provide youth with a drug-free and gang-free environment where individuals between the ages of 11 and 17 could develop an appreciation for the United States' naval history, customs, traditions and its significant role in national defense. The goal of the Sea Cadet Corps is to encourage young people to develop an interest in basic seamanship and teach Cadets patriotism, courage, self-confidence and self-reliance. Chief Petty Officer is the highest level a Cadet can attain and reflects years of hard work and dedication.

Cadet Sarkees has developed into a mature leader, and is a fine example of what the Sea Cadet Corps strives to develop in young people. He has earned his appointment to Chief Petty Officer by completing a challenging course load, passing a leadership exam, completing 6 months time in rank, and attending 2 weeks of advanced training. Again, Cadet Sarkees is a positive role model to his fellow cadets, and exemplifies the best qualities of a patriotic American.

I urge all of my colleagues to join me in congratulating Cadet Sarkees for his significant achievement as a member of the U.S. Naval Sea Cadet Corps.

TRIBUTE TO THE JOYCE H. WILLIAMS CENTER OF KANSAS CITY, KANSAS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. MOORE. Mr. Speaker, I rise today to tell you about a wonderful organization in the Third Congressional District of Kansas that is celebrating its 25th anniversary of serving domestic violence victims in Kansas City, Kansas.

In 1979, I was the District Attorney in Johnson County, Kansas, and involved in helping that county provide domestic violence services to its citizens. At the same time, just to the north, community leaders in Kansas City, Kansas, in Wyandotte County, were coming together for the same purpose. In 1979, the Joyce H. Williams Center was incorporated, and began its services to the KCK community. I first learned of their efforts through working with their leaders in the Kansas City Metropolitan Coalition on Domestic Violence. The Joyce H. Williams Center was begun by the Yates Branch of the YWCA. A few years later, when the Yates Branch YWCA branch closed, the Joyce Williams Center and most of the YWCA services continued under the sponsorship of Friends of Yates, Inc.

Twenty five years later, the Joyce Williams Center continues to provide hope and help to women and children in abusive situations. The center has helped hundreds of families over the last 25 years. Today, their services include a hotline for victims to call, counseling, case management, substance abuse assistance, and a transitional living shelter.

I know my colleagues in the House of Representatives will join me in congratulating the staff, board of directors, and community volunteers of the Joyce H. Williams Center on this anniversary of their founding. I know they will continue to serve their community for many years to come.

HONORING THE SERVICE OF CAPTAIN TONY TORRES

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. PASTOR. Mr. Speaker, I rise today to honor Mr. Tony Torres for his thirty years of service in the City of Phoenix Fire Department.

Mr. Torres was born in Phoenix and attended Phoenix College, where his is currently a member of the adjunct faculty. He served our nation in Vietnam, and is a member of American Legion Post 41.

Mr. Torres joined the City of Phoenix Fire Department in 1975 and retired this year as a Captain in the Fire Operations Division. From 1999 until his retirement, he held the position of Public Information Officer and earned various departmental awards. He is also a recipient of the Department of Public Safety Citizens Life Saving Award.

Mr. Torres' service to the community extends beyond his career as a fire fighter. He has worked with numerous neighborhood activist organizations, as well as with the Mayor and City Council members, in order to improve the safety of all valley neighborhoods. He is also a past vice president of the Valley Hispanic Bomberos and was an active member of the United Phoenix Fire Fighters Union.

Mr. Torres currently lives in North Phoenix with his wife of 25 years, Susan. On behalf of the Phoenix community, I thank him for his many years of service and wish him a happy and healthy retirement.

IN SUPPORT OF H.R. 5218, MATT'S HEALTH INSURANCE PLAN ACT OF 2004

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. GEPHARDT. Mr. Speaker, I rise today to discuss H.R. 5218, Matt's Health Insurance Plan Act of 2004, which I introduced last month. This bill has a very personal meaning to me, and I believe it is integral to solving America's health care crisis.

Today in this country, over 40 million Americans live without health coverage. These Americans are people just like you and me. Citizens who work full-time jobs where no health care is offered. Parents who work two and three part-time jobs just to feed their children and provide a safe place to live. Entire families where values like hard work and responsibility mean something, but where no member of that family can find full-time work with full benefits in a struggling economy.

Americans who don't have health coverage too often don't have access to health care. In a day and age when morals dominate the political landscape of this country, how can we remain indifferent to the millions of Americans who can't receive the care they need? This is the biggest moral problem our country has. It's time we fixed it.

Let me tell you why this is so important to me. Three decades ago, when I was an attorney in St. Louis, my two year old son Matt was diagnosed with what they said was terminal cancer. My wife Jane and I were told he probably wouldn't last six weeks.

In the end, we were among the most fortunate in more ways than one. My law firm had a health plan, and it was the only way we could afford the new and experimental therapies. That insurance plan, the talented doctors and nurses, and the grace of God saved Matt's life.

But I remember the nights we spent in the hospital waiting room talking to the parents of another patient—a child with severe cancer from a family who couldn't afford health insurance. Those parents didn't know what to do. All they could do was pray. As long as I live, I will never forget the terror in their eyes. In this country, it should never be this way.

Matt's Plan, named after my son, is my vision for how we can cover everyone in America with health insurance—with no new bureaucracy and no nationalized plan. This is more than just a health care plan. It's also an economic stimulus plan designed to create jobs and get this economy moving again.

The plan is essentially this: we pass a law requiring every employer to provide access to quality coverage, with employer tax credits covering most of the cost.

Today, an employer can take a tax deduction that would cover about 30 percent of the cost of health insurance. But that deduction is effectively worthless when a company is struggling and losing money in this economy.

There are also far too many employers who fail to provide health insurance because the tax deduction doesn't come close to covering the cost of the insurance premiums. As a result, millions of families are left without health insurance.

My plan would change that. Employers who don't currently offer health insurance would be required to offer a quality health plan, and they'd receive a refundable tax credit equaling 60 percent of the full cost of the premium. A tax credit they'd pass through completely to their employees in the form of health insurance. Employers would only be responsible for 60 percent of the full cost of the premium and would not be required to contribute to the cost of health coverage beyond the nominal administrative cost of providing health insurance coverage. Employees would not be required to pay more than 40 percent of the premium cost.

And for those employers who currently do offer health insurance, my plan replaces the existing tax deduction with a 60 percent refundable tax credit—a tax credit on the employer's share of the premium, which puts more money directly into the business that has been doing the right thing. 'Refundable' means the employer will receive the credit, regardless of whether they're making a profit.

This health care plan leaves no American on their own. The 60 percent tax credit would apply to part-time employees. It would apply to retiree health benefits paid by former employers. It would apply to the self-employed. And state and local governments would receive federal assistance equal to 60 percent of their health care costs.

My plan would allow individuals between the ages of 55 and 64 to buy into Medicare coverage at no cost to the federal government. It would subsidize 65 percent of the cost of COBRA health insurance for the unemployed. It would subsidize low-wage workers who are below or near the poverty line who can't afford their share of the premium. And it would modify the SCRIP Program for uninsured low income children, expanding it to include their parents, and expanding efforts to find those families who qualify.

Under my plan, employers who already offer health insurance would see an immediate reduction in their overhead. The economic stimulus would result in billions of dollars in increased wages and benefits, more money in the pockets of the average family, and more jobs. And the result of adding millions of Americans to the ranks of the insured means more preventive care, far fewer trips to the emergency room, and lower health care costs for everyone.

Mr. Speaker, I have introduced this bill so that Matt's Plan will become part of the public record on the health care debate. I hope that as Congress continues to deal with the health care problem in America, someone will reintroduce this bill and develop this plan further.

To me, this plan is a bold, innovative idea that can work—an idea that can bridge a canyon of fear and illness and cover everyone in America with health insurance, and jump start the economy at the same time. It's morally right and economically sensible. Healthy workers are productive workers. And healthy families make for a stronger America.

IN HONOR AND RECOGNITION OF MR. GLENN AND MRS. LYDIA HUNDERTMARK IN CELEBRATION OF THEIR 50TH WEDDING ANNIVERSARY: NOVEMBER 6, 2004

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. KUCINICH. Mr. Speaker I rise today in honor and recognition of Glenn and Lydia Hundertmark, as they celebrate 50 years of devotion to each other, to their family and to their extended family and many close friends. This unbreakable union represents a deep and abiding love, not only for each other, but also for their children, grandchildren and for their community.

Glenn Hundertmark and Lydia Nikishin met in the early 1950s while working at the Pick-n-Pay grocery store at Fulton and Memphis. Glenn left to serve our country during the Korean War in the United States Navy as an Aviation Mechanic. When Glenn returned home, he and Lydia dated, fell in love and became engaged in 1954. On November 6, 1954 they were married at Gloria Dei Lutheran Church by Reverend Herbert Blickensderfer.

Glenn worked for Cleveland Twist Drill Co. and American Steel and Wire until he became a fireman for the city of Cleveland in 1961. He worked in various fire stations over the years as a Lieutenant, then as Captain, until retiring in 1984. Lydia worked at Associates Finance Co. before they started their family in 1955. Being a full-time mom to Lynn, Ruth, Paul and Kathryn quickly became the main focus and joy of Lydia's life.

Together, Glenn and Lydia created memorable holiday celebrations. Every Christmas morning, their children would wake up to a beautiful tree and gifts that they built. Lydia would sew Halloween costumes, and Glenn made carving a pumpkin an art form. Birthdays were special days with favorite meals being served and grandparents, aunts and uncles joining the party. Their young family played board games, went on picnics and hikes and went for boat rides on the "Busy Liz." Glenn and Lee took their family on a variety of vacations each year from camping and fishing trips, to the trip of a lifetime traveling out west for a month in 1973. The beloved Rustic Rest in Vermilion holds cherished memories that began with Glenn's childhood and has continued throughout his grandchildren's lives.

Glenn and Lydia taught their children the value of tradition by sharing stories and keepsakes of their ancestors—giving them a clear understanding and appreciation of their German, Russian and Ukrainian heritage. The family baptismal gown was sewn in 1911 by Glenn's grandmother Ida Christianer, and has been worn by every newborn baby since. The Santa Claus suit that was made by Gordon and Ruth Hundertmark in 1960 thrilled their children and grandchildren when Santa Claus visited them every Christmas. On Easter, you will still hear Mildred and George Nikishin's blessing: "Christos Voskres; Voyistino Voskres," being spoken, while Millie's tradition of homemade Paska bread is shared by all.

As much as Glenn and Lydia love their family, they also love their friends. Glenn's fellow firemen and their families, and the families of the Orchard Avenue neighborhood, became like second families to the Hundertmark's. There was always a neighborhood picnic or party planned, ending with everyone being thrown in their neighbor's pool. They had Halloween parties, Christmas parties, and 35 Dance Club parties. They vacationed together in large groups, taking the party on the road. Lifelong friendships were formed.

Throughout their lives, Glenn and Lydia have volunteered their time and talents within their community. Their dedication to helping others is evidenced at Gloria Dei Lutheran Church, homeless shelters and in causes including Cerebral Palsy and Habitat for Humanity. In their spare time, they could always be found at their grandchildren's sporting events, choir concerts and award nights.

Their great joy for life radiates throughout every aspect of their lives. Glenn and Lee are fabulous dancers, they are animal lovers, they have traveled all over the world—they are can-do people who have always been there for everyone. Lydia has nursed her adult children back to health, proving you will always need your mother. She is famous for her exceptional potato salad—and a picnic wouldn't be a picnic without it! Glenn has an unbelievable memory and tells wonderful, colorful stories. They have an extensive collection of slides capturing their life's story.

Glenn and Lydia were faithful children to their parents—George, Mildred, Gordon and

Ruth—who are no longer with us, but are here today in spirit. They are parents, grandparents, a brother, a sister, a mother and father-in-law, a brother and sister in-law, an aunt and uncle, cousins, a friend—and together, they are surely one. Their legacy will be one of dedication to their family, to their church, to their community, and their devoted faithful service to the Lord.

Mr. Speaker and Colleagues, please join me in honor and recognition of Glenn and Lydia Hundertmark, as we join them in celebration of this momentous occasion—their 50th wedding anniversary. Glenn and Lydia Hundertmark continue to inspire us to understand our past, to follow our dreams, to give back to our community, and to hold family closest to our hearts.

RECOGNIZING THE LIBERTY SAFE SCHOOL TASK FORCE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize the Liberty Safe School Task Force. The Liberty Safe School Task Force is a group of about 35 dedicated citizens, who work closely with the United States Attorney's Office, the Kansas City office of the Federal Bureau of Investigation, the Liberty Police Department, the Missouri State Patrol, and Liberty Hospital to increase public awareness of the important issues facing our children today. One example of a successful past initiative organized by the Task Force was the "Buckle Up" campaign, which encouraged safety belt use. Without the Task Force, "Buckle Up" and countless other lasting and effective child safety oriented community initiatives would have been impossible.

The success of the Liberty Safe School Task Force has been so dramatic, that the program is now being used as a model for other schools. I am confident that thanks to the Safe School Task Force, Liberty's children will be better prepared to address difficult and complex issues as the future leaders of our communities, state, and nation.

Mr. Speaker, I proudly ask you to join me in congratulating the Liberty Safe School Task Force. This group of fine citizens has demonstrated a truly outstanding commitment to the safety of Liberty's children, and I am proud to call them constituents of Missouri's Sixth District.

A PROCLAMATION RECOGNIZING JEWELL DUVALL

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. NEY. Mr. Speaker:

Whereas, Jewell Duvall has provided outstanding service and contributions to the House community during her tenure in the office of the Chief Administrative Officer; and

Whereas, Jewell Duvall provided support to not only the CAO, but also to Leadership, the Committee on House Administration, other House officers, Member and Committee offices, and the general public; and

Whereas, Jewell Duvall has worked diligently during her time in Washington, D.C., to serve the individuals with respect and a sense of priority; and

Whereas, Jewell Duvall provided extensive administrative support to the Incident Commander during the September 11th and anthrax crises of 2001; and

Whereas, Jewell Duvall was a valuable asset to the House of Representatives community and the general public.

Therefore, I join with members of Congress and their staff in recognizing Jewell Duvall for her exceptional work and immense contributions, and wish her the very best during her retirement.

RECOGNIZING JOHN R. BLACKBURN, JR.

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. SHUSTER. Mr. Speaker, I rise today to recognize John R. Blackburn, Jr. upon his retirement from the Board of Directors of UPMC Bedford Memorial. His presence on the board, which has become a symbol of security and stability, will be sorely missed.

As a life-long resident of Bedford County, Mr. Blackburn has connected with citizens in the area in a way that few are able. Since 1955, Mr. Blackburn has worked diligently to make positive changes throughout the hospital so that the area's health care would improve. In the nearly fifty years that Mr. Blackburn has had a significant hand in the hospital's operations, Bedford Memorial has become a driving force of health care in Bedford County.

Mr. Blackburn has served this nation honorably, touching the lives of every American citizen through his service in the United States Army Air Corps during World War II. Having taken the reigns as a strong leader since his youth, he has been a pillar of strength within his community, and his ceaseless dedication to the health care system is unparalleled. His uncompromising sense of duty to the community in which he lives has been a source of inspiration, and the impact he has had is immeasurable.

For his incomparable generosity, service to the Bedford Memorial Hospital, and unabated commitment to excellence, John Blackburn, Jr. deserves the highest recognition. He has demonstrated enthusiasm and care for the county which he has served, and his spirit and dedication have infiltrated his every action. The legacy he has created is one that every American should emulate, and his contributions will not go unnoticed by the business for which he worked nor the community in which he lives. I would like to congratulate Mr. Blackburn on his many accomplishments, and I wish him the best of luck in his retirement.

PAYING TRIBUTE TO DR. DAVID N. MESCHES

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. HINCHEY. Mr. Speaker, I rise today to recognize the distinguished career of Dr. David N. Mesches. Since 1961, Dr. Mesches has provided outstanding medical care to the residents of Ulster County and he has worked tirelessly to improve the delivery of health care services not only in Ulster County, but also throughout the Hudson Valley. I am pleased to join the health care community, his family and his friends in honoring Dr. Mesches for his outstanding career.

During his four decades of practice in Ulster County, Dr. Mesches has served as Captain in the United States Air Force at Stewart Air Force Base, providing care to servicemen and their families; operated a private practice while serving as Director of the Student Health Center at SUNY New Paltz; served as Director of the Mid-Hudson Rural Family Practice Residency Training Program; and currently, is the Chief Executive Officer of the Mid-Hudson Family Health Institute.

Dr. Mesches' membership in a number of medical and scientific societies and committees is a testament to his dedication and desire to provide citizens with the best possible healthcare available. In fact, in his current role as the President and CEO of the Mid-Hudson Family Health Institute, Dr. Mesches has increased access to healthcare for the under-insured and uninsured residents of the Hudson Valley by forging strong alliances. Through his efforts, regional health care agencies have begun to work collaboratively to build a seamless, integrated healthcare delivery system that will effectively be able to identify and address the needs of the most at risk member of our community.

In addition to his professional achievements, Dr. Mesches has participated in numerous community activities including, serving as the Chairman of the Ulster County and New Paltz Planning Boards and Ulster County Planned Parenthood, and serving on the Board of Directors of Patterns for Progress, Mid-Hudson Savings Bank, First Union Bank, and Atlantic States Mortgage Corporation.

Mr. Speaker, it is my privilege to recognize the outstanding accomplishments of Dr. David Mesches. His commitment to improving the lives of people around him has yielded a distinguished record of service and has made Ulster County and much of the Hudson Valley a better, healthier place to live.

TRIBUTE TO TAIWAN PRESIDENT CHEN SHUI-BIAN

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. RODRIGUEZ. Mr. Speaker, last week I had the opportunity of visiting Taiwan, the Republic of China and I was very impressed with what I saw. Taiwan has clearly grown to be a modern democracy and its people are well educated and prosperous. The people whom I talked to were all friendly toward us and supportive of our global war against terrorism.

In fact, I was most impressed with Taiwan President Chen Shui-bian. This young statesman was reelected president of the Republic of China last March and was inaugurated on May 20. In my conversation with him, he said again and again that he is seeking a genuine dialogue with the leaders of the People's Republic of China. He said Taiwan does not seek confrontation but a friendly dialogue with mainland China leading to talks on all issues. President Chen would like to see more cooperation and less confrontation in dealing with mainland China leaders. In addition to its "relationship" with mainland China, President Chen considers Taiwan's relations with the U.S. a matter of utmost importance and he would like to see further strengthening of this relationship. I personally believe that Taiwanese people are truly lucky to have President Chen as their leader for the next four years.

I am delighted that Taiwan is now ably represented in Washington by its young and energetic ambassador, Dr. David Lee. Ambassador Lee knows Washington well and he will most certainly strengthen the ever-growing bonds between Taipei and Washington. Taiwan and the United States,. I wish to assure both President Chen and Ambassador Lee, have always stood together shoulder to shoulder and will always remain strong partners in maintaining peace and stability.

I had a good visit to Taiwan and I hope my colleagues and my fellow countrymen will follow my steps in visiting this beautiful island of freedom and prosperity soon and often.

IN HONOR OF JULIE PACKARD

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. FARR. Mr. Speaker, I rise today to honor my dear friend Julie E. Packard, the Executive Director and Vice Chairman of the Monterey Bay Aquarium Foundation's Board of Trustees and the recipient of the Ted Danson Ocean Hero Award. The award is given annually, in recognition of the recipient's strong commitment toward protection and restoration of the marine environment. Ms. Packard is a woman of principle and conviction. She has worked tirelessly to protect and preserve our delicate ocean ecology.

On October 20, 1984, Ms. Packard was instrumental in opening the Monterey Bay Aquarium. Today, the Monterey Bay Aquarium Foundation is a $124 million institution and has consistently drawn 2 million people to its exhibits each year. It and its sister institution, the Monterey Bay Aquarium Research Institute, are some of the finest marine life and ocean science research institutions in the United States. She has been its Executive Director since it opened.

Ms. Packard was born in Los Altos, California. She is one of four children, along with a brother, David, and sisters, Susan and Nancy. She went on to earn a masters degree in biology from the University of California at Santa Cruz. Julie is married to Robert Stephens. Together they are raising wonderful twin daughters.

Through her involvements, Julie has inspired and educated many about the wonders of our oceans and the environment of Monterey Bay and the central coast. She has been instrumental in making the schools of Monterey Bay some of the finest on the central coast, making it possible for future generations of students to nourish a passion for the ocean as strong as hers.

Ms. Packard has been a board member of numerous organizations and committees, including the California Nature Conservancy, the Monterey Bay Aquarium Research Institute, and the David and Lucile Packard Foundation. She was also a member of the Pew Oceans Commission in 2003, which issued recommendations for a comprehensive overhaul of national ocean policy. Ms. Packard has also received numerous awards. Perhaps one of the milestones of Julie's life and work with the oceans is when she received the Audubon Medal for Conservation in 1998, one of the premier recognitions given to those in this field.

Mr. Speaker, on behalf of the United States Congress, I would like to honor the many accomplishments of my friend Julie E. Packard and express sincere gratitude for her accomplishments and contributions to our community.

PAYING TRIBUTE TO RICK HANSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. McINNIS. Mr. Speaker, I rise to pay tribute to Rick Hanson, a strong-willed individual who has persevered through near insurmountable physical challenges and provides inspiration to his fellow citizens. I am proud to stand here with my colleagues before this body of Congress and this Nation and recognize his triumph of will, and strength of conviction.

During Rick's early teens, it was discovered he had a brain tumor. Rick's condition continued to worsen, and doctors and family members feared he would not pull through. Eventually, Rick was diagnosed with a rare condition of adrenal insufficiency, and his hormone and hydrocortisone treatments have helped him finally turn the corner. After twenty-five years of illness, at age forty-three, Rick on the road to recovery, is taking therapeutic horseback riding lessons, a pastime that he enjoyed as a child growing up in Arkansas.

Mr. Speaker, Rick Hanson's unrelenting will and sheer determination has helped him to stave off illness in the face of the gravest of circumstances. His story of improvement is an inspiration to us all, and I am honored by the opportunity to recognize his accomplishments before this body of Congress and this Nation.

TRIBUTE TO JOHN M. (MIKE) HENRY

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to John M. (Mike) Henry who is retiring after a long and distinguished career of public service. A dedicated and selfless individual, Mike has served as County Coordinator for Berrien County for the past sixteen years. During his tenure, Mike assisted the citizens of Southwest Michigan in a number of capacities, all with great distinction.

Since 1988, Mike's contributions to our community have been tremendous. He has consistently received accolades and recognition for his inspired work. During his time as County Coordinator, Mike crafted, managed and executed budgets exceeding $2 billion, had the unique ability to manage large sums of public funds—always meeting the highest level of auditing standards, and exhibited great competence and success in working with the legislative, executive, and judicial branches of government.

In addition to his remarkable service to Berrien County, Mike also served his country with great distinction. He served in the U.S. Army for 20 years, including two tours in Vietnam, flying attack helicopters. During his extraordinary years of service, Mike was awarded with, among others, the Purple Heart, the Bronze Star, and the Meritorious Service Medal.

Our community is in debt to Mike for his continued public service since 1988. I wish him and his family all the best in retirement. His service will be truly missed by the folks in Southwest Michigan.

A TRIBUTE TO IRIS S. CHANG

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. HONDA. Mr. Speaker, today I rise in memory of Iris Chang, a courageous historian, author and champion of Asian and Asian American history, human rights and historical redress. During her brief yet remarkable professional career, Iris touched the lives of countless people, shedding light on past injustices and atrocities that had been forgotten or ignored. In her personal life, she was a loving wife and mother, a close friend and an inspiration to many. Iris is survived by her husband, Dr. Brett Douglas, her son, Christopher Douglas, her parents, Shau-Jin and Ying-Ying Chang, and her brother, Michael Chang.

Iris Shun-Ru Chang was born on March 28, 1968 in Princeton, New Jersey. She studied journalism at the University of Illinois, and received her Master's in Science Writing from Johns Hopkins University. While at Johns Hopkins, Iris was commissioned to research the life of Tsien Hsue-Shen, a Chinese American scientist who was deported to China during the Communist scare of the 1960s and subsequently founded China's ballistics program. Her research led to her critically acclaimed debut, The Thread of the Silkworm, which addressed the paranoia and racism of the McCarthy era.

As a historian and an activist, Iris fought passionately for historical justice and reconciliation. Her book, The Rape of Nanking, chronicled the horrific capture of Nanking during Japan's invasion of China in 1937, and was instrumental in educating the international community about Japanese military atrocities during World War II—human rights violations that had gone unwritten and unacknowledged for decades. Her efforts to seek redress for the crimes at Nanking brought her in conflict with the Japanese government and communities worldwide, but Iris was unwavering in her commitment to justice and truth.

In addition to her books, which decried social and historical injustices against the Asian and Asian American communities in the United States and internationally, Iris was also a member of the Committee of 100, a national nonpartisan organization of Chinese-American leaders who work to address issues important to the Chinese-American community. For her work, she earned the Peace and International Cooperation Award from John D. and Catherine T. MacArthur Foundation, and was named "Woman of the Year" by the Organization of Chinese-American Women.

Iris will be remembered for her work and service to the community. Certainly, the millions of people whom she touched through her writings and her activism will not forget the moral vision she brought on past injustices to the international community and the public impact of her work in promoting peace between peoples of differing races and backgrounds. Her fierce pride of her Chinese-American heritage empowered others with the certainty that they were truly Americans despite their ancestry. Our community has lost a role model and close friend; the world has lost one of its finest and most passionate advocates of social and historical justice.

ASSISTING THE PEACEKEEPING EFFORT IN DARFUR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. RANGEL. Mr. Speaker, the ongoing crisis in Darfur, Sudan continues to be an issue of high concern to the American people. According to United Nations and U.S. officials, the situation in Darfur is the worst current humanitarian and human rights crisis in the world.

Out of a population of 7 million people, 1.2 million are internally displaced, 200,000 have been forced into exile, and an estimated 70,000 civilians have been killed. The crisis necessitates not only financial assistance, but also that of a military and logistical nature. A November 17, 2004 editorial in the Washington Post spoke to the current state of the Darfurian peacekeeping effort.

Despite widespread condemnation by the international community regarding the Darfur genocide, few in the West have been willing to offer troops or logistics to the peacekeeping effort. The African Union has attempted to fill the void through its seven hundred man observer force. However, the AU force is severely undermanned and underfunded.

The AU asserts it will need $80 million just to sustain a force of 3,000 for one year. Many experts believe that an additional 30,000 to 60,000 troops will be needed to adequately secure the Darfur region. This is in addition to the need for logistical support and increased provision of military vehicles and aircraft.

The AU will no doubt need assistance in such an endeavor. America, as the greatest military power in the world, should not allow this deficiency to continue. Indeed, the U.S. currently has a contingent of 2,500 troops in nearby Djibouti, from which it can initially draw. The U.S. military airlifted several hundred African soldiers from Nigeria and Rwanda into Darfur last month, but this represents the only major U.S. logistical operation to date.

More can and must be done by the U.S. in providing military and logistic resources for the Darfur peacekeeping effort. The Administration has long cited the liberty and freedom of the Iraqi people as a rationale for its military commitment in that country. I know we all agree that the people of Darfur deserve the same, so I am hopeful that progress can be made on this important issue.

[From the Washington Post, Nov. 17, 2004]

DIPLOMACY AND DARFUR

A full arsenal of diplomatic tricks has been tried on behalf of Darfur, the western province of Sudan where the government is orchestrating genocide. A number of A-list statesmen—Britain's Prime Minister Tony Blair, Secretary of State Colin L. Powell, U.N. Secretary, General Kofi Annan—have journeyed to Sudan to demand an end to the killing; still the genocide continues. Cease-fires, undertakings and protocols have been negotiated and signed; still the genocide continues. Two U.N. Security Council resolutions have condemned the government's behavior; still the genocide continues. Tomorrow and Friday, in a triumph of hope over experience, the Security Council will convene an extraordinary session in Kenya, hoping to shine the spotlight on Sudan's suffering. But unless the council members stiffen their rhetoric with sanctions, they will spotlight their own impotence.

Sudan's pragmatic dictatorship has bowed in the past to determined external pressure. It expelled Osama bin Laden and negotiated an end to its long-running war with rebels in the south, both thanks to the threat of sanctions. But Sudan's rulers do not make concessions if they don't have to do so, and they believe they can exterminate tens of thousands of people in Darfur and get away with it. When outsiders wax especially indignant, the junta signs another protocol and makes a tactical concession. But its strategy remains unchanged: to cement control over Durfur by decimating the tribes that back various local rebels.

The first phony concession came in April. Sudan's government signed on to a cease-fire promising to "refrain from any act of violence or any other abuse on civilian populations." Since then the government has participated in unprovoked assaults on villages, murdering men, raping women and tossing children into flames that consume their huts. In July Sudan's rulers signed a communique with Mr. Annan, promising to "ensure that no militias are present in all areas surrounding Internally Displaced Persons camps." Since then militias have continued to encircle the camps, raping women and girls who venture out in search of firewood. In August Sudan's government promised Jan Pronk, Mr. Annan's envoy, to provide a list of militia leaders. No list has been forthcoming. Last week, in a concession that perhaps reflected nervousness about the approaching Security Council meeting in Kenya, the government signed two new protocols, committing itself among other things to protect the rights of Internally Displaced Persons." A few hours later, government forces stormed a camp for displaced people.

In sum, the considered judgment of Sudan's rulers is that they can flout international commitments with impunity. Unless that judgment can be changed, the Security Council session in Kenya will not achieve anything. Sudan's dictatorship must be credibly threatened with sanctions that target officials responsible for war crimes, and these officials must also be made to face the possibility of prosecution. Beyond that, outsiders need to recognize that there is little prospect of security for Darfur's people—and therefore little prospect of a return to destroyed villages, a resumption of agricultural production and an escape from starvation—without a serious peacekeeping force. Gen. Romeo Dallaire, the U.N. commander in Rwanda during the genocide a decade ago, has suggested that a force of 44,000 is needed. Charles R. Snyder, the senior State Department official on Sudan, has estimated that securing Darfur would take 60 to 70 battalions.

More than a year and a half into Darfur's genocide, the United States and its allies have proved unwilling to consider that kind of commitment. They have moved at a snail's pace to support a 3,500-strong African Union force, which in any case would be inadequate; the record of deploying underpowered peacekeepers in war zones is that the peacekeepers get humiliated. The allies are starting to discuss another U.N. resolution, but this seems likely yet again to lack a real threat of sanctions. Up to a point, this is understandable: Security Council members such as China are opposed to strong action, and the United States is conserving limited military and diplomatic resources for Iraq and the war on terrorism. But Darfur's crisis is so awful that the usual balancing of national priorities is immoral. Some 300,000 people may have died in Darfur so far, and the dying is not yet finished.

TRIBUTE TO REVEREND DR. SOLOMON EADDY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to the Rev. Dr. Solomon Eaddy, Pastor of the Mount Carmel Baptist Church of Timmonsville, South Carolina; and Elizabeth Baptist Church of Florence, South Carolina. And join with his congregations and community in wishing him well as he celebrates his 40th anniversary as pastor of Mount Carmel on December 4th.

Rev. Dr. Eaddy has made service to the church and his community a cornerstone of his life. He began his formal higher education at Morris College in Sumter, South Carolina from which he received a Bachelor of Theology. Later, he would receive an Honorary Doctorate from this same school. He also earned a Bachelor of Divinity at Morris College. He attended the Moody Bible Institute, and completed additional studies at Florence Darlington Technical College and McLeod Regional Medical Center.

As a young man, Rev. Dr. Eaddy was one of the first black policemen in the City of Florence, South Carolina. He served in that capacity for 15 years. It was during his tenure as a policeman that he founded the Boys Club of Florence that still thrives today. He also served for five years in the United States Navy as a Petty Officer, First Class. Rev. Dr. Eaddy's first church calling was as pastor of the Mount Tabor Baptist Church in Evergreen, South Carolina. He served at Mount Tabor for four years before being called to Elizabeth Baptist Church and Mount Carmel Baptist Church, both of which he still serves today. As Pastor of Elizabeth Baptist he has worked to rebuild the sanctuary and remodel the education building and fellowship hall. During this period, he worked with the young members of the congregation to organize a Junior Missionary Society.

Mount Carmel also saw remodeling and innovation under the pastoral guidance of the Rev. Dr. Eaddy. Here, too, he remodeled the church sanctuary. He also led in establishing a Sunday School Choir and a Junior Choir. Rev. Dr. Eaddy also established a Baptist Teaching Union not only at Mount Carmel, but also at Elizabeth and Mount Tabor Baptist Churches.

Rev. Dr. Eaddy has been honored with the South Carolina House of Representatives Service Award for 35 years of pastoral care in the Pee Dee area. He is a member of the Masonic Lodge #381 and an Eastern Star Brother. He also maintains membership in the Mutual Aide Lodge #5, where he once served as President and is now a Noble Father. He is also the moderator of the New Hope Union.

Rev. Dr. Eaddy is married to and shares his church service with Mrs. Susanna Law Eaddy. They have four children, and seven grandchildren.

Mr. Speaker, I ask you and my colleagues to join me and my fellow South Carolinians in honoring Rev. Dr. Solomon Eaddy for a lifetime of dedicated service to God and country.

TRIBUTE TO REVEREND DR. LEAH GASKIN FITCHUE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. PAYNE. Mr. Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to acknowledge the accomplishments of the Reverend Dr. Leah Gaskin Fitchue.

Dr. Fitchue is the first woman to serve as President of Payne Theological Seminary, a 160 year old institution sponsored by the African Methodist Episcopal Church. She is the first African American woman president of the 244 Association of Theological Schools (ATS) and the first woman to serve as president of any historically black theological seminary.

As Dr. Fitchue is inaugurated, I am pleased that all her efforts have led to this most deserving position. It was my pleasure to know this promising young woman when she was an outstanding student at South Side High School (currently Malcolm X. Shabazz) in Newark, New Jersey where I served as faculty member. Dr. Fitchue was active in community and civic organizations and among her achievements was placing 15st in the NAACP Youth Council's Annual Oratorical Contest. Over the years, Dr. Fitchue has returned to Newark to visit her mother and to participate in various community events. We still count her as a Newarker.

A published author and a poet, Dr. Fitchue holds degrees from Rutgers University, the University of Michigan, Princeton Theological Seminary and Harvard University. Her motto for Payne Theological Seminary, "So High A Mission, So Holy A Calling" taken from founder Daniel Alexander Payne, depicts an ethos that centers on educating leaders in African American Studies, Biblical Studies, Historical Studies, Theological Studies, Practical Ministry and Supervised Ministry.

Dr. Fitchue's civic, community, professional and social affiliations include Delta Sigma Theta Sorority; Founding Board member of New Jersey Coalition of 100 Black Women; Links, Inc.; Minority Arts Resource Council (MARC); Christian Community Development Association (CCDA); Sojourners; Call to Renewal; Association of Urban Theological Education and Ministry (AUTEM); Board of Regents for Northwest Graduate School of Ministry and International Urban Associates; American Academy of Religion and the Society for the Study of Black Religion.

Mr. Speaker, I am sure my colleagues will agree that Dr. Fitchue's historical election was well deserved and that she will serve Payne Theological Seminary well as its President.

TRIBUTE TO VALERIE WILLIAMS, THE BUCKHANNON BUSINESS AND PROFESSIONAL WOMAN OF THE YEAR

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Valerie Williams, the Buckhannon Business and Professional Woman of the Year, and to proclaim October 18–22, 2004 National Businesswomen's Week.

Working women now number 62.7 million strong in America's workforce and strive to serve their communities, their states, and their nation in professional, civic and cultural capacities. In particular, I acknowledge the significant contributions of the Business and Professional Women of Buckhannon, West Virginia, to their city, state, and nation.

Women-owned businesses account for over one-third of all firms in the country and employ one in four American workers. Major goals of business and professional women are to promote equality for all women and to help create better conditions for businesswomen through the study of social, educational, economic, and political problems.

All of us are proud of women's leadership in these many endeavors.

Mr. Speaker, I urge my colleagues to join me in honoring Valerie Williams as Buckhannon Business and Professional Woman of the Year and in proclaiming October 18–22 National Businesswomen's Week.

IN HONOR OF THE PRESIDIO OF MONTEREY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. FARR. Mr. Speaker, I rise today to honor the Presidio of Monterey and its historic status for our nation, and for the State of California. This month the Sons of the American Revolution will be honoring the Presidios of San Diego, Monterey, Santa Barbara and San Francisco as historical sites for their role in the American Revolution.

Indeed, many of our fellow citizens are unaware of the role of Spain in our founding as a new nation, but it was an important part of the global politics of the time. On June 21, 1779, King Carlos III declared war on England in support of the American colonies, a declaration that affected not only the Iberian Peninsula, but also the Spanish colonies in the New World. Monterey was one such colony.

In order to assist the militias and people of the united colonies, King Carlos requested that all citizens and residents of Alta California donate money to the struggle. These donations, when gathered together by Father Junipero Serra, totaled 2,683 Spanish silver dollars, a sizable amount that no doubt greatly assisted the funding and financing of this new nation. Besides the local assistance provided by the residents of the Presidio and surrounding missions, Spain's contributions to the fight for independence were of vital importance in bringing about the eventual defeat of the British army and the Treaty of Paris.

Mr. Speaker, most of my constituents already know the Presidio of Monterey well, because it is still an operating military base today. While the fact that it is still a major training center for today's military may mask its historical importance overall, it is recognition such as this month's presentation by the Sons of the American Revolution that keep that history alive. I commend them for their work in highlighting this important institution, and thank them for continuing to remind us of how important our national history is to us all.

PAYING TRIBUTE TO KEN REYHER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. MCINNIS. Mr. Speaker, I rise to pay tribute to Ken Reyher, colorful storyteller, author, and performer from Olathe, Colorado who educates his fellow citizens about the history of the America's beginnings in the West. Ken is an excellent teacher who stimulates his listeners interest in our Nation's history, and it is my privilege in recognizing his service and passion for history before this body of Congress and this Nation.

Ken is an avid historian, and former schoolteacher who reenacts the Western lifestyle by hiking the old trapper trails in authentic clothing from the 1830's. He shares his experiences and understanding of Western Colorado in a couple of performances every month, including using his own cowboy poetry and costumes. Additionally, Ken has published several books and magazine articles on the subject. Growing up on a cattle ranch in Southeast Colorado as a kid, Ken has always had a passion for the West and believes that it is important that history is passed on from generation to generation.

Mr. Speaker, Ken Reyher is a man who has developed his passion into a wonderful learning tool for children and adults of all ages that yearn to discover the mysteries of the American West. I am honored to recognize such a dedicated teacher and storyteller before this body of Congress and this Nation. Thanks for your passion and your service to Colorado, Ken, and I wish you all the best in your future endeavors.

VALIANT HEROES

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. UPTON. Mr. Speaker, as we come together as a nation to celebrate Veteran's Day, I would like to honor two American patriots who are receiving long-overdue medals commemorating their service to our country. The sacrifices that these heroes made to protect our country and defend freedom will never be forgotten.

Mr. David Matthew Bielski, a Vietnam War veteran from Kalamazoo, Michigan, has been awarded with the Silver Star and the Army Commendation Medal. From April 25th to April 26th, 1968, in the A Shau Valley of Vietnam, David gallantly fought enemy soldiers, and located trapped and wounded American troops. During his service, David was wounded three times, which he received the Purple Heart. In addition to these two high honors, David has also been awarded with the Vietnam Service Medal with 4 Bronze Service Stars and the Good Conduct Medal.

Mr. Miland W. Bills, a World War II veteran from Kalamazoo, Michigan, has been awarded with the POW Medal. During his service to our country, Miland was a POW in Germany from December 31, 1943 to May 3, 1945. In addition to the POW Medal, Miland has also received the Air Medal, Good Conduct Medal, American Defense Service Medal, European-African-Middle Eastern Campaign Medal with 1 Bronze Service Star, World War II Victory Medal, and the Honorable Service Lapel Button, WWII.

The sacrifices that these two individuals gave to our country are immeasurable—they both answered their country's call to serve with great honor. I wish I could have been present to celebrate these awards with both Mr. Bielski and Mr. Bills. However, on behalf of the Sixth District of Michigan, I would like to extend my greatest wishes and tribute to these valiant heroes.

COMMEMORATING JUDGE WILLIAM M. MARUTANI

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. HONDA. Mr. Speaker, I rise today to mourn the loss of the Honorable William M. Marutani, who recently passed away at the age of 81. He will be fondly remembered for his contributions to civil rights and social justice issues, and for his tenure as a distinguished Judge. I am honored to stand before Congress to recognize his significant accomplishments.

During World War II, Judge Marutani and his family were among the numerous U.S. civilians of Japanese descent who were wrongfully forced into internment camps in 1942. Following his incarceration, he and his two younger brothers served on the U.S. Military Intelligence Service.

In the landmark case Loving vs. Virginia (1967), Judge Marutani became the first Japanese American to argue before the U.S. Supreme Court. Representing the Japanese American Citizens League as an amicus curiae petitioner, Judge Marutani urged the reversal of the anti-miscegenation laws in 17 states. As a result of Loving vs. Virginia, the 17 states were forced to reverse their laws, and interracial marriages became legal.

Judge Marutani was a practicing attorney in Philadelphia until his appointment as a Judge on the Common Court of Pleas. He was appointed by Governor Milton Jerrold Shapp of Pennsylvania in 1975, and was elected for a full ten year term in 1977. He served as the first Pennsylvania Judge of Asian American descent.

In 1981, Judge Marutani served as a Presidential appointee and sole Japanese American commissioner on the Commission on Wartime Relocation and Internment of Civilians. The Commission's recommendation prompted Congress to pass the Civil Liberties Act of 1988, which issued a formal apology as well as symbolic payments to surviving individuals incarcerated during the war. In this victory and throughout his career, Judge Marutani was instrumental in fighting for the civil rights of Japanese Americans.

Earlier this year, the Asian American Bar Association of the Delaware Valley commissioned a portrait of Judge Marutani, which is displayed in Philadelphia's City Hall. This honor was conferred for his dedication to the Asian American legal community, ensuring that its voice was heard and well-represented.

Judge Marutani's passion for human rights and the advancement of social equality in our nation will not be forgotten. As a proud advocate of civil rights, he serves as a role model to the local and national communities on whose behalf he selflessly served. I am honored to pay tribute to his distinguished life of dedication, kindness, generosity, and wisdom.

Mr. Speaker, I would like to extend my deepest condolences to Judge Marutani's family and friends. Please join me in honoring Judge William Marutani, a truly exceptional individual who dedicated his life to the service of others.

FULL CIRCLE: TURNING LIVES AROUND

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. RANGEL. Mr. Speaker, I rise to commend the work of the Full Circle Life Enrichment Center (FCLEC) located in the Bronx, New York.

Founded in 1999 by Derek Suite, MD, the FCLEC serves as a non-profit faith-based community mental health education and training center. The center is dedicated to destigmatizing attitudes towards mental health problems, increasing access to mental healthcare and helping to empower families that deal with life's challenges. Problems such as depression, anxiety, unemployment, domestic violence, trauma, marital conflict, drug use, HIV/AIDS, asthma, diabetes, racial disparities, homelessness, and unemployment have become steadily more pressing over the past decade. This organization has contributed valuable resources to the Bronx community and has set an exceptional example of service.

Full Circle has again and again demonstrated its commitment to compassion by offering over 50 workshops in 2003 that addressed some of the most troubling trends in urban communities such as the rise in depression, domestic violence, marital conflict, drug use, HIV/AIDS, asthma, heart diseases, diabetes, racial disparities, homelessness, and unemployment. These seminars bring together leading urban health care experts and educators who share a strong belief in a spiritually-sensitive approach to tackling the most pervasive of inner-city concerns.

Full Circle has positively affected over 10,000 lives, and its impact has spread hope in people's lives. Once again, let us as a body commend the efforts of Full Circle and acknowledge publicly the contribution of this organization.

TRIBUTE TO COACH WILLIE JEFFRIES

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a trailblazer, an athletic legend and a dear friend—Coach Willie Jeffries. Coach Jeffries has dedicated much of his extraordinary career to my alma mater, South Carolina State University in Orangeburg, South Carolina. But his impact has been felt far beyond that campus.

Coach Jeffries is a man of humble beginnings. He was born in Union, South Carolina. His widowed mother raised him in a two-room house in this segregated Southern town. Earning money by working various jobs at the local white-only country club, he got to see how the other side lived.

He graduated from South Carolina State University with a Bachelor's degree in civil engineering and a Master's degree in guidance and counseling. Having played football and baseball for the historically black college, Coach Jeffries secured coaching jobs at segregated high schools in Lancaster and Gaffney, South Carolina. After compiling a six-year 65–7–2 record with three consecutive state AAA championships, North Carolina A&T came calling with an assistant coach's job, which started Coach Jeffries in college coaching. He was next lured to Pittsburgh as an assistant coach. There he tasted coaching against big-time college football schools such as Florida State, UCLA and West Virginia.

But when his alma mater sought him out, the 36-year-old Coach Jeffries jumped at the chance to come home and lead his beloved Bulldogs. In six seasons as his alma mater's head coach, he compiled a 50–13–4 record and became a hot prospect for other head coaching positions. It was an offer from Wichita State in Kansas that enticed Coach Jeffries to leave S.C. State. It was historic. Coach Jeffries became the first African American to serve as the head football coach of a predominantly white university. At Wichita State, he led a team that had lost 14 of its last 15 seasons to an 8–3 season after four years of rebuilding. After five years, he left the program, which later folded, and became the head coach for Howard University, where he spent another five years.

In 1989, another tug from S.C. State brought Coach Jeffries back to the place where his love of football began. He coached another 13 years, before retiring following the 2001 season to become the Director of Athletic Fund Raising for the Bulldogs. During his 29-year coaching career, Coach Jeffries amassed a 179–132–6 record. This tremendous record included six Mid-Eastern Athletic Conference (MEAC) championships, two national titles, several post-season appearances, and numerous coaching awards. He holds the title for the most wins of any S.C. State coach and the most MEAC victories.

Coach Jeffries has been inducted into the South Carolina State University Athletic Hall of Fame, the South Carolina Athletic Hall of Fame and the MEAC Hall of Fame. He has been honored with South Carolina's Order of the Silver Crescent, the state's highest award for community service. He has received the Black Coaches' Association with a lifetime achievement award and is enshrined in the Palmetto State's Black Hall of Fame. Since 2002, he has served on the NCAA Football Rules Committee.

Mr. Speaker, I ask you and my colleagues to join me in commending Coach Willie Jeffries for his extraordinary contributions and courage. His is a legendary football coach that has touched many lives on and off the playing field. He is an inspiration to young people who aspire to rise above their current circumstances and even break barriers. This humble man from humble beginnings is a role model, a resilient leader, and a renowned motivator. In short, Coach Willie Jeffries is a national treasure.

HONORING THE MEMORY OF DOLORES "DELL" A. RAUDELUNAS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. PAYNE. Mr. Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to honor the memory and legacy of Dell Raudelunas, former Chief Executive Officer for the United Way of Union County.

When Dell passed away on October 12, 2004, she left behind a lifetime of achievements to her family, community and the United Way. As a pioneer in leadership for social services, Dell exhibited great courage and served as a role model for many women and United Way professionals. She was a true leader who has been described as being dynamic, professional, insightful and determined.

In addition to her role as CEO for the United Way of Union County, she helped to launch United Way organizations in Hunterdon and Sussex Counties. She served on the United Way's National Task Force for Development of Women and the National Professional Advisory Council. In their first Annual Tribute to Women, the Boy Scouts honored her for being an exemplary role model. As an advocate for education, she served as a member of the Union County College Board of Governors where she chaired the nominating and auditing committees.

As Dell is remembered during a Memorial Service on October 23, 2004, many will recall her caring of others and the impact she made in the community. Her vision for the social and economic development of Union County led to her being a founding member and chairperson of the Union County Alliance. Dell also served on other Councils and Boards where her membership was valued.

Mr. Speaker, I know my colleagues join me in letting Dolores "Dell" A. Raudelunas' family, friends and associates know that her memory will always be honored and cherished.

TRIBUTE TO MARANATHA FELLOWSHIP CHURCH

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Maranatha Fellowship Church in Saint Albans, West Virginia, and their celebration of twenty-eight (28) years of service to the Kanawha Valley and surrounding area.

On October 13, 1976, Pastor James R. Wright, Jr. held a service in the living room of a home in Dunbar, West Virginia. Twenty-eight (28) years later, Maranatha and Rev. Wright minister to a loving, caring congregation of over 3,000 people from every walk of life.

In particular, I acknowledge Dr. James R. Wright, Jr., Pastor of Maranatha Fellowship Church. Through Dr. Wright's vision and leadership, this church has made a significant contribution to the lives of thousands of West Virginians.

Maranatha is also widely known for the Semi-annual Passion Play that was created by Virginia Wright, wife of Pastor James Wright. This play reaches 15,000–18,000 people in eight performances, which is another example of this church's ever-growing ministry.

Mr. Speaker, I urge my colleagues to join me in honoring Maranatha Fellowship Church as they celebrate their twenty-eight years of ministry to the Kanawha Valley and West Virginia.

IN HONOR OF THE WESTERN STAGE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. FARR. Mr. Speaker, I rise today to congratulate the Western Stage on the 30th Anniversary of its first performance in our community.

The Western Stage, founded in 1974 on the campus of Hartnell College, is the Salinas Valley's public theatre and is a leading arts institution of Monterey County with a national presence and impact. For over three decades The Western Stage has served the diverse population of the central coast region of California, presenting an annual season of plays and musicals and educational programming of the highest professional standard. Over 400 students, community members and professionals participate each year, and the annual audience numbers exceed 25,000 patrons.

The Western Stage also engages the community via its involvement with Hartnell Community College. The Western Stage Auxiliary Corporation is governed by a board of directors composed of community leaders and elected trustees of the College. The Western Stage manages the Hartnell College Performing Arts Center and administers the academic theatre program for the Hartnell College District under the direction of John Light, Melissa Chin Parker and Jon Patrick Selover, three company veterans with an average of 15 years each of experience with the Western Stage.

Furthermore, The Western Stage is a founding partner of the John Steinbeck Chair at Hartnell College and The National Steinbeck Center, the Salinas Public Library and Partners for Peace, and has numerous artistic accomplishments of note with adaptations of major works of American literature and that of John Steinbeck: East of Eden (1992, 1994, 2000), Tortilla Flat (2001), Viva! Zapata (2000), Cannery Row (1995 & 2005) and Travels With Charley (1998); as well as adaptations in collaboration with authors Studs Terkel (The Good War 1988), Ray Bradbury (Something Wicked This Way Comes, 1991) and Victor Villaseñor (Rain of Gold 2003 & 2005); and world premieres of Summer Stock (for Harold Arlen, 2000) and Song of Survival (for WWII Dutch POW Helen Colijn, by California's Ray and Eleanor Harder, 1997).

Today's performance of Sweeney Todd, the Demon Barber of Fleet Street, directed by Jon Patrick Selover, commemorates 30 years since That Championship Season opened the Hartnell College Performing Arts Center, directed by founder of The Western Stage, Ron Danko.

Clearly, The Western Stage has a commitment to the artistic health of the community providing support and assistance to and nurturing young artists and arts organizations. Mr. Speaker, I would like to take this opportunity to thank The Western Stage for the outstanding work it has done and honor the many accomplishments of its staff and volunteers.

PAYING TRIBUTE TO JACK QUINN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. MCINNIS. Mr. Speaker, I rise to pay tribute to Jack Quinn, the Director of the Housing Authority for the City of Pueblo, Colorado who has dedicated his life to improving the lives of others in need. It is a privilege to stand before this body of Congress and this Nation and recognize his outstanding record of service to the Pueblo community today.

Jack grew up in Connecticut and graduated from Fairfield University with a degree in Chemistry, but his life took a different path when he took a volunteer job with the Catholic Diocese of Pueblo. After teaching grade school Jack found his passion working with the Pueblo Housing Authority where he has served with distinction for thirty-six years.

Today, he and his sixty-five person staff manage 2,500 housing units in the city. They are responsible for renovating several Pueblo properties and turning them into affordable housing for low-income families, preserving historical landmarks in the process. In addition to his work with the Housing Authority, Jack spends his spare time serving on local boards such as the United Way, the Packard Foundation and the Boys Club.

Mr. Speaker, Jack Quinn is a dedicated member of his community who has made a difference in the lives of his fellow citizens. I am honored to stand before this body of Congress and this Nation and recognize his exemplary record of service. Thanks for all your hard work, Jack, and I wish you all the best in your future endeavors.

CELEBRATION OF LIFE OBITUARY OF DR. BOBBY JOE TOLBERT

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. UPTON. Mr. Speaker, I regret to inform the House that during the October break, a great American, the Reverend Doctor Bobby Joe Tolbert passed away. His memorial service was held October 12th at the Bethel Baptist Church in Three Rivers, Michigan.

Rev. Tolbert was a strong man of faith and he was a pillar of strength in St. Joe County. He was respected by all and made a difference for thousands—whether it was thru his service on the school board, pulpit, business board member, Dad, and husband. All that knew him miss him but know he is now praying for us.

I ask that the Celebration of Life obituary be printed in the RECORD.

A CELEBRATION OF LIFE

Dr. Bobby Joe Tolbert was the fourteenth child born to the union of Woodie and Jatie Tolbert in Montevello, Alabama. He was preceded in death by both parents and nine siblings; Woodie, Jr., Madelyn McComb, Andrew Tolbert, William Tolbert, Lonnie Tolbert, Rosie Bell Tolbert, Georgia Harris, Lois Mays, and Earlene Williams. Dr. Tolbert received his early education and confessed his faith and hope in God in Montevello.

As a young man, Dr. Tolbert moved to Chicago, Illinois where he played professional baseball in the Negro American League. From there he entered the White Sox Organization, playing in the Minor Leagues for the Kansas City Monarchs.

He attended Cortez Peters Business College where he met his loving and devoted wife. This union was blessed with two sons Darryl Wayne and Reginald Fitzgerald. Under the mentoring of his father-in-law, Reverend F.L. Porter, Sr., he received his call to the ministry—thereby moving from the ball team to "God's Team."

Desiring to prepare for the ministry, he matriculated to Chicago Baptist Institute, De Paul University and he received an Honorary Doctor of Divinity Degree from Tennessee School of Religion, Memphis, Tennessee.

Dr. Tolbert was called to the pastorship of Bethel Baptist Church in Three Rivers, Michigan over thirty-six years ago, where he served as a steadfast and devout leader of God's people until he went home to be with the Lord. Under his charge, they built a new church edifice; he developed and built a Recreation and Learning Center; and he set up a College Scholarship Program for underprivileged students. In addition to all of Dr. Tolbert's spiritual endeavors, he made a lasting impact on the whole city of Three Rivers.

His civic activities over the years of dedicated service include: Three Rivers Community Chest Board, St. Joseph County Mental Health Board, President of Three Rivers Ministerial Association, Sixteen years as President of the Three Rivers Branch NAACP, Sixteen years on the Three Rivers Hospital Authority Board, Kalamazoo/St. Joseph County Private Industry Council (five years), Three Rivers Community School Board of Education (five years), two of those years as President.

Dr. Tolbert participated in the organization and implementation of the Biddy Basketball program (now called Junior Pro), and Fraternal Order of Police Baseball Program which he coached for five years. As a member of the Civitan Service Club, he helped organize the first youth chapter of Civitan.

Dr. Tolbert served on the Three Rivers School Board Committee for the building of Three Rivers Middle School, and many other advisory committees. Pastor Tolbert has supported the total community, all while serving his people in the Pastoral Ministry position.

Dr. Tolbert's life work centered on his deep commitment to do God's will as a spiritual leader, his family and his community. He was a man of faith, integrity, and deep conviction. The legacy he has left will be a guiding force for countless numbers. His memory, the lessons he taught and the love he shared is motivation for us to continue to carry the torch and make this world a better place.

He leaves to cherish his memory and celebrate his life: his beloved wife of forty-five years—Henri'Etta; two sons—Darryl Wayne (Connie) of Flint, Michigan and Reginald Fitzgerald (Victoria) of Jacksonville, Florida; six grandchildren—Wayne Tolbert, Daniel Tolbert, and Dylan Tolbert of Three Rivers, Michigan and Jessica Tolbert, Brittany Marie Tolbert, and Joshua Tolbert of Jacksonville, Florida; four sisters—Mary Ella Bender of Montgomery, Alabama, Ethel Crenshaw (John) of Chicago, Illinois, Helen Tinker of Chereville, Indiana, and Wilma Abrams (Walter) of North Chicago, Illinois; a host of nieces and nephews; a very special friend, Dr. Leroy Shelton; adopted parents, Dr. W.G. and Mary Terry; his wonderful and loving Bethel Church Family; and a countless number of friends.

CONGRATULATING JUDGE COLIE NICHOLS ON HIS RETIREMENT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. MILLER of Florida. Mr. Speaker, I rise today to congratulate Judge Colie Nichols, Jr., on his retirement from the Santa Rosa County Courthouse.

Colie Nichols was born in Graceville, Florida on February 5, 1935 to the proud parents Colie, Sr. and Gladys Nichols. In 1955, he married Freida King and had three children, Rod, Stan, and Garth. After earning his Bachelor's of Science degree at Florida State University in 1959, Colie went on to become a probation and parole supervisor for the next eight years.

In 1973 Governor Reuben Askew appointed Colie Nichols for County Judge, and for the last thirty years Judge Nichols has been a fixture on the bench. Since 1982 he has been re-elected without opposition and now a state age limitation for judges is forcing the 69-year-old to retire this year.

His retirement is the ending of an era, an era in which any profession could be a means into the judicial sector. Judge Nichols was not an attorney, yet excelled at providing justice for all in his courtroom.

Even though Judge Nichols was busy as an overseer of justice, he also remained active in his community. He was a member of the Governor's Advisory Committee on Criminal Justice, a member of Alcoholism Rehabilitation Advisory Subcouncil, First Vice-President of the Florida Conference of County Judges, President of the Milton Lions Club, President of the United Way of Santa Rosa County, and many other educational and community centered organizations.

Today, I salute a man who has dedicated his life to protecting freedom, ensuring liberty, and defending the principles of this country. His exemplary service has guaranteed that the United States will continue to prosper as the world's greatest nation.

Mr. Speaker, on behalf of the United States Congress, I would like to congratulate Judge Colie Nichols, Jr. on his retirement and wish him many more years of success and happiness.

CAFTA

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. BALLENGER. Mr. Speaker, during my nearly two decades in Congress, our country has made major efforts throughout the world to develop the growth and success of democratic governments. Because of our efforts in Central America over the years, the specter of Communism has receded and the democracies and economies of El Salvador, Guatemala, Nicaragua and Honduras are beginning to flourish. These countries have now had at least three peaceful changes of government through elections. I think we in this body should be proud of the part we have played in their success.

Mr. Speaker, much of this success is due to opening up trade between the U.S. and Central America. With the Caribbean Basin Initiative, we have helped build growing economies based on trade with the United States. More prosperity in CBI countries leads to more successful democratic governments in this hemisphere and more prosperity and security here at home.

At the present time we are undertaking a similar mission in the Middle East. Increasing democracy and freedom in that region is vital to the war on terrorism and America's security. However, we must not let our focus on Iraq and Afghanistan cause us to forget the work that remains to be done to strengthen our neighbors in Central America. We have come too far to abandon them now.

Five Central American nations and the Dominican Republic have negotiated a free trade agreement with the United States that, despite concerns voiced by some in this country, is beneficial to all concerned. The presidents of the Central American nations have approved this agreement and these nations are now waiting for us to join them in making the Central American Free Trade Agreement a reality.

Mr. Speaker, as we continue to divert our attention elsewhere, time is running out for our legislature to approve DR–CAFTA. Without this agreement, the democracies we have helped build in Central America will be less prosperous in the increasingly competitive global marketplace. Unless we allow these fledgling democracies the access they need to compete with the rising tide of Chinese imports, they will be more likely to revert to corrupt regimes that base their existence on trade in illegal drugs instead of trade in goods and services.

It would be a tragedy to abandon our Central American neighbors now. We in this body have done so much to foster democracy and economic stability in Central America—we cannot allow them to fail at this crucial moment. I urge my colleagues to support DR–CAFTA and I urge the House leadership to bring it to the floor for a vote this year.

HONORING OWENSBORO SOUTHERN LITTLE LEAGUE BASEBALL

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to recognize the Owensboro Southern Little League Baseball Team for their remarkable season and recent participation in the Little League World Series in Williamsport, Pennsylvania. They demonstrated great sportsmanship before a national audience, representing competitive values that make Kentucky proud.

The hours of extra practice under the leadership of Manager Vic Evans, Jr, brought this impressive distinction to the State of Kentucky and City of Owensboro. I want my colleagues in the House of Representatives to know of the pride that I have in representing these athletes and their families.

I would like to commend Owensboro Southern for their magnificent season—an effort that epitomized team work, sportsmanship, and persistence. I ask my colleagues in the U.S. House of Representatives to join me in congratulating these young athletes for their achievement and wish them continued success in seasons to come

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IN HONOR OF DAVID W. HOLMES

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to honor and pay tribute to David W. Holmes for his twenty years of service as a SCORE Counselor in Delaware. Dr. Holmes, born and raised in Fremont, Ohio, earned a Bachelor's degree from Amherst College and a Ph.D. in Chemistry from the University of Michigan. After completing his education, Dr. Holmes began what would become a thirty-seven year career with the Dupont Company.

During the course of his career with the Dupont Company, Dr. Holmes took on assignments in research, sales, and manufacturing. In addition, he spent his final twenty years with the company handling senior management responsibilities in manufacturing and worldwide sales. Upon his retirement from Dupont, Dr. Holmes spent three years working in the small business world. It was during these three years that he was able to gain valuable experience in various different business environments, from the small to the very large.

In 1983, Dr. Holmes joined SCORE (Service Corp of Retired Executives). SCORE, an organization that counsels the small business community, is staffed entirely by volunteers. These volunteers give their time and energy to assist others in both starting up and effectively operating small businesses. Specifically, Dr. Holmes' service to SCORE and the small business community has centered around counseling, training and information sessions for small businesses throughout the State of Delaware. He has assisted with entrepreneurial educational projects and presented a plethora of business training workshops.

Mr. Speaker, I commend and congratulate Dr. Holmes on reaching the tremendous milestone of twenty years of volunteer service with SCORE in Delaware. Also, I would like to point out that as he celebrates twenty years of volunteer service, Dr. Holmes is also celebrating his ninetieth birthday. The time and effort that Dr. Holmes has given to his fellow Delawareans is both commendable and much appreciated. He is certainly an inspiration to those around him. I am truly proud that he is a Delawarean.

IN RECOGNITION OF RENE F. RODRIGUEZ, M.D.

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to extend my warmest congratulations to a very dedicated physician, Dr. Rene F. Rodriguez, who has been devoted not only to his patients and the underserved, but also to the improvement of America's healthcare system by breaking barriers, improving access to medical services, treating all patients equally, and integrating Hispanic doctors and other Hispanic healthcare professionals to these efforts.

Dr. Rodriguez has been recognized as an excellent advocate for the underserved in America and has been the recipient of a very distinguished award, "The 2004 Freddie-Public Service Award".

He has been an enthusiastic and compassionate physician who has done admirable work throughout years of advocacy. His distinguished medical career spans years of commitment to public service and he has been a leader with numerous achievements.

He studied medicine at the University of Salamanca in Spain, and is licensed to practice medicine in several states in America. He was a Colonel in the U.S. Army Medical Corps, and retired after more than 35 years of service in the Military. While on active duty, he directed the Orthopedic Clinic at Walter Reed Army Medical Center. He was appointed to the Council on Graduate Medical Education of the Department of Health and Human Services, the President's Commission of the National Medal of Science, the Surgeon General's National Workshop on Hispanic-Latino Health Executive Planning Committee, the NIH Office of Minority Program Fact-Finding Team, the Hispanic Advisor Task Force to the U.S. Senate, and the Board of Scientific Counselors of the National Center for Health Statistics of the Centers for Disease Control and Prevention.

He is a member of the American College of Surgeons and the American Medical Association, and is the Founder and President of the

Interamerican College of Physicians and Surgeons, which is the largest and oldest organization of Hispanic doctors. He founded the National Hispanic Youth Initiative to encourage High School students to study careers in sciences and research, and has been the founder of medical journals for Spanish speaking doctors and patients, such as "Medico Interamericano", "Medico de Familoa", and the book "Usted y su Medico". He is currently the Chief of the Orthopedic Section at the Veterans Medical Center in Miami, Florida. Please join me in recognizing Dr. Rodriguez for his outstanding accomplishments.

IN RECOGNITION OF CAROL G. WHITESIDE

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. CARDOZA. Mr. Speaker, I rise today to honor Carol G. Whiteside, an individual who has dedicated her life to public service at the local, state, national, and international levels. Her impressive career deserves recognition, and her years of dedicated service to her local community of Stanislaus County, the State of California, and our nation, warrants tremendous respect. Throughout her successful life, Carol has remained equally committed to her family. She is married to Superior Court Judge John G. Whiteside. Carol and John are the proud parents of two adult sons, Brian and Derek.

Carol began her career by earning a B.A. in Psychology from the University of California, Davis in 1964. Dedicated to her education, she pursued postgraduate studies at Golden Gate College in San Francisco and continued her studies abroad through the University of Southern California in Ramstein, Germany. She entered the business world as a Personnel Manager for Emporium Capwell Company in Santa Rosa, California in 1964, but it was not long before returning to Germany, this time to serve as an Education Counselor at the Army Education Center in Landstuhl.

By the mid-1970's Carol returned to Modesto, California and began to build what would become one of the most reputable careers in public service known to our community. For the past three decades, Carol Whiteside has held various positions with the City of Modesto and the State of California. In all arenas of service, and with tremendous commitment, Carol rose through the ranks of public office. She began her service in the City of Modesto in 1979 as a Modesto City School Board Trustee, and by 1987 she was elected the City's Mayor, having served as Modesto City School Board President, and as a member of the Modesto City Council before her Mayoral victory.

Continuing to pursue greater and grander opportunities, Carol moved on to California State Government in 1991, being appointed to the position of Assistant Secretary of the Intergovernmental Relations, Resources Agency where she specialized in resource conservation, land use and growth management issues. Within two years, she became the Director of Intergovernmental Affairs for California Governor Pete Wilson on issues of land use, finance, restructuring and economic development.

Throughout the years, Carol has also been extremely involved and held numerous positions with countless associations, boards, organizations, political committees and international entities. She has served as Chairperson for committees within the League of California Cities, U.S. Conference of Mayors, and the National League of Cities. Over the last twenty years, Carol has been involved in the National Women's Political Caucus, as well as several other political committees at the state and national level.

In addition to her tremendous achievements, Carol has found time to serve as a Board Member for more than 15 groups which include the United Way of Stanislaus County, the American Red Cross, High Speed Rail Authority, California Center for Regional Leadership, and the Public Policy Institute of California.

It appears that there is no existing realm of public service that Carol Whiteside has not touched. Her career is not limited to the San Joaquin Valley, California, or the United States. Since Carol resided in Landstuhl, Germany in 1972, she has remained actively involved abroad. Her international endeavors have taken her to Poland, Ukraine, the Baltic States, Morocco, and Korea.

It is without question that Carol Whiteside is a remarkable individual, professional businesswoman, and motivated entrepreneur, characteristics that were most recently demonstrated by her latest accomplishment. Today, Carol is the President of the Great Valley Center, an organization she founded in August 1997. This organization's primary focus is to promote the economic, social and environmental well-being of California's Central Valley. Under Carol's leadership and guidance, the Great Valley Center has elevated the region's identity throughout our state and nation.

Carol's work ethic, professionalism, and dedication have earned her many honors throughout the years, which include the 1990 Soroptimist Woman of Distinction in International Relations, the California State Assembly Woman of the Year 1991 for the 27th Assembly District, the Civic Entrepreneur of the Year in 2002, and the 2004 Excellence in Public Service Award. Most recently, the American Legion Post 74 honored Carol by naming her the 2004 Woman of the Year.

This recognition that I am offering today before the House of Representatives for Carol Whiteside is clearly deserved, and well overdue. She is an invaluable member of the community, an exemplary civil servant, and an outstanding human being who will leave behind a legacy to be admired for generations to come.

Mr. Speaker, I ask that my fellow colleagues join me in honoring Carol G. Whiteside for her many years of dedication to public service, for her countless contributions to the economic vitality of the San Joaquin Valley, and for her continued commitment to a brighter and more prosperous tomorrow. I am most certainly honored to call her my friend, and it is my pleasure to recognize all of her accomplishments.

IN HONOR OF LAURA MUÑOZ-VELAZQUEZ

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. FARR. Mr. Speaker, I rise today to honor Mrs. Laura Muñoz-Velazquez, who was named (LULAC) League of United and Latin American Citizens Woman of the Year. Mrs. Muñoz-Velazquez is one of several outstanding women who were nominated for this prestigious award.

Mrs. Muñoz-Velazquez was born in Colusa, California to a family of farm workers. Her parents, Juanita Castañon Muñoz and Lucas Placenica Muñoz, always stressed the importance of education and encouraged her to go to college. Laura heeded her parents, and in 1973, graduated from California State University Chico with a Bachelor of Arts degree in Psychology. Mrs. Muñoz-Velazquez also obtained an Elementary Teaching Credential and began teaching kindergarten for the Marysville School District. Soon after her time there, she moved to San Benito County with her husband, Felipe Velasquez, and has been teaching for the Hollister School District since 1975. They have four sons: Richard, Adrian, Alejo, and Junior.

While she was growing up, Mrs. Muñoz-Velazquez attended a school system that did not support maintaining Spanish language while learning to write and speak in English. Because she recognized the value of having a good grasp of two languages, she purposely chose to become a bilingual teacher, allowing her to reclaim her primary language and culture. Mrs. Muñoz-Velazquez truly believes in providing and promoting bilingualism and biliteracy, which she feels is instrumental in the success of children learning a second language.

Of course, with her giving nature, Mrs. Muñoz-Velazquez knows how significant it is to give back to the community and has been involved with multiple organizations such as the United Way, American Cancer Society (ACS), Children with Attention Deficit Disorders (CHADD), Mexican American Community on Education (MACE), and League of United and Latin American Citizens Council (LULAC) #2890. She has also taught religion classes at Sacred Heart Church, preparing many young ones for Holy Communion.

Mr. Speaker, I would like to take this opportunity to thank Mrs. Laura Muñoz-Velazquez for the outstanding work she's done in my district. I would like to honor and congratulate her on her accomplishments and express my sincere gratitude for her commitment to the community.

PAYING TRIBUTE TO AL AND JOANNA LACY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. McINNIS. Mr. Speaker, I rise to pay tribute to Al and Joanna Lacy, a retired Baptist minister and his wife who have authored numerous educational books for children. The research and historical background that Al and Joanna present in these books have helped educate kids about American history and simultaneously encourages them to read. Today I have the privilege of recognizing their service before this body of Congress and this Nation.

After retiring from thirty-two years of traveling as a pastor, Al decided he wanted to write novels. Al first started with Western themes and expanded into narratives that covered religious experiences, the Civil War, the gold rush era, immigration through Ellis Island, and the lives of orphan street children. Joanna also contributed to her husband's work with her extensive background in nursing. They have spent countless hours traveling,. researching, and talking with people to learn more about the local cultures and customs for the settings in their books, which makes them a source of education and excitement for young readers. Together they have made the best seller list numerous times in publishing over 102 works.

Mr. Speaker, Al and Joanna Lacy have contributed much toward the education and learning of numerous children all across the country, giving parents a reliable source of entertainment for their kids. I am honored to recognize the accomplishments of Al and Joanna before this body of Congress and this Nation. Thank you, Al and Joanna, for all your hard work, and I wish you both all the best in your future endeavors.

NATIONAL HUNGER AND HOMELESS AWARENESS WEEK

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. UPTON. Mr. Speaker, I rise today to commemorate the National Hunger and Homelessness Awareness Week and to pay tribute to the countless shelters and staffs throughout the country who tirelessly work to address this ever-growing problem.

Throughout our nation help is increasingly needed to create safe places for people to call home. The face of homelessness does not have an age, race, or creed. Over one million of our nation's homeless are children and families comprise of nearly 40 percent of the entire homeless population. There is no question that homelessness is a serious problem, and we must ensure that our shelters are provided with the necessary assistance.

One particular shelter that is truly making a difference is the Emergency Shelter Service Inc., of Benton Harbor, Michigan. The service, care, and opportunity that this shelter provides for the homeless folks of Southwest Michigan is tremendous.

I recently had the chance to visit with the staff and residents of the shelter. It was heartwarming to see firsthand, individuals getting back on their feet, ready to start anew. The shelter provides the helping hand that many folks need.

The nine-bedroom shelter, a 100-year old house along Pipestone Street, currently houses 35 people, many of which are children. Residents stay for a maximum of 30 days, and the shelter staff work with them to find affordable, appropriate housing.

I am pleased to report that the top floor of the house was recently insulated for the winter which will allow a few more people to have shelter during the coldest months of the year. But the unfortunate reality is that more people seek assistance than the shelter can provide for, and folks seeking a warm bed and a roof over their heads must find shelter elsewhere.

On behalf of the Sixth District of Michigan, I pay tribute to the great service of this admirable shelter. I commend the selfless efforts of Alysia Babcock and her staff who dedicate themselves to provide a safe haven for those in need. Southwest Michigan is better off for their efforts.

As we approach the holiday season, it is vitally important that our communities and cities get involved to raise awareness and work to combat the problems of hunger and homelessness. Any contribution to the Benton Harbor shelter will be greatly appreciated, whether it be a blanket, some food or even a couple of dollars. Even the smallest donation makes an impact.

CONGRATULATING SHARON HAMMERSLA UPON HER RETIREMENT FROM THE HOUSE OF REPRESENTATIVES AFTER 32 YEARS OF DEDICATED SERVICE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. HYDE. Mr. Speaker, at the end of the 108th Congress, Sharon Hammersla will be retiring from government service after thirty-two years as a dedicated and distinguished public servant.

Sharon has served as the Information Resource Manager for both the House Committee on International Relations and the House Committee on the Judiciary under my chairmanship. In fact, Sharon worked for the House Judiciary Committee during the impeachment of President Clinton. Her efforts at that time toward making the Committee's work on related events accessible to the public will be instrumental to historians when studying that period of our Nation's history. Prior to working on the Judiciary and International Relations Committees, she served seventeen years with the House Science Committee.

Just because Sharon is leaving The Hill doesn't mean that she won't be busy. She will maintain her position in history-making and continue to serve as a member of the Board of Directors of the Dr. Samuel A. Mudd Museum in Bryantown, Maryland, where she has been a docent, and she will be publishing her first book on her family's genealogy early next year. Most importantly, however, she will be joining her husband, Don, in catching up with family and friends and enjoying life with their grandchildren.

Mr. Speaker, Sharon Hammersla has served her country with honor and distinction. Please join me in congratulating her on an illustrious career in federal service and wishing her well as she embarks on new adventures.

A TRIBUTE TO MRS. TANNER JOHNSON LIVISAY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. RAHALL. Mr. Speaker, I rise today to pay tribute to a woman who had a very distinguished career as a State extension specialist in the State of West Virginia Mrs. Tanner Johnson Livisay. Mrs. Livisay was a retired State extension specialist and associate professor at West Virginia University and was a resident of Princeton, West Virginia. Mrs. Livisay graduated in 1923 from the former Douglas High School in Huntington, West Virginia and later went on to earn her Bachelor of Science degree in home economics from West Virginia State College in 1927. She then taught in Jefferson and Wyoming counties for the next 14 years. Mrs. Livisay earned her Masters degree from West Virginia University and completed further studies at Merrill Palmer Institute in Detroit, Michigan, University of Michigan, University of Cincinnati, Cornell University and Colorado State University. In 1941, Mrs. Livisay began her work as a home demonstration agent in West Virginia. Her territory included Mercer, McDowell and Cabell counties in my district. She organized home and garden clubs, 4–H clubs, and established the West Virginia State Farm Homemakers Council, under the auspices of West Virginia State College, West Virginia University and the U.S. Department of Agriculture. She was the district home demonstration agent and became program development leader. After 27 years in the Extension Service, Mrs. Livisay retired as a specialist in child development and human relations. A personal account of the work of the West Virginia Extension Service for African-Americans is recorded in the book, "Reaching Out with Heart and Hands—The Memories of An Extension Worker," written by Mrs. Livisay in 1994.

A diamond soror and life member, Mrs. Livisay was initiated into Nu Chapter of Alpha Kappa Alpha Sorority Inc. in 1925. She was a charter member of Epsilon Delta Omega Chapter in Beckley, West Virginia and at the time of her death, she was a member of Eta Iota Omega Chapter, in Inkster, Michigan. Mrs. Livisay, was the proud mother of four children, Carolyn L. McGhee, Marilyn L. Stewart, Jackson P. Livisay, Jr. and Osborne Livisay.

Mr. Speaker, I am honored today to pay tribute to the late Mrs. Tanner Johnson Livisay, for her many accomplishments and achievements and the legacy she leaves for her family and the great State of West Virginia, and in particular, my third congressional district.

CONGRATULATIONS TO REPRESENTATIVE BILL LIPINSKI

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. EVANS. Mr. Speaker, today I would like to congratulate my good friend Representative BILL LIPINSKI his retirement after 22 years of dedicated service in the House of Representatives. BILL has been a close friend of mine since we were freshman together in the 98th Congress, and I know that reporting to work each day will not be the same without BILL around.

Representative LIPINSKI is a native of Chicago and works incredibly hard for the residents of the 3rd Congressional district. Even after 11 terms in Congress he still flies home nearly every weekend to address the concerns of his constituents. BILL has spent his entire career working for the people of Chicago, first in Chicago's Park District for 17 years, then as the 23rd Ward Alderman in the Chicago City Council, and then as a U.S. Congressman.

Some of BILL's greatest achievements lie in his work on the House Committee on Transportation and Infrastructure. He has done an incredible amount both for Chicago and for the entire state of Illinois and has secured millions of dollars in federal funding for improvements at both Midway and O'Hare airports. For example, in 1990 Representative LIPINSKI sponsored and helped pass the Passenger Facility Charge BILL to enable both Midway and O'Hare to finance important airport infrastructure projects.

In the 105th Congress, BILL was instrumental in passing the Transportation Equity Act for the 21st Century, under which Illinois continues to receive an average of $885 million per year for highway funding and $150 million per year for mass transit programs. During the 107th Congress, Representative LIPINSKI was the author of legislation to allow Chicago's Mayor Daley to expand O'Hare International Airport without consulting the Illinois Governor, an important step of autonomy for the city.

I cannot say enough about how much I have enjoyed working with BILL. Again, Mr. Speaker, I would like to convey my sincerest thanks to Representative BILL Lipinski for his friendship and counsel, and congratulations to both him and his family on this well-deserved retirement. He has built an outstanding career during these past 22 years and will be sorely missed in the halls of Congress. I will look forward to working with his son, incoming Representative DANIEL LIPINSKI, during the coming years.

IN HONOR OF DR. STEVEN K. WEBSTER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. FARR. Mr. Speaker, I rise today to honor Dr. Steven K. Webster, a dedicated educator and community volunteer, upon his retirement as Senior Marine Biologist at the Monterey, Bay Aquarium. Dr. Webster has diligently worked to develop and shape the aquarium's education, teacher training, and outreach programs. His dedication to the people of the Monterey Bay region has been a great benefit to the community for over twenty-five years.

As an educator at the Monterey Bay Aquarium, Dr. Webster developed the Discovery Lab programs that have served over 1.5 million children to date. There is scarcely a child in Monterey County who has not participated in one of the aquarium's free education programs, thanks in great part to Dr. Webster's vision and advocacy. In addition, Dr. Webster has initiated teacher education workshops in which over 10,000 teachers have participated free of charge. He has encouraged thousands of aquarium guides and volunteers in the aquarium's nationally recognized volunteer guide training program which he developed. Dr. Webster has served as an inspiration and has offered great encouragement to those consulting him on a career in marine biology.

Beyond his extensive career in marine biology, Dr. Webster has served in numerous volunteer community and board positions, including the Monterey Bay Chapter of the American Cetacean Society, the Cannery Row Foundation, the Lyceum of the Monterey Peninsula, the State Underwater Parks Advisory Board, the Monterey Bay National Marine Sanctuary, and the Friends of Moss Landing Marine Laboratories. An avid diving instructor and underwater photographer, Dr. Webster is a popular speaker on natural history topics ranging from the Monterey Bay to the Galapagos Islands.

Mr. Speaker, I wish to thank Dr. Webster for his outstanding and invaluable contributions to our community, and commend him for his many accomplishments. I congratulate him on his much deserved retirement and wish him the best of luck in all of his future endeavors.

PAYING TRIBUTE TO COL. JOHN E. STAVAST (USAF RET.)

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. MCINNIS. Mr. Speaker, it is with a sad heart that I rise to pay tribute to the passing of a great man from my district. John Stavast, a native of Denver, Colorado, recently passed away at the age of 78. Colonel Stavast dedicated 33 years of his life the armed services, in both the Army and Air Force. I am honored today to bring his contributions to the attention of this body of Congress and this Nation.

John joined the Army in 1944 and served in Europe during World War II as a gunner on B–17s. He was discharged in 1946 and enlisted again in 1949 earning his pilots wings. John trained Japanese Self Defense Force pilots in the USAF Air Training Command. While flying over North Vietnam in 1967, Colonel Stavast and his crewmate were shot down near Hanoi. Both men safely ejected and were taken prisoner. He endured torture for seven full days after his capture and remained a POW until 1972. During his time in the POW camp, the colonel, as the senior ranking officer, was responsible for over 200 American POW's at the prison near the Chinese border.

Colonel Stavast suffered numerous injuries during his imprisonment including broken bones in his back, arms and legs, and a skull fracture. He had over 6,000 flying hours when retired from the Air Force in 1980, and was awarded many medals for his service. These include three Silver Stars, two Legions of Merit, three Distinguished Flying Crosses, two Purple Hearts, the Bronze Star for Valor, and six Air Medals. After his retirement he was a member of the Military Officers Association, the Military Order of the Purple Heart, VFW, American Legion, and others. He was also a dedicated volunteer at the Veterans Administration Hospital.

Mr. Speaker, John Stavast was a dedicated patriot that selflessly served his community and country, and I am honored to pay tribute to his memory. He will be greatly missed. My thoughts and prayers go out to his family.

A TRIBUTE TO DR. JOHN LA MONTAGNE—A TRUE PUBLIC SERVANT

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to John La Montagne, Ph.D., Deputy Director of the National Institute of Allergy and Infectious Diseases, who died suddenly on November 2, 2004. He was a true public servant who worked tirelessly to improve public health in the United States and across the world. He is sorely missed in the public health community, by Elaine, his beloved wife of 37 years, his family, and the many persons in his community who were blessed to be able to call him friend and know his warmth, compassion for others, humor, and quiet modesty and dignity.

Dr. La Montagne's contributions to the national and international effort against infectious diseases are remarkable. Trained as a microbiologist, Dr. La Montagne was a leader in the effort to develop a safer pertussis vaccine and new vaccines against childhood diarrhea and pneumonia. He guided the National Institute on Allergy and Infectious Disease's response to the emerging AIDS crisis and led the effort to respond to severe respiratory syndrome within months of the first outbreak.

Globally, he played a central role in the organization of the Multilateral Initiative on Malaria. He served as a member of the Scientific Advisory Groups of Experts on Vaccines and Biologicals as well as for Vaccines and Immunization for the World Health Organization. He chaired the WHO Task Force on Strategic Planning for the Children's Vaccine Initiative, advised the Pan American Health Organization on its programs in vaccine research implementation, and served as a member of the board of the Global Alliance for Tuberculosis Drug Development.

As an influential contributor to the field of infectious diseases, Dr. La Montagne delivered many major lectures all over the world. He received many prestigious awards for his scientific accomplishments, including the Public Health Service Special Recognition Award for leadership in childhood vaccine research programs, the Surgeon General's Certificate of Appreciation, the Presidential Meritorious Executive Rank Award, the Distinguished Executive Award for his work in the areas of infectious diseases research of global health relevance, the Secretary's Award for Distinguished Service for leadership of acellular pertussis vaccine trials, and most recently the Secretary's Award for Distinguished Service for design and implementation of critically important biodefense strategies.

As Dr. Zerhouni, the Director the National Institutes of Health said, "Personally, he was a dear friend and one of the finest people I have ever known. Professionally, in an NIH career spanning nearly thirty years, his leadership and commitment to improving global health were remarkable. His generosity, wit, even-handedness and kindness made him a friend to all who knew him. He will be sorely missed."

On November 2nd, our country and the world lost a great and good man.

HONORING BETTY MOSELY-MABERRY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today on behalf of United Auto Workers (UAW) Local 1811, located in my hometown of Flint, Michigan. On December 9, 2004, civic and community leaders will join family, friends, and members of Local 1811 to honor Ms. Betty Mosely-Maberry, who was unanimously selected by the Local's Executive Board to be the first recipient of their Walter Reuther Distinguished Service Award.

The Walter Reuther Distinguished Service Award is bestowed on UAW members who have authenticated 20 years of notable service. It honors the extraordinary contributions they have made to advance the cause of working people, their families, and communities. As Walter Reuther championed human dignity and social justice for all, the men and women who have received the award in his name have committed themselves to these same ideals.

Betty Mosely-Maberry began her career at Buick Medical in December 1967. She was one of the driving forces behind Local 1811's organization in 1972 and 1973, and as a result, was elected Chairperson of their bargaining unit. Over the years, Betty has fulfilled the duties of interim President and Vice-President of Local 1811, and officially represented them as Recording Secretary for over 16 years. Betty also served on their Civil Rights, Community Service, and Education Committees as either a member or Chair. Betty retired on July 1, 1999, although the influence she had on her peers was so great that she was asked to continue as Recording Secretary. She selflessly and respectfully declined the offer, citing that active members should hold the position. However, Betty decided to run for a trustee seat, which she won and holds to this day.

Mr. Speaker, all 22 members of UAW Local 1811's Executive Board feel that Betty Mosely-Maberry truly exemplifies the spirit in which the Walter Reuther Distinguished Service Award is given. Her willingness, hard work, and dedication to her brothers and sisters in labor as well as the community, are deserving of the highest respect. I ask my colleagues in the 108th Congress to join me in commending her.

PROJECT INTELLICARE

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. DOOLITTLE. Mr. Speaker, it is with great pleasure that I rise today to speak about Project IntelliCare, a groundbreaking innovation in health care delivery that will revolutionize the way health care providers manage patient care, in addition to imparting tremendous improvements in the quality of care available to Americans.

As we all have undoubtedly read or witnessed in our districts, forecasts for the future of health care delivery are dire. Developments in medical technology have long been confined to procedural or pharmaceutical advances, while neglecting a most basic and essential component of medicine: patient information management.

The information systems that maintain patient files and transmit care history are antiquated in many of our hospitals and clinics. In fact, many systems are still paper based. The result: a patient's complete medical history is difficult to transmit when necessary and may not be available to new health caretakers, leaving the physician with a limited understanding of prior illnesses, treatment, and complications. This, in turn, leads to unnecessary and redundant testing and treatment and greater health risks due to preventable errors.

I would like to draw your attention to a May 3, 2004, New York Times op-ed by former Speaker Newt Gingrich and Congressman PATRICK KENNEDY. The writers correctly assert that information sharing may be one of the greatest issues facing health care provision today, expounding on escalating costs and medical mistakes attributed to an archaic information system. They urge for bipartisan support of "moving American medicine into the 21st century" by standardizing information systems with technology readily available today.

Mr. Speaker, I am happy to report that the innovation discussed as "a matter of life and death" has already arrived in the State of California. Project IntelliCare was first implemented by the Adventist Health System in 1999, over four years ago. The program is hailed by the Department of Health and Human Services as ahead of its time in Healthcare IT and is positioned to serve as a model for other systems throughout the country.

Project IntelliCare employs cutting edge technology to provide seamless integration of a patient's whole medical history. Through this initiative, medical records are maintained electronically and securely, available only to the patient's health care provider. Project IntelliCare ensures that when a patient goes to visit a physician, regardless of when, where, or why, the patient will receive treatment that is current and relevant. No longer will those in need of medical help suffer from incomplete or inaccurate care.

Project IntelliCare not only protects Americans from substandard health care, it promises more efficient and cost-effective delivery. Inflating health care costs and skyrocketing insurance premiums are highly salient issues today. Duplication or incorrect prescription of services places a large burden on insurance companies. Greater costs to insurance companies translate to higher premiums for employers that provide insurance, the selfemployed, and individuals who pay out of pocket for their health care. In addition, redundant or unnecessary care strains the capacity of health care providers. However, Project IntelliCare poses a mechanism to mitigate some of the factors that contribute to these higher costs.

Project IntelliCare promises to modernize the way American health care is administered with tremendous benefits in quality of care, efficient, and cost-savings anticipated to accrue.

Mr. Speaker, I thank you for the opportunity to speak on this important and exciting topic and urge my colleagues to support further funding for Project IntelliCare. By supporting this program, we work to collectively improve American health care standards and delivery.

TRIBUTE TO EDDIE N. WILLIAMS

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. FORD. Mr. Speaker, I rise today to honor Eddie N. Williams, admired journalist, researcher, and civil servant who is retiring as President of the Joint Center for Political and Economic Studies. Mr. Williams has led the Center for 32 years in its mission to improve the socioeconomic status of African Americans and other minorities, through research, policy analysis, and political engagement. In every sense, Mr. Williams' life and career are emblematic of how one courageous and hard working American can overcome challenges, take advantage of opportunities and make people's lives better.

Mr. Williams was born in Memphis, Tennessee where he was reared mostly by his mother, after the death of his jazz and blues musician father. Growing up, Mr. Williams was a stellar student and writer at Manassas High School in Memphis. From there, he went on to earn a degree in journalism from the University of Illinois at Urbana in 1956. He later pursued graduate studies at Howard and Atlanta Universities. Pursuing a career in segregated America, Mr. Williams encountered barriers because of his race that prevented him from pursuing a journalism career in Illinois

Illinois' loss was our gain because Mr. Williams returned to Memphis, where he began his career as managing director of the Memphis Star-Times, a local African-American newspaper. After working as a congressional fellow for U.S. Senator Hubert Humphrey and as a Foreign Service Reserve officer in the Kennedy administration, Mr. Williams returned to Illinois as vice president of public affairs and executive director of the University Center for Policy Study at the University of Chicago.

Unwilling to rest on his laurels, Mr. Williams resigned from his prestigious positions to take on the helm of a new, little-known think tank. The Joint Center's original purpose was to support and train African-American elected officials nationwide and measure their growth subsequent to the Voting Rights Act. Under Mr. Williams' direction, the Center expanded its focus to examine and document public policy issues affecting African Americans. Mr. Williams' determination to maintain a nonpartisan approach to the Center's problem-solving activities serves as an example to us all.

Mr. Williams leaves a legacy of innovation and courage in his efforts to address issues such as education, voting rights reform and the spread of HIV/AIDS in the United States. Mr. Williams has received numerous accolades and awards for his civic contributions, including the prestigious MacArthur Foundation "Genius" Award. Most recently, the Joint Center, under Mr. Williams leadership has studied and explained the rise of a new generation of the African-American elected officials into the mainstream of public life. He continuously reminds us not to be shy in our goal of reaching new heights on behalf of all Americans while staying connected to, in his words, "the useful values of the past." His life and career demonstrate to all Americans that we stand on the shoulders of a generation that fought and stood and often sat down to create a more perfect union.

For his unselfish contributions and commitment to our Nation, Mr. Speaker, I urge you and my colleagues in the U.S. House of Representatives to join me in commending Mr. Eddie Williams for his many years of dedicated service to the American people.

HONORING THE MEMORY OF THE HON. JOSEPH N. LANGAN

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. BONNER. Mr. Speaker, the city of Mobile, Alabama, and indeed the entire First Congressional District recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Mayor Joseph N. Langan was a devoted family man and dedicated public servant throughout his entire life. In 1939, at the age of 27, he entered the field of politics, serving for 6 years in the Alabama House of Representatives. He later served from 1947 to 1951 in the Alabama State Senate. From 1953 to 1969, he served as a Mobile city commissioner, including several terms as mayor at a time when the city was governed by a three-member commission. Mayor Langan enjoyed a very successful career as mayor and was known particularly for his efforts to expand the size of the city. As a result of his efforts, the city expanded its westward boundaries and grew in size from an area of approximately 33 square miles to an area of over 160 square miles.

During his time in both local and State government, Mayor Langan developed a strong reputation as a leader who felt duty-bound to do his part in the strengthening of relations between the black and white communities in Mobile and throughout the State of Alabama. In spite of progressive policies that led to strong public outrage and the end of his careers in both the State legislature and city hall, Mayor Langan dedicated himself to assisting the members of the African-American community in their efforts to advance their causes. During his tenure in the State legislature, he argued for equal pay for both black and white public school teachers. Additionally, during his service as mayor, Mayor Langan was an important part of keeping the community calm at a time when racial riots and crimes were tearing apart Alabama and much of the South. His strong and enduring relationship with Alabama civil rights activist John LeFlore was crucial to maintaining this calm.

Mayor Langan, a graduate of both Murphy High School and Spring Hill College in Mobile, Alabama, was also a proud veteran of the United States Army, serving during both World War II and the Korean conflict. Later in his military career, he held the rank of general and served as commander of the Army National Guard's 31st Infantry Division.

In addition to both his public and military careers, Mayor Langan found time to become actively involved in many community and charitable organizations. He served as a member of the Spring Hill College Board of Trustees and of the University of South Alabama Foundation. He was recognized for his community service and charitable work with the 1957 Mobilian of the Year award.

This sad time for so many in the Mobile community has also given many of Mayor Langan's colleagues and friends the opportunity to remember him and recognize the many accomplishments of his career. Alabama State Senator Vivian Figures say, "He was always for government being sensitive and inclusive to all citizens . . . He was a real gentleman of distinction." Former Mobile city clerk Richard Smith said, "He wanted to serve, and he served well. He had vision, he had brains, he had leadership." And without fail, many in the Mobile community will remember Mayor Langan as one of the finest mayors and public servants to have ever worked on behalf of their city.

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated public servant and friend to many in Mobile, Alabama. Mayor Langan will be deeply missed by his family—his wife, Maude Adelle Langan, and his brother, John C. Langan, and his many nephews and other family members—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

IN MEMORY OF PETER CUTINO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. FARR. Mr. Speaker, I rise today to honor Peter J. Cutino, a coaching legend in the sport of water polo, who passed away Sunday, September 19th in his Monterey home. During his lifetime Mr. Cutino was a strong pillar of the water polo community. He will be dearly missed by his wife of 51 years, Louise; two sons, Paul and Peter; daughter, Anna; brother Bert; two sisters, Rose Marie and Josephine; five grandchildren; and many nieces and nephews.

Mr. Cutino was born April 3, 1933 in Monterey. He graduated from high school a star athlete in 1951 and earned Junior College All American honors at Monterey Peninsula College. He then transferred to Cal Poly-San Luis Obispo, earning water polo all-conference honors, and graduated with a master's degree in education.

He began his coaching career at Oxnard High School and then moved on to coach the Cal Golden Bears for 26 victorious years. He was the most successful water polo coach in collegiate history and was awarded NCAA Coach of the Year four times. His successes in collegiate sports earned him the coveted role as coach to the U.S. national team in the 1976 Olympics. While at Cal, he coached 68 all-Americans, 6 Pac–10 conference and NCAA players of the year and 5 Olympians.

In 1989 he stepped down as UC Berkeley's head water polo coach in order to open and run the Monterey Sports Club in my district. At the same time, Peter continued his service to the international sports world by serving as chairman of the Men's International Olympic Committee. Additionally, in recognition of his life of leadership and mentorship, he received UC Berkeley's Alumni Centennial Award and Chancellors commendation, and an athletic scholarship at Berkeley was established in his name in 1989. Mr. Cutino was also an active leader in the Italian-American Community in Monterey and was a member of the Campari, Paisano and Amici clubs. In addition to numerous professional water polo publications, he authored a book on the Italian-American community in Monterey.

Mr. Speaker, today I wish to join the local community and Mr. Peter Cutino's family and friends in honoring the life of such an inspirational coach, husband and father.

PAYING TRIBUTE TO BERNARD E. KERST

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. MCINNIS. Mr. Speaker, it is with a sad heart that I rise to recognize the passing of Bernard Kerst, a great man from my district. Bernard spent most of his 87 years living in Yuma, Colorado, and during that time he made a significant impact on the life of countless individuals and his county. I am honored today to bring his contributions to the attention of this body of Congress and this Nation.

Bernard Kerst was born on July 9, 1917. When the Great Depression swept the country, he left high school and got a job to support himself and his family. He started a trucking business in his twenties and then built Victory Ships in Oregon during World War II. Afterward, he moved back to eastern Colorado, married DeVonna Gregory, and began farming and ranching. Being an avid conservationist, Bernard served on the board of the East Yuma County Soil Conservation District and was awarded the Bullshippers award from the Farm and Ranch Association for his outstanding service and leadership.

Bernard was a dedicated family man, raised two children, Carolyn and Dan, had many grandchildren and was able to know his first great grandchild, Isabel Carolyn. Due to health problems, Bernard and DeVonna moved to Arizona. After DeVonna passed away in 1999, Bernard moved back to Colorado to be close to his family living in Glenwood Springs.

Mr. Speaker, Bernard Kerst was a dedicated man who worked hard, supported his community and loved his family, and I am honored to pay tribute to him before this body of Congress today. I had the pleasure of knowing Bernard and worked with members of his family during my time in office, and I will miss his kind heart and wisdom. My thoughts and prayers go out to his family and friends during this time of bereavement.

HONORING BATTELLE ON THE OCCASION OF THEIR 75TH ANNIVERSARY

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. HOBSON. Mr. Speaker, I rise today with Mrs. PRYCE and Mr. TIBERI to congratulate Battelle, a global science and technology enterprise, on its 75th anniversary.

Although founder Gordon Battelle never lived to see his dreams come to fruition, it was his and his mothers' estates that led to Battelle's existence. The estates were generously left for the establishment of the "Battelle Memorial Institute . . . for the purpose of education in connection with and the encouragement of creative and research work and the making of discoveries and inventions . . .". It was Mr. Battelle's desire to recover zinc from Ozark mines that led him to his first patent. This initial success produced the grand vision which Mr. Battelle's business partner, Joseph Frantz, is credited with carrying out.

In 1929, Battelle opened for business with only 30 staff members. Today, including the national labs that they manage, Battelle oversees 16,000 staff members and conducts $3 billion in annual research and development.

It is hard to believe what this Columbus, Ohio-headquartered institution has accomplished since those humble beginnings. In fact, their innovative technologies touch most Americans on a daily basis.

Possibly the most well known of Battelle's innovations is the development of xerography, which eventually led to today's copying machines and the company Xerox. Other innovations include: armor plating for U.S. Army tanks during WWII, fuel for the first nuclear powered submarine *Nautilus*, the metal composition of most of the 52.5 million coins produced each day by the U.S. Mint, cruise control for the automotive industry, the technology that led to the compact disc, and "no-melt" chocolate.

In addition to their commercial customers, Battelle provides services to over 800 federal, state, and local government agencies concentrating on important issues from national security to transportation and space.

As Chairman of the Energy and Water Development Appropriations Subcommittee, I have the distinct pleasure of working very closely with Battelle on a number of issues. Through the annual Energy and Water Development Appropriations bill, I provide funds for the U.S. Department of Energy's National Labs. One of Battelle's primary services includes the management or co-management of the Pacific Northwest National Laboratory, Brookhaven National Laboratory, Oak Ridge National Laboratory, and the National Renewable National Laboratory. In fact, just last week, Battelle won a 10-year contract to operate the newly created Idaho National Laboratory, and congratulations are certainly in order regarding this new addition to the Battelle family.

As we look forward with great anticipation to the next 75 years of Battelle innovations, one can only dream of what may come. Battelle projects that they will concentrate on a broad range of issues in the upcoming years including: advanced healthcare, sustainable and renewable energy, clean water, and nuclear power.

Mr. Speaker, I look forward to continuing to work with Battelle on these issues, and many more, and I congratulate them on their continued success.

PERSONAL EXPLANATION

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. LANGEVIN. Mr. Speaker, on November 16, I was unavoidably detained during rollcall vote No. 531. Had I been present, I would have voted "yea."

IN MEMORY OF JOHN H.G. STUART

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. FARR. Mr. Speaker, I stand in mourning to honor my good friend John H.G. Stuart, who passed peacefully on October 23, 2004, at the age of 86. He is survived by his wife, Sheila, his son Orin, his daughter Oria, his sister Kathleen of Toronto, Canada, four grandchildren, and one great grandchild. Mr. Stuart was a great contributor to the global community, and an example of the American dream.

Mr. Stuart, who was known to one and all as Harry, was born in 1918 in County Silgo, Ireland. He and his family later moved to Dublin, where he attended engineering school, and graduated with his degree from Trinity College. He later joined the British Navy, and spent the whole of the Second World War as a naval engineer, including two tours as chief engineer. After the end of World War II, he returned home to Ireland where he met and married Sheila, his wife and lifelong love of 58 years.

In 1948, Harry joined the Calcutta Electric Supply in India. He worked with their three power plants to make sure that Calcutta had plenty of power. Then, after almost 6 years in India and many months of applications and waiting, the Stuarts were granted visas and entry into the United States. They went to San Francisco in 1954 via Hong Kong, and ended up settling in Santa Cruz a year later in 1955.

As an engineer, Harry did power work with local companies and offices such as Pacific Gas & Electric and Lockheed Martin. He was able to help build geothermal plants in Iceland, Hawaii, and southern California. Through this work, he helped the world community to use better and cleaner power.

Harry had many faces. He was an avid traveler, as anyone would know just by reading these exploits, and he loved to fish and smoke salmon. In fact, I spent many a long night with Harry, discussing his travels throughout the British Isles, his passion for the outdoors, and most of all his thoughts on the best whiskey. In short, Harry was one of "the best," a friend and companion to one and all and a beautiful human being.

Mr. Speaker, I hope that we can all stand today and honor this man. He bettered the global environment, exemplified America's true diversity and opportunity to those who want to make a life here, and gave of his time to better the lives of his fellow travelers. I will miss him deeply and extend my deepest condolences to Sheila, Orin, Oria, Kathleen and the rest of his wonderful family.

PAYING TRIBUTE TO NORMA ANDERSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Senate Majority Leader Norma Anderson and thank her for her tireless efforts serving the people of Colorado as a three-term member of the Colorado State Senate. Norma will always be remembered as a dedicated public servant and leader of her community. As she continues to serve the citizens of District 22, let it be known that she has made a great commitment to the Colorado General Assembly and the State of Colorado.

Norma began her public service career when she was elected to the Colorado State House of Representatives in 1986, and has been a champion of education, transportation, crime and tax reform issues in the General Assembly. She served as the Chair of the

Education, Transportation and Energy, and Audit Committees and previously as the Vice-Chair of Long-Term Health Care Task Force, and Higher Education Planning Committees. After serving ten years in the State House, Norma continued her service to Colorado when she was elected to the Colorado State Senate in 1998. As a State Senator, Norma currently leads her party as the Senate Majority Leader. She serves on the Finance and Legislative Audit Committees and is the former chair of the Business Affairs and Labor Committee. Norma's major accomplishments include such important laws as the School Finance Act of 1994, the Third Grade Literacy Act and the creation of the Colorado Department of Transportation.

Norma is a dedicated legislator whose leadership has been awarded with the honor of being the first woman to hold the position of Majority Leader in both the state House and state Senate. Over the course of her tenure she has been the recipient of more than sixty-five recognitions and awards including the Denver Women's Commission, the Colorado Women's Chamber Senator of the Year, and the Colorado School of Mines Medal. In addition to her service to the General Assembly, Norma is also a member of the Great Outdoors Colorado Board, the Governor's Blue Ribbon Panel on Higher Education, the American Cancer Society and several other community organizations.

Mr. Speaker, it is clear that Norma Anderson has ceaselessly dedicated her time and efforts to serving her country and the people of Colorado as a Colorado State Senator. I am honored to bring her hard work and commitment to the attention of this body of Congress and this nation today. Thank you for all your service, Norma, and I wish you all the best in your future endeavors.

ON THE IMPORTANCE OF CIVIC EDUCATION AND IN RECOGNITION OF THE MARYLAND COALITION FOR CIVIC EDUCATION

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. VAN HOLLEN. Mr. Speaker, one of the major goals of our education system is to produce knowledgeable and informed citizens. We accomplish this, in part, through effective civic education programs in our schools—like the innovative We The People program sponsored by the Center for Civic Education.

The first annual Congressional Conference on Civic Education was held in September 2003. The event was sponsored by the Alliance for Representative Democracy and co-hosted by our four distinguished congressional leaders: Senator FRIST, Senator DASCHLE, Speaker HASTERT and Leader PELOSI. One of the very positive outcomes of the congressional conference was the establishment of state delegations that returned home with the mission to enact specific policies designed to restore the civic mission of our schools and make available programs like We the People in each of our fifty states.

In that regard, I'd like to take this opportunity to recognize Dr. Marcie Taylor-Thoma, the facilitator of the Maryland delegation, for her leadership in designing an action plan to improve civic education in our state. As a result of her efforts, the Maryland Coalition for Civic Education, representing over 40 community leaders and organizations, has been formed; a tool kit of best practices in civic education has been developed; and Maryland's teachers will soon have access to further professional development in the area of civic education.

Moreover, I'm proud to note that these exciting developments come on top of Maryland's substantial existing commitments in the area of civic education—including our Student Service Learning requirement, our mandatory Government Civics course and our nearly finished state curriculum, which will include the teaching of civics and government from pre-K through high school.

Mr. Speaker, I want to congratulate Dr. Taylor-Thoma and the rest of her colleagues again for all of their hard work, and I look forward to the success of the Maryland Coalition for Civic Education as they participate in the second annual Congressional Conference on Civic Education on December 4–6 of this year.

TRIBUTE TO ARMY PV2 JUSTIN RAY YOEMANS, A MODEL OF VALOR IN SERVICE TO HIS COUNTRY

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. EVERETT. Mr. Speaker, I rise to pay tribute to Army PV2 Justin Ray Yoemans of Eufaula, Alabama, who lost his life November 6 while defending our nation.

Private Yoemans was manning his gun position when his Humvee encountered a roadside bomb during a street patrol of Baghdad, Iraq. According to military accounts, Private Yoemans gave his life to protect his fellow soldiers. His was posthumously awarded a total of five military medals, including the Bronze Star and Purple Heart.

Private Yoemans, who was assigned to the Fourth Battalion, Fifth Air Defense Artillery at Fort Hood, Texas, gave the ultimate sacrifice to his country at the age of 20. His family and friends describe him as a loving son and a patriot who was proud to serve in the military.

I cannot express the proper words to console his family at the loss of their beloved son. However, I do wish to convey that America shares in your grief as we struggle together to protect our homeland from terrorism.

Private Yoemans loved life and was described by his younger sister as "a little boy inside a great man." America is fortunate to have such "great men" standing up for the cause of freedom. His valor and his sacrifice will never be forgotten.

A TRIBUTE TO MR. STEVE F. AIKEN

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. MCINTYRE. Mr. Speaker, today I want to extend my warmest thanks and my most sincere best wishes to Mr. Steve F. Aiken who is retiring after 35 years of faithful service to the U.S. Army Corps of Engineers, Wilmington District.

Currently serving as Chief of the Programs Management Branch, Steve has had a distinguished career with the Corps of Engineers. A recipient of the Sustained Superior Performance Award and the Exceptional Performance Award several times, Steve has also received the District Humanitarian Award, the South Atlantic Division Program Management Chief of the Year award, and the Commander's Award for Civilian Service. Clearly, his record has been one of stellar performance and superb leadership. In addition, both my staff in Washington and in the Wilmington area have immensely enjoyed working with Steve and benefiting from his professional advice on some many key projects in our area. Each of them joins me in thanking you for being so accessible and informed. As the father of an Eagle Scout, I am also very grateful for his dedication and service to the Boy Scouts of America.

When I think of Steve's commitment to the public good, the words "spirit, sacrifice, and service" come to mind. Steve's positive spirit has always been to do the task at hand—a spirit that inspires others to achieve. Steve's sacrifice in time and commitment has been to make southeastern North Carolina a better place to live and work—a sacrifice that meant doing the right thing and not being concerned with who gets the credit.

Pearl S. Buck once said, "To serve is beautiful, but only if it is done with joy and a whole heart and free mind." There is no question that his years of service have been the epitome of this statement. Service to others has been the embodiment of his life—service that sets a path for others to follow and that we all should emulate.

As he enters this next stage of life, I am confident that his talents and energy will continue to be of benefit to many. Through his commitment to family and community, a shining gem he will continue to be.

Bart Giamatti, the former president of Yale University, said it well in 1987, "Be mindful of what we share and must share; not the least of which is that each of our hopes for a full and decent life depends upon others hoping the same and all of us sustaining each other's hopes . . . If there is no striving for the good life for any of us, there cannot be a good life for any of us."

On behalf of the citizens of the Seventh Congressional District of North Carolina, thanks to Steve so much for the good life he has given to so many. Now, may he enjoy the same, and may God's strength, peace and joy be with him always.

IN RECOGNITION OF GREECE'S OUTSTANDING PERFORMANCE IN HOSTING THE 2004 SUMMER OLYMPICS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to Greece for its outstanding performance as host of the 2004 Olympic Games. As Co-Chair of the Congressional Caucus on Hellenic Issues and as the House Member privileged to represent Astoria, Queens, one of the largest and most vibrant communities of Hellenic Americans anywhere in this country, I join with all of my Caucus colleagues and fellow residents of New York's 14th Congressional District in saluting the people of Greece. On October 29, 2004, the Hellenic community, together with many friends, convened in Astoria's Athens Square Park to recognize this outstanding accomplishment.

While it has been nearly three months since the Olympic flame was extinguished in Athens, the memory of how wonderful the 2004 Summer Games really were remains with us. The Athens Games attracted the largest American audience ever for an Olympic competition held outside the United States. The impact will be felt worldwide for generations to come. To me it was always clear that Greece would be an excellent host for the 2004 Olympic Games. Greek hospitality and warmth is renowned throughout the world. Thus, it is no surprise to report that the Greek people proved the naysayers wrong by hosting an impeccably organized and safe Olympic Games, an extraordinary world event in which the athletes took center stage.

For three weeks in August, the people of Greece welcomed the world to participate in a competition that allowed countries to set aside their political differences for a brief time and to come together in the spirit of peace and sportsmanship. Wanting to help make the 2004 Olympics a great event for visitors many volunteers, including those from New York City such as Andreas C George, Katherine George, Vlasis Anastasiou, Julia Anastasiou, Helen Skarla, Katerina Papaioannou, Joanna Savaides, Irene Aindili Kalliroe Argenas, Yeannis Kaltsas, Spilios Gianakopoulos, Elizabeth Bogiatzi, Marika Gianakopoulos, Argyris Ignatiades, Stephanos Pavlides, Ieanni Michaelides, Theodora Ziongas, George Costacos and Zacharoula Karyammi, gave generously of their time and energy. While they were there, the volunteers were able to see Greece's beautiful historic and natural treasures, ensuring that they would remember forever their experience in Greece.

On October 29th, the members of Hellenic cultural and civic organizations, Greek Orthodox churches, constituents and friends joined together to pay tribute to Greece for its extraordinary showing in the Olympics. The organizations represented included the Federation of Hellenic Societies and its members: Grinion Benevolent Society; Daughters of Roumeli Society of New York, Inc., Society of Diplatanos, Saint Marina, Inc., Nafpactian Brotherhood of New York, Galaxidi Brotherhood Eanthe, Thermopyles Phiotidos, the Laconian Brotherhood "Mani" Inc., Calavrytan Fraternity, Geros Tou Morea, Inc, Society Vryseon Anavretis, Pankerkyraikos Association, Kephalos, Society of America, Ithacan Society, "Odesseus" Ithacan Society, "Odesseus" Aesculapian Thessalian Brotherhood, Inc., Society of Epirotes, Pyrrhus Benevolent Society, Inc., Society of Epirotes Ladies Auxiliary, Souliotissaithessalonikian Society Society of Kastorians, Pontion Society of Kastoria, Inc., Panthracian Union of America, "Orpheus" St. John Theologos Society, Panicarian Brotherhood, Mytilenian Society of America, Pan-lemnian Philanthropic Association "Hephaestos" Inc., Gnomagoras Nisyrian Society Inc., Zoodohos Pighe of Andros Society, Cretans Association, "Omonoia" Cretan Women's Association, "Pasiphae" Syllogos Kreton "Minos" Pancyprian Association, Inc., Greek Cultural Center Inc., Northern Chios Society of "Pelineon", United Pireotes of America, Aetoloakarnanian Mutual Society, Mutual Aid Society, Aigioton Vostitsa Epidavrou Limiras Association, Inc., Paneliakos Society of New York, Kalamata Society, Ltd., Aristotelis Society of Halkidikipansamian Brotherhood "Pythagoras" of New York, "Labrys" Cretan Youth Organization of New York, Pontian Society "Komninoi", NY Greek American Folklore Society, Inc., Greek American Folklore Society, Inc., El Greco Society of Visual Arts, Inc., "St. Demetrios" Naupaktias Brotherhood of America, Greek American Homeowners Ass., Society Agiogalousion Amerikis, Greek-American Labor Council, Greek Society Elatousion of "St. Stefanos", Syllogos Noumou Magnisias "Argonaytes", Benevolent Association of Calamatahellenic Veterans Society of Greater New York, Inc., Panhellenic Organization "Martyrs of Kavo Melanios" Othoni Society of USA, Inc., Association of Logastra, Inc., Hellenic Organization of University Graduates of America, Philoptohos Adelfotis Arahoviton Nafpaktias Olympiakos Fan Club of NY, USA Greek and American Retirement Club, Pankritiki Enosis Athlitismou, Inc., Pan-Grecorian A.E.K. Fan Soccer Club of USA, Inc., Greek-American Mothers Association of USA, Omilos Metanaston Karitsis Messinian Benevolent Association, Hellenic American Educators Association, Gnomogoras Nisyrian Society, Inc., Benevolent Society of Athanasios Diakos "Apostole", Association Magoulioton of Spartasyllogos Patrinon Kostis Palamas and other prominent organizations, including PSEKA, Athens Square Park Inc., American Hellenic Educational Progressive Association, St. Paul Soc., Pan Dodecanese Society of America, Krikos; Eastern Orthodox Lawyers, Pan Macedonian Cultural Center; the Modern Greek Studies Center; the Hellenic American Medical Society; Euro-American Women's Council and the Pan Erikoussa Society of America, as well as our friends in the Greek press: National Herald, Hellenic Harmonies, Hellas News, National Greek TV, Hellenic Times, Estiator & Greek American Review, Antena, Aktina, Eseis Magazine, Maria Papadatos Show; Orthodox Observer, Hellas FM, and Mike Zapitis Hour.

The millions of Americans who watched the Games achieved a better understanding of the Greek people, their warmth, generosity and graciousness. These Olympics helped solidify the reputation of Greece and the Hellenic people for abundant hospitality, or "filoxenia". Greece has earned our gratitude and sincerest congratulations. "Axie!"

Mr. Speaker, I ask my colleagues to rise to pay tribute to Greece for giving the world a spectacular 2004 Summer Olympics.

IN HONOR OF FOREST HILL MANOR

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. FARR. Mr. Speaker, I rise today to congratulate Forest Hill Manor on its fiftieth anniversary of serving our community's seniors. This historic building was once the illustrious Forest Hill Hotel, and is still known today for the fine service it offers its guests.

In 1954 the hotel was acquired by the California-Nevada Methodist Homes for the purpose of providing a retirement residence in picturesque Pacific Grove. Throughout the years the Manor has continued to undergo improvements, designed to maintain the high quality of life residents have come to expect from this institution.

Currently the Manor is beginning work on the latest expansion project, responding to the growing needs of the community. There will be an additional thirty-two independent living apartments, and six more assisted living apartments. The Manor is also adding a skilled nursing facility on the property, with twenty-six beds, so residents will not have to receive care offsite. These new developments will expand the Manor's ability to work for the elderly community in the Monterey Bay.

Mr. Speaker, I wish to congratulate the Forest Hill Manor on the outstanding service it has provided our community for the last fifty years. The Manor is a model retirement home, offering a pleasant living experience for 693 residents since 1954. I extend my congratulations to Forest Hill Manor and wish it many more successful years.

IN HONOR OF SHERIFF MARK TRACY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. FARR. Mr. Speaker, I rise today to honor Mark Tracy who is retiring after ten years as the Santa Cruz County Sheriff. Mr. Tracy's lifelong dedication to the Santa Cruz community consists of over 32 years as a police officer, as well as numerous volunteer and leadership positions within local organizations. Beginning his career as a Deputy Sheriff with Santa Cruz County, Mark rose through the ranks to become a Sergeant and a Lieutenant. He was elected Sheriff-Coroner of Santa Cruz County in 1994.

During his years with the Sheriff's Office, Mark has worked in and represented nearly every bureau and capacity in the department and has received numerous awards and commendations. Notably, he has acted as Coordinator of the Search and Rescue Team, was a founding member of the Hostage Negotiating Team, and has served as Chairman for both the Santa Cruz County Criminal Justice Council and the Santa Cruz County Commission on Domestic Violence. By establishing the Domestic Violence Unit and working with advocacy groups throughout the county, he has promoted better services to victims of domestic abuse. Additionally, Sheriff Tracy established the High Tech Crime Unit to address the growing problem of identity theft and computer crimes.

In his career as Sheriff, Mark has also established unprecedented levels of trust and cooperation with the community, including women's groups, lesbian, gay, bisexual and transgender communities, as well as medical marijuana organizations. He has overseen the opening of new service centers throughout Santa Cruz County and has placed school resource officers at high schools and junior high schools throughout the region.

The Santa Cruz Sheriff's Office has a proud history of aggressively attacking crime in a proactive and timely manner. Mark has been at the forefront of working towards unbiased policing and problem-solving techniques. In his partnerships with local organizations, he has established himself as an integral part of the Santa Cruz community. I have personally enjoyed working with Mark, and I wish to thank him for his dedicated service to our community. Mr. Speaker, I would like to congratulate Mr. Tracy on his upcoming retirement as Sheriff, and wish him the best of luck in all of his future endeavors.

RECOGNIZING THE 60TH ANNIVERSARY OF THE BATTLE OF THE BULGE DURING WORLD WAR II

SPEECH OF

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2004

Mr. LAHOOD. Mr. Speaker, I rise today in support of H.J. Res. 110, legislation that commemorates the upcoming 60th anniversary of the Battle of the Bulge.

As we all know, our Allied forces fought against great odds, outnumbered and outgunned, to hold back German forces from December, 1944 to January, 1945. Victory over Germany was secured 4 months later.

This year has given us many opportunities to thank the members of the World War II generation for all that they have achieved. The 60th anniversary of D-Day, the opening of the long-awaited National World War II Memorial on the Mall here in Washington, and the 60th anniversary of the Battle of the Bulge are reminders that these men and women fought to save the world from tyranny. The passage of time should not diminish their sacrifices.

I would like to thank the Speaker of the House, my friend and colleague from Illinois, for sponsoring this resolution. It honors the 600,000 U.S. troops who fought in this battle 60 years ago. One of those troops is another friend and former colleague, Bob Michel. The former Minority Leader of the House, Bob Michel was wounded by machine gun fire at the Battle of the Bulge, for which he earned two Bronze Stars and a Purple Heart. I know he has never forgotten that more than 81,000 of his fellow American soldiers were also injured in Belgium 60 years ago, and, through this resolution, we show these veterans that we do not forget, either.

I am proud to join my colleagues as a cosponsor of H.J. Res. 110, and urge its swift passage.

THRIFT SAVINGS PLAN OPEN ELECTIONS ACT OF 2004

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise in strong support of H.R. 4324, the Thrift Savings Plan Open Elections Act of 2004. This simple, but important legislation will allow eligible individuals the opportunity to elect or modify contributions to the Thrift Savings Plan (TSP) at any time, without penalty. The TSP is a voluntary, tax-deferred defined contribution plan for Federal employees and members of the uniformed services, through which Federal agencies provide matching funds to an individual's own retirement contributions. However, under current law, an eligible employee has only two opportunities a year to join the TSP fund and receive matching contributions, or to adjust their individual contribution amount. The changes implemented by H.R. 4324 will allow for greater participant access to the TSP, and will simplify administration. Given the hard work that our Federal employees and uniformed servicemen and women perform day in and day out, it is commonsense that they should have this increased control over their retirement contributions.

RECOGNIZING DEREK E. WILLIAMS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Derek E. Williams of Kearney, MO, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and in earning the most prestigious award of Eagle Scout.

Derek has been very active with his troop, participating in many scout activities. Over the 3 years Derek has been involved with scouting, he has held numerous leadership positions, serving as Assistant Patrol Leader, Patrol Leader, Chaplain Aide, Assistant Senior Patrol Leader, and Senior Patrol Leader. Derek is a member of the Tribe of Mic-O-Say, Order of the Arrow, and Brotherhood.

For his Eagle Scout project, Derek built a bridge at the Lions Club Park. With the addition of Derek's bridge, the park is now handicap accessible. The project took approximately 120 hours to complete.

Mr. Speaker, I proudly ask you to join me in commending Derek E. Williams for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IMPROVING ACCESS TO PHYSICIANS IN MEDICALLY UNDERSERVED AREAS

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Ms. JACKSON-LEE of Texas. Mr. Speaker, the purpose of this bill is to make it possible for foreign doctors to provide medical services in geographic areas which have been designated by the Secretary of Health and Human Services as having a shortage of health care professionals. S. 2302 is almost identical to H.R. 4453, which I cosponsored with my colleague, Mr. HOSTETTLER. H.R. 4453 passed the House on October 6 on the suspension calendar. The Senate bill has an additional provision which ensures that specialists sponsored by Federal and State agencies are placed in areas that have a shortage in that specialty. The additional provision requires the sponsoring agency to determine criteria for demonstrating a specialist shortage and to meet that criteria in order to sponsor the specialist.

Aliens who attend medical school in the United States on J exchange program visas are required to leave the country afterwards and reside abroad for two years before they can receive a visa to work here as physicians. In 1994, Congress created a new temporary waiver of this 2-year foreign residence requirement which allowed states as well as federal agencies to sponsor the doctors. It applied to foreign doctors who would commit to practicing medicine for no less than 3 years in a geographic area designated by the Secretary of Health and Human Services as 2 having a shortage of health care professionals. This program has been successful for 10 years in bringing highly qualified physicians to medically underserved areas. It sunsetted on June 1 of this year.

The first physician recommended for a waiver in Texas was Dr. Maria Camacho, a Pediatric Intensivist. Her services to the residents of Harlingen in Cameron County provide a level of health care to children that was previously unavailable in that county.

Dr. K. M. Moorthi is a Nephrologist who was recommended for a waiver to serve at a facility in Pecos, TX, in Reeves County. He works at a dialysis center. Patients requiring dialysis 3 times per week in that part of Texas used to have to travel more than 70 miles each way for the treatments. Now it is available in Pecos.

The bill will provide a 2-year extension for this waiver program. When it was marked up by the Subcommittee on Immigration, Border Security, and Claims, the extension was only for one year. Although I had sought a 5-year extension at that 3 markup, I subsequently accepted a compromise of 2 years. I also negotiated a flexibility provision which will allow a State agency to place a doctor at a location that has not been designated as underserved if the doctor will nevertheless serve patients from an underserved area. The exception is limited to five doctors in each state. It targets rural underserved areas that typically get specialty medical care from a major medical facility that is not itself located within an underserved area. The bill also provides that the doctors who receive a waiver to come here with H–1B visas will not count towards the annual H–1B cap.

I urge you to vote for S. 2302.

BE PROUD TO BE AN AMERICAN AN ESSAY BY HELEN LU

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. STARK. Mr. Speaker, I rise to recognize an essay composed by Helen Lu, a 16-year-old junior at Washington High School in Fremont, CA. Miss Lu delivered her essay at the Alameda County Veterans Affairs Commission's Veterans Day commemoration on November 11, 2004.

BE PROUD TO BE AN AMERICAN

Be proud to be an American. Be proud that you are part of this great democratic society, founded on the ideals of liberty and freedom that our forefathers have fought for in the American Revolution.

Be proud to be an American. Remember our role in the destruction of that Fascist dictatorship in the Second World War.

Be proud to be an American, that you live in the most democratic nation in the world and take part in the most dynamic and developed economy.

Be proud to be an American, though you may look at what is going on these days, and sigh in disappointment at our divided condition regarding a war. But we have known greater division, the American Civil War. Yet we still come together as a nation. We still have come together to build this great nation into what it is today.

Be proud to be an American, even though we are uncertain if every war has been justified. There are those who call Vietnam a mistake. There are those who call the war in Iraq an error. You can dwell on those issues the other 364 days of the year, but today just remember the millions of men and women who have so selflessly devoted their lives to their country.

Be proud to be an American, for there is one thing certain, and remember it when you feel lost amidst all the political argument: there have always been brave men and women who would lay down their lives to protect those of yours and mine. There have always been courageous men and women who would sacrifice themselves for their country. We may look back at any war and condemn it as a grave mistake. We may look back on this war in Iraq, where thousands of young men and women have died, as a grave mistake. History may show that we had mistakes, but we will always be certain of the absolute heroism of those who sacrificed for their country.

Be proud to be an American. Your country is a nation in which people may disagree over values and beliefs, yet always come together in the end to fight any battle that needs to be fought.

To all our veterans, those who are here with us and to those who gave their lives in the service of their country, you have our utmost respect.

A TRIBUTE TO NISARUL HAQUE, M.D.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Dr. Nisarul Haque for his dedication to Interfaith Medical Center and excellence in patient care.

Legendary for his gentle and caring manner, Dr. Haque has been affiliated with Interfaith Medical Center for nearly his entire medical career, joining as a medical resident in 1966 at one of Interfaith Medical Center's predecessor hospitals, Jewish Hospital and Medical Center of Brooklyn, or "Brooklyn Jewish." He has been married to Lois Haque for 38 years and they have two sons, Kamaal and Jameel.

Dr. Haque came to the United States from Pakistan on July 4, 1964, arriving to see Independence Day fireworks from a helicopter, which was shuttling him from JFK Airport to New Jersey to start his American medical career at Perth Amboy General Hospital. After completing his Rotating Internship at Perth Amboy, Dr. Haque went to Kingsbrook Medical Center as a first year resident in Internal Medicine.

Dr. Haque says he finally found the right place when he came to Brooklyn Jewish for his second and third year residencies in Internal Medicine from 1966 to 1968 and Chief Medical Resident from 1968 to 1969. He joined the Medical Staff in 1971, worked as a part-time attending physician in the medical clinic in 1976 and was named to his current position as the Medical Director of the Department of Psychiatry in 1985. Dr. Haque is Board-certified in both Internal Medicine and Geriatrics and is a member of the Kings County Medical Society and Medical Society of the State of New York. He graduated in 1960 from the Khyber Medical College of the University of Peshawar, Pakistan. He did his internship at Lady Reading Hospital and served as Medical Director at the Cantonment General Hospital, both in Peshawar.

For his long-time commitment to the Interfaith Medical Center and its patients, Dr. Haque has received the 2004 Spirit Award for Excellence in Patient Care from the Center.

Mr. Speaker, Dr. Nisarul Haque has dedicated his professional career to serving patients in the Brooklyn community at Interfaith Medical Center. As such, he is more than worthy of receiving our recognition today, and I urge my colleagues to join me in honoring this truly remarkable person.

IN MEMORY OF LANCE CPL. SEAN M. LANGLEY

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. CHANDLER. Mr. Speaker, I rise today to honor the life of Lance Cpl. Sean M. Langley. On November 7, 2004, Lance Cpl. Langley made the ultimate sacrifice for his country while serving in Iraq. The work of our young men and women in the armed services is vital for the safety and security of our Nation. The death of Lance Cpl. Langley is a true loss to the United States. I salute his dedication while serving in the 2nd Battalion, 5th Marine Regiment, 1st Marine Division, 1st Marine Expeditionary Force. My thoughts and prayers are with his parents, Bill and Patricia Langley, and all those who loved him.

RECOGNIZING JEFFREY WILLIAM HAYNES FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jeffrey William Haynes of Kearney, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and in earning the most prestigious award of Eagle Scout.

Jeff has been very active with his troop, participating in many scout activities. Over the nine years Jeff has been involved with scouting, he has held numerous leadership positions, serving as Scribe, Assistant Patrol Leader, Patrol Leader, and Assistant Senior Patrol Leader. Jeff attended H. Roe Bartle each year since becoming a member of Troop 397, and is a member of the Tribe of Mic-O-Say, Order of the Arrow, and Brotherhood.

For his Eagle Scout project, Jeff disassembled and removed the old playground equipment in Lion's Park in Kearney; and then assembled and installed new playground equipment.

Mr. Speaker, I proudly ask you to join me in commending Jeffrey William Haynes for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING LARRY HERBSTER ON HIS RETIREMENT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my respected colleagues in the House of Representatives to pay tribute to Larry Herbster as he retires from his position as General Manager of WBRE–TV, the NBC affiliate in Wilkes-Barre, Pennsylvania.

Larry has worked for Nexstar Broadcasting for five years and was named Vice President and General Manager of WBRE in 2000.

Larry was born in Scranton and is a 1961 graduate of Scranton Preparatory School. He received his bachelor of science degree from the University of Scranton and his master's degree in business administration from New York University's Stern Graduate School of Business.

Larry has worked in the media since 1967, beginning with LIFE Magazine, TIME-LIFE Broadcast and Cable and TIME-LIFE Books. He also worked in various capacities with The Washington Post and The Gannett Co., Inc. Larry was President of two Gannett television stations in Oklahoma City and in Buffalo, New York before retiring in 1999. He then became Vice President and General Manager of Nexstar Broadcasting's Rochester, New York CBS affiliate before coming back home to Northeastern Pennsylvania. He and his wife Anna reside in Wilkes-Barre.

Larry has been active in community affairs throughout his entire life, serving on the boards of the United Way of Wyoming Valley, the Diamond City Partnership, the Boy Scouts of America and Scranton Tomorrow. In his spare time, Larry is an avid sailor. Larry will teach on the graduate school level now that he is retiring.

Mr. Speaker, please join me in congratulating Larry Herbster upon his retirement. It is truly a privilege to represent a man who has worked diligently to dispense the news to the public and who has served his community with a variety of civic activities.

COMMEMORATING THE 75TH ANNIVERSARY OF SHAKER SQUARE

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mrs. JONES of Ohio. Mr. Speaker, I rise today to celebrate the 75th Anniversary of one of Cleveland's most cherished landmarks, Shaker Square.

The Square was built in 1927–29 by Otis and Mantis Van Sweringen, the brothers who developed Shaker Heights, Ohio. The oldest shopping district in Ohio and the second oldest in the Nation, Shaker Square was listed in the National Register of Historic Places in 1976. What you see at Shaker Square today is a happy combination of nearly 75 years of preservation, enhanced by a multi-million dollar renovation in 2000–2001.

The Square has been viewed as the gateway to the Eastern suburbs. In addition to the development of Shaker Square was the creation of a rapid transit (light rail) connection to downtown Cleveland via the Terminal Tower, which is now a part of The Tower City Center.

Shaker Square is home to many unique shops and restaurants and is home to the Historic Colonial Theater, which was built in 1937.

But Shaker Square is more than a shopping area. It is the heart of a lively, diverse neighborhood. There are more than 4,000 units of high-quality rental and condominium apartments near the square—the largest concentration of multi family housing in Cleveland—plus townhouses and many private homes.

Therefore, it is with great pride and pleasure that I congratulate Shaker Square and the community-at-large as we celebrate the 75th Anniversary of this historic landmark in the city of Cleveland and the 11th Congressional District of Ohio.

CONGRATULATIONS TO THE DENTON HOUSING AUTHORITY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. BURGESS. Mr. Speaker, I rise today to recognize the Denton Housing Authority to commend them for receiving four National Association of Housing and Redevelopment Officials (NAHRO) Merit Awards this year.

The Denton Housing Authority has been active in the North Texas community for years, working hard to provide quality public and affordable housing. This year at the 2004 NAHRO awards ceremony, the Denton Housing Authority was recognized for their achievements. The Denton Housing Authority raised the bar once again by winning more merit awards than in 2003.

The Denton Housing Authority was recognized for four of their programs. The Class Apprenticeship Program, created by the Bureau of Apprenticeship and Training, provides career training programs, on-the-job training, and associated technical instruction to program participants and members of the community. The Denton County Health Department Dental Clinic teams with the County Health Department to make available low-cost and free services to area residents who cannot afford insurance. Also, Project READY teams with the University of North Texas to encourage social and academic success and reinforce positive behavior of youth living in the Phoenix housing development. Finally, Resident Outreach Clean Up Project in cooperation with the University of North Texas and Keep Denton Beautiful improved the community surroundings and eliminated trash and graffiti. I believe these programs will better enhance our community by investing in our citizens and forming a safer environment for our neighborhoods.

Once again, I would like to express my sincere congratulations to the Denton Housing Authority for their innovation and hard work in providing community outreach services to the city of Denton and surrounding communities.

COMMENDING THE PALM BEACH COUNTY SCHOOL DISTRICT FOR ITS DESIGNATION AS ONE OF THE TOP THREE SCHOOL DISTRICTS IN EMERGENCY PREPAREDNESS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to commend the Palm Beach County School District for achieving a rating of "Best" in the report released by the America Prepared Campaign on Preparedness in America's Schools. In the twenty school districts rated on their emergency preparedness regarding terrorism, Palm Beach County scored in third place.

The America Prepared Campaign is a nonprofit, non-partisan initiative that uses the expertise of national leaders on a range of matters to give citizens the tools and information they need to prepare themselves and their families for a large-scale disaster, particularly a terrorism event.

In their report entitled "Preparedness in America's Schools: A Comprehensive Look at Terrorism Preparedness in America's Twenty Largest School Districts," the foundation examined how well these school districts are prepared to protect their students in the event of a terrorist attack or other major emergency.

With 193 schools and more than 160,000 students, the School District of Palm Beach County was lauded for its "long history of robust school security and safety efforts." School District Police Department Chief James Kelly was singled out for his focus on implementing effective and efficient security methods, such as identification badges for school personnel, including students, a GPS tracking system for county school buses, and the introduction of violence-intervention programs.

This report also cited the School District's outstanding use of communication, employing the use of the existing local notification system rather than a brand-new, expensive phone tree. This method ensures that parents and local officials have up-to-date emergency information.

While the School District has every right to feel proud of their accomplishment, officials know that there is still plenty of work to be done. The school district has, for example, applied for a grant to print an emergency preparedness pamphlet in four languages to be distributed to every home. Not only would families with children in public school receive this pamphlet, but so would families with students in private and charter schools.

Mr. Speaker, I commend the Palm Beach County School District for its efforts to prepare students, faculty, parents, and community members for emergency situations.

RECOGNIZING ALEXANDER COBLE KREEGER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Alexander Coble Kreeger of Kearney, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and in earning the most prestigious award of Eagle Scout.

Alex has been very active with his troop, participating in many scout activities. Over the 10 years Alex has been involved with scouting, he has held numerous leadership positions, serving as Den Chief, Patrol Leader, Bugler, and Junior Assistant Scoutmaster. Alex attended H. Roe Bartle Camp for 6 years, becoming a member of the Tribe of Mic-O-Say. He was elected to the Order of the Arrow in 2000, Ordeal in 2000, and Brotherhood in 2001.

For his Eagle Scout project, Alex cleaned and repaired the Lion's Club garage in Kearney.

Mr. Speaker, I proudly ask you to join me in commending Alexander Coble Kreeger for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CORRECTING ENROLLMENT OF H.R. 1417

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of S. Con. Res. 145, a bill for correcting the enrollment of H.R. 1417, the "Copyright Royalty and Distribution Reform Act." I commend Messrs. Smith, Mr. Berman, and Ranking Member Conyers, for their respective hard work in crafting this legislation.

The underlying bill would replace the existing administrative procedures within the U.S. Copyright Office that determine copyright royalty rates and the distribution of related royalties under various compulsory licenses.

Under the Copyright Royalty Tribunal Reform Act of 1993, the Librarian of Congress has the authority to convene Copyright Arbitration Royalty Panels, or "CARPS," to resolve failed private negotiations between parties that fail to establish rates or to distribute royalties regarding the commercial use of movies, music and other specified copyrighted works.

For years, the CARP system has been criticized for rendering unpredictable and inconsistent decisions, employing arbitrators lacking the expertise to render sound decisions, and for being unnecessarily expensive.

H.R. 1417 is a reasonable bill to cure these concerns and is based on the input and recommendations of government and industry experts.

H.R. 1417 addresses the problem of lack of arbitrator expertise by appointing a "Copyright Judge" to preside over the new process. The Copyright Judge will be appointed by the Librarian of Congress, have full adjudicatory responsibility, and have the authority to make rulings on both the law and rates. The Copyright Judge will select two professional staff members with knowledge of economics, business, and finance. These staff qualifications will also improve the quality of the decisions rendered.

H.R. 1417 redefines the role of the Copyright Office. Presently, acts as an intake agency answering initial case intake questions, as well as an appellate court for CARP decisions by advising the Librarian on cases. This dual role forces the Copyright Office to often decline to answer threshold intake questions for fear of having to review its own decisions at the appellate stage. Under H.R. 1417, the Copyright Office's appellate responsibilities will be removed and the Office will only act in an administrative and advisory capacity by counseling the Copyright Judge on substantive issues as requested.

For small claimants who participate in the CARP process, the substantial expenses are practically preclusive. H.R. 1417 contains provisions to make the process more accessible. First, claimants must declare an "amount in controversy" during a distribution determination phase of the proceedings. If the dollar figure is $500 or less, the claimant will be assigned to the small claims process which is an less expensive, "all-paper" claim resolution method.

Another provision of H.R. 1417, that benefits both large and small claimants requires the filing of a "notice of intent to participate" in either a rate-making or distribution proceeding. This not requirement will discourage entities from disrupting the process by participating at the last minute. If a party failure to file in a timely manner or fails to pay the required fee, they will be an exclusion of either written or oral participation in that determination. Those exempted as small claimants would not be affected by this requirement.

H.R. 1417 contains several procedural changes to make the claim resolution process more convenient for the parties. H.R. 1417 expands the duration of the discovery phase from 45 to 60 days to give parties more time to file their claims. Additionally, the 180–day time-frame for completing the CARP hearing process is amended to require parties complete the hearing phase of a rate-making or distribution determination in 6 months. The Copyright Judge, at their discretion, could extend this period up to a maximum of 6 additional months.

Mr. Speaker, after the corrections made by S. Con. Res. 145, H.R. 1417 will make changes to the CARP system that will benefit the parties as well as the agents of the copyright adjudication system. I support H. Con. Res. 145 and H.R. 1417, and I urge my colleagues to join me.

STEVE LOHR'S NEW YORK TIMES ARTICLE: "IS KAISER THE FUTURE OF AMERICAN HEALTH CARE?"

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. STARK. Mr. Speaker, I rise today to recognize an excellent article recently published in the New York Times. For years I have talked about the benefits of real managed care, not the managed cost model Republicans in Congress and the Bush Administration blindly push at the expense of patients.

In his article, Steve Lohr presents the facts about Kaiser Permanente and its non-profit staff model health maintenance organization. For thousands of people in my district and millions across the country Kaiser provides quality, cost effective care, while still finding the resources necessary to be a leader in the development of health information technology. At the same time, Kaiser keeps costs down by effectively managing chronic conditions and educating healthy members to avoid chronic conditions down the road.

Tax credits and personal responsibility will do little or nothing to ameliorate the crisis of 45 million uninsured Americans. The Kaiser model is the most reasonable approach to creating a single-payer universal health care system. Obstacles to reaching the goal of universal coverage are many, but this article presents the hard fact that Kaiser is the future of American health care.

It is with pleasure that I submit the attached article, "Is Kaiser the Future of American Health Care?" for inclusion in the CONGRESSIONAL RECORD. The article originally appeared in the October 31, 2004 edition of The New York Times.

[From the New York Times, Oct. 31, 2004]

IS KAISER THE FUTURE OF AMERICAN HEALTH CARE?

(By Steve Lohr)

OAKLAND, CA—After 18 years in private practice, Dr. Victor Silvestre was exhausted from his lonely battle, day after day, with a health care system that seemed to be working against him. A general practitioner, Dr. Silvestre found it increasingly difficult to get his patients appointments with specialists, who tended to focus on lucrative procedures instead of routine care. Paperwork and haggling with insurance companies, he said, took more and more time. "There just had to be a better way," he recalled.

For Dr. Silvestre, the better way was not across the border in Canada, or in some affluent nearby suburb, but in his own backyard, in Oakland. Two years ago, he joined Kaiser Permanente, the huge health maintenance organization based here. "So many of the solutions, the ingredients of a more rational system for delivering health care, were there," he said.

It may seem unlikely, given Kaiser's past image as a ham-handed H.M.O., but plenty of others are reaching the same conclusion. High-level visitors from across the political spectrum—the Bush administration and National Health Service of Britain, for example—are coming to California these days to look at Kaiser as an institution that is actually doing some of the things needed to improve health care.

Obviously, there is no single model for revamping the nation's costly, disjointed health care system, and Kaiser certainly has its share of problems. But according to economists and medical experts, Kaiser is a leader in the drive both to increase the quality of care and to spend health dollars more wisely, using technology and incentives tailored to those goals. "Quality health care in America will never be cheap, but Kaiser probably does it better than anywhere else," said Uwe E. Reinhardt, an economist at Princeton who specializes in health issues.

HEALTH care systems in most industrialized countries are in crises of one form or another. But the American system is characterized by both feast and famine: it leads the world in delivering high-tech medical miracles but leaves 45 million people uninsured. The United States spends more on health care than any other country—$6,167 a person a year—yet it is a laggard among wealthy nations under basic health measures like life expectancy. In a nutshell, America's health care system, according to many experts, is a nonsystem. "It's like the worst market system you could devise, just a mess," said Neelam Sekhri, a health policy specialist at the World Health Organization in Geneva.

In this political season, the health care debate has been mostly about who will pay the bill. President Bush talks about tax credits and health savings accounts that are intended to give people more control over their care but would also mean that they would pay more out of their own pockets. Senator John Kerry wants the government to pay more, and he has proposed a major, and costly, program to cover the uninsured.

The favored solution of many liberals—and of no small number of health care experts—is a single-payer system of health insurance, covering the entire population and underwritten by the government. For the foreseeable future, that is considered politically off-limits, which was the message Washington absorbed from the abandoned effort to fashion a national health program in the Clinton administration.

How to finance health care is only one side of the problem. The other is how to deliver the care more intelligently, and that is where the Kaiser experience holds lessons. Given the demands of an aging population and steady advances in medical technology, national health spending will continue to climb. Yet by all accounts, there is plenty of waste—estimates range up to 30 percent or more of total spending—from unnecessary clinical tests, hospital stays and prescriptions, and the bedeviling sea of paper used to handle bills, claims and patient records.

"We're not going to spend less, but figuring out how to get the most value out of our health spending is going to be the big issue of the future," said David Cutler, a health care economist at Harvard.

But Kaiser as a model? Wasn't Kaiser, an H.M.O., part of the "managed care" movement that faltered in the 1990's amid protests from doctors and patients? In fact, Kaiser, with its origins in the 1930's and 1940's, when the industrialist Henry J. Kaiser provided health care for his construction and shipyard workers, has always been a hybrid. The managed care concept of the 1990's was about having an outside bean counter, usually an insurance company, looking over the shoulder of the doctor—managing costs instead of managing care.

Kaiser has a different setup with different incentives. It emphasizes preventive care and managing chronic diseases like heart disease and diabetes to keep people healthier. And that saves money because healthier people require less costly care like hospitalization.

The country's largest private-sector provider of health care, Kaiser employs more than 11,000 physicians and 135,000 other workers, owns 30 hospitals and hundreds of clinics and serves more than eight million members in nine states and the District of Columbia. Seventy percent are in California. Kaiser is both insurer and provider; employers typically pay fixed yearly fees for each member, no matter how much care is provided.

Clearly, Kaiser has its limits as a model for others. It is unlike many mainstream health plans in that it is a not-for-profit company—though one with annual revenue of more than $25 billion and operating margins of 5 percent. Its facilities tend to be large, and it has a lingering reputation for practicing an impersonal, regimented style of medicine that limits patient choice, despite recent efforts like the creation of physicians' personal Web pages and e-mail communication with patients.

Still, most health care experts who have studied Kaiser are impressed. "Kaiser has a model that consciously manages both quality and costs in a way that has been very effective," said Margaret O'Kane, president of the National Committee for Quality Assurance, an independent group that monitors health plans.

Kaiser's approach is best illustrated in two ways: its management of chronic illnesses like heart disease and diabetes, and its $3 billion initiative to use information technology to improve clinical care and streamline operations.

Across the country, health costs are skewed. In any given year, 90 percent of spending provides care for 30 percent of the population, and more than half of total spending goes to 5 percent of the population. Much of it is spent on people with chronic illnesses like heart disease and diabetes. So helping people with those ailments stay as healthy as possible offers much opportunity for cutting costs—and for improving lives.

In Northern California, Kaiser has sharply reduced the death rate for its three million members there in recent years by monitoring and controlling blood pressure and cholesterol levels and by promoting the use of aspirin and beta blockers (to reduce the risk of heart attacks) and statins (to lower cholesterol). The death rate from heart disease among the Kaiser members is 30 percent lower than it is in the rest of the Northern California population, adjusted for age and gender.

Four months ago, Jose Flores, 44, a postal worker in San Francisco, had double-bypass heart surgery. While still in the hospital, he was enrolled in a program of education and treatment, which is run by nurses and lasts a year. Patients receive instruction on diet, exercise and cholesterol management; smokers are placed in a course to help them quit.

Mr. Flores says he is on a drug regimen that includes beta blockers and Lovastatin, a generic cholesterol-lowering statin. He takes large doses of niacin, a vitamin that raises the level of high-density lipoprotein, the "good" cholesterol that protects against heart attacks. He walks for an hour, five days a week. His eating habits have been transformed, too: fried foods were once a staple of his diet, but no more. Blacklisted, too, are sour cream, cheese and corn chips. "Now, I try to avoid all that," Mr. Flores said.

In Northern California alone, Kaiser spends $55 million a year on chronic-care management programs. "But what's really expensive is if we don't take care of these people and manage their chronic conditions," said Dr. Robert Mithun, chief of internal medicine at Kaiser's medical center in San Francisco.

Dr. Mithun's comment may seem like no more than common sense, but it does not reflect the typical logic of the dominant fee-for-service model of health care. Most doctors and hospitals get a fee from insurers for each patient visit, clinical test, surgical procedure or day a patient spends in a hospital. In practice, the fee-for-service system is often an invitation to do more of everything—more visits, more tests, more surgery. What gets done is what gets paid for, and insurers usually do not pay for preventive care or chronic care management provided by nurses or in group classes, like the ones at Kaiser.

In the fee-for-service medical economy, doctors and hospitals routinely strike different deals at different fees with many different insurers. The results are complexity, inefficiency and a constant bureaucratic tug-of-war between health care providers and insurers over claims.

The Kaiser economy seems a world apart. "What works at Kaiser is the integration of the financing and delivery of care, and the aligned incentives that allow you to make more rational decisions about health care for members," said Ms. Sekhri, the policy expert at the World Health Organization, who has studied Kaiser.

Ms. Sekhri was a co-author of a 2002 report that compared Kaiser in California with the National Health Service of Britain. The report found that for comparable spending, the Kaiser system in California did a better job of keeping people with chronic conditions out of hospitals. And when Kaiser patients were admitted to hospitals, their stays were generally shorter. Recently, Britain sent groups of primary care physicians and hospital administrators to California to learn from Kaiser.

The Labor government in Britain may look to Kaiser as an efficient model for its health service, which is run by the government. But the Bush administration is more interested in Kaiser as a model for the efficiencies and integration that can be achieved through information technology.

In May, the Bush administration appointed Dr. David J. Brailer to the new post of national coordinator of health information technology. His mandate is to prod the nation's health care system into the computer age. Bringing patient records and prescriptions out of the pen-and-ink era promises to save both dollars and lives. The automation of an electronic system could sharply reduce medical errors, which are estimated to be responsible for 45,000 to 98,000 deaths a year, according to the Institute of Medicine of the National Academy of Sciences.

Kaiser has been investing heavily in information technology for years. Its clinical information system includes electronic records with a patient's history, prescriptions and preventive health recommendations. A doctor can call up a patient's X-ray or magnetic resonance image on a desktop personal computer. Electronic prescribing—a goal in the government plan—is routine at Kaiser.

Yet Kaiser is in the midst of a several-year, $3 billion program, called KP HealthConnect, to drastically improve and integrate its clinical and administrative systems and Web-based services for members. Once it is in place, Kaiser clinicians will be able to tap into a vast but flexible storehouse of data that uses intelligent software to automatically flag potentially harmful drug combinations for a patient or to suggest what treatments have been most effective for other people who are of the same sex, age group and—eventually—genetic profile.

Dr. Brailer, for one, checks in regularly on the progress of HealthConnect. George Halvorson, Kaiser's chief executive, said, "Policy makers are looking to us as the cutting edge of how health care can be supported electronically."

Kaiser has had setbacks in the program. Last year, it abandoned I.B.M. as its main partner on the project and chose to go with specialized health care software provided by Epic Systems, a private company in Madison, Wis. Despite the switch, HealthConnect is scheduled to be rolled out during the next couple of years across Kaiser's operations.

The conversion of inefficient paperwork to a digital network also opens the door to fostering more efficient markets in health care. Markets rely on information, yet the health care economy is one in which information on patients, treatments and outcomes is trapped on paper and isolated in clinics, hospitals and insurance offices—instead of being shared, analyzed and compared, while still insuring privacy.

The fee-for-service model exists because patient visits, clinical tests and surgical procedures can be measured. They are inputs, in economic terms. Whether those inputs are effective is another matter.

In recent years, there have been efforts to focus on the quality of health care. The National Committee for Quality Assurance conducts annual reports based on a health plan's use of practices shown to improve patients' health, from timely prenatal care to cholesterol management. Kaiser plans consistently earn excellent ratings in the group's reports, and, this year, it had four of the five top-rated plans in the Pacific region, its stronghold.

Dr. Francis J. Crosson, the executive director of the physicians' side of Kaiser, said, "Our future has to be to compete on quality, offering people demonstrably better care and better value."

And the Kaiser system delivers quality while controlling total costs. A recent survey of health care costs in 15 metropolitan areas by Hewitt Associates, the human resources consulting firm, found that the cost for care per employee last year was lowest in the San Francisco area, where Kaiser members were about 35 percent of the insured population, at $5,515, and was highest in regions where Kaiser did not operate—led by New York, at $6,818 a worker.

Quality yardsticks are helpful, but they still measure inputs—ones associated with better health—instead of tracking how patients fare. The longer-term goal is for health plans to use technology more, as leading companies in the rest of the economy do. For the health plans, that may mean constantly tracking patients, treatments and results. "To have a real market for quality in health care, you need a product," Mr. Halvorson said. "And that means reliable, timely information about outcomes, clinical-trial sorts of databases that show things like, for example, 50-year-olds in our system have fewer heart attacks.

"With the right information and the right incentives," he added, "capitalism creates very good solutions."

A TRIBUTE TO DAVID J. MANNING

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of David J. Manning for his dedication to Interfaith Medical Center and continued community efforts.

David was elected Senior Vice President of Corporate Affairs of KeySpan Energy in April 1999. He is the Senior Officer reporting to the Chairman, with responsibility for public affairs, government relations, internal and external communications, community development and altruism, corporate brand strategy, and environmental policy and operations.

Before joining KeySpan Energy, Mr. Manning had been President of the Canadian Association of Petroleum Producers (CAPP) since 1995. From 1993 to 1995, he was Deputy Minister of Energy for the Province of Alberta, Canada, the source of approximately 14 percent of the natural gas used in the U.S. From 1988 to 1993, he was Senior International Trade Counsel for the Government of Alberta, based in New York City. Previously, he was in the private practice of law in Alberta, Canada. Mr. Manning is eligible for admission to the New York Bar. KeySpan Energy is the 4th largest natural gas distributor in the United States, serving much of New York City, Long Island, Boston and New Hampshire. It is also the largest investor owned electric power generator in New York State, and operates the LIPA electric system on Long Island under contract. David is past Chairman of the Brooklyn Chamber of Commerce, Vice Chairman of the Long Island Housing Partnership Board, and Coordinating Committee Co-chair of the current National Petroleum Council Natural Gas Study.

Most recently, for his community service and contributions to the Interfaith Medical Center, David is receiving the Spirit Award for Excellence in Community Service from the Center.

Mr. Speaker, David J. Manning has used his position as a national leader in the energy industry to strengthen and improve our community. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

IN MEMORY OF CORPORAL NICHOLAS DIERFUF

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. CHANDLER. Mr. Speaker, I rise today to honor the life of Corporal Nicholas J. Dierfuf. On April 8, 2004, Corporal Dierfuf made the ultimate sacrifice for his country while serving in Iraq. The work of our young men and women in the armed services is vital for the safety and security of our nation. The death of Corporal Dierfuf is a true loss to the United States. I salute his dedication while serving in the 1st Light Armored Reconnaissance Battalion, a unit in the 1st Marine Division. My thoughts and prayers are with his wife, Emily Duncan Dierfuf, his parents, and all those who loved him.

RECOGNIZING PAUL WESTFALL FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Paul Westfall of Blue Springs, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 138, and in earning the most prestigious award of Eagle Scout.

Paul has been very active with his troop, participating in many Scout activities. Over the many years Paul has been involved with Scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Paul Westfall for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING ST. MICHAEL'S UKRAINIAN ORTHODOX CHURCH ON ITS 75TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my respected colleagues in the House of Representatives to pay tribute to St. Michael's Ukrainian Orthodox Church on the joyous occasion of its 75th anniversary this Sunday in Scranton, Pennsylvania.

This church has a rich and proud history in the Eleventh District of Pennsylvania. Groundbreaking for St. Michael's began on September 2, 1929. The dedicated men and women were the founding members who provided the community with a place to worship. Their children, grandchildren and great-grandchildren continue to worship at St. Michael's. Members of the congregation are involved in a variety of civic activities that show their dedication to helping those who are less fortunate.

The church community shares its heritage through food each June. Visitors can partake in delicious foods such as homemade pyrohy, holubtsi and halushki, just to name a few. Through the Annual Food Festival, church members celebrate culture. But more than that, the festival unites people as it exposes a different ethnicity, fostering understanding and appreciation.

I would like to recognize Rev. Nestor S. Kowal, pastor of St. Michael's, as well as Karen Nebesky and Charles Warholak, Jr., cochairpersons of the anniversary celebration.

Mr. Speaker, I ask that you join me today in acknowledging the significant contributions made by St. Michael's Ukrainian Church and to congratulate its members on the occasion of its 75th anniversary.

IN RECOGNITION OF THE 2004 CLEVELAND COUNCIL OF BLACK NURSES HALL OF FAME INDUCTEES

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mrs. JONES of Ohio. Mr. Speaker, I rise today to recognize the many outstanding achievements of four distinguished healthcare professionals—Drs. Dorothy Bradford, Valerie George, Daisy Alford-Smith, and May Wykle.

Their endless acts of community service, excellence in the field of nursing education and many nursing affiliations are testimonies to their accomplishments, which have been recognized both locally and nationally.

Their sensitivity and willingness to help others were critical ingredients throughout their illustrious careers. May the legacy of their work continue to inspire the hearts and minds of others.

I am honored to join with the Cleveland Council of Black Nurses and the people of the 11th Congressional District in celebrating the "Living Legacy" of these visionaries.

CONGRATULATING J. ROGER WILLIAMS AS TEXAS' 105TH SECRETARY OF STATE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. BURGESS. Mr. Speaker, on Wednesday, November 17, 2004, Texas Governor Rick Perry named J. Roger Williams, a Weatherford businessman, Texas' 105th Secretary of State.

A nationally respected businessman, Roger Williams will be a powerful statesman. Mr. Williams will represent Texas entities both home and abroad by promoting all our great state has to offer. The Secretary of State serves as liaison for the governor on border and Mexican Affairs. As a dedicated civic leader and generous philanthropist, Mr. Williams comes well prepared for his new tenure as Texas' 105th Secretary of State.

In addition to his duties representing Texas, Roger Williams will serve as the state's chief elections officer. The Office of Secretary of State also is the official repository for official and business records; publishes government rules and regulations; and attests to the governor's signature on official documents.

Most recently, Mr. Williams served as Chairman of the Board of Roger Williams Automall in Weatherford and Vestry Financial Corporation of Fort Worth. From 1974 to 1995 Williams was President and Chief Executive Officer of Jack Williams Automall, the multiple-line dealership founded by his father, Jack Williams, in 1958.

A former professional baseball player, Roger Williams played for the Atlanta Braves farm team from 1971 to 1974, and he owned and operated the San Antonio Brewers professional baseball club from 1972 to 1975. He also served as assistant head coach and later head coach for the baseball team at Texas Christian University, his alma mater.

Roger Williams has been recognized nationally for his business acumen, as a 1981 inductee into the Automobile Hall of Fame and as the Fort Worth Chamber of Commerce Businessman of the Year in 1984. He was named by Time magazine as Automobile Dealer of the Year in 1985 and by Sports Illustrated as Import Automobile Dealer of the Year in 1986. Lockheed Martin Management Association named Williams Manager of the Year in 1977.

I welcome J. Roger Williams to his new role as Texas Secretary of State and extend my congratulations to Mr. Williams and his family, his wife Patty and their two daughters, Jaclyn and Sabrina.

COMMEMORATING THE OPENING OF THE NATIONAL MUSEUM OF THE AMERICAN INDIAN

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. HASTINGS of Florida. Mr. Speaker, I rise to commemorate the opening of the National Museum of the American Indian. Detailing the lives, beliefs, histories, and stories of thousands of years of Native American life in North America, this museum catalogs the important and unique contribution of Native Americans to the cultural legacy of the United States.

It is fitting that the National Museum of the American Indian is located on the National Mall at the footsteps of the Capitol Building. We are all reminded that, except for the people this museum celebrates, we are immigrants to this land. We have all come to this country from different corners of the world: some from Europe, some from Asia, others from Africa, Central America, South America, the Caribbean, and the Pacific Islands. In a way, all of us are guests to this continent, and the American Indian Museum reminds us that we have a responsibility to care not only for our country but for the land we live on, the oceans we are surrounded by, and, most especially, the native peoples who were here first.

We forgot sometimes what life was like before we immigrants came here. Our land was not always called the United States, and the people here were not always called Americans. The nations that made up the Native American spectrum had different cultures and different histories, but often shared similar beliefs, such as the power of the relationship between humans and nature, the wisdom of ancestors, and the particular order of the universe.

Mr. Speaker, the National Museum of the American Indian reminds us of the important legacy of the Native American community as representatives of our nation's history, the destructive and the creative ideas that built our country. We are privileged to have access to this invaluable collection of artifacts from a history that once was and memories from a present that is still very much alive. Once again, I celebrate the opening of the National Museum of the American Indian, and I encourage all Americans to visit this museum to better understand the history of our nation and those who came before it.

RECOGNIZING SCOTT TUCKER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Scott Tucker of Blue Springs, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 138, and in earning the most prestigious award of Eagle Scout.

Scott has been very active with his troop, participating in many Scout activities. Over the many years Scott has been involved with Scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Scott Tucker for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

DEPARTMENT OF ENERGY HIGH-END COMPUTING REVITALIZATION ACT OF 2004

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support H.R. 4516 calling on the Secretary of Energy to carry out a program of research and development to advance high-end computing systems, and to develop and deploy high-end computing systems for advanced scientific and engineering applications.

Federally-supported High End Computing and Computation (HECC) programs involve leading-edge research and development (R&D) in large, high performance computational systems, including hardware, software, architecture, and applications. HECC R&D extends the state of the art in computing systems, applications, and high end infrastructure to achieve the scientific, technical, and information management breakthroughs necessary to keep the U.S. in the forefront of the 21st century information technology (IT) revolution.

Federal HECC research continues to pave the way for revolutionary advances in science, technology, and national security and has become an important tool in the design and development of military and commercial products ranging from submarines and aircraft to automobiles. HECC researchers develop computation-intensive algorithms and software to model and simulate complex physical, chemical, and biological systems; information-intensive science and engineering applications; management and use of huge, complex information bases; and advanced concepts in quantum, biological, and optical computing.

This bill will help to further the Department of Energy's Leadership-Class Computing (LCC) initiative to develop the world's fastest science research supercomputer and make it available to all users. This legislation, endorses the goals of the High End Computing and Computation Coordinating Group to ensure an efficient deployment of resources for advanced computing research at the Department of Energy and the other federal agencies such as the National Science Foundation, the Department of Defense, the Department of Commerce.

Federal funding of high-risk research in high end computing systems over the past decades has helped to bring us the personal computers, networks, and cell-phone infrastructures that have helped to fuel U.S. economic growth. This newest initiative will help continue that trend.

A TRIBUTE TO NEW LIFE BAPTIST CHURCH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of New Life Baptist Church in Brooklyn, New York in commemoration of its 50th anniversary and spiritual and community leadership.

God placed a vision for New Life Baptist Church on the heart of E.F. Jacobs and Mother Martha Jacobs, and on February 7, 1954, the church began its mission at 214 Howard Avenue. The first members were sister Gladys Blackman, Sister Delores Hite, Sister Mae G. Mills Mazyck and Sister Geneva Wonsley. They received letters from Pilgrim Baptist Church to become members. Temporary officers were Rev. E.F. Jacobs, moderator and Sister Gladys Blackman as church clerk. These members were extended the right hand of fellowship by the Council on September 17, 1954 making them the New Life Baptist Church.

Pastor Jacobs adopted the motto: Lift up Jesus and give the devil battle. Under his continued leadership, the church continued to thrive. In 1962, God blessed its members with a new home for the church at 931 Dumont Ave in Brooklyn.

In 1967, Rev. Holness came to work with us. On December 30, 1968, the church elected Rev. Clifford L. Johnson as its assistant pastor. On May 8, 1973, Brother Marshall Rowe received the call to the ministry and was the first minister to receive a license to preach by New Life. He was followed by Rev. Melvin Ward, who was elected to serve as the second pastor of New Life on May 1, 1978. In the summer of 1983, New Life mothered its first church, Victory Baptist Church.

On October 24, 1983, Rev. John H. Marshall was elected as the third pastor of New Life. Under his leadership, the church has received many blessings. Sister Carolyn Plaines preached her trial sermon and on August 18, 1991 was licensed to preach the gospel. In April 2, 1995, Brother Akin Royall also preached his trial sermon and received his license to preach the gospel. With Rev. Marshall's guidance, the church also improved the church's physical surroundings. It built a new sanctuary, holding its first baptism there on October 5, 1996. Three years later, the church renovated its fellowship hall, kitchen and bathroom and officially dedicated its new sanctuary.

New Life also conducts several community outreach programs including the Annual Vacation Bible School event, clothing and food give-outs and in 2001 it assisted with the "Feed the Children" campaign, which provided food for more than 2500 families in the community. New Life also undertakes a "Back to Christ Crusade" each year that draws community participation.

Mr. Speaker, New Life Baptist Church has been a source of community and spiritual leadership in Brooklyn for 50 years. As such, it is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable congregation.

TRIBUTE TO RETIRING SCHOOL BOARD MEMBER BARBARA J. SIDARI

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. STARK. Mr. Speaker, I rise to pay tribute to Barbara J. Sidari, who is retiring from the San Lorenzo Unified School District Board. Mrs. Sidari has served the students, parents, teachers, and administrators in the school district of San Lorenzo, California since she was first elected in April 1979. She served until 1983 and was reelected in November 1988 and has served continuously since that time. Mrs. Sidari was elected by her fellow Board members to serve as president and vice president/clerk of the Board several times.

During her twenty years as a Board member, Mrs. Sidari represented the Board of Education on numerous committees and councils throughout the county. She is especially proud of her accomplishments as a member of the Eden Area Regional Occupational Center Council, a position she has held for nineteen years. She has also served as chair of the Council for several terms.

Mrs. Sidari has always been active in school affairs having held several positions from Historian to President of the local PTA. She is a former Cub Scout Den Mother and Brownie Leader and continues her active service in a number of educational and civic organizations.

Barbara J. Sidari exemplifies commitment and service. Her contributions to her community are noteworthy. As she ends her twenty-year tenure on the San Lorenzo School Board, I congratulate her and applaud all that she has done to make a difference in the lives of others. Mrs. Sidari will be honored at a reception on January 25, 2005. I join her colleagues, friends, and admirers in expressing good wishes and appreciation for a job well done.

RECOGNIZING THE CAREER AND PUBLIC SERVICE OF JOHN BARICEVIC—CHAIRMAN OF THE ST. CLAIR COUNTY BOARD

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the career and public service of John Baricevic.

For 25 years, John Baricevic has been an effective leader for St. Clair County, Illinois and the entire St. Louis metropolitan region. His regional approach to public policy issues has steered both St. Clair County and the region in a positive direction since the beginning of his term as St. Clair County Board Chairman fourteen years ago. John's vision is credited as the driving force behind numerous projects that continue to enhance not only St. Clair County, but our entire area.

John's persistent dedication and interest in regional projects has truly made a difference in how the St. Louis region has evolved. With the addition of MidAmerica Airport, John's vision provided a new reliever airport for the region and his strong support for MetroLink in Illinois has its proof in the miles of track which are laid, this year more of which are in Illinois than in Missouri where the system started.

His strong leadership in working to keep Scott Air Force Base open has continued to keep a major engine in our regional economy strong and healthy. Through his direct lobbying efforts, on behalf of the Leadership Council, Scott Air Force base has been kept open through four rounds of nationwide military base closures. Only one more round of closures is predicted. Scott is the largest employer south of Springfield, Illinois and is the 4th largest employer in the St. Louis area. Scott brings about $2 billion annually to our economy and the men and women at the base are an integral part of our churches, schools, civic activities and communities. John continues to campaign and work with me to protect Scott from closure in this final round.

Working with the St. Louis Regional Chamber of Commerce, John continues to spearhead the planning and development of a new Mississippi River Bridge, a project he sees as important to erasing the divide between Illinois and Missouri by creating a new Mississippi river crossing. Without a new Mississippi River Bridge our regional transportation system would come to nearly a standstill and the flow of commerce and goods would be drastically reduced. John works closely with my office to seek the funds and the support to make the bridge a reality.

John's interest in helping people started early in his life. After graduating from Assumption High School in East St. Louis, he headed to Atchison, Kansas for his B.S. in Business Administration and then to Kansas State Teachers College in Emporia, Kansas, before heading back to Illinois to attend law school at Southern Illinois University Carbondale.

He has held numerous temporary jobs during his lifetime, serving for a time with the Teamsters, the Machinists and Carpenters. He is a certified teacher and has been a head football coach, a substitute teacher and a college admissions director.

In the late 70's John's interest in law lead him to serve an internship with the St. Clair County State's Attorney's office, this lead to a full time position within the office and eventually he was elected as the St. Clair County's States Attorney in 1980. When John became elected as the County's Board Chairman in 1990, he became the Chief Executive Officer of the County, managing over 800 employees and a budget in excess of 50 million dollars. He became involved in several projects of regional significance and worked closely with my office to see these projects completed and through all of this time; he continued to privately practice law and to help people in need.

Throughout his busy life, John has been married to Marti Lee Chatham, and the father of four children: Charles J., 18; Chris, 17; Brianne, 16; and Brice, 11.

For more than 25 years, John Baricevic has served St. Clair County with integrity, vision and foresight, paving the way for people, on both sides of the river, to enjoy a better life. Recently, for his lifetime of service, FOCUS St. Louis honored John as their 2004 Leadership Award recipient. John continues to serve on regional boards and commissions and brings southern Illinois views and perceptions to regional business leaders.

John now leaves the service of St. Clair County and in early December is sworn in as a Circuit Judge in the 20th Judicial Circuit in Illinois. He will now apply his knowledge and abilities, in helping people, to the courtroom where I am confident he will do an excellent job.

Mr. Speaker, I ask my colleagues to join me in recognizing the contributions of John Baricevic and wish him and his family the very best in the future.

TRIBUTE TO JIM DAVISON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. KILDEE. Mr. Speaker, I stand before you today to recognize a gentleman who has long been at the forefront of working to protect and defend the rights of America's labor workers. On December 1, in Bay City, Michigan, friends and family will join members of Utility Workers Union of America Local 144 to honor Mr. Jim Davison, as he celebrates his retirement after 34 years.

After honorably serving his country in Vietnam as a member of the United States Marine Corps, Jim Davison began his relationship with the UWUA September 1, 1970, when he began work at Consumers Power. After four years, he was appointed as a union steward, as well as a delegate to the Bay County AFL–CIO Central Labor Council. In 1975, Jim was elected his Local's Sergeant-At-Arms, and became Second Vice-President in 1981. In 1987, Jim was elected President.

In 1981, Jim was chosen as Vice-President of the Bay County AFL–CIO Labor Council. Seven years later, he became the Council's President. Also in 1988, he was elected to serve as Vice-President of the Michigan State Utility Workers Council in Lansing. Jim served admirably in that position until 1995, when he then became Secretary/Treasurer of the State Council, a position he held until this year. Jim retired from Consumers Energy in September 2004.

In addition to his tremendous work on behalf of the UWUA and the AFL–CIO, Jim has been a tireless advocate of the community. He has spent many years on boards for the United Way on the local and state levels, and has also provided key leadership for groups such as the Saginaw Valley Blood Bank, Bay County Economic Development Council, Michigan State Labor Education Program, and the Kawkawlin Fire Department, where he served as Assistant Fire Chief from 1996–2004. Jim has also been active in politics, which includes his recent election as a Trustee in Kawkawlin Township.

Mr. Speaker, I am exceptionally grateful for Jim Davison's dedication to his brothers and sisters in labor, and to the community. He is a shining example of the best our society has to offer, and a true role model for his peers as well as all those he comes into contact with. I ask my colleagues in the 108th Congress to join me in congratulating Jim on his retirement, and wishing him the best in his future endeavors.

THE COMMERCIAL SPACE LAUNCH AMENDMENTS ACT OF 2004

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. ROHRABACHER. Mr. Speaker, today I am introducing H.R. 5382 Commercial Space Launch Amendments Act of 2004 which contains the bulk of H.R. 3752, Commercial Space Launch Amendments Act of 2004, as passed by the House of Representatives on March 4, 2004.

Portions of H.R. 3752 were incorporated into H.R. 5245, a bill to extend the liability indemnification regime for the commercial space transportation industry which passed the House of Representatives on October 8, 2004.

RECOGNIZING ALEX STAMOS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Alex Stamos of Blue Springs, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 138, and in earning the most prestigious award of Eagle Scout.

Alex has been very active with his troop, participating in many scout activities. Over the many years Alex has been involved with scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Alex Stamos for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

AUTHORIZATION OF SALARY ADJUSTMENTS FOR FEDERAL JUSTICES AND JUDGES

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 5363, a bill authorizing cost-of-living salary adjustments for justices and judges of the Federal courts for fiscal year 2005 that has been introduced by Chairman JIM SENSENBRENNER and co-sponsored by Ranking Member JOHN CONYERS of the Judiciary Committee. The bill would provide for a 2.5 percent adjustment of Federal judiciary salaries. I thank the Chairman for his leadership in bringing this very important matter to the floor. In 1981, Congress passed a Joint Resolution Making Further Continuing Appropriations for FY 1982, and Section 140 of that legislation read as follows:

> Notwithstanding any other provision of law or of this joint resolution [Pub. L. 97–92], none of the funds appropriated by this joint resolution or by any other Act shall be obligated or expended to increase, after the date of enactment of this joint resolution [Dec. 15, 1981], any salary of any Federal judge or Justice of the Supreme Court, *except as may be specifically authorized by Act of Congress* hereafter enacted: Provided, That nothing in this limitation shall be construed to reduce any salary which may be in effect at the time of enactment of this joint resolution nor shall this limitation be construed in any manner to reduce the salary of any Federal judge or of any Justice of the Supreme Court. This section shall apply to fiscal year 1981 and each fiscal year thereafter. (emphasis added).

This provision placed a severe limitation on the cost-of-living adjustments—and therefore the financial well-being of judges by requiring specific implementing legislation before a salary increase could be made under the current Section 461 of Title 28 in the United States Code.

Article III, Section 1 of the United States Constitution provides that "The Judges . . . shall . . . receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office." Over the past 10 years though, this body has failed to provide Federal judges with annual cost-of-living adjustments (COLA), and as a result, these offices have faced the economic equivalent of a $77,000 reduction in salary. In the last 30 years, while average pay has increased by 12 percent for most workers, it has decreased by 25 percent for Federal judges. Federal judges make a lifetime commitment to serve the public. This legislation will help them to plan their financial futures with assurance that their pay is commensurate with the cost-of-living increases for this year.

Under the current pay schedule, Federal district court judges earn $150,000 per year. This is far, far less than they could earn in private practice and is even less than an associate right out of law school earns in New York City. Our Federal judiciary will not attract the kind of high caliber legal minds that are needed if the compensation is not maintained in a reasonable fashion.

It has gotten so bad that employees of the Administrative Office of Courts—who work for the Federal judges—now enjoy greater salaries than the judges themselves. This is the equivalent of congressional staff earning more than Congressmen. It is no wonder that Federal judges are leaving in droves, with nearly 6 dozen judges leaving over the last several years.

There can be no doubt of the value and importance of ensuring that our Federal judges are fairly compensated. The Federal judiciary is the crux of our democracy. Without the wisdom of some of the great judicial scholars of the past, many of us—women, African-Americans and all minorities, immigrants, disabled, and others, would not enjoy the fundamental civil liberties that we do today. We are a long way from a completely fair and equal society, but without the best and brightest legal minds, we will never make it to that goal.

If there is any single idea in the Constitution that has separated our experiment in democracy from all other nations, it is the concept of an independent judiciary.

The Founding Fathers, in their great wisdom, created a system of checks and balances, granting independent judges not only lifetime tenure, but the right to an undiminished salary. It is no surprise that over the years, the Federal judiciary, more than any other branch, has served as the protector of our precious civil rights and civil liberties. I agree with Alexander Hamilton that the "independent spirit of judges" enables them to stand against the "ill humors of passing political majorities."

We cannot have a qualified and independent judiciary if we don't pay them a just wage. Chief Justice Rehnquist has declared that "providing adequate compensation for judges is basic to attracting and retaining experienced, well-qualified and diverse men and women." Justice Breyer was even blunter when he stated, "the gulf that separates judicial pay from compensation in the non-profit sector, in academia, and in the private sector grows larger and larger . . . and threatens irreparable harm both to the institution and the public it serves."

The bill before us responds to that problem granting the judiciary a COLA retroactive to the start of the last fiscal year. I consider this to be a modest down payment in developing a more rationale and fair system of compensating our Federal judges.

I urge my colleagues to join this Committee in supporting this important legislation. Mr. Speaker, I ask that my colleagues vote "yes" on H.R. 5363.

HONORING KATHLEEN GARRISON AND RUTH ANN BUSALD AT THE MADISONVILLE LUMINARIA

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. PORTMAN. Mr. Speaker, on Saturday, November 13, 2004, I participated in the Second Annual Madisonville Neighborhood Luminaria in Cincinnati, Ohio. As part of the program, I had the privilege of honoring two tireless community advocates and volunteers, Kathleen Garrison and Ruth Ann Busald.

Kathy's dedication to the Madisonville Community Council, the Department of Justice/Madisonville Weed & Seed Strategy, and the Students Concerned About Today and Tomorrow is unequaled and makes Madisonville a better place to live and work.

Ruth's dedication to researching, archiving, and sharing the history of Madisonville, for more than a decade, is unparalleled. Her lifelong commitment to Madisonville has kept the community history alive, enriching all who live and work in the community.

Kathy Garrison and Ruth Ann Busald's generosity is an example of that admirable American spirit of volunteerism that motivates and enriches not only the local community, but also the country as a whole.

All of us in the Second District of Ohio appreciate their service to our area.

TRIBUTE TO ARMY PV2 JUSTIN RAY YOEMANS, A MODEL OF VALOR IN SERVICE TO HIS COUNTRY

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. EVERETT. Mr. Speaker, I rise to pay tribute to Army PV2 Justin Ray Yoemans of Eufaula, Alabama, who lost his life November 6 while defending our Nation.

Private Yoemans was manning his gun position when his Humvee encountered a roadside bomb during a street patrol of Baghdad, Iraq. According to military accounts, Private Yoemans gave his life to protect his fellow soldiers. He was posthumously awarded a total of five military medals, including the Bronze Star and Purple Heart.

Private Yoemans, who was assigned to the Fourth Battalion, Fifth Air Defense Artillery at Fort Hood, Texas, gave the ultimate sacrifice to his country at the age of 20. His family and friends describe him as a loving son and a patriot who was proud to serve in the military.

I cannot express the proper words to console his family at the loss of their beloved son. However, I do wish to convey that America shares in your grief as we struggle together to protect our homeland from terrorism.

Private Yoemans loved life and was described by his younger sister as "a little boy inside a great man." America is fortunate to have such "great men" standing up for the cause of freedom. His valor and his sacrifice will never be forgotten.

TRIBUTE TO HENRY G. ATHA

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. GRIJALVA. Mr. Speaker, Members of the House, I stand before you today to recognize Hank Atha, a man who is credited by his colleagues as doing more for workforce development than any other person in southern Arizona. Mr. Atha is retiring from public service after a distinguished career spanning over 30 years.

Mr. Atha has lived and worked in Tucson since 1948. He is a creative local executive and one of the most experienced workforce development professionals in the country. He served on numerous state and local economic and workforce development organizations and on both the National Association of Counties and the U.S. Conference of Mayors professional boards. Mr. Atha promoted legislation at federal, state and local levels. He has international experience and has successfully worked with multi-cultural staff and diverse cultural and economic communities.

Mr. Speaker, in 1984, Mr. Atha organized the Pima County Community Services Department in Tucson, Arizona by combining autonomous federal programs into one department. Over the years he guided the expansion of programming into new areas such as affordable housing, youth education, emergency assistance, homeless services, welfare reform and incumbent worker training.

During his twenty years at the helm of Pima County Community Services, the department doubled in size. He accomplished this by aggressively pursuing state and local funding, federal grants and private support. These efforts resulted in a $36 million annual budget with 30 separate funding streams for his department.

He pursued the department's mission by supporting the work of local non-profit organizations with as many as 250 grants and services contracts awarded each year. His leadership style welcomed input and encouraged individual initiative. Over the years, many graduate students, adult trainees and motivated young people began their careers in public policy or human-service fields through internships with Community Services.

Mr. Speaker, under Mr. Atha's leadership, Pima County Community Services established one of the nation's first One-Stop Career Centers in order to provide consolidated employment and training services for the City and County. This model, which brought multiple agencies together to provide coordinated services, also proved effective in addressing the basic needs of families in crisis. Mr. Atha oversaw the establishment of the Emergency Services Network in 1986. Subsequent efforts fostered collaboration and innovation in the areas of homeless services, youth programs, and high-tech training. His commitment to closing the wage gap through better job opportunities led to a joint effort with Pima Community College and the City of Tucson to found the Southern Arizona Institute for Advanced Technology.

In the early nineties, Mr. Atha led an all-out response to restore cuts in federal summer youth funds, creating one of the largest summer youth programs, for a city of our size, in the nation. As part of that effort, he promoted legislation that created Arizona's first state-funded summer youth program. He also founded Pledge-A-Job, an annual business outreach campaign to encourage businesses to hire young people seeking career experience during summer breaks. In 2000, he won a Youth Opportunity grant from the U.S. Department of Labor, bringing nearly $28 million to Pima County as well as creating an integrated system for providing services to young people.

Mr. Speaker, Hank Atha supported many programs that brought untrained homemakers and home health aides to Pima County's Home Health Division, as well as many participants in other community programs, into the Certified Nursing Assistant career track.

One of the activities Mr. Atha worked on recently was to bring together various institutions such as Pima College, University of Arizona, and local hospitals to identify, sponsor and support individuals wishing to enter nursing education programs.

Mr. Speaker, prior to Hank's twenty years with Pima County Government, he volunteered in the Peace Corps from 1966–1968. Following those years of service, he again volunteered his services, this time as a Peace Corps trainer from 1968–69.

Hank Atha received his undergraduate degree from Pomona College, with a Bachelor of Arts in Zoology; graduate studies in Physiology at Washington State University, and received his master's degree in public administration from the University of Arizona.

Mr. Atha taught classes in data analysis, decision-making and program evaluation, as an adjunct professor at Pima Community College in Tucson, Arizona. He also taught one semester as adjunct professor at the University of Arizona, School of Public Administration. He is a Founding Member and Chairman of the local American Society for Public Administration Chapter.

Mr. Speaker, Hank Atha improved the quality of life for many citizens in Tucson, Arizona by investing in people and community-based organizations to strengthen the entire community's capacity to serve those in need, and I ask that the House commend him on his commitment to his community and his country.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. GRAVES. Mr. Speaker, on Wednesday, November 17, 2004 I was unavoidably detained and thus missed rollcall votes No. 532 and No. 533. Had I been present, I would have voted "yea" on rollcall No. 532, H.R. 1417, the Copyright Royalty and Distribution Reform Act; and "yea" on rollcall No. 533, a bill to improve access to physicians in medically underserved areas.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. MCDERMOTT. Mr. Speaker, I am unable to be in Washington, DC today. Two weeks ago, I injured my leg and my physician prefers that I not put it through the stress of an airplane flight from my home in Seattle, WA to Washington, DC. Were I able to attend today's session in the House of Representatives, I would have voted in support of:

S. 1301, H.R. 5364, H. Con. Res. 430, S. 2965, H.R. 4516, H.R. 3204, H.R. 1350, H.R. 1417, S. 2302, S. 2042, H.R. 5363, S. 2302, H.R. 1417, S. Con. Res. 145, S. 1146, S. 1466, S. 434, H.R. 1284, S. 1727, S. 1241, H.R. 1446, H.R. 1964, H.R. 1113, H.R. 4593, S. 437, S. 2484, H.R. 3936, and S. 2486.

IN RECOGNITION OF STEVEN CHAPPELL FOR HIS ACTIONS TO REDUCE THE IMPACTS OF A DIESEL FUEL SPILL ON THE SUISUN MARSH WETLANDS

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mrs. TAUSCHER. Mr. Speaker, I rise to pay tribute to Steven Chappell, of the Suisun Resource Conservation District, for his timely actions in protecting the Suisun Marsh wetlands.

Steven Chappell began working for the Suisun Resource Conservation District in August 1994 as a district biologist, and was quickly promoted to executive director, a position he has held for almost 10 years.

On April 28, 2004, at 5:30 p.m. Steven Chappell received notification from the California Department of Fish and Game's Office of Spill Prevention and Response (OSPR) that a petroleum pipeline had released diesel oil into the Suisun Marsh.

Mr. Chappell immediately drove to the site to offer his assistance and expertise to the Incident Command Team, comprised of State and Federal agency representatives. He explained how managed wetlands work and took immediate action to close all water control structures on the affected property.

As a direct result of Steven Chappell's quick actions in closing the gates, the diesel oil remained contained within the area and did not enter the Roos Cut, an unimpeded waterway extension which feeds into the tidal sloughs and adjacent wetlands of the Suisun Marsh.

In addition, Mr. Chappell prepared detailed aerial maps of the Suisun Marsh and returned to the spill site that same day. These aerials have been invaluable in OSPR's cleanup efforts.

For weeks after the spill, Steven Chappell devoted an inordinate amount of time coordinating with OSPR, the United States Coast Guard, the U.S. Environmental Protection Agency, and Kinder Morgan, the owner of the pipeline, in cleanup efforts and in the development of a restoration plan.

Steven Chappell's timely actions helped to avert a major disaster at the Suisun Marsh wetlands. I am proud to commend him today for his leadership, dedication, and commitment to the Suisun Resource Conservation District and to the people of Solano County.

CLEMENT J. ZABLOCKI ELEMENTARY SCHOOL IS DESIGNATED AS A 2004 BLUE RIBBON SCHOOL

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. KLECZKA. Mr. Speaker, it is with great pride that I acknowledge the outstanding achievements of the children, parents, teachers, and principal at the Clement J. Zablocki Elementary School. The designation of a 2004 No Child Left Behind—Blue Ribbon Award honors only those schools that have successfully achieved excellence in academics and have closed the achievement gap in academic proficiency for all of their students.

The designation of the Clement J. Zablocki Elementary School is particularly meaningful to me because it is named for the former Congressman Clement J. Zablocki who was my predecessor in the U.S. Congress, and an effective and beloved representative who served the citizens of Milwaukee's south side for many years.

It is evident that the principles of accountability, focusing on what works, increased flexibility, reduction of bureaucracy and the empowerment of parents, has been successfully integrated into the daily philosophy of the Zablocki Elementary School.

Under the outstanding leadership of Dr. Patricia Walia this school has not only achieved academic excellence for the students, but has initiated innovative and creative ways of having the children of Zablocki Elementary School involved with community organizations, agencies and businesses that have enriched their lives and broadened their view of the community and world. Dr. Walia has successfully established bonds between her staff, parents and the community that support all of the goals of the school.

The Clement J. Zablocki Elementary School is only the 5th elementary school in the Milwaukee Public Schools system to be designated as a Blue Ribbon school since 1982. This is an extraordinary and remarkable achievement.

I ask my colleagues in the House of Representatives to join me in paying tribute to the children, teachers, and principal at the Clement J. Zablocki Elementary School and commend their efforts in providing a standard of excellence in the field of education.

HONORING PFC SHELDON HAWK EAGLE

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Ms. HERSETH. Mr. Speaker, I want to take this opportunity to honor the life of PFC Sheldon Hawk Eagle of Eagle Butte, SD. Private First Class Hawk Eagle was killed November 15, 2003 while serving in Operation Iraqi Freedom. On November 20, 2004, friends and family in Eagle Butte will pay tribute to Sheldon and recognize the one year anniversary of his death with a memorial dinner and walk in his honor.

Private First Class Hawk Eagle graduated from the Cheyenne Eagle Butte High School, in Eagle Butte, SD, in May of 2001. He enlisted in the U.S. Army in 2002, and graduated basic training from Ft. Sill, OK, later that same year. In 2003 Sheldon became Air Assault qualified and was assigned to the 101st Airborne Air Assault Division. He was deployed to Iraq in March, 2003.

Sheldon, whose Lakota name is Wanbli Ohitika, or Brave Eagle, is a descendant of the Lakota leader Crazy Horse, who helped defeat LTC George Custer at the Battle of Little Big Horn. Sheldon joined the Army while visiting his sister in North Dakota and dreamed of becoming an elite Army Ranger. While both humble and quiet, Sheldon's sacrifice speaks loudly about his character.

The lives of countless people were enormously enhanced by Sheldon's compassion and service. Sheldon, who represented the best of the United States, South Dakota, and the Lakota people, continues to inspire all those who knew him. Our Nation and South Dakota are far better places because of his life, and the best way to honor him is to emulate his commitment to our country.

I join with all South Dakotans in expressing my sympathies to the family of Private First Class Hawk Eagle. His commitment and sacrifice to our Nation will never be forgotten.

RECOGNIZING RYAN SOENDKER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Ryan Soendker of Blue Springs, MO, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 138, and in earning the most prestigious award of Eagle Scout.

Ryan has been very active with his troop, participating in many Scout activities. Over the many years Ryan has been involved with Scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Ryan Soendker for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE A&F WOOD PRODUCTS FOR EARNING THE 2004 SECRETARY OF LABOR'S NEW FREEDOM INITIATIVE AWARD

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to recognize A&F Wood Products, a family-owned and operated business in Howell, MI, for earning the 2004 Secretary of Labor's New Freedom Initiative Award. Founded upon the spirit of the Americans with Disabilities Act, the New Freedom Initiative works to ensure that Americans with disabilities have the same opportunities to learn and develop skills, engage in productive work and make choices about their daily lives to participate fully in their communities. A&F Wood Products is just one of five companies nationwide to be recognized for their commitment to these ideals.

A&F Wood Products has embraced the philosophy on which the New Freedom Initiative was founded. Working with Michigan Rehabilitation Services, A&F Wood Products is able to provide employment opportunities to individuals with disabilities through accessibility support, training, and a user-friendly workplace environment. Today, 35 percent of A&F Wood Products' workforce are persons with disabilities.

Mr. Speaker, when President Bush announced the New Freedom Initiative in 2001, unemployment for the disabled was as high as 70 percent by some estimates. Today, businesses like A&F Wood Products are working feverishly to slash that number. I ask my colleagues to join me in recognizing A&F Wood Products for earning the 2004 Secretary of Labor's New Freedom Initiative Award and for their commitment to the disabled.

TRIBUTE TO TERRY CARLSTROM ON THE OCCASION OF HIS RETIREMENT ON JANUARY 3, 2005, AFTER 41 YEARS OF SERVICE IN THE FEDERAL GOVERNMENT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. HOYER. Mr. Speaker, I rise today to recognize Terry R. Carlstrom who for four decades has managed the stewardship of some of our Nation's most precious natural and cultural resources. Mr. Carlstrom is retiring after 41 years in Federal service during which he served with the U.S. Forest Service, the Bureau of Indian Affairs, and the National Park Service.

Mr. Carlstrom's stewardship extended over the past 22 years to the protection and enhancement of 14 units of the National Park System and the numerous memorials in our National Capital Region. First, as Associate Regional Director for Professional Services, and then for the past 8 years as Regional Director of the National Capital Region, he has extended his watchful eye and guiding hand to the protection of our most symbolic National Icons: the Washington Monument, the Lincoln Memorial, the Jefferson Memorial; Presidential Memorials to FDR and Lyndon Baines Johnson, the White House; and memorials commemorating the American heroes at home and abroad in the Korean War, the Vietnam War, and in World War II. His leadership in the complete reconstruction of the 5 major scenic parkways, which provide the gateways to our Nation's Capital, ensured their scenic protection while providing for user safety. He also was instrumental in the creation of the Streetscape Standards for the Monumental Core by an interagency task force.

I join the men and women of the National Park Service and the National Capital Region in recognizing Mr. Carlstrom's sincere interest in the welfare and safety of every employee, a dedication which is evidenced by his support and leadership in a safety program that reduced the lost time accident rate by 100 percent during the last 5 years. He established the National Capital Region's Communications Command Center in Hagerstown, Maryland, which has assured continuous and complete communications for our park rangers in remote locations throughout our far ranging parks.

Mr. Carlstrom has provided oversight of 14 parks in the National Capital Region: the National Mall and Memorial Parks; Anacostia River Parks; Rock Creek Park; the White House and President's Park; C&O Canal National Historical Park; George Washington Memorial Parkway; Civil War Battlefield Parks at Antietam, Monocacy, Harper's Ferry, and Manassas; the Wolf Trap Farm National Park for the Performing Arts; Prince William Forest Park and Catoctin Mountain Park; and the Potomac Heritage National Scenic Trail. During his tenure he guided the establishment of Mary McLeod Bethune Council House and Carter G. Woodson National Historic Sites, the President Lincoln and Soldier's Home National Monument, and the boundary expansions of Monocacy Battlefield and Harper's Ferry National Historical Park. Further, he was a leader in establishing numerous partnerships, including the preservation of the Washington Monument; refurbishment and joint management with Montgomery County of Glen Echo Park; the Accokeek Foundation and National Colonial Farm; and the Alice Fergusen Foundation's Hard Bargain Farm. Recognizing the importance of these important relationships with agencies and individuals beyond the National Park Service, he established an Assistant Regional Director for Partnerships.

Mr. Carlstrom leaves a lasting legacy to Americans from coast to coast. As a young forester in the 1960s, he established sensitive timber management programs for the Bridger National Forest in Wyoming and for the Chippewa people on the White Earth Reservation in Minnesota, which today provide for timber demands, enhanced recreational opportunities and excellent wildlife habitat. Through his efforts wetlands in North Dakota have been protected for waterfowl propagation, a portion of the St. Croix National Scenic River in Minnesota and Wisconsin has been preserved for future generations, and resource protections were enriched as a result of his master planning for five Arizona national parks—Tumacacori National Historical Park, Fort Bowie National Historic Site, Coronado National Memorial, Saguaro National Park and Organ Pipe National Monument.

As Chief of Planning of the National Park Service's Denver Service Center Western Team, he led several planning initiatives to protect Redwood National Park, to expand protection of the watershed and to preserve the remaining ancient Redwood groves. Remnants of the ancient Anazazi culture, which can still be found in Grand Canyon National Park and Lake Meade National Recreation Area, remain protected today because of wilderness plans initiated under his leadership. Those wilderness plans, which were prepared at the direction of Congress, recognized that the areas should be under the protection of the National Park Service and not exposed to multi-use land management.

In 1980 the Alaska National Interest Lands and Conservation Act brought 55 million acres under the auspices of the National Park Service. The Act was carefully crafted to provide for the continued subsistence use and protection of the living culture of the Native peoples and enable the appreciation of these unique lands by future generations of their fellow Americans. Mr. Carlstrom headed the multiagency task force which prepared the environmental documents and analyzed thousands of public comments that permitted President Jimmy Carter to create National Monuments via Presidential Proclamation as an interim measure pending the ultimate placement by Congress of these millions of acres into National Parks and Preserves.

Mr. Carlstrom's four decades of devotion stand as examples to all of us who preserve the treasures of which our Nation is proud, our vast resources, our varied cultures, our storied history. I am proud to recognize him today for his years of service and thank him for his hard work, care for his fellow human beings, and his many, many accomplishments.

HONORING THE MEN AND WOMEN OF TRIWEST FOR THEIR OUTSTANDING EFFORTS IN COMBATING IDENTITY THEFT

HON. JOHN B. SHADEGG

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. SHADEGG. Mr. Speaker, as the 108th Congress comes to a close I hope all Members will take stock of our accomplishments.

In particular, I want to commend Congress and President Bush for enacting the Identity Theft Penalty Enhancement Act. Identity theft is one of the fastest growing crimes in the United States, costing victims over $5 billion annually. Congress took a valuable step this year in stiffening penalties and giving the Justice Department more tools to combat this pervasive crime. However, there is still work to be done. Identity thieves continue to find new ways to exploit innocent Americans. In response, we must continue to improve our identity theft prevention and protection efforts.

I rise today to commend to the nation one Arizona company, in particular, for aiding us in these efforts. Phoenix-based TriWest Healthcare Alliance performed a service to our country by coming forward with recommendations after it was the victim of an information theft.

In December 2002, TriWest computer hard drives containing the personal information of beneficiaries were stolen from the company's office. Rather than obscure this fact for the sake of public relations, TriWest embarked on an effort to notify all 562,000 affected customers of the theft. At substantial cost, the company helped its customers place safeguards on their personal credit files and created a system of communication second to none. TriWest CEO and President David McIntyre testified before House and Senate committees to share his company's experience so that Congress could improve its efforts to protect all consumers from this threat.

TriWest's actions exemplified what a good corporate citizen should do. In fact, in June 2004, TriWest was awarded three Arizona Corporate Excellence (ACE) awards by the Phoenix Business Journal and the Arizona Chamber of Commerce for displaying unwavering dedication and commitment to quality and integrity in serving Arizona's military community. During the award ceremony, it was noted that Mr. McIntyre "responded in a way that is recognized nationally as the standard for companies faced with a serious crisis" and that "the approach of the TriWest team created a textbook example of how to treat customers with openness and integrity."

For all these reasons, Mr. Speaker, I ask that you and my colleagues in the People's House join me in commending the men and women of TriWest Healthcare Alliance for going the extra mile for their beneficiaries and setting a benchmark for businesses to follow when confronted with a potential identity theft situation.

RECOGNIZING NICHOLAS W. KREEGER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Nicholas W. Kreeger of Kearney, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and in earning the most prestigious award of Eagle Scout.

Nick has been very active with his troop, participating in many scout activities. Over the thirteen years Nick has been involved with scouting, he has held numerous leadership positions, serving as Den Chief, Patrol Leader, and Senior Patrol Leader. Nick attended H. Roe Bartle Camp for five years, becoming a member of the Tribe of Mic-O-Say. He was elected to the Order of the Arrow in 1997, Ordeal in 1997, and Brotherhood in 1998.

For his Eagle Scout project, Nick rebuilt a sidewalk at the daycare of the First Christian Church in Kearney.

Mr. Speaker, I proudly ask you to join me in commending Nicholas W. Kreeger for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CELEBRATING 35-YEAR CONGRESSIONAL CAREER OF THE HONORABLE PHILIP M. CRANE OF ILLINOIS

SPEECH OF

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. BURTON of Indiana. Mr. Speaker, I rise today in honor of my good friend and colleague Representative PHIL CRANE of Illinois on the occasion of his retirement from the United States Congress.

PHIL is one of the most capable, honorable, and well-educated Members to ever grace the hallowed halls of the House of Representatives. He is a man of great integrity and conservative values, serving the great state of Illinois for 35 years. His contributions and accomplishments are legend and will carry on for generations to come.

He and his lovely wife, Arlene, are two of the most patriotic Americans I have ever had the opportunity to meet. I wish them the best in their future endeavors and a long, healthy, and happy retirement. PHIL will sorely be missed. May God bless him and his family.

IN HONOR OF JIM WOLFE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to honor and pay tribute to Jim Wolfe upon his becoming President and CEO of the Delaware State Chamber of Commerce. This past February, Jim left his position of eleven years as the plant manager at DaimlerChrysler's Newark Assembly Plant to take the helm of the 2,800-member Delaware State Chamber of Commerce.

Jim, a native of Michigan, joined the Chrysler Corporation in 1964 as a Quality Control Inspector at the Warren Truck Assembly Plant in Michigan. Prior to taking a position at the Newark Assembly Plant in Delaware, Jim had held a variety of positions within the manufacturing operations of DaimlerChrysler, including production manager at the Warren Truck Assembly Plant.

As the plant manager of the Newark Assembly Plant, Jim orchestrated several changes to the facility to make it compatible for the new car models. Jim also oversaw the re-training process of the plant's thousands of workers to give them the skills necessary to do their jobs as effectively and efficiently as possible. Jim capped off his career as plant manager for the Delaware facility by overseeing the October 2003 launch of the new Dodge Durango.

Jim Wolfe is certainly no stranger to the Delaware Chamber of Commerce. In 2002 and 2003, he served as the chairman of the State Chamber's Board of Directors, and has been a long-time member of this board. In addition, Jim has served as the Chairman of the Delaware Manufacturing Association.

Jim has also been very active in the community through the years. He is a board member and past chairman of the United Way of Delaware, as well as a board member and member of the Education Committee of the Delaware Business Roundtable. In 2003, he had the honor of being awarded the Lifetime Achievement Quality Award by the State of Delaware.

Jim Wolfe is truly a well-respected individual within the business community. His experience in, and knowledge of, the business world will certainly be an asset to the people of Delaware as he continues his work as the President and CEO of the Delaware Chamber of Commerce.

Mr. Speaker, I would like to thank Jim for his hard work and dedication to the Delaware community. I wish him all the best as he works to benefit the citizens of Delaware through his position as President and CEO of the Delaware Chamber of Commerce.

HONORING ADRIAN ROGERS

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mrs. BLACKBURN. Mr. Speaker, I rise today to honor the service and commitment of a beloved Tennessean.

Dr. Adrian Rogers, pastor of Bellevue Baptist Church of Memphis, Tennessee, will be retiring in the spring of 2005. Under his leadership since 1972, Bellevue has grown from 8,000 members to almost 30,000 members.

Through his Love Worth Finding ministry, Dr. Rogers is able to reach listeners around the world everyday. Through television and radio, Dr. Rogers' message is seen on over 14,000 screens and heard on 1,100 radios in the United States and in 150 countries across the globe.

Pastor Rogers has been called three times to lead the Southern Baptist Convention, which is the world's largest Protestant denomination with over 14 million members. He is the only man to have served three terms in that capacity under the present bylaws.

Dr. Rogers is an accomplished author and is considered one of America's most respected Bible teachers. Throughout his career he has been praised for his work. The Reverend Bill Graham has this to say about Dr. Rogers:

"We need for ministers of the Gospel to defend the Bible as the infallible Word of God . . . I believe in my heart that Adrian Rogers is such a man. I know God's hand is upon Adrian Rogers as he proclaims the Bread of Life from his church and through radio and television."

Though, perhaps of all the titles that have accompanied Dr. Rogers: doctor, pastor, teacher, pioneer, and author, the most cherish is husband, father, and grandfather.

It is with great appreciation that I rise to honor Dr. Adrian Rogers for his ministry and service to our community, to Tennessee, and to the nation.

RECOGNIZING BENJAMIN KREEGER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Benjamin Kreeger of Kearney, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and in earning the most prestigious award of Eagle Scout.

Ben has been very active with his troop, participating in many scout activities. Over the ten years Ben has been involved with scouting, he has held numerous leadership positions, serving as Den Chief, Patrol Leader, Senior Patrol Leader, and Junior Assistant Scoutmaster. Ben attended H. Roe Bartle Camp for four years, becoming a member of the Tribe of Mic-O-Say. He was elected to the Order of the Arrow in 2000, Ordeal in 2000, and Brotherhood in 2001.

For his Eagle Scout project, Ben painted all of Kearney's fire hydrants north of Highway 92; he painted the 69 hydrants fire safety yellow.

Mr. Speaker, I proudly ask you to join me in commending Benjamin Kreeger for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THANKING BERNICE BROSIOUS FOR HER SERVICE TO THE HOUSE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. NEY. Mr. Speaker, on the occasion of her retirement in December 2004, we rise to thank Ms. Bernice Brosious for 25 years of outstanding service to the United States government, most recently here in the U.S. House of Representatives.

Bernice began her career in government in 1979 at the General Services Administration. She followed that with service at the Defense Investigative Service, the Department of Agriculture, and the Federal Aviation Administration, honing her financial skills throughout this time. Bernice brought her expertise to the House in 1998 as Director of Accounting for the Chief Administrative Officer, and in 2001 became the Associate Administrator for Finance. Her passionate customer service, organizational knowledge and resourcefulness and her leadership on numerous initiatives have benefited countless Members and staff over the years.

Among her many other achievements, Bernice was instrumental in obtaining the House's first clean audit opinion for calendar year 1998 and for maintaining this clean opinion every year since. Over the past seven years Bernice has also been instrumental in moving the House from an ancient paper ledger accounting system to the imminent introduction of a 21st century state-of-the-art financial management system.

On behalf of the entire House community, we extend congratulations to Bernice for her many years of dedication and outstanding contributions to the U.S. House of Representatives. We wish Bernice many wonderful years in fulfilling her retirement dreams.

IN HONOR OF THE COMMUNITY ASSESSMENT PROJECT

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. FARR. Mr. Speaker, I rise today to honor the Community Assessment Project for working with United Way over the last 10 years and improving the quality of life for Santa Cruz County residents.

The Community Assessment Project brings together a wide range of public and private health, education, human service and civic organizations to design and implement a comprehensive 10-year plan for communities improvement. Some of the members of the Steering Committee who have worked exceptionally hard over this past decade are Carol Adams, from Dominican Hospital, and Susan Brutschy of Applied Survey Research. Additionally, much of this project's success has been due to the generous support of the financial sponsors, especially the County of Santa Cruz, the single largest patron.

In the last 10 years, the Community Assessment Project has made significant progress toward reaching their goal of improving the overall quality of life in Santa Cruz County. It has conducted an annual survey to get residents' perceptions of the issues, and has begun addressing concerns related to health care, primary education, and drug and alcohol use among youth. By quantifying the needs of the community, it is now easier to bring in millions of new dollars in grant funding.

Mr. Speaker, it is my pleasure to congratulate the Community Assessment Project on the tremendous work it has done over this past decade.

HONORING THE 150TH ANNIVERSARY OF THE TIMES-STANDARD

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the 150th anniversary of the Times-Standard, a newspaper that has dependably served the Humboldt County, California area since 1854. The only regional daily newspaper, the Times-Standard is a reliable source of national, State and local news for thousands of citizens of the North Coast of California.

First published in September, 1854, the Humboldt Times was the sole source of news and information for early residents of the community. In April, 1875, the Humboldt Standard began publication, joining the Humboldt Times in promoting the interests of the area. From the beginning, important stories appeared. In 1854, the first railroad in the area was incorporated; a steamer from San Francisco sank with substantial loss of lives in 1860; a month later a tragic massacre of members of the Wiyot Tribe; and in 1917 the heavy cruiser USS *Milwaukee*, trying to rescue a stranded submarine in thick fog, was beached near Eureka—a story that made international headlines.

Headquartered in Eureka, California, on June 1, 1967 the two newspapers combined to become the Times-Standard and provided improved access to information, community leadership, advertising and entertainment to local residents.

The Times-Standard is an invaluable resource for historians and educators. In the early days of European settlement, people came to northern California from Sweden, Italy, Portugal, Germany, Switzerland and the British Isles to farm, harvest timber and fish the Pacific Ocean. Workers came from Asia to take part in building and mining, giving a diverse population a role in the growth of the Nation. The newspapers chronicled the impact of this settlement on the native peoples of the area, including the Hupa, Yurok, Tolowa, Karuk, and Wiyot among others.

Under a single owner from 1941 to 1967, the newspaper was acquired by the Brush-Moore Group and was purchased later that year by Thomson Newspapers. In 1996, the Times-Standard became a member of MediaNews Corporation.

The newspaper has been a community champion for major issues facing the region and a leading forum for discussion and debate. It plays a significant role in the progress of the region. The Times-Standard remains committed to the improvement of the community it serves and is an indispensable source of accurate and comprehensive news to the citizens of our State.

Mr. Speaker, it is appropriate at this time that we recognize one of California's finest newspapers, the Times-Standard of Eureka, on the occasion of its 150th anniversary.

VETERANS HEALTH PROGRAMS IMPROVEMENT ACT OF 2004

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. EMANUEL. Mr. Speaker, today I rise in strong support of three important initiatives to improve the quality of services for our Nation's veterans—S. 2484; S. 2486 and H.R. 3936. Each of these measures improves crucial service provided by the Department of Veterans Affairs for our brave men and women who served.

The VA is charged with carrying out President Abraham Lincoln's vision of America's veterans: "To care for him who shall have borne the battle and for his widow and his orphan." It is important that Congress follow in this tradition by providing the necessary support to the VA as the needs of our Nation's veterans continues to change. I urge my colleagues to provide that support by supporting these three bills.

The Department of Veterans Affairs Health Care Personnel Enhancement Act, S. 2484, will help retain and develop the quality professional staff needed to provide first-rate care to our veterans. It provides merit pay and other incentives to properly compensate the dedicated health care workers who care for our heroes.

The Veterans' Benefits Improvements Act, S. 2486, enhances the educational and housing opportunities available to our veterans. It expands the maximum contributions veterans can make for educational assistance under the Montgomery GI Bill and increases the maximum allowable home loan guarantees for which veterans are eligible. This bill recognizes the vital role these programs have played in both repaying the sacrifices made by our veterans and in fueling the economic development through improved education and housing for veterans in our workforce.

The Veterans Health Programs Improvement Act, H.R. 3936, authorizes the VA to construct an improved headquarters outside the Pentagon in order to better serve veterans and their families, and it provides assistance for homeless veterans.

As we enact these important measures, I am hopeful that the House leadership will soon consider the Discharged Combat Veterans Medical Care Extension Act, H.R. 4438. I introduced this bill to extend eligibility to veterans who served in recent hostilities for hospital care, medical services, and nursing home care for any illness. This bill would be particularly helpful to veterans with symptoms similar to those resulting from exposure to Agent Orange and Gulf War Syndrome who are compelled to prove within two years of discharge that their injuries are directly combat-related or would otherwise lose these benefits.

Mr. Speaker, the United States has a long and proud history of caring for our veterans. These bills follow that tradition in helping ensure that the Department of Veterans Affairs continues to meet our responsibilities to America's heroes. I urge my colleagues to support each of them and thank our veterans for their service and continued dedication to our Nation.

HONORING WHITEMARSH TOWNSHIP

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. HOEFFEL. Mr. Speaker, I rise today to congratulate the residents of Whitemarsh Township, in southeastern Pennsylvania, on the occasion of their tricentennial celebration.

The people of Whitemarsh Township, founded in 1704, are celebrating its 300th birthday with a series of events that illustrate the theme "Our living past . . . Our growing future." These events, including Revolutionary War reenactments, talks about the township's history, and a black tie gala, are bringing the community together and educating citizens about its rich heritage of steady growth and historical significance. As a part of this celebration, the Township is also taking the opportunity to honor distinguished citizens who have worked toward the betterment of the community.

From its inception, Whitemarsh Township has been a strong and tight-knit community. The Township has been involved not only in local history; events of national importance have occurred within Whitemarsh Township as well, including Revolutionary War encampments and skirmishes. This rich history has endowed the people of Whitemarsh Township with great pride; Mr. and Mrs. Eugene Fitz Dixon deserve commendations for their stewardship of Erdenheim Farm and community philanthropy, along with countless other citizens who remain devoted to carrying on the longstanding history and community of Whitemarsh Township.

It is my pleasure to join the residents of Whitemarsh Township in honoring their tricentennial.

HONORING MINNESOTA'S COMMISSIONER OF VETERANS AFFAIRS, JEFFREY OLSON

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Ms. McCOLLUM. Mr. Speaker, I rise today to honor a public servant, patriot and tireless advocate for veterans—Jeffrey Olson, Minnesota Commissioner of Veterans Affairs.

Commissioner Olson announced this week that he will be retiring at the end of the year from his post as commissioner which he served since 2001. Prior to this appointment, he served as deputy commissioner since 1983. At both posts, Commissioner Olson has worked to ensure that the needs of our veterans and soldiers are a priority.

Commissioner Olson brought much experience through his work as a Washington County Veterans Service Officer and the Assistant Director of the Veterans Employment and Training Service at the University of Minnesota.

During the Vietnam War, Jeff Olson served in the U.S. Army, attached to the United States Armed Forces Courier Service where he was responsible for preparing and transporting top-secret materials.

Long a champion of Minnesota veterans, Jeff Olson is a member of numerous veterans' organizations and serves as Chair of the American Legion's National Convention Commission, Vice Chair of the National Legislature Council and is actively involved in the community.

I personally worked with Jeff Olson on many issues. When he was deputy commissioner, he helped me pass an important amendment to the Minnesota constitution that provided our Gulf War veterans with a bonus for their service.

I thank Jeff for his years of service on behalf of our veterans and wish him a happy and healthy retirement.

TRIBUTE TO MR. ROBERT M. ROBUCK

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. SKELTON. Mr. Speaker, it is my honor to inform you that Robert M. Robuck of Jefferson City, MO, has been awarded "The Missourian Award" by the American Heart Association. Mr. Robuck received the award for his civic and business contributions to the community.

Mr. Robuck grew up in Cairo, MO. He attended the University of Missouri-Columbia and graduated in 1964 with a degree in business administration. Soon after graduation, Mr. Robuck moved to Jefferson City to work for Central Trust Bank.

Mr. Robuck is very committed to his community. Currently, he is the president, chief operating officer and director of Central Trust Bank. Also, he is the vice chairman and director of Central Bancompany, Inc. Additionally, Mr. Robuck is council president and a director of the Great Rivers Council, Boy Scouts of America. He was the chairman of Capital Region Medical Center, and he is a director of Pathways Community Behavioral Healthcare, Inc. Mr. Robuck sits on the University of Missouri Medical Alliance Board.

Mr. Speaker, Mr. Robert Robuck has distinguished himself as a fine community leader and citizen. I am sure that my colleagues will join me in wishing Mr. Robuck and his family all the best.

TRIBUTE TO EUGENE "GENE" ITOGAWA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. MATSUI. Mr. Speaker, today I rise to pay tribute to a man with a truly great career in public service. For more than thirty years, Eugene "Gene" Itogawa has worked tirelessly to preserve the historic fabric of California, especially the history of Japanese Americans. As Gene prepares to retire from his position as a historian with the California Office of Historic Preservation (OHP) and California State Parks, I would like to ask all my colleagues to join me in saluting Gene Itogawa's outstanding commitment to preserve and promote California history.

A resident of Sacramento since 1948, Gene is a graduate of McClatchy High School. Gene earned Bachelor of Arts and Master of Arts degrees in History from California State University, Sacramento. Gene's Master's thesis is considered by many to be the definitive work on the history of the natural ice industry in California. A proud veteran, Gene enlisted with the United States military in 1968 and was honorably discharged in 1970.

During his tenure at Office of Historic Preservation, Gene has successfully performed nearly every professional task conducted by the office. He has assisted cities and counties in identifying historic resources through survey programs and evaluated survey results for inclusion in the department's database. In addition, Gene has managed state and federal grant programs and directed OHP's historic resources database.

Gene has coordinated several special projects including production of the book, "Five Views: An Ethnic Historic Site Survey for California." Gene coordinated the preparation of OHP's state preservation plan, "Forging the Future With the Past: Comprehensive Statewide Historic Preservation Plan for California," and publication of the book, "By the People, Fore the People: The Work the Civilian Conservation Corps in California State Parks, 1933–1941."

Gene has served as OHP's liaison on several projects to preserve Japanese American history in California. Gene was an advocate to preserve Manzanar Internment Camp as a National Historical monument. Gene serves on the Tule Lake Preservation Committee that seeks to preserve the site and history of the internment camp where he was born in 1942. In addition, Gene has worked tirelessly to preserve the remaining three historic Japantowns in California located in Los Angeles, San Jose, and San Francisco.

In 1992, Gene contributed to the development of a major historical exhibit recognizing the 50th Anniversary of Executive Order 9066 for display at the Sacramento History Museum. In 2002, Gene was selected to participate in an exchange program sponsored by the California Japanese American Community Leadership Council and the Japan Ministry of Foreign Affairs to promote goodwill and strengthen the ties between the citizens of Japan and Japanese Americans in California.

A man of many talents and considerable energy, Gene plans to continue his many volunteer activities with various statewide and Asian American causes. Gene is a board member of the Japanese American Citizens League, the Buddhist Church of Sacramento, and the Japanese American Historical Society. Gene will continue to work on his latest project, a history of the first one hundred years of the Sacramento Buddhist Church.

Mr. Speaker, as Gene Itogawa embarks on an exciting new chapter of his life, I am honored to pay tribute to a great friend of California history. The people of California have benefited greatly from Gene's labor and we all owe him a debt of gratitude. I ask all my colleagues to join me in wishing Gene continued success in all of his future endeavors, wherever retirement may lead him.

THANKING MRS. ETHEL JONES FOR HER SERVICE TO THE HOUSE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. NEY. Mr. Speaker, on the occasion of her retirement in December 2004, we rise to thank Mrs. Ethel Jones for 26 years of outstanding service to the U.S. House of Representatives.

Ethel began her career at the House in March 1978 working with the House Restaurants System through the Architect of the Capitol. In 1987, Ethel joined the House of Representatives Child Care Center as one of the original staff members. Ethel has served as a caregiver at the child care center since that time. Some say Ethel, herself, is an institution within the HRCCC organization. Ethel has touched the lives of so many children and their families. She takes great joy in keeping in contact with her former children, often receiving photos and letters from grateful families years after their departure from HRCCC. Ethel has served as an invaluable resource for many young parents encountering the challenges of parenthood for the first time, and she has consistently displayed warmth and concern as she has shared her expertise.

Ethel has displayed great passion for her work and dedicated herself to ensuring that the needs of the children and families are met to the greatest possible satisfaction.

On behalf of the entire House community, we extend congratulations to Ethel for her many years of dedication and outstanding contributions to the U.S. House of Representatives. We wish Ethel many wonderful years in fulfilling her retirement dreams.

HONORING LINDA WILSHUSEN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. FARR. Mr. Speaker, I rise today to honor the distinguished career of Linda Wilshusen, a respected public servant who is retiring from her post after 19 years as executive director of the Santa Cruz County Regional Transportation Commission.

Good transportation planning is essential to maintain both the quality of life Santa Cruz residents desire and the economic vitality necessary to sustain a robust workforce. Linda and her staff at the commission have worked tirelessly to develop a variety of transportation options and engage the public to make long-term transportation decisions that have been difficult, at times controversial, but necessary for the county to adopt a blueprint to meet future transportation needs.

Linda has always recognized the amazing diversity of the community she served and balanced the desire of progrowth advocates by supporting Highway 1 improvements while promoting passenger rail and bus service, and developing transportation alternatives like a bike and pedestrian trail around the Monterey Bay National Marine Sanctuary, and increasing public awareness of the transportation needs of elderly and disabled residents, and upgrading motorist safety and assistance.

During Linda's tenure, the SCCRTC distributed over $300 million for local transportation programs that have made the Santa Cruz area a much more desirable place to live. Linda Wilshusen provided prescient leadership for 19 years at the helm of the Santa Cruz County Regional Transportation Commission and has had an enormous impact not only on the everyday lives of Santa Cruz County residents but also on anyone who has visited Santa Cruz County during the last two decades.

Transportation planning is not the only area in which Linda has a tremendous impact on her beloved Santa Cruz community. In the last year, her family suffered the tragedy of losing their youngest daughter, Kelsey. However, Linda, her husband Rock Pfotenhauer, and her daughter Zephyr showed incredible courage and used their daughter's death to reach out to the community to bring public awareness to the need for better mental health programs so that other families would not suffer the same fate. I know other parents join me in wishing Linda and her family heartfelt sympathy for their unimaginable loss and gratitude for speaking out on the need for better mental health awareness.

I am privileged to call Linda Wilshusen a valued friend and esteemed public servant. On behalf of all my constituents, I wish her and her family well. Thank you, Linda, for your unselfish public service.

HONORING THE 75TH ANNIVERSARY OF HUMBOLDT CREAMERY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the 75th anniversary of the Humboldt Creamery, which was founded along the banks of the Eel River in Humboldt County, CA. The Humboldt Creamery serves not only the people of northern California, but provides high quality products to our Nation and to Asia and Europe.

Formed as a cooperative, Humboldt Creamery's founding principles included high quality products as well as good service and reliability, which are as important today as they were in 1929. Made up of 65 local dairies, Humboldt Creamery and its member dairies employ over 500 people. It brings $70 million in annual sales to the local economy and has a positive economic impact of $210 million on the local region.

Powdered milk, which traces its origins back to Humboldt County, comprises 50 percent of the Humboldt Creamery's business. Its whole milk powder is used nation wide in confectionery products, supplying companies such as Hershey's, Nestle's and See's Candy.

Humboldt Creamery is the source for natural, pasture-based milk products which are free of synthetic growth hormones. Its instantized non-fat powdered milk is used in sports drinks, pudding, dietary supplements and some pharmaceuticals. The creamery provides this product to Bristol Meyers, Farmer Brothers Coffee and many other companies. Organic powder is a growing element in the creamery's catalogue.

Humboldt Creamery processes 10 million gallons of ice cream each year in addition to its 20 million pounds of milk powders. Ice cream, the fastest growing part of the creamery business, brings in $30 million each year from domestic and foreign sales.

Mr. Speaker, it is appropriate at this time that we recognize Humboldt Creamery on the occasion of its 75th anniversary.

RECOGNIZING THE 60TH ANNIVERSARY OF THE BATTLE OF THE BULGE DURING WORLD WAR II

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. EMANUEL. Mr. Speaker, as the 60th anniversary of the Battle of the Bulge approaches, I rise to pay tribute to the brave American and Allied troops who participated in this grueling 39 day battle which effectively ended the last German offensive of World War II.

In the winter of 1944, German forces launched a surprise offensive in the Ardennes forest region of Belgium and Luxembourg. It was intended to split the Allied forces in Europe by breaking through the Allied lines and crippling its fuel supply lines. Their progress was halted by the brave efforts of 600,000 American troops and 55,000 troops from Great Britain, Belgium and Canada, who fought gallantly while outnumbered and battling through treacherous terrain and bitter weather conditions until reinforcements could arrive.

The most famous engagement of this battle was at the key Belgian crossroads town of Bastogne, where 101st Airborne Division was completely surrounded but persevered through a lengthy siege of its position. The Allied resistance prevented the German forces from gaining access to Antwerp and the Meuse River Line.

The Battle of the Bulge resulted in 81,000 American and 1,400 British casualties, of whom over 19,000 American and 200 British soldiers gave their lives. Because of their sacrifice, the momentum of the German war machine was halted and the long road toward the defeat of Nazi Germany was opened for a final Allied offensive, helping to bring an end to the war in Europe four months later.

Following last week's Veterans Day observances, I ask that my colleagues join me in honoring the memory of the brave Americans who fought and died at the Battle of the Bulge and in extending our deepest gratitude to their families.

I would also like to thank the many World War II veterans who have participated in the Chicago World War II Veterans Oral History Anthology, a project that will preserve their accounts of valor and victory so that we may pass those stories and their values on to future generations of Americans. These veterans are again demonstrating their heroism and commitment to this country by recounting their often painful memories so that future generations may benefit from their individual experiences, and that this nation may benefit from their collective wisdom.

As we solemnly commemorate the 60th anniversary of the Battle of the Bulge, it is my honor and privilege to pay tribute to the Chicago-area veterans—and their families—who proudly wore the uniform of their country, endured the rigors of the war, and fought for our liberty and the freedom of future generations of Americans.

HONORING DR. IRWIN ROSE

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. HOEFFEL. Mr. Speaker, I rise today to honor Dr. Irwin Rose, who shares the 2004 Nobel Prize in Chemistry with his colleagues Dr. Avram Hershko and Dr. Aaron Ciechanover of Israel. Dr. Rose is a former resident of Abington, PA and had a distinguished career conducting research at the Fox Chase Cancer Center and elsewhere.

Dr. Rose was raised in Spokane, WA. He studied at Washington State College, served as a radio technician near the end of World War II, and then earned his Ph.D. in biochemistry at the University of Chicago. He served for 9 years on the faculty of Yale Medical School. He then worked at the Fox Chase Cancer Center from 1963 to 1995. His wife of 49 years, Zelda Budenstein Rose, is also a biochemist. They have a daughter and three sons.

The research for which Dr. Rose is being awarded the Nobel Prize deals with a certain regulatory protein that is present everywhere in plant and animal cells. The significance of this protein lies in its functions as a destroyer of proteins that are no longer needed and a regulator of certain proteins used in cell reproduction. Because several diseases that are yet uncured, such as cancer and cystic fibrosis, result from errors in the cell reproductive process, Dr. Rose's research provides us with new hope in the search for cures.

It is my pleasure to recognize Dr. Irwin Rose for his contributions to the field of biochemistry. I congratulate him on being awarded the Nobel Prize in Chemistry.

REMEMBERING THE FORMER GOVERNOR OF MINNESOTA, ELMER ANDERSON

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Ms. MCCOLLUM. Mr. Speaker, I rise today to remember a statesman, public servant and friend—the former Governor of Minnesota, Elmer Anderson.

Surrounded by his friends and family, Elmer Anderson passed away on November 15 at the age of 95.

Governor Anderson was a man of great character and strength. He participated in public service with a tremendous sense of purpose.

Never afraid to speak his mind, Governor Anderson fought for human rights, civil rights and worked to protect and ensure new park land which will be one of his many legacies. He was indeed ahead of his time in so many ways.

Even after time as Governor, he never lost his passion for politics and policy. His activism continued throughout his life, becoming involved in the community through business and newspaper publishing.

Elmer Anderson was a man who loved Minnesota and its people. He truly embodied the Minnesota spirit.

Minnesota will miss Elmer Anderson's leadership and he will be remembered fondly in the hearts of many.

SUPPORT FOR BOY SCOUTS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. SKELTON. Mr. Speaker, I rise today in support of the resolution introduced by my good friend from Colorado, Mr. HEFLEY. I wholeheartedly endorse this resolution, which expresses the sense of Congress that the Department of Defense should continue to provide assistance and support to one of America's most treasured institutions, the Boy Scouts of America.

The Boy Scouts of America is one of the finest organizations in our country. Countless young men have learned the values of God, home, and country as young scouts, and the Boy Scout motto, "Be Prepared", has inspired generations of youths to prepare for and lead full and productive lives.

One of the most significant lessons taught by the Boy Scouts is the importance of being a patriotic American. To call into question the status of the Boy Scout organization, and potentially deprive young men who are military dependents of the opportunity to participate in Boy Scout troops on their military bases, is an absolute shame.

I was fortunate to join the Boy Scouts when I was growing up, and I still remember how proud my mother and father were when I attained the rank of Eagle Scout. I later led a scout troop in my hometown and was enormously proud when my sons also became scouts. I am honored to have a continued association with the Boy Scouts today.

So I call on my colleagues to join us in voicing our support of the Boy Scouts, and encourage the Department of Defense to continue their excellent efforts to promote this important institution.

TRIBUTE TO JIMMIE DEE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. MATSUI. Mr. Speaker, today I rise in tribute to a man with a distinguished public service career. Throughout the course of his career, Jimmie Yee has served the people of Sacramento with great success and distinction. Jimmie will soon retire from his post as the Councilman from the 4th District of the Sacramento City Council. It is my honor to ask all my colleagues to join me in saluting Jimmie Yee, a man who has worked hard to make Sacramento a better place for everyone.

A native of Sacramento, Jimmie was born in 1934. He attended Lincoln Elementary, Lincoln Junior High, and Sacramento High School. Jimmie attended the University of California, Berkeley, where he graduated with a Bachelor's Degree in Civil Engineering. Jimmie holds registrations as both a California Structural Engineer and Civil Engineer. In 1957, he joined the US Army Corps of Engineers and was honorably discharged after he achieved the rank of Captain in 1965.

Jimmie began his professional career in civil service with CALTRANS and the State Department of Water Resources between 1956 and 1959. In 1966, Jimmie entered the private sector when he started his own engineering practice. During a quarter century of involvement, Cole, Yee, Schubert and Associates became one of the largest consulting engineering firms in the Sacramento Region. The firm provided design services for many trademark buildings in Sacramento, including the original Convention Center, Suffer General and Suffer Memorial Hospitals, and ARCO Arena.

In 1992, Jimmie was elected to a four-year term on the Sacramento City Council. Jimmie was subsequently reelected to the seat in 1996 and 2000. Jimmie truly showed his mark as a great leader when Late Mayor Joe Serna passed away in the fall of 1999. Jimmie admirably answered the call to service by serving as Mayor for the reminder of Mayor Serna's term. Jimmie's leadership and ability to unite had a great steadying influence during this tumultuous period. The people of Sacramento owe you a debt of gratitude for your service.

Long before he joined City Council in 1992, Jimmie was already an important leader in our community. Jimmie has long been one of the most ardent supporters of the Sacramento Chinese Drum and Bugle Corps. Until today, Jimmie remains an active member of the Sacramento Optimist Club and the Chinese American Council of Sacramento. In 1989, Jimmie organized the first Asian bone marrow drive in the United States when he registered more than 2,500 people. It's a testament to Jimmie's influence as a community leader that many of his wonderful contributions before he held elected office are still being felt today.

A devoted family, Jimmie has been married to his wife, Mary, for fifty years. Together, they raised four daughters and two sons, all of whom are college graduates with professional credentials. Today, Jimmie and Mary are the proud grandparents of fifteen grandchildren.

Mr. Speaker, as Jimmie Yee embarks on an exciting new chapter of his life, I am honored to pay tribute to a great champion of the City of Sacramento. The people of Sacramento have benefited greatly from Jimmie's leadership and we all owe him a debt of gratitude. I ask all my colleagues to join me in wishing Jimmie continued success in all of his future endeavors, wherever retirement may lead him.

RECOGNIZING THE 60TH ANNIVERSARY OF THE BATTLE OF THE BULGE DURING WORLD WAR II

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2004

Ms. PELOSI. Mr. Speaker, I rise in support of H.J. Res. 110, recognizing the 60th anniversary of the Battle of the Bulge during World War II.

I thank Speaker Hastert for scheduling this bill and giving us this opportunity to pay tribute to the brave Americans who fought and died in that crucial battle. I know that this is personal to the Speaker. His mentor, the former Republican Leader from Illinois, Bob Michel, received the Purple Heart and other citations for his bravery in that battle. I share the Speaker's respect for Leader Michel. Further, the Speaker's family hails from Luxembourg, and the special ties between our countries that resulted from the Battle of the Bulge have great meaning to him.

This is personal to me as well. My uncle, Johnny D'Alesandro, was one of the heroes who gave their lives for their country in the Battle of the Bulge. Like so many other families, his sacrifice was for us a source of both sorrow and pride—deep sadness over the loss of a wonderful man; tremendous pride that one of our own helped to preserve the freedom and values that we cherish as a nation.

But beyond the personal significance that the battle holds for us is the towering importance it holds for human history. The Allied victory in World War II literally saved the world, and that victory became inevitable when the Allied forces successfully repelled the surprise German attack in what we call the Battle of the Bulge.

With bitter cold and blinding snow, it was the bloodiest single battle ever fought by American soldiers. There were 81,000 American casualties, including 19,000 killed in action. The heroes of that battle rightfully take their place among the bravest and most noble in American history.

We dedicated the World War II Memorial on the Mall this year to pay tribute to all of the veterans of that war, and we will honor the heroes of the Battle of the Bulge with ceremonies by citizens of the United States, Belgium, Luxembourg, and many other nations in the coming months. But we can never truly repay the debt we owe them. We can offer only our words of heartfelt gratitude and our promise to never forget the sacrifice they made for our country.

May God bless the heroes of the Battle of the Bulge. May God bless all of the men and women serving in uniform today. And may God bless America.

CONGRATULATING DAVID SCOTT MOLLOY, JR., 2004 RHODE ISLAND PROFESSOR OF THE YEAR

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. LANGEVIN. Mr. Speaker, I rise today to congratulate David Scott Molloy, Jr., for being named the 2004 Rhode Island Professor of the Year. The Professors of the Year Awards are the only national awards that recognize college and university professors for excellence in undergraduate teaching and mentoring. I'm thrilled to recognize and honor Dr. Molloy today, a professor who reminds us all of the invaluable contributions made by our nation's educators.

David Scott Molloy, Jr., of West Kingston, RI, currently serves as a Professor of Labor and Industrial Relations at the University of Rhode Island, where he has been teaching since 1986. In his tenure at URI, Professor Molloy has relished the opportunity to bring his expertise and unique experience to a range of departments and courses. He has taught courses in the History Department, the Business School, the Honors program, Economics, and in his academic home at the Labor Center.

His contributions to Rhode Island are too numerous to list, but they begin with his desire to highlight and explore the rich and often complex history of our great state. Offering such courses as "Rhode Island History" and "Labor and Immigrant History in Rhode Island," he reminds our students of how important it is to understand where they and their ancestors have come from and the many challenges that our state has faced throughout history.

A true educator, Professor Molloy's contributions are not confined to the classroom. He delivers as many as forty presentations a year to various organizations in his community. He has also shown an eagerness to share his unique style and methods of teaching and instruction—methods that have proven powerful and effective. His passion for the subjects he teaches led him to begin collecting immigrant and labor memorabilia. In 1990, the Smithsonian acquired 9,500 artifacts from him to establish the Scott Molloy Labor Archives.

Professor Molloy is perhaps above all an incredible leader and role model for Rhode Island's youth—a testament to the value of hard work, determination, and hope. The grandson of an Irish immigrant, he began his career as both a bus driver for the Rhode Island Public Transit Authority and a labor activist in Providence. Not one to let an opportunity pass him by, Dr. Molloy chose to pursue a Ph.D. part time while continuing his work as President of the Amalgamated Transit Union, driving a coach, and teaching a course on labor history. His dissertation on the history of public transportation in Rhode Island and the role that transit employees and unions played in its development was published by the Smithsonian Institution. In Professor Molloy's own words, "going from the front of the bus to the head of the class," he is the embodiment of the American Dream. I cannot think of a better example for Rhode Island's bright and aspiring students.

Thank you, Mr. Speaker, and I hope our colleagues will join me in congratulating Professor Molloy.

IN TRIBUTE TO VENTURA, CALIFORNIA, POLICE CHIEF MIKE TRACY

SPEECH OF

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to Mike Tracy, a Ventura, California, native who joined the Ventura Police Department as a patrol officer in 1975 and who has been chief of police since February 1999. After a distinguished career protecting and nurturing his hometown, he will retire on December 4.

Mike Tracy is a seasoned law enforcement officer with a reputation for innovation and community outreach.

During the 24 years in which he worked his way up the ranks from officer to police chief, Mike Tracy worked in or was in command of every aspect of the department, including patrol, detectives, administration, training and crime prevention. That experience gave him an insight into his department that few chiefs achieve.

At the same time, Mike Tracy earned a reputation far beyond city boundaries as someone in the forefront of law enforcement who reached out to other departments to share resources and knowledge.

Under his leadership, the department initiated the Crisis Intervention Team program, which trains personnel to better deal with the mentally ill and individuals in crisis—a program that subsequently was adopted countywide. He was the chief architect of Ventura's Community Problem Oriented Policing Program and instrumental in establishing four police storefronts and acquiring several state grants for gang violence suppression and school safety.

Equally important, Mike Tracy continued to contribute to his community outside the walls of the Ventura Police Department. In addition to his involvement with the Police Activities League, Mike has also worked with the Boys & Girls Club and Salvation Army. He has run in several marathons, the Special Olympics Torch Run and the Baker to Vegas run.

His wife, Linda, recently retired as an elementary school teacher. Their son Matthew is a graduate of the U.S. Air Force Academy and lives in Arizona with his wife, Christine, and their 3-year-old son, Nathan.

Mike and Linda plan to stay in Ventura and remain active in the community. His continued support will be appreciated.

Mr. Speaker, I know my colleagues will join me in congratulating Ventura Police Chief Mike Tracy on his retirement; will thank him for a lifetime of dedication to his profession and community; and wish him many years of health and prosperity, both for him and his family.

RECOGNIZING JEWELL DUVALL UPON HER RETIREMENT

SPEECH OF

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. NEY. Mr. Speaker, we rise to thank and recognize Jewell Duvall for her outstanding service and contributions to the House community during her tenure in the Office of the Chief Administrative Officer.

Jewell was born in the small, coal-mining town of Bellwood, WV, one of a population of 300. As a coal miner's daughter, she worked in the company store during high school until the lure of public service led her to Washington, DC and a job with FBI's Identification Division, then located in the present day Ford House Office Building.

Jewell worked for FBI for four years, started a family and raised two sons. During the course of her career Jewell worked for a variety of employers, from a trade association, to private corporations, but her career always took her back to the service of her country.

Jewell's House employment as Jay Eagen's Executive Secretariat now ends in the same location where it began, the Ford House Office Building. During her time with the CAO, Jewell has provided support to not only the CAO but also to Leadership, the Committee on House Administration, other House Officers, Member and Committee offices, and the general public. Jewell has always treated each individual with respect and a sense of priority, and her actions have always been driven by a desire to provide courteous and unsurpassed customer service.

Jewell provided extensive administrative support to the Incident Commander during the September 11th and anthrax crises of 2001. She was a valuable asset to this team, going above and beyond the call to duty to ensure that the work of the House continued during those trying times. She has been tremendous in her support of the CAO and my staff at the Committee on House Administration. This institution will truly miss her important contributions, and I wish her nothing but continued success and happiness in her retirement.

IN HONOR OF THE CITIZENSHIP PROJECT

SPEECH OF

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. FARR. Mr. Speaker, I rise today to honor the Citizenship Project as this year's recipient of the Ralph B. Atkinson Award for Civil Liberties. Each year the Atkinson Award, named for the distinguished civil rights advocate Ralph B. Atkinson, is presented to a local advocate for civil liberties. This year the Monterey County Chapter of the American Civil Liberties Union selected the Citizenship Project, which was founded in 1994 by Teamsters Local 890 in response to the passage of Proposition 187. The project is dedicated to an expanded citizenship and consistently represents such values as education and self-organization through mutual support. In 2004 they became a close partner to the Central Labor Council, and are currently helping the Labor Council form a new coalition for immigrant rights here on the Central Coast.

Maria Echavarria, the Project's Acting Director, and Tony Acosta were extremely instrumental in the success of this project. With the help of over 1,000 immigrant community volunteers, the Citizenship Project has provided low-cost immigration services, registered thousands of new voters, and conducted voter workshops for new citizens. With their assistance, over 15,000 residents of the Central Coast have applied for U.S. Citizenship.

Since 1998 they have sponsored Jovenes en Accion Youth in Action. This immigrant youth leadership development program registers voters, teaches in the school, produces plays about their experience, and has led the struggle in our region for educational & employment rights for undocumented youth.

Furthermore, they build citizenship by helping people form groups to act together. They have launched La Hermandad de Ex-Braceros Brotherhood of Ex-Braceros, Mujeres del Sur Triqui women in Greenfield, and La Alianza para una Mañana Mejor south Salinas Valley Latino political club with this objective in mind.

Mr. Speaker, on behalf of the United States Congress, I would like to honor the accomplishments of the Citizenship Project and express my sincere gratitude for their commitment to the community.

IN RECOGNITION OF MIKE KAZAR, NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Mike Kazar, who is retiring as a volunteer firefighter for the City of St. Helena, in California's 1st District. Mr. Kazar's outstanding contributions and dedication to our community are truly appreciated.

Mike Kazar will be leaving the Saint Helena Fire Department after twenty years of service. He currently serves as the Captain of the department. In addition to his duties in Saint Helena, Mike Kazar also volunteers for the Sand Point-Sagle Idaho area Volunteer Fire Department. He served as Captain of the Moraga/Orinda Fire Department for 37 years. He is also a member and safety officer on the State OES Overhead Team.

A native of California, Mr. Kazar was born in Carmel. He graduated from Miramonti High School in Orinda in 1960. While growing up in Moraga, Mike Kazar and his family lived in an apartment over the family owned grocery store. Next-door was a firehouse which peaked his interest in the profession.

He served four years in the Navy as a firefighter stationed in Guam. Mike Kazar has one daughter, Michelle Hill and two granddaughters. Mike loves to spend time outdoors and is especially fond of hunting.

Mr. Speaker and colleagues, Mike Kazar set the standard of dependability, bravery and hard work that should be followed in all communities. His commitment to our community has been shown time and time again. For these reasons and countless others, it is most appropriate that we honor him at the time of his retirement and extend our best wishes to him.

CONGRATULATING ELIZABETH FURMANICK FOR RECEIVING THE TEACHER OF THE YEAR AWARD FOR MIAMI-DADE, BROWARD AND MONROE COUNTIES FROM THE NATIONAL CATHOLIC EDUCATION ASSOCIATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to congratulate a fellow South Floridian educator, Elizabeth Furmanick, for having been awarded the National Catholic Education Association's prestigious Principal of the Year Award for Dade, Broward and Monroe Counties.

The Archdiocese of Miami gave Elizabeth this prestigious award for her work in leading St. John the Apostle School in Hialeah, Florida for the past 12 years. She has been with the school for a total of 28 years, serving as a teacher and vice-principal.

Friends describe her as an extremely dedicated principal whose main concern is the well-being of the children entrusted to her care. She also makes it a point to know all her students by their first names. She has an open-door policy for all students and teachers. She encourages them to talk to her about their concerns and feelings so that they may have a more rewarding educational experience.

Elizabeth Furmanick's receipt of the Principal of the Year Award exemplifies her dedication to educating South Florida's children. For almost three decades, she has worked tirelessly to ensure, inspire and encourage her students to reach higher goals.

Thank you, Elizabeth, for your dedication.

EXPRESSING THE URGENCY OF PASSING POSTAL REFORM LEGISLATION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. BURTON of Indiana. Mr. Speaker, I rise today to comment on the urgency of passing meaningful postal reform legislation.

A vibrant and healthy Postal Service is critical to the entire U.S. economy. The nation's mailing industry is an important primary and secondary employer, and contributes approximately $900 billion dollars, or about 8 percent of the nation's Gross Domestic Product. However, over the past few years, due to declining mail volume, and increased delivery costs, the Postal Service has accrued a tremendous debt. This debt leaves the Postal Service with no alternative but to raise postage rates, which they have done four times in the past five years.

I have been a leader on postal reform for several years, and we have come a long way. During my tenure as Chairman of the Government Reform Committee, I pushed for significant postal reform legislation. In 2003, we passed the Postal Civil Service Retirement System Funding Reform Act. This was a positive step in the right direction, however, it was a temporary fix for a complex issue, and only staved off postage increases until 2006. Again, earlier this year, understanding the necessity of comprehensive postal reform legislation, the Government Reform Committee debated postal reform, and unanimously passed the Postal Accountability and Enhancement Act, H.R. 4341, through a comprehensive and broad bi-partisan process.

If this body fails to act within the next few months, double-digit postage rate increases are likely to be proposed in 2006. An increase of this size will undoubtedly lead to a reduction in First Class mail usage, which again would further threaten the financial stability of the Postal Service. A rate increase of this size will ultimately have many negative impacts, not only for the Postal Service, its employees, and the whole mailing industry, but also on the American public, and our nation's economy.

Mr. Speaker, I believe that it is vital that we pass meaningful postal reform legislation immediately, which will ensure the short-term health and long-term vitality of the Postal Service. If we fail to address this issue in a timely manner, we will be guilty of complacency by permitting an unfair, and heavily burdensome $3.5 billion tax hike on the American economy through increased postal rates.

TRIBUTE TO KANSAS PROFESSOR OF THE YEAR TAMARA AGHA-JAFFAR

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. MOORE. Mr. Speaker, I rise to pay tribute to Dr. Tamara Agha-Jaffar of Kansas City

Community College, who today is receiving the Professor of the Year Award for Kansas from the Council for Advancement and Support of Education, CASE, and the Carnegie Foundation for the Advancement of Teaching.

Since 1981, the U.S. Professors of the Year program has rewarded outstanding professors for their dedication to teaching, commitment to students and innovative instructional methods. It is the only national program to recognize college and university professors for their teaching skills. The program is sponsored by CASE and The Carnegie Foundation for the Advancement of Teaching, which hosts the final round of judging and sponsors the cash award given to U.S. national winners. CASE works with Carnegie and 26 other higher education associations to direct and promote the program.

The primary characteristic the judges consider is an extraordinary dedication to undergraduate teaching, which should be demonstrated by excellence in the following areas:

Impact on and involvement with undergraduate students;

Scholarly approach to teaching and learning;

Contributions to under-graduate education in the institution, community, and profession; and

Support from colleagues and current and former undergraduate students.

Tamara Agha-Jaffar, Ph.D., has been a full time faculty member in the English Department of the Kansas City Kansas Community College since 1987. A graduate of the Beirut College for Women and the American University of Beirut, with a Ph.D. in English literature from Washington State University, she previously was an instructor at the University of North Carolina at Greensboro and Johnson County, Kansas, Community College. During the most recent academic year she has taught courses in composition, world mythology, introduction to women's studies, world literature, and women in literature. She also has been active in organizations serving our community, including: the LULAC/USD 500 Latino Task Force; the Joyce Williams Shelter and Safehome, both serving battered women; the Kaw Valley Children's Center; and the Metropolitan Organization to Counter Sexual Assault.

I am proud to represent Dr. Tamara Agha-Jaffar in Congress and I commend to my colleagues the personal statement which she submitted to CASE as a part of her nomination process for this award. I include it in the RECORD and I hope that all who read it will be as inspired by it as I was.

PERSONAL STATEMENT OF TAMARA AGHA-JAFFAR

It was some time in 1994. I was in my office with one of my Composition 2 students. She had been very distraught during class, so I did what I am prone to do: I invited her to my office to talk. I listened as this young, intelligent, articulate female sobbed quietly and blurted out her story. Her boyfriend had woken her up at dawn that morning, placed a loaded gun in her mouth, and threatened to pull the trigger. He had terrorized her in this manner for several hours before allowing her to leave. Then, to my utter amazement, this young, intelligent woman proceeded to find ways of blaming herself for this horrifying experience. My jaw dropped.

I teach at Kansas City Kansas Community College, an urban college located in an economically distressed community. Over 60% of our students are female. Many of our students have to contend with previous or current drug abuse, single parenthood, sexual abuse, gangs, violence, and economic hardship. I have yet to experience a semester in which I haven't had at least one student in some sort of social, psychological, emotional, or economic crisis. But that morning in 1994 was different. I experienced an epiphany of sorts. I realized that as an educator, I have a moral, social, and ethical obligation to do more than just offer compassion and a Kleenex to my students as I hear their heart-wrenching stories. I didn't know what I could do, but I was determined to find out. Several months and a labyrinth of procedures and committees later, Women's Studies at KCKCC was born. I have been teaching the course since 1995. Students who successfully complete it tell me it is a transformative experience. They leave the class armed with knowledge, voice, a greater sense of empowerment, and increased self-esteem. My immersion in the subject matter of Women's Studies and subsequent volunteer activities inform my life and influence the pedagogy and content of all the classes I teach.

I include service-learning as an optional assignment in my Women's Studies class. Because I wanted to increase my effectiveness as a teacher, in 1998, I embarked on my own extensive volunteer training program. I learned to respond to crisis situations at the Metropolitan Organization to Counter Sexual Assault, at two local shelters for battered women, and at the Kaw Valley Children's Center for abused and/or neglected children. My volunteer work at the battered women's shelter prompted me to seek and establish a two-year scholarship for tuition and books for eligible shelter residents. I taught survival skills classes at the shelter and to homeless women at a local church. Students in all my classes are demonstrably impacted when I share stories that I have heard through my volunteer activities.

Student testimonials and evaluations of Women's Studies reinforced what I already knew to be true: the empowering impact of its subject matter. My desire to make this material available to others served as the catalyst for initiating a new form of collaboration with an area high school. In 2002, as a result of my efforts, KCKCC started offering two women's studies classes for college credit at the high school location. Although tuition is comparatively modest at the college, I knew it would be an issue for these students, most of whom would be the first generation in their families to take a college class. So I successfully authored a grant to cover the cost of their tuition and books. My goal in this venture was fourfold: to expose high school students to material that is empowering and immediately relevant to their lives; to encourage them to continue with their education after high school; to demonstrate that their community college faculty care and are eager to work with them should they decide to pursue their education; and to impress upon them that they can succeed in an institution of higher learning.

As a faculty member at a community college, I am called upon to perform many roles. Through them all, I try to impress upon my students the benefits, importance, relevance, and transformative power of a good education. I listen to their voices; offer support, encouragement, and compassion; provide course material that is empowering and relevant to their lives; and continuously seek new ways to extend means, access, and opportunity to those who have been historically marginalized.

A lot has happened since that day in 1994 when I first heard that young woman's story. I have changed. The college has changed. And my students have changed. Over the years, I have seen an increase in the number of students in crisis. Or maybe it is because they seem to flock to my classes and office in increasing numbers. As always, I listen to their stories. But now I do more than just offer compassion and a Kleenex. I am better trained and better equipped to provide the guidance, direction, resources, encouragement, and support they need to move forward with their lives.

As for that young woman who served as the catalyst for my personal and professional odyssey—I convinced her to phone her parents before she left my office that day and to tell them what had transpired. She was smiling the next time she came to class. Her father and older brother had helped her to move back home, and, with their support, she was pressing charges against her former boyfriend.

HONORING G. WILLIAM CADDELL

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. McCOTTER. Mr. Speaker, I rise today to acknowledge and honor Doctor G. William Caddell upon his retirement after 23 years of service to the citizens of Oakland County, Michigan.

A chiropractor by profession, Doc heeded the call to public service and was elected to the Oakland County Board of Commissioners in 1979. As a county commissioner Doc served on the Board's Finance Committee and served as its chairman.

In January of 1993, Doc was appointed Deputy Clerk/Register for Oakland County by Clerk/Register Lynn D. Allen. During his tenure as Deputy Clerk/Register, Doc supervised day-to-day operations and made a commitment to bring the latest technology to the office in order to better serve the citizens of Oakland County.

In 1998, Doc became the Clerk/Register of Deeds. The primary responsibility of this elected office is to record, store and retrieve documents for future use and to preserve them for historical purposes. Doc continued to introduce technology to enhance the efficiency and service of the Clerk/Register Office. Significant improvements include the scanning of legal documents so they are available to the public at the counter and to county prosecutors in their offices, thus saving significant staff time; the scanning of approximately two million birth, death and marriage records which may now be ordered by the public on the internet; the ability to apply for a passport at the county office, including photographs; the establishment of eRecording of land records; and the utilization of a geographic information system to accurately draw property lines. Because of Doc's innovation, the Oakland County Clerk/Register of Deeds Office is recognized throughout the state as the "model" office.

Professionally, Doc was very active with state organizations. He was appointed in 2003 by Michigan Secretary of State Terri Lynn Land to a 30 member State Plan Advisory

Committee formed to address election reform pursuant to the federal Help America Vote Act. He is president of the Michigan Association of County Clerks. He is a past president of the Michigan Chiropractic Council and has served on the Board of Directors for the International Chiropractors' Association.

Mr. Speaker, I extend our entire community's sincere appreciation and gratitude to G. William Caddell for his fine service to our community and our country; and wish him, his wife Beverly, son Jonathan, son Geoff and daughter-in-law Heather, and grandchildren Clinton Derek, Luke Jordan, and Sydney Adelaid, the brightest future of continued blessings the God Lord allows.

LEGISLATION TO PROVIDE RELIEF FOR NANCY P. GILBERT

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. COLLINS. Mr. Speaker, yesterday, I introduced private legislation to posthumously promote Nancy Gilbert, formerly of Marietta, Georgia, to the position of Supervisory Investigator at the Atlanta District Office of the United States Equal Employment Opportunity Commission. While this legislation would not confer any additional pay or benefits to Mrs. Gilbert's family, it would rightly recognize her service at the EEOC and rightly recognize that she was worthy of a promotion for which she was passed over in July 2001.

Nancy Gilbert began her career with the EEOC in 1979 in Memphis, Tennessee. Her career with the EEOC saw her ably perform in assignments in Washington, D.C., Miami, Florida and Atlanta, Georgia. During her career, she was awarded a Masters Degree in Race Relations and a Bachelors Degree in Sociology. Her last assignment was in the Atlanta District Office of the Equal Employment Opportunity Commission ("ATDO"). While in this office, Mrs. Gilbert served in several units involving Enforcement, Intake and Mediation. Her last Government service level was as a GS 12, Step 10. By all accounts and by her record of consistent promotions, Mrs. Gilbert's service to the government was competent and admirable.

In April 2001, the position of Supervisory Investigator, GS–13, in the ATDO became available. Mrs. Gilbert made the decision to apply for this position and her name was placed on the Merit Promotion Referral List. After an extremely brief and truncated interview process, Mrs. Gilbert was passed over for this position, which was awarded to another EEOC employee. Mrs. Gilbert, believing she had been discriminated against on the basis of her race, gender and age, requested a hearing, which she was granted (Agency Case No. 0–0100067–AT) before Administrative Judge Richard H. Fine on August 29 and 30, 2002. Judge Fine, after a thorough examination of the evidence, determined that Mrs. Gilbert had been unlawfully discriminated against when she was denied the promotion to the position of Supervisory Investigator.

Regrettably, the EEOC, determined to use its own power to deny its wrongdoing, overturned Judge Fine's well-reasoned and clearly delineated decision in Mrs. Gilbert's favor. In so doing, the EEOC not only undermined but disregarded the very legal process instituted to protect the integrity of its employment decisions. Ironically, the very agency designed to ensure justice and fairness in hiring for our nation's workforce denied justice and fairness to one of its very own employees—not once, but twice. It is difficult to imagine a fair process in which the loser in a legal proceeding is given the opportunity to unilaterally overturn the result. However, this is the very thing the EEOC did in the case of Mrs. Gilbert.

After the Judge's decision was overturned by the EEOC on appeal, the last option available to Mrs. Gilbert was to appeal this adverse agency decision to U.S. District Court. Sadly, before she could seek justice in her case in our federal courts, Mrs. Gilbert became ill and passed away earlier this year. To her credit, and in spite of the EEOC's actions against her, Mrs. Gilbert continued her faithful service as an investigator, carrying out her duties on behalf of others. It was only when her illness made her unable to work that she ultimately retired from her position.

In honor of Mrs. Gilbert's faithful service to our country and with respect for the rule of law, I introduced this legislation. Mrs. Gilbert should be posthumously promoted to a GS–13, the position she deserved before her passing. While this bill would not confer any benefits, financial or otherwise, upon her family, this bill would fulfill Mrs. Gilbert's pursuit of justice that was tragically cut short by her untimely passing. The agency responsible for ensuring equal opportunity to all Americans in the job market must be held to account when it fails to live up to that mission with its own employees. This legislation would do just that by recognizing Mrs. Gilbert with the government service level she deserved and bringing justice for Mrs. Gilbert's family and loved ones who stood with her through her fight against discrimination.

A SPECIAL TRIBUTE TO BALLREICH'S POTATO CHIPS ON THE OCCASION OF THEIR INCLUSION IN THE GUINNESS BOOK OF WORLD RECORDS

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. GILLMOR. Mr. Speaker, it is my great pleasure to pay special tribute to Ballreich's Potato Chips in Tiffin, Ohio on their inclusion in the Guinness Book of World Records. On August 8, 2003, a team of Ballreich's Potato Chip makers created the world's largest bag of potato chips, weighing in at 1,082.5 pounds.

Ballreich's Potato Chips has been synonymous with Tiffin, Ohio since its founding in 1920. Ballreich's Chips was formed by the thirteen Ballreich children and quickly grew. Ballreich's processes more than eight million pounds of potatoes into two million pounds of chips each year.

To celebrate the 150th birthday of the potato chip, Ballreich's created the world's largest potato chip bag at the 150th Ohio State Fair. The bag, weighing 1,082.5 pounds, measured 8 feet tall, 5 feet wide and 5 feet deep. The ingredient's used were 700 pounds of soybean oil, 80 pounds of salt, and of course, 4,250 pounds of Ohio potatoes. The event was recorded for the Food Network and aired on the "Unwrapped" show.

Mr. Speaker, Ballreich's was recognized by the Guinness Book of World Records for the creation of the world's largest bag of potato chips. However, Ballreich's does more than make great chips and earn world records. Ballreich's is a loyal employer of Tiffin citizens, a family owned business, and a mainstay in the Fifth District.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Ballreich's Potato Chips for their recognition by the Guinness Book of World Records and their 84 years of service to the people of Tiffin, Ohio. On behalf of the people of the Fifth District of Ohio, I am proud to recognize the great achievements of Ballreich's Potato Chips. We wish the employees and management of Ballreich's continued success into the future.

CELEBRATING 35-YEAR CONGRESSIONAL CAREER OF THE HONORABLE PHILIP M. CRANE OF ILLINOIS

SPEECH OF

HON. DONALD M. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. MANZULLO. Mr. Speaker, I rise today to pay tribute to Representative PHILIP M. CRANE. Let me share with you remarks by Edwin J. Feulner, President of The Heritage Foundation that express his gratitude to a man who has given so much to Eighth District of Illinois and the House of Representatives.

> Phil Crane's Congressional colleagues will expand on his extraordinary 35-year record of legislative achievements. Others will speak of his unswerving commitment to sensible conservative economic policy based on the principles of limited government and federalism. Still others will discuss his contributions to developing sound American foreign and defense policy.
>
> For me, however, Phil Crane will be the Member of Congress who has—more than any other Member I've known in my forty years in Washington—fundamentally understood the power of ideas and the relationship of ideas to changes in the laws that govern the American people.
>
> Philip M. Crane is a man of ideas. His first book, published in March 1964, is entitled The Democrat's Dilemma. The book jacket notes the influence of extremist views and organizations on the Democratic Party. If this sounds familiar to every American who has been awake for the last several months, it's because Phil Crane's message is as timely today, for the 2004 election, as it was then, for the 1964 election.
>
> In the foreword to The Democrat's Dilemma, Jameson G. Campaigne, the then-editor of the Indianapolis Star, wrote, "Revolutions are normally organized and engineered by small groups of men and women." Phil's book is an insightful account of how a

small band of dedicated souls changed the world. While Phil recounts in fascinating detail the growing influence of the Fabian Socialists on the Democratic Party, even then—in 1964—Mr. Campaigne noted in his foreword that the Fabians were seeing "their power threatened by a smaller, but equally aggressive and growing, group of conservatives."

I first met Phil Crane in the summer of 1964 at an Intercollegiate Studies Institute summer school at Lake Forest College in Illinois. Phil was a graduate of Hillsdale College, an Army Veteran, and a bright young professor of history at Bradley University in Peoria, having recently received his Ph.D. from Indiana University where "his academic record had never been excelled."

Ever the teacher, for more than forty years, on America's college and university campuses, and in his committees, on the Floor of the House of Representatives, and before countless audiences around the Nation, a singular leader of that "aggressive and growing group of conservatives" has been Phil Crane.

Looking back on the period since the Goldwater/Johnson election in 1964, the conclusion is inescapable that Phil Crane's intellectual and political leadership has been crucial to the rise of conservative ideas in this country, and that his dedication to our shared ideas of freedom and free enterprise, limited government, traditional values and a strong national defense has truly changed the world.

From the day in December 1969, shortly after he won the special election to succeed Don Rumsfeld, in the old 12th District, when he asked me to be one of the first employees on his Congressional staff, I have witnessed Phil lead his colleagues in legislative battles. Some of them have been successful, even if forgotten, like eliminating the New Deal prohibition on the individual citizen's right to own gold.

Others were successful in their own right, and led to much bigger things later on, like stopping President Nixon's so-called "family assistance plan", which led to the eventual overhaul of our whole federal welfare system.

Still others were, shall we say, "ahead of their time," like his efforts to prohibit federal operating subsidies for mass transit, and to repeal the private express statutes.

But there was always one thing that his legislative initiatives, like his speeches, and his participation in floor debates had in common: they were always based on solid conservative principles.

Phil Crane has always known that with a principled position and a determination to focus his efforts, he could make a difference.

Building unlikely coalitions ranging across the political spectrum in a bipartisan way, Phil broke down barriers and created new alliances to expand the free society.

His early leadership role in the founding of the Republican Study Committee as a voice for the majority viewpoint within the then minority and, for the last ten years, majority party, is recounted today in political science textbooks.

Undergirding Phil's legislative achievements and his House procedural and structural reforms was his fundamental understanding-that ideas have consequences.

His understanding of the Founding Fathers and the system they so carefully designed resulted in the publication of his second book, which still should be a primer for conservatives interested in the basic principles of our system, The Sum of Good Government.

Ahead of his time as a conservative idea leader, Phil wrote in that book, "Once people are willing to admit the possibility of alternatives, the battle is more than half won and the time for refinements of a 'conservative reform platform' will be at hand."

Phil, your work has been critical in finding, endorsing, and fighting for the possibility of those conservative alternatives.

Because of you, those conservative ideas are now the mainstream of the American political debate.

And because of you, and your trail-blazing leadership, the future is bright for conservative ideas in America.

As you retire, and as a self-appointed spokesman for all of those who have had the honor of serving on your staff over the last 35 years, we salute you, we always will admire you, and we look forward to continuing to work together with you to advance our ideas in the years ahead.

CONGRATULATING PROFESSOR BRIAN COPPOLA

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. DINGELL. Mr. Speaker, I rise today to congratulate and pay tribute to University of Michigan Professor Brian Coppola on his selection as the 2004 Michigan Professor of the Year. Professor Coppola was chosen for his dedication to teaching and commitment to his students.

The Professors of the Year Award Program was created in 1981 to increase awareness of the importance of undergraduate instruction at all types of higher education institutions. The program rewards outstanding professors for their devotion to higher education. They seek excellence in their recipients not only in their involvement and interest in students, but also in their contribution to the academic community. Professor Coppola demonstrates an incredible involvement with his students, as well as using his innovative teaching techniques to contribute to the university and the teaching profession as a whole.

Professor Coppola contributes immeasurably to both the University of Michigan and to and to the field of teaching and learning through his commitment to students and teaching. In his classes he strives for a more involved role for students—instead of a traditional lecture format he encourages student-to-student learning—forcing students to understand and apply what they have heard and read. He has researched his innovative method of teaching, and has found that 80 percent of the students in his classes who have been critiquing their peers and thinking on their own develop analytical abilities comparable to second and third-year graduate students. This number is in contrast to 10 percent of students in a traditional lecture course. Through his unique and involved focus on individual students, he challenges undergraduates to express ideas clearly and apply them to case studies, thus helping them to develop skills that will help them throughout their future careers.

Professor Coppola has extended his ideas to the academic community as a whole. He has published 83 articles on teaching and learning, making his findings available to colleagues across the country. He supplements his written findings with numerous lectures, both as an invited speaker and by organizing his own education symposia. In addition to his impressive publication record, he has been involved with 38 successfully funded external grants related to teaching that total over $8.5 million. These grants have allowed him to continue building on his research while teaching various undergraduate courses, ranging from large introduction classes to smaller, studio format, groups of students.

Professor Coppola is highly esteemed not only at the University of Michigan, but in the larger academic community. His work in the field of teaching and learning should be applauded. Mr. Speaker, I ask that all of my colleagues join me in congratulating Professor Coppola for his accomplishments and his dedication to the future of this great Nation.

PREVENTION OF AND RESPONSE TO SEXUAL ASSAULT AND DOMESTIC VIOLENCE IN THE MILITARY ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Ms. SLAUGHTER. Mr. Speaker, I have introduced the Prevention of and Response to Sexual Assault and Domestic Violence in the Military Act. This bill will address the ongoing problem of violence against women in our U.S. Armed Forces. There have been at least 261 reported cases of sexual assault in current operations in Iraq, Kuwait, Afghanistan and Bahrain between August 2002 and November 2004, as well as at least 27 cases of sexual assault prior to deployment. My legislation will help address this issue by improving prevention programs, enhancing victim treatment services and changing the Uniform Code of Military Justice to more effectively deal with perpetrators of these crimes.

For too long, the problem of sexual assault in the military has been brushed under the rug. Women and men who report sexual assault are often ignored or demoted, while perpetrators go unpunished—or are even promoted. We cannot continue to tolerate this culture of abuse, which has destroyed lives, careers and families. A soldier's job is perilous enough—how can they serve with a criminal in their own ranks?

My bill seeks to transform the process used by the military to handle abuse of its own soldiers. It will make important changes to the Uniform Code of Military Justice to make certain that those who commit crimes are dealt with swiftly and harshly. The legislation will ensure that victims are protected and have access to both physical and mental treatment and care. We must change entirely the culture that permits this kind of abuse to occur. It is my hope that this bill is a first step in that direction.

This legislation updates and revises the Uniform Code of Military Justice to incorporate Federal statues addressing sexual assault, domestic violence, family violence and stalking.

The definition of sexual assault is expanded to include a wider range of sexual misconduct. The bill also closes loopholes in Federal law relative to interstate domestic violence and enforcement of protection orders.

Moreover, the bill establishes two senior executive level offices, Director of Special Investigations and Office of the Victims' Advocate. The Director of Special Investigations would support timely and appropriate investigations of sexual assault, domestic violence, family violence and stalking and would implement and support Sexual Assault Response Teams (SARTs) and Domestic Violence Response Teams (DVRTs). The Office of the Victim Advocate would improve access to services for victims and survivors.

Under this legislation, services and treatment for victims of sexual assault, domestic violence and stalking will be enhanced and made more widely available. Such services would be expanded within the Department of Defense and Department of Veterans' Affairs to include health care response teams, community health centers, additional sexual trauma counseling centers to furnish both inpatient and outpatient services, and services for reservists victimized by sexual assault or domestic violence. The proposal would also entitle a servicemember to extended emergency leave in order to seek medical treatment, obtain psychological counseling or victim services, and participate in safety planning as a result of sexual or domestic violence.

My bill will also enhance the rights of victims to safety and justice. It will better protect a victims' privacy, including communication between a victim and her advocate. It will also provide restitution to victims.

As co-chair of the Congressional Caucus for Women's Issues, I have been helping to lead the charge to end sexual assault in the military. For example, last March, I chaired a hearing at which Jennifer Machmer, an Army captain from Buffalo who was assaulted in Kuwait, testified before Women's Caucus members. I also offered a successful amendment to the FY 05 National Defense Authorization bill that codifies many of the recommendations made the Department of Defense Task Force on Care for Victims of Sexual Assault.

This bill encompasses a comprehensive framework to deal with all aspects of violence against women in the military. It represents the continuation of an ongoing dialogue between legislators, the Pentagon, victims and the advocacy community to address these issues.

On Veteran's Day last week, we honored and commemorated all of the brave women and men who have so valiantly served our Nation within our U.S. Armed Forces—both in the past, as well as those who continue to serve our country today. We must do everything that we can to ensure the safety and well-being of all of our U.S. servicemembers. I urge my colleagues to support this important initiative.

IN MEMORY OF JANE EVELYN MITCHELL

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. CASTLE. Mr. Speaker, I rise today to honor and pay tribute to the life of Mrs. Jane Evelyn Mitchell, who passed away on Saturday, November 13, 2004, at her home in Wilmington, Delaware.

Jane Mitchell led an exemplary life, which she devoted to her husband, her family, and our community. Jane was a trailblazer in the health care industry in Delaware, breaking through the racial barriers that permeated many industries throughout her lifetime. Earning her nursing degree from the University of Delaware, Jane became the first African-American registered nurse in our State. In 1969, Jane also became the first African-American to be named Delaware's nursing director. She served as president of the state Board of Nursing and as vice president of the Delaware Nurses Association. Jane's dedication to providing her patients with compassionate service and her refusal to be stifled by the day's racial prejudices, enabled her to forge a new path for minority women. Jane opened the door for thousands of young African American women, many of whom provide an immeasurable benefit to our State through their service in the health care industry today.

Jane's service to her fellow citizens knew no limitations. She was a dedicated partner to her husband of 61 years, Littleton "Lit" Mitchell, in the fight to provide equality for every individual. She was the recipient of numerous honors and awards, but if you were to ask her, I am sure she would say that the true measure of her success can not be found on plaques, certificates, or even building facades, but on the face of the people whose lives she has touched in some way.

Mr. Speaker, it is not often that I have the opportunity to honor the life of a true humanitarian and force for social change. Jane Evelyn Mitchell's devotion to her fellow citizens was truly amazing, and she deserves our utmost respect, and appreciation.

CONROE, TEXAS CENTENNIAL CELEBRATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. BRADY of Texas. Mr. Speaker, I rise today to honor and congratulate the city and people of Conroe, Texas, as they celebrate their centennial anniversary. Home to more than 43,000 Texans, Conroe is a vibrant city that embodies the rich heritage familiar to so many pioneer Texas towns.

From Isaac Conroe's first view of the acres of lush forests that berthed a thriving sawmill and train stop to the discovery of oil by George Strake that increased the population of the city five times over in just five weeks, every generation has faced its joys and challenges. The fortitude of Conroe's citizens and their leaders has always proven up to the task.

This fortitude is perfectly illustrated in the city's response after fires ravaged the fledgling downtown. A fire in 1901 badly burned the business district of the city. The community immediately rebuilt. Another fire in 1911 leveled the same district. This time—as if to dare the fire to try one more time—the people of Conroe rebuilt with brick.

The citizens of this community have also proven their willingness to help a neighbor or stranger. During the oil strike of the early 1930's, thousands of able bodied men descended on Conroe looking for work and a way to escape the Great Depression. Lifetime Conroe resident Edith Clanton remembers her mother renting out every room in their home to strangers desperate for a place to live.

Today, another generation of business owners, school teachers, community leaders and families are making their home in Conroe. Today, as this city surveys the last hundred years with well deserved pride it will also consider what the future has in store.

Mayor J.F. Collier, the first Mayor of Conroe, saw electricity come to Conroe. Today's Mayor Tommy Metcalf is witnessing the spread of another type of current running through this city. New technology, thriving new businesses, residential developments that are the envy of the nation, academically outstanding schools, and a deep respect for the diversity and needs of the entire community are all a part of this new current. They all play a key part in keeping Conroe healthy and strong for the future.

Many more bright years are ahead for Conroe. The history of this city reminds us that great things—great cities—start with every day people who live their lives one day at a time, determined to leave things better than how they found them.

Mr. Speaker, our nation's hometowns like Conroe, Texas, are what make America strong. It is an honor to represent this community in the U.S. House of Representatives and I urge you to join me in congratulating the City of Conroe, Texas, on their 100th anniversary.

IN RECOGNITION OF HARRIS LEVY FINE LINENS ON THE OCCASION OF ITS 110TH ANNIVERSARY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the achievements of Harris Levy Fine Linens, a business in the Lower East Side neighborhood of Manhattan. Harris Levy has flourished since its modest beginnings 110 years ago. At a time when many small businesses struggle to compete with franchises and larger companies, Harris Levy has thrived by inspiring the trust of its customers.

Harris Levy Fine Linens began in 1894 when Harris and Ester Levy started selling tapestries and yard goods from a rented pushcart. Five years later, they were able to move their business to a nearby basement and in

1930, they finally purchased a lot at 278 Grand Street, where their store is presently located.

Early in its history, Harris Levy established itself as a pioneer—at a time when most stores relied on importers or wholesale suppliers, it chose to import its own goods. In those days, Harris Levy would sell its imported bed, bath and table linens at cost and derive its profits from the sale of the wooden crate in which the fabrics were shipped.

Today, Harris Levy's fourth-generation owners continue to adhere to the core values with which Harris Levy started his business more than a century ago. The company insists on setting reasonable prices for its goods, striving not only to make a profit, but to maintain its customer base and supplier networks, as well. Harris Levy's owners also take great pride in the dedication of their employees, all of whom have been with the company for more than fifteen years.

Mr. Speaker, I respectfully request that my distinguished colleagues join me in paying tribute to this outstanding family-run business, which has established itself as an integral part of the Lower East Side neighborhood. I wish Harris Levy's owners and longtime employees many more years of success.

RECOGNIZING TIMOTHY HUEBNER OF RHODES COLLEGE 2004 TENNESSEE PROFESSOR OF THE YEAR

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. FORD. Mr. Speaker, I rise to recognize Timothy Huebner of Memphis as he is named 2004 Tennessee Professor of the Year by the Council for Advancement and Support of Education (CASE) and the Carnegie Foundation for the Advancement of Teaching.

A hands-on historian with varied experiences and an abiding devotion to his profession, Professor Huebner has rendered distinguished service as a book review editor for the American Journal of Legal History, an advisory board member for Tennessee's history online discussion list, and as a Co-editor for Studies in the Legal History of the South Series; however, Huebner's tenure as a Professor of History at Rhodes College (a position he has held since 1995) is his defining position.

With an intellectual curiosity fed by research and a passion for helping students make complex issues clear, Professor Huebner has worked to find a balance between teaching and research. During his tenure at Rhodes College, Mr. Huebner has found that balance by devoting time to helping students write substantive research papers, supervising honors research papers, and more recently, serving as Founder and Director of the Rhodes Institute for Regional Studies. The Rhodes Institute is an innovative, interdisciplinary summer program that engages top undergraduates in research in the Memphis and Mississippi Delta region.

The Rhodes Institute brings a select group of students and faculty together for eight weeks: two weeks in a faculty-designed seminar on regional studies; five weeks engaged in independent research, interspersed with weekly individual and group meetings; one final week presenting their work. Under the supervision of a faculty mentor, each student produces an 8,000–10,000 word research paper that is published and distributed to the local community. This Institute and Professor Huebner's efforts have put Rhodes College on the map as a research institution and connected students to the Memphis community.

Huebner's selection as Tennessee Professor of the Year further highlights a career of service to his students, Rhodes College, and the Memphis community. Professor Huebner's more noteworthy accomplishments include his initiation into Omicron Delta Kappa in 2004, the recognition of the Rhodes Institute's website by the Council of Independent Colleges in 2003, his initiation into Phi Beta Kappa in 1988, his publication of eight articles and book chapters in scholarly publications, his fifty-five essays in encyclopedias and reference volumes, his twenty-five book reviews, and ten scholarly paper presentations at invited academic lectures.

For the good work he has had in the lives of countless youth, Mr. Speaker, I would ask that you join me in honoring my friend and a friend to higher education, Mr. Timothy Huebner.

ON THE HORIZON: WORKERS' BENEFITS BEING ROBBED

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. RAHALL. Mr. Speaker, I have always believed that, in America, hard work leads to reward. I grew up in a family that inspired me by example to work hard, to be fair, and to be loyal. They are values worth instilling in future generations. They are concepts that, I believe, set our Nation apart and above the rest of the world.

Increasingly, however, these American ideals are being swept aside in the corporate chase for the almighty dollar, and it does not bode well for the future of our country.

In recent months, the media in my State have been running stories about a series of court cases concerning Horizon Natural Resources—the Nation's fourth largest coal company. The once robust company was ailing financially and it was seeking protection through the bankruptcy codes. It is the kind of story that might normally engender sympathy. But how this company went about trying to protect itself wipes away any semblance of pity.

Horizon went after its employees, current and past. It went after their benefits, including their health care. In a cold and callous act, Horizon Natural Resources went to court and asked a judge to allow it to abandon its obligations to those men and women who had labored long and hard in the mines and coal-processing facilities to earn an honest living for themselves and the boys in suits.

In a final, appalling decision in September, a federal judge gave the "all clear" to Horizon to use bankruptcy loopholes to turn its back on its workers. Armed with that decision, Horizon took years of the hard work and the loyalty of thousands of employees and their families and heartlessly tossed it all out the courtroom window.

As a result, Horizon's mines and coal-processing facilities are enabled to continue to operate under new names, but its employees and retirees have suffered egregious losses, including, for some, the loss of their promised health care.

Such court decisions, to my mind, do not even vaguely resemble justice. They make a mockery of the word. Moreover, they thwart the intent of Congress when enacting the Coal Act which was supposed to guarantee those health care benefits.

As a result of its courtroom victories, Horizon is not only permitted to chuck its obligations to ensure certain benefits for its own employees, it is able to dump its liabilities on already financially strained benefit plans that provide for thousands of other retirees and their beneficiaries. Benefit plans, I might add, that are largely being financed by other coal companies.

As such, the Horizon "bankruptcy" decision resulted in several bad decisions that may have long-term, far-reaching implications for benefits and employer obligations under the Coal Act, including the level of benefits that are required to be provided. In handing down such a poorly considered decision, one federal judge set off a domino effect that will also cost numerous companies that are playing by the rules.

This is exactly the type of egregious corporate behavior the Coal Act sought to address. It is wrong. It goes against the American grain. It turns on its head the ideals of hard work and loyalty and fairness.

This series of court decisions cannot be allowed to stand. In response, today I, along with West Virginia Senator JAY ROCKEFELLER, are introducing legislation to seek a remedy to this situation. Our bill will make clear that the benefits and obligations mandated by the Coal Act cannot be modified by the bankruptcy courts. It will prevent other companies from attempting to skirt the Coal Act through bankruptcy, and help to provide more stability to already over-burdened benefit plans and those families who depend on them.

Moreover, our bill will send a message that financial bankruptcy is not an excuse for moral bankruptcy, and that loyalty and hard work are worthy ideals still valued in America today.

RECOGNIZING CITIZENS OF OTIS, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. MORAN of Kansas. Mr. Speaker, I rise today to recognize the selfless efforts of the citizens of Otis, Kansas in their work to keep ambulance service available to their community.

A little more than two months ago, this community's emergency medical service was in danger of closing due to a lack of emergency medical technicians. After more than 30 years, Otis and the surrounding area was looking at the unfortunate reality of having no local ambulance service. This loss could have been devastating to this community of 325 people. The response time for an ambulance run in Otis is five to eight minutes. Ambulance response time from the next closest community, which is 15 miles away, would have been a minimum of 20 minutes. In rural America, having access to local ambulance service can mean the difference between life and death.

Fortunately, six individuals saw the effect this would have on their community and stepped forward to help. These individuals are taking EMT training and will volunteer their time to keep the Otis EMS alive. After seeing the outpouring of support, two other former volunteers also agreed to return to the service. In addition, two new volunteers—a registered nurse and an EMT—have made themselves available to go on ambulance runs when needed.

Because of the following individuals, the Otis EMS will remain open: Bruce Adamson; Mary Adamson; Jerry Dirks; Marsha Hinds; Mike Sharkey; Tara Stieben; Mike Bahr; Teri Bahr; Mark Brack; Candace Demory; Margaret Gary; Shane Konzem; Shayla Koochel; Virginia Landers; Karen Maier; Roger Mohr; Robert Newton; Eric Royer; Everett Royer; Ellen Schriner; Kent Schriner; James Sheldon; Bruce Swob; Mandy Urban; Don Weide.

Thanks to their team effort, this close-knit community will continue to have that lifeline to the health care services they need. Everett Royer, a current EMS volunteer, noted, "it gives us a little bit of hope."

All across the state of Kansas are stories just like this one. Of neighbors helping neighbors, not because they have to, but because they want to. Because it's. the right thing to do. Their efforts deserve our support and recognition.

Citizens throughout the First Congressional District of Kansas are working together to enhance the quality of life in their communities. Preservation of the Otis EMS is a success story that gives all of us in rural America "a little bit of hope."

FLEET RESERVE ASSOCIATION CELEBRATES ITS 80TH ANNIVERSARY

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. JONES of North Carolina. Mr. Speaker, November 11, 2004 marked the 80th anniversary of the Fleet Reserve Association whose original charter was issued on that date in 1924 at Philadelphia, PA. Known by the acronym, FRA, the association is the oldest and largest professional military organization representing men and women serving in or retired from the U.S. Navy, Marine Corps and Coast Guard.

FRA grew out of a need for an organization to safeguard sailor's rights and benefits. The idea for organizing such an association stemmed from the earlier action of a small group of enlisted men, who pooled their monies in 1919, to send two senior enlisted Navy chiefs from their ranks to Washington, DC to represent their viewpoint on pay legislation then under consideration in the U.S. Congress. The result of their testimony was a substantial enlisted pay increase the following year. These two pioneers were the first enlisted persons ever to testify before a congressional committee.

The Fleet Reserve Association derived its name from a program, the Fleet Naval Reserve, established by the Navy to separate sailors who had at least 16 or more years of active enlisted service but less than 30 for retirement purposes. Sailors could return to civilian life, receive retainer pay (in lieu of retirement pay), and be subject to immediate recall to active duty by the Secretary of the Navy until their combined service equaled 30 years.

FRA originally was formed in 1922. Its first successful endeavor occurred in 1923 when Congress overruled an unfavorable and inequitable judgment by the Comptroller General of the United States. The CG's decision had rejected the eligibility of certain enlisted personnel who had already transferred to the Fleet Naval Reserve and settled in the civilian community. The CG ruled that those holding commissions in WWI could not count their wartime commissioned or warrant service to qualify for transfer to the Fleet Naval Reserve. The FRA effort saved any number of enlisted sailors from returning to active duty to make up time served in the commissioned ranks.

Since its inception, FRA has produced an enviable record of representing enlisted men and women of the Sea Services. In the 1930s, the Association authored two legislative proposals that were signed into law by then-President Herbert Hoover. One law banished a requirement that Fleet Reservists and other enlisted retirees pay 75 cents for rations while hospitalized in government treatment facilities. The other authorized the payment of death gratuities to the estate of Fleet Reservists who perished while recalled to active duty. In 1937, an FRA proposal to authorize commissary privileges to military widows was enacted into law by President Franklin D. Roosevelt. Two years later, FRA's efforts to restore reenlistment allowances (bonuses) succeed when the President signed the legislation into law.

For the next five decades FRA racked up success after legislative success on behalf of its members and others, including all uniformed personnel of the armed services. Its "Hospital Rights" study led to the creation of the Civilian Health Program of the Uniformed Services (CHAMPUS) in 1966. Almost immediately thereafter, the Association financed a study of the military's survivor benefit program. The result of the study, entitled "Widow's Equity," led Congress to the 1972 adoption of the Uniformed Services Survivor Benefit Program (USSBP).

In the late 1970s and early 1990s FRA concentrated on protecting the rights of its membership. Much of its work was devoted to preserving the status quo for many of the benefits available to military personnel. FRA shared a major role in defeating an overhaul of the uniformed services retirement system and the proposed unionization of the armed forces. It targeted the defeat of a proposed plan to phase out funding for military commissaries, petitioned Congress not to adopt the former spouses' protection act, and joined as a founding member of The Military Coalition leading to the repeal of the reductions in cost of living adjustments (COLA) for military retires and their survivors.

FRA published a pay study in 1999 that led to a major victory in obtaining targeted pay hikes for mid-grade enlisted personnel in 2001. It also authored the first legislation introduced that eventually led to the repeal of the 1986 military retirement system (REDUX), and urged the Navy to authorize sea pay for junior enlisted personnel.

In addition to its award-winning legislative advocacy work, the Association encourages participation in community activities wherever its 300-plus branches are located throughout the United States and overseas. FRA also conducts an annual scholarship program and awarded nearly $90,000 to deserving students in 2004. Its Americanism Essay Contest is highly successful awarding more than $75,000 to students each year. The Association also generously supports a number of recognition awards for outstanding uniformed personnel of the Navy, Marine Corps and Coast Guard. The Association is recognized by the Department of Veterans Affairs as a veterans' service organization, and employs a full time Veterans Service Officer who has the authority to assist any veteran in filing a claim or representing them before the Board of Veterans Appeals.

Mr. Speaker, I am pleased to have been a part of the Association's efforts to serve the men and women of the Navy, Marine Corps and Coast Guard. At the Association's request I introduced the first proposal in the House to repeal the military's REDUX retirement program, to provide a targeted pay increase for mid-career enlisted personnel, and an amendment to the Coast Guard authorization bill to authorize the Commandant of the Coast Guard to speak his mind before members of Congress in the same manner as that of the other service chiefs; all of which have been enacted in law. There are others issues related to both military personnel and veterans that FRA and I will continue to work, most of which I plan to sponsor again in the 109th Congress.

Mr. Speaker, I commend the Fleet Reserve Association for its eight decades of representing our men and women of the Navy, Marine Corps and Coast Guard. May its success in effectively serving active duty, reserve, and retired enlisted personnel, as well as those in the commissioned ranks, sustain the FRA through many more years of loyalty, protection, and service—not only to its members but to the U.S. Navy, the Marine Corps, the Coast Guard and the United States of America.

ON THE SUCCESS OF THE X-43A

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. THOMAS. Mr. Speaker, I rise today to congratulate the men and women of the National Aeronautics and Space Administration's Dryden Flight Research Center and Langley Research Center for the record-breaking flight of the X–43A research vehicle on November 16, 2004. During the flight, the scramjet-powered X–43A flew successfully at record speed approaching Mach 10, almost ten times the speed of sound, as it raced across the sky above the Pacific Ocean. The Dryden Flight Research Center at Edwards Air Force Base, where the mission originated, is in my district. Earlier this year I visited Dryden and met with the men and women involved in the program and I share their excitement about this successful flight.

Supersonic combustion ramjets, or scramjets, offer safer and more affordable options for high-speed flights, as well as more airplane-like operations, than traditional rocket powered vehicles. Much of the information scientists have about scramjets has come from computer-generated models. The goal of this program was to provide actual flight data for a scramjet engine.

This was the third and final flight of NASA's Hyper-X Program to explore alternative power sources for space access vehicles. It was also the fastest flight, breaking the record of the second flight, which reached speeds near Mach 7. The Guinness Book of World Records named the X–43A the fastest air-breathing aircraft when it reached speeds of over 5,000 MPH during the March 27, 2004 flight. Only eight months later, the Guinness World Record book needs revising already; the X–43A is still the fastest, but now it has flown almost 7,000 MPH.

The X–43A took off from Edwards attached to a B–52 bomber. This was the last research flight for the B–52, which has been used successfully for many historic research efforts at Dryden. At around 2:30 PM local time, the X–43A detached from its booster at 110,000 feet to fly on its own. The 12-foot long vehicle streaked through the sky, reaching speeds of Mach 9.8. After its short flight, the X–43A splashed into the Pacific Ocean, triumphantly completing the eight-year program.

The $230 million Hyper-X program pushed the envelope, as no air-breathing scramjet engine had been previously flown at hypersonic speeds, but the rewards are evident. The important discoveries made by these flights will lead to advances in both space exploration and commercial aviation. We all honor the success of the program and encourage more research into this valuable technology. It is vital that the first 'A' in NASA—Aeronautics—remain a strong and vibrant part of the agency.

TRIBUTE TO SCOTT EWBANK

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Ms. LOFGREN. Mr. Speaker, today I rise in memory of Scott Ewbank to recognize his lifelong achievements and indisputable legacy as a respected San Jose lawyer and longtime member of Santa Clara County's Juvenile Justice Commission.

Scott Ewbank was born on August 15, 1947 in Sunnyvale, California. Scott attended Stanford University, where he received his bachelor's degree in political science in 1969. After college, he volunteered for two years with International Volunteer Services (IVS), a non-profit group that at the time helped central Vietnam's highland tribes develop new agricultural practices. While there, he learned Vietnamese and in the mid–1990s served on the IVS board of directors.

After his return from Vietnam, Scott attended the University of Michigan law school, and received his law degree in 1975. He also received a master's degree in Southeast Asian studies in 1990 from the same university.

Scott began his solo criminal law practice in San Jose in 1976. He was a tough fighter who believed in his young clients, many of them charged with felonies.

Outside of the courtroom, Scott was a volunteer mentor to youths. He joined Volunteers in Parole, a non-profit group that helps juvenile delinquents by pairing them with adult mentors. He also volunteered as an adult chaperon with the Boy Scouts. Scott helped out those in his own neighborhood. He spoke up against the proliferation of all kinds of group homes and questioned the city's land use ordinances as they pertained to potential development nearby.

It was on Saturday, November 6, 2004 that Scott Ewbank died of apparent heart attack while hiking with a Boy Scout troop in Monterey County. He was 57 years old.

Scott Ewbank is survived by his wife Susan Hart, and his children, Jack and Anne, all of San Jose; his mother Lois Ewbank of Sunnyvale; and his brothers, Gary of Sacramento and Brian of Fresno.

Mr. Speaker, today we mourn the loss of a role model and a constant inspiration. Scott Ewbank's heroic service to our community and guidance to individuals inspired many to go beyond their expectations and, as a result, contribute to the betterment of our beautiful and diverse community in Santa Clara County. Scott was a true hero, in every word and action. He was also my friend and neighbor.

HONORING LINDA SHOEMAKER

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Linda Shoemaker, an exceptional community leader in my district.

Throughout her life, Linda has worked to improve the community in which she resides and to help those less fortunate than herself. In 2000, Linda and her husband, Steve, founded the Brett Family Foundation in Boulder, Colorado. The purpose of this foundation is to promote local nonprofits and policy initiatives that help disadvantaged youth around the state of Colorado. In 2001, Linda started the Bell Policy Center, a nonprofit organization which uses research to construct and promote public policy that focuses on the needs of working adults and families in Colorado.

Linda's accomplishments are vast. In addition to taking on numerous leadership positions over the years, including becoming a Board Member and Sponsor of the I Have A Dream Foundation, where she worked to provide scholarships to students who would otherwise be unable to attend a college or university, Linda also volunteers time to help abused and neglected children in her community by volunteering as a Court Appointed Special Advocate.

Linda has been recognized time and again for her tremendous work in the Boulder community, as well as around the state of Colorado. Most recently, Linda won the 2004 National Philanthropy Day in Colorado award for Outstanding Philanthropist. It is individuals like Linda, who take action at the community level and take the time to help those less fortunate than themselves that will make this country, and the world, a better place for generations to come.

Mr. Speaker, I commend her accomplishments and ask my colleagues to join me in thanking Linda Shoemaker for her outstanding contributions to Colorado.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. ORTIZ. Mr. Speaker, due to attendance at a funeral in my district, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 532, "yes." Rollcall No. 533, "yes."

EULOGY TO KENNETH H. POLLARD OF METHUEN, MASSACHUSETTS

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. MEEHAN. Mr. Speaker, I rise today to pay my respects to an outstanding citizen of Methuen, Massachusetts Kenneth Pollard. Kenneth passed away on Tuesday, November 9, 2004 at 82 years of age.

Kenneth is survived by his wife, Betty; daughters Sharon and Patricia; sons Michael and K. Jeffrey; sisters Claire and Jacqueline; granddaughters Catherine, Haley, and Morgan; and grandsons Christopher and Kenneth.

Kenneth lived a full life and touched the lives of countless individuals. He was an accomplished athlete in his youth and a dedicated Red Sox Fan. He joined the Army Air

Corps during World War II and was a member of American Legion Post 122 of Methuen. Kenneth was a successful businessman, devoted family man, and community leader. Throughout his life he volunteered much of his time to community boards and committees, as well as serving as a Methuen city councilor.

Sharon M. Pollard, who is the Mayor of Methuen, Massachusetts, delivered a beautiful eulogy to her father, Kenneth, at Saint Monica's Church on Saturday, November 13, 2004. I ask for unanimous consent to submit to the RECORD Mayor Pollard's eulogy to her father:

My Mom, brothers, sister and aunts wish to thank you so much for the support you have all given us in the last few days, weeks and months. Our family sends you a collective thank you.

Dad was born into a loving home with his parents, grandparents, and great grandparents. His sisters affectionately say that in this home he was known as "my son-my son".

A product of Methuen's public schools, he excelled in school as a student and an athlete. He received letters in baseball, football and basketball. Although mostly English, he liked to think of himself as Irish. He used to tell the story of how his great uncle Tom who had been born in Ireland, wanted him to go to Notre Dame, but he decided to stay closer to home and attend Boston College. He loved watching the Eagles and the Fighting Irish play football.

He loved his country and served as a sergeant in the Army/Air Force in WWII. He served in various places, but it was at his last stop, Sedalia, Missouri where he met Mom. In May, they celebrated their 58th anniversary and they loved each other very much.

Dad had four children and each one of them received a piece of him. Michael, his profession, Patty, his passion for baseball, Jeff, his name and athletic ability and me—well we did politics together. We were kindred political souls. And now you know what the conversation was at our dinner table.

He was blessed with five beautiful grandchildren: Catherine, Haley, Morgan, Kenny and Christopher from whom he received much love and pleasure. Dad was happiest when the children were around, but as we grew older we realized that it was the little ones that he really wanted to spend time with. In the last 10 years, Sundays at the beach were the best times—he knew that the children and grandchildren would be coming for dinner.

Dad was a very unique person. He was highly motivated and created a highly successful business from the ground up. He treated people with respect and dignity and spoke kindly about everyone. He was, I believe, the nicest man I ever met. A great businessman, he was a gentle soul and so many people loved him dearly.

Growing up we all had a great time. Mom was from Missouri and when she went to visit her family every summer, we would do special things, like heading to Claire and Jacquie's at the beach. Dad's favorite escapade with us was to the ballpark. We would head to Fenway Park and we always went early so we could watch the players arrive and then watch batting practice. The gentleman in the parking lot thought Dad was a doctor, so we always got a great parking space to allow for a quick escape. I wonder why he thought that! He loved the Red Sox and as a result, the whole family loved the Red Sox. Like all of us, he lived to see the Sox win a world series. It was a happy interlude at a sad time in his life. GO SOX.

Dad inherited from his Dad and Grandfather a love of animals and the sport of Kings. So when we weren't at the ballpark, we would make the trip up Route 28 to Rockingham. Dad would bring us early in the day so we could see the racehorses going through their pre-race routines. If our grandfather were with us, we would always stop at Granite State Potato chips for a sour pickle. He was the best Dad!

Dad always taught us that we needed to give back to our community and he very much lived his advice. He served on the Housing Authority, Chaired a Charter Commission, Chaired the High School Building Committee and was elected to Methuen's City Council. He involved himself in many charitable organizations and always worked to try to make his community a great place to live and raise families. His last civic act was to cast his vote for the man who should be President. He was saddened by the outcome of November 2nd.

His last year was a difficult one for him, but he took in all in stride. He would tell people that he had no regrets—that he had lived a great life and had the opportunity to watch his children grow to be successful and to spend time with the little ones in our family. He loved his grandchildren very much and they will dearly miss their "Buppa".

As he got older, he developed an insatiable desire for political and current events television shows—Chris Matthews and Hardball were no strangers to his home but he also loved to watch the unfortunate likes of Bill O'Reilly and Hannity and Colmes. He listened intently to what they had to say and oftentimes made comment. When I asked him why he watched those shows, he told me that you always need to know what the opposition is thinking. He was wise.

He was treated by the skilled doctors of the Massachusetts General Hospital's ALS research team. We were all so hopeful that Dad would be able to benefit from the research strides made by this team of dedicated doctors, but time was not on his side. But, our family is hopeful that Dad was able to provide some knowledge to his Doctors which will help them beat this insidious disease.

Dad's end was peaceful and he was surrounded by his very loving family. So many friends showered us with kindness. Their comforting words and the meals and snacks they provided us, were welcome gifts. We loved the food and Dad would have as well.

When things weren't going well, someone always miraculously appeared, like Carla Moriarty and Dr. Nelson Matos to help us through the newest bump. We love you all and you will always have a special place in our hearts.

He was cared for by wonderful VNA and Hospice nurses, as well as other health care professionals who treated him with dignity and kindness and he loved them in return. Our family is humbled by their devotion and we will always remember their spirit and affection.

We chose the following verse to put on the back of Dad's prayer card because our family thought it was written with our Dad in mind . . .

When through one man a little more love,
A little more goodness,
A little more hope,
A little more beauty,
A little more joy,
And a little more faith
Has come into the world
Then that man's life has had meaning.

To his children he was our hero—our mentor—our conscience—our rock. He was everything we could ever hope to be. He was the nicest man and the best Dad on earth. We are crushed to lose him but blessed with so many wonderful memories—so many wonderful memories.

In August, when Mom and Dad sold their home at the beach and were not yet able to move into their new home, they went to live in the interim with Patty, Ed and Catherine. Dad spent his last months in a happy house, where he wakened each day to the smiles of his precious Catherine and where Patty and Ed attended to his every need, including the brownies and ice cream before bed. Many of Dad's friends came to visit him at Patty's and they were always welcomed. Mike, Jeff and I are profoundly grateful to our sister and her family for the care they have given Mom and Dad and for the wonderful environment in which Dad died.

The Pollard Funeral Home was Dad's dream and joy. He started his business over 50 years ago and over the years he and his staff have comforted and served thousands of families in the Greater Lawrence communities. He was enormously proud of Mike and the staff at the funeral home and they in turn, have cared for Dad with dignity and reverence. All of the Pollard family thanks you for the respect you have shown to us and to Dad.

Jeff was Dad's sports buddy. If they weren't discussing the Patriots then it was golf—a sport they played together often. At those Sunday afternoon dinners, the rest of us were resigned to the fact that we were in clicker hell—bouncing back between whatever the sports of the day were. Jeff honored Dad by naming his only son Kenneth. In our household we refer to them not as the 3 amigos but as the 3 Kenny's.

Our family is so thankful for the clergy who honor Dad by their presence on the altar today. I know Dad would be particularly pleased that his friend of over 50 years, Bishop Joseph McGuire, could be with him as well. A beautiful service would not be so without beautiful music and voices. To those who lend their voices, spirit and their gift to us today, we are grateful.

Dad was blessed with many friends throughout his life, some here today and others who met him on the first tee or in the clubhouse at a heavenly race track on Tuesday morning. I have faith that he is in a far better place and that the warmth we feel now is his smile, the peace we sense is his comforting hand and the light which surrounds us is his love.

In his high school yearbook, the quote under his picture read, "Yet leaving here a name, I trust, That will not perish in the dust" Sixty-four years later we affirm that Dad left his mark on his community and he will always have a special place in our hearts.

So many people love you Dad, but none more than me.

OPENING OF CLINTON PRESIDENTIAL LIBRARY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Ms. PELOSI. Mr. Speaker, having just returned from the opening ceremony in Little

Rock, Arkansas today, I rise to congratulate President Bill Clinton on the opening of the William J. Clinton Presidential Center. The library, an architectural triumph that evokes President Clinton's "Bridge to the 21st Century," is a superb accomplishment worthy of the outstanding presidency it documents.

Containing 80 million pages of records, nearly 2 million photographs, nearly 80,000 artifacts and 21 million emails, it is the largest presidential library ever. It covers every aspect of his eight years in office, including domestic and international issues, legislative achievements, and personal triumphs and challenges.

The thoroughness of the library, however, is no surprise. President Clinton has always been known for his love of learning. The construction of this library and the opportunity to make resources available to scholars and the public is a personal joy to him.

In the library, visitors will learn the story of a great presidency that lifted the lives of so many Americans. During President Clinton's two terms in office, he created 22 million new jobs, and median household income was the highest in history. With an expansion of the Earned Income Tax Credit and an increase in the minimum wage, America had the lowest poverty rate in 20 years. At the same time, President Clinton's responsible economic policies eliminated the deficit, and we had three years in a row of budget surpluses. More Americans were able to access health care and to own their own homes. We modernized our defenses, while strengthening our role in the world.

Bill Clinton's presidency is a powerful example of what we can accomplish when we "put people first." Future Presidents and leaders should study his example.

Also characteristic of President Clinton, the library exists not for its own sake but as part of a larger effort to continue the good work of his presidency. Through the library and the Clinton Foundation, he is continuing to fight against HIV/AIDS, to promote racial and religious reconciliation, to encourage economic empowerment, and to support citizen service and leadership development. The library itself has helped revitalize Little Rock and has spurred more than $1 billion in economic development.

Bill Clinton's love of learning is infectious. He reminds us all of what a dedicated individual with drive and conviction can accomplish. I am confident that the Clinton Presidential Center library will be a valuable asset to scholars for generations to come and a destination for his many admirers from around the world.

A TRIBUTE TO LANCE CORPORAL BENJAMIN SAXON BRYAN, UNITED STATES MARINE CORPS

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. MCINTYRE. Mr. Speaker, it is with great pleasure that I rise today and honor Lance Corporal Benjamin Saxon Bryan of my hometown of Lumberton, North Carolina. Earlier this week, Lance Corporal Bryan was killed in the line of duty while serving the people of this great nation in Iraq.

Ben Bryan joined the Marines in 2000 after graduating from Lumberton High School and was serving in the infantry Company L, 3rd Battalion, 1st Marine Regiment stationed out of Camp Pendleton, California. Lance Corporal Bryan was serving his second tour of duty in Iraq.

Lance Corporal Bryan's love for his fellow man and for the values this nation holds dear—and his life's commitment to defending those values—can best be described by three simple, but profound words: spirit, service, sacrifice.

It was Lance Corporal Bryan's spirit that made him the man that he was—a spirit that recognized and honored values beyond the material, temporal, and physical things of this world. Lance Corporal Bryan's unselfish and unabated service was reflected in his strong work ethic, his strong sense of patriotism, and his strong love for his family and his country. With a strong spirit and unwavering service, Lance Corporal Bryan made the ultimate sacrifice. He risked his life to ensure the safety of others. His valiant actions demonstrated that he knew that freedom is not free. His sacrifice was rich in integrity and reminds us of the gratitude we, as citizens of this great nation, should have toward him and toward all of our servicemen and women.

We owe Lance Corporal Benjamin Saxon Bryan our sincere appreciation for his years of committed service to our nation. His devotion to the people of the United States should serve as an example to us all.

May God bless his family, and may God bless this great nation.

RETIREMENT OF LEANNA M. GOUTHRO AFTER 31 YEARS WITH THE FEDERAL GOVERNMENT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. VAN HOLLEN. Mr. Speaker, I rise today to pay tribute to Ms. Leanna M. Gouthro, a constituent of mine from Silver Spring, MD, who will be retiring at the end of this month after 31 years of service with the Federal Government. Ms. Gouthro's most recent, and longest, Federal service has been with the Federal Deposit Insurance Corporation. The mission of the FDIC is to provide stability to the Nation's financial system by insuring depositors' funds up to $100,000 and by supervising over 5,000 state-chartered banks that are not members of the Federal Reserve System. Ms. Gouthro has contributed to the FDIC's mission through her extraordinary accomplishments in the agency's Office of Legislative Affairs.

While they may not realize it, many of my colleagues who have sent inquiries to the FDIC over the years have benefited from the talents and energy of Lee Gouthro. When Lee joined the FDIC in 1987, there was no system in place for tracking congressional correspondence, other than a rudimentary hard copy filing system. She recognized the opportunity created by computers and set up a system that would impose controls and accountability for correspondence tracking, seeking special permission from then-Chairman William Seidman for the acquisition of a personal computer—the first one obtained for any of the FDIC's executive offices. As many of my colleagues may remember from the late 1980s through the mid-1990s, the banking and savings and loan industry was, to say the least, in great turmoil. The impact on our constituents was extremely difficult.

Lee not only handled the FDIC's correspondence system, but implemented the system for the Resolution Trust Corporation and was instrumental in hiring and training personnel for handling the RTC's system. With over 2,100 bank and savings institutions failing during this time period—with almost three-quarters of a trillion dollars in assets—many of our constituents faced uncertainty on loan payments, checking accounts, safe-deposit boxes—many of the things they take for granted. Over this time period, the constituent complaints and correspondence became increasingly complicated, sensitive and controversial. Lee was always the consummate team player and never deviated from her focus on quality, accuracy and responsiveness to the Congress. She developed and managed a process that provided answers to congressional inquiries in an average of 2 weeks, an exceptional standard of excellence that allows Senators and Members of Congress to address issues promptly. The result of Lee's overall efforts is a correspondence system that is a model for other regulatory agencies and government offices. Officials from the White House, Federal Reserve Board, Comptroller of the Currency, Office of Thrift Supervision and the Public Company Accounting Oversight Board have either visited the FDIC's offices to see her first-class system or have invited Lee to their offices to consult in setting up their own correspondence systems.

As Lee Gouthro retires, I know that my colleagues join me in wishing her well in her future endeavors and expressing our appreciation for her service to the American people and their elected representatives.

RECOGNITION OF JOEL A. KAGANN OF WOODRIDGE, IL, ON THE OCCASION OF HIS RETIREMENT

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mrs. BIGGERT. Mr. Speaker, I rise today in recognition of a man who exemplifies the very best in public service. His name is Joel Kagann and his service to the people of the Village of Woodridge and the County of DuPage is unmatched. His contributions are many, and his dedication to the highest ideals of service has been unwavering.

Like so many other outstanding and unsung public servants, Joel Kagann began his career as a police officer. That was almost fifty years ago, back in 1957 when the Village of Woodridge was just beginning to attract returning servicemen looking for a great place to raise their young families. Working his way up through the ranks, Joel was named Chief of Police for the Village of Woodridge, a post he held for nearly a decade, until his retirement in 1978.

For most mere mortals, that would be enough. But not for Joel Kagann.

A natural born leader, Joel became Mayor of Woodridge—not because he was ambitious or yearning for more, but because his fellow citizens entered his name as a "write-in" candidate on the ballot in 1973. That same year, his leadership talents again were recognized when he was appointed Administrative Assistant to the DuPage County Circuit Clerk.

Again working his way up through the ranks, Joel became Senior Executive Assistant and then Chief Deputy Circuit Court Clerk. In 1991, when his predecessor retired, the DuPage County Circuit Court appointed him to the office of Clerk of the Eighteenth Judicial Circuit Court of DuPage County. He was elected to the post the following year, and again in 1996 and in 2000.

Despite the demands of his professional obligations, Joel always found time to volunteer on local and statewide committees and groups, including the Illinois Association of Court Clerks, where he served as President in 1999. He holds multiple life memberships in organizations such as the International, Illinois, and DuPage County Chiefs of Police Associations, the Illinois and DuPage County Police Associations, Lions Club, Loyal Order of Moose, Knights of Columbus, Boy Scouts, and Woodridge Special Events Committee. Joel is also a founding and active member of Saint Scholastica Roman Catholic Church in Woodridge and was named "Citizen of the Year" by the Village of Woodridge in 1987.

Mr. Speaker, it is hard to imagine where the Village of Woodridge or DuPage County would be today without a man named Joel Kagann. For 47 years, he has given, and given again, and given still more. He has inspired countless other young public servants to give their very best efforts to the people they serve.

Those who have worked with and for him are loyal and devoted fans who will follow him anywhere. His commitment and tireless efforts as a public servant serve as inspirations to us all. He is a decent man, a giving man, and a man who I am so proud to call my friend.

I am happy to join so many others in congratulating him on his retirement and wishing him all the best in the years to come. He will never be repaid for the goodness he has so generously shared with others, but I guess if you're a man named Joel Kagann, you would never expect it.

SENATE—*Friday, November 19, 2004*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN CORNYN, a Senator from the State of Texas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, today, teach us the wisdom of humility. Remind us that all of our abilities come from You. Help us to see that we need one another and that no person is sufficient unto himself or herself.

May we follow Your example of sacrificial service to humanity, as we strive to commit ourselves to causes that will continue beyond our lifetime. Teach us also the power of silence that gives weight to our words when it is time to speak. Empower us with the lowliness of kindness that people will see Your image in us.

Bless our Senators. Make them instruments of Your will on Earth. Place Your truth in their minds, Your love in their hearts, and Your compassion on their lips. We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN CORNYN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, November 19, 2004.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN CORNYN, a Senator from the State of Texas, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. CORNYN thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished majority leader.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will have 30 minutes of debate prior to the cloture vote on the miscellaneous trade and technical corrections conference report. Therefore, I expect cloture to occur shortly after 10 a.m. I expect cloture to be invoked, and if it is invoked I hope we can complete the conference report in short order.

I will talk to the Democratic leadership after the vote to see what time may be necessary during that postcloture period.

I also expect the appropriations conference report, the so-called omnibus package, will be filed today. If so, I hope we will be able to act on that measure at some point today or this evening. I am optimistic that we can, in fact, finish our work sometime today and adjourn this Congress.

While we are waiting for the omnibus conference reports, we will continue to try to process other cleared legislative items. The IDEA, the Individuals with Disabilities Education Act conference report, is expected to arrive today from the House, and we will consider that legislation before we adjourn this year.

Finally, we have a very large number of nominations that are available on the Executive Calendar. It would be irresponsible to leave without acting on at least those nominations which we know are noncontroversial. We must move toward resolution of these nominations over the course of the day. We need to continue to pursue a way of clearing that Executive Calendar.

I will close so we can move on for the vote, but I have to add that I personally had a remarkable day yesterday. I had the opportunity to visit the Clinton Library for what was an exceptional and remarkable day in terms of having our former Presidents together in a wonderful bipartisan spirit. It was a rainy day so we all sat in 2 or 3 hours of the downpour. It really was an inspiration to see what has made and continues to make this country so great. It is a wonderful library. I have three boys and look forward to going back and taking them through a magnificent structure. It really does capture President Clinton's upbeat, optimistic enthusiasm, his whole view of life. A number of the Senators attended. I wanted to mention it because it was quite remarkable for me, personally.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2004—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 1047, which the clerk will report.

The legislative clerk read as follows:

> Conference report accompanying the bill (H.R. 1047) to amend the Harmonized Tariff Schedule of the United States.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 30 minutes divided in the following form: Senator GRASSLEY in control of 10 minutes; the Senator from Montana, Mr. BAUCUS, in control of 10 minutes; the Senator from Wisconsin, Mr. FEINGOLD, for up to 8 minutes; and the Senator from Wisconsin, Mr. KOHL, for up to 2 minutes.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I don't see Senator GRASSLEY, the chairman of the committee, in the Chamber. I expect him momentarily. In the meantime, I will say a few words with respect to the pending legislation.

I am pleased, frankly, that in the final days of the 108th Congress, the Senate is set to pass at long last the miscellaneous tariff bill. This bill reduces or eliminates tariffs on literally hundreds of products that U.S. companies use to make products in America. It is a collection of many bills too small to be considered independently, and, traditionally, Congress collects these inexpensive and noncontroversial bills together into one big omnibus bill which the Senate then passes by unanimous consent. That is our tradition in the Senate.

Unfortunately, that did not happen with this bill this time. For the first time in the history of the process, the House insisted we go to conference on the bill. Frankly, that is unfortunate. In the aggregate, the provisions of this bill represent a significant cost savings for U.S. manufacturers simply struggling to compete. We owe it to them to get the process back on track in the next Congress. I hope we can do that, and I promise to work very hard toward that end.

I wish to highlight two provisions in this bill in particular that will help my State of Montana remain competitive. One is a provision that eliminates the tariff on specialized components used by a Bozeman-based boot manufacturer called Schnee Shoes. This is a top-of-the-line company. They make the best boots for hunting. If a hunter goes out pheasant hunting, duck hunting, you buy Schnee. They are terrific. They

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

produce first-class products. Eliminating the tariff will save them tens of thousands of dollars a year and allow them to keep good-paying jobs in Bozeman, MT.

The other provision improves the competitiveness of U.S. wool. We produce a lot of wool in Montana—$2 million a year. As other commodities and textiles, wool has faced an increasingly difficult marketplace over the past several years.

In response, U.S. wool growers adopted a positive approach to embrace world markets; that is, setting up a wool trust fund. Through the wool trust fund, first established in 2000, U.S. exports of wool have risen sixfold as a share of domestic production. This successful program of the wool trust fund is, unfortunately, scheduled to expire next year. But this bill renews the wool trust fund through the year 2007 and allows the United States and Montana wool growers to continue to compete.

I also want to speak about one other provision of this bill, normal trade relations with Laos, that I know has generated some controversy. I support granting normal trade relations to Laos. In the absence of normal trade relations, Laos is subject to average tariffs of 45 percent, with peaks of 60 to 90 percent for important Laotian products such as T-shirts and bamboo chairs.

In contrast, most U.S. trading partners, including Laotian competitors Burma, China, Cambodia, and Vietnam, face average tariffs of only 2.4 percent compared, again, with Laos of 45 percent.

Now, I know some of my colleagues oppose granting normal trade relations to Laos. They believe Laos must work harder on improving its human rights record before receiving normal trade relations. But normal trade relations, I must emphasize, is not a special privilege the United States grants only to certain countries, and it does not signify approval of a country's policies. It is not a free trade agreement or a preference program. Rather, it is the baseline economic relationship the United States has with virtually every other country in the world—the baseline.

In fact, there are only three countries on Earth that do not have normal trade relations: Cuba, North Korea, and Laos, and Laos is the only one of the three that has full, normal diplomatic relations with the United States.

Laos has worked with the United States closely in accounting for U.S. prisoners of war and missing in action in Laos during the Vietnam war, supported U.S. counterterrorism efforts in Southeast Asia after 9/11, and has cooperated in a long-term bilateral counternarcotics program.

Granting normal trade relations to Laos could have a dramatic effect on improving the dismal economic conditions in that country. Laos has the lowest life expectancy in Southeast Asia, and the highest fertility rate. It also has the highest adult illiteracy rate, particularly among women.

Cambodia, on the other hand, has created more than 200,000 jobs since the United States granted that country normal trade relations in 1996. My hope is that normal trade relations for Laos will have a similar effect. Granting normal trade relations to Laos will also create opportunities to open the society, improve human rights, improve religious freedom, and improve the rule of law.

That is why my good friend, Senator GRASSLEY, and I have worked hard to pass normal trade relations for Laos, and why it is right to include it in this bill. I think it is time for us to remove an awkward legacy of the Vietnam war and grant normal trade relations to Laos.

This bill includes a long list of provisions that will help American competitiveness. We should bring debate on this bill to a close and pass this constructive measure. I urge my colleagues, therefore, to vote for cloture.

Mr. President, before I turn the floor over to my good friend, the chairman of our committee, I would like to thank several terrific staff members. I thank Everett Eissenstat and Zach Paulsen of the Republican staff who worked very hard to get this miscellaneous tariffs bill passed. Also, from the majority leader's staff, I thank Rohit Kumar and Andy Olson, two extremely able and very helpful people, who helped get these provisions into this bill. I also thank, on my staff, Sara Andrews, who really led the charge. She did a great job, assisted by John Gilliland, who is equally competent. That is an understatement. Both of them are just aces, and I am very proud of them. I thank them for their assistance.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise in strong support of the conference report to H.R. 1047, the Miscellaneous Trade and Technical Corrections Act of 2004, commonly called the miscellaneous tariff bill.

This legislation has traveled a long and difficult road to get to the floor today. In fact, the journey began over 2½ years ago when Senator BAUCUS chaired the Finance Committee. The Senate historically passes a miscellaneous tariff bill at the end of every Congress. The bill under consideration today was supposed to pass at the end of the 107th Congress. However, it was left as unfinished business for the current Congress. Upon resuming the chairmanship of the Finance Committee, my intention was to complete unfinished business from the 107th Congress as quickly as possible. To that end, we passed the bill out of Committee by voice vote on February 27, 2003.

We hoped that early passage of this bill would pave the way for consideration of another miscellaneous tariff bill in the 108th Congress. But that was not meant to be. Throughout the remainder of the Congress we faced significant delays and stall tactics. In March 2004, over a year after the bill was reported out of the Finance Committee, we reached agreement and passed the bill by unanimous consent. But quick conference consideration was not meant to be. We were forced to wait another 6 months before we could go to conference with the House. The conference committee quickly reached an agreement in October and the House passed the conference report shortly thereafter. However, Senate action was further delayed until today. Happily, it looks like the bill is finally near the end of its journey as we appear to be on the verge of passing this bill as one of the last orders of business for the 108th.

At this point, it might be interesting to reflect on what the Senate Finance Committee has been able to accomplish on trade during the time it took to pass this bill. During the first session of the 108th Congress, we were able to complete work on the Clean Diamond Trade Act, legislation designed to help thwart trade in conflict diamonds. We also implemented two free trade agreements with Chile and Singapore. In addition, we enacted the Burmese Freedom and Democracy Act, which put in place an import ban on products from Burma in an effort to help stop human rights abuses and the repression of democracy in that country.

During the second session of the 108th Congress, we enacted the Africa Growth and Opportunity Acceleration Act, which continues trade preferences for some of the poorest nations in sub-Saharan Africa. We also implemented two trade agreements with Australia and Morocco and brought the United States into compliance with an adverse WTO ruling in the FSC/ETI case through passage of the American Jobs Creation Act of 2004. There is no doubt that Senate passage of the conference report on the MTB will be a nice capstone to what has already been a highly successful Congress on trade.

This package contains many trade provisions, primarily duty suspensions, reductions and extensions, for products that are not produced domestically. This bill supports American factories and workers by allowing manufacturers to save money when they import these products.

Each of these provisions went through an extensive vetting process including a public notice and comment period to ensure that they did not compete with domestic manufacturers. The bill also contains a number of liquidations or reliquidations for certain entries.

The general rule for inclusion here is that the product entered the country under an incorrect duty rate due to Customs or other administrative error. These provisions allow those entries to enter the country at the correct duty rate.

There are several some other very important provisions in this bill. The bill grants the President the authority to provide permanent normal trade relations, PNTR, for Armenia. Armenia recently joined the World Trade Organization. But, in order to reap the benefits of their accession, the United States needs to extend PNTR to Armenia. This legislation provides the President with the authority to grant that extension. I also hope we will be able to consider similar treatment for Azerbaijan in the very near future.

The bill also extends normal trade relations to Laos. Last year the Bush administration signed a comprehensive bilateral trade agreement with Laos, an agreement that was negotiated during the Clinton years. The agreement will promote U.S. interests by protecting U.S. intellectual property rights and opening the Laotian market to U.S. goods and services. It is a good agreement. But to enable the United States to benefit from it, we must extend normal trade relations to Laos. Doing so will also benefit the Laotian people. Laos is one of the poorest nations in Asia. Yet exports from Laos are subject to some of the highest tariffs when they enter the United States. This agreement will help alleviate poverty, help bring Laos out of the Vietnam War era, and further integrate Laos into the global marketplace.

We also included in this bill a provision that extends preferences under the Generalized System of Preferences, GSP, to allow duty-free treatment for hand-knotted and hand-woven carpets. This provision is designed primarily to help the citizens of Afghanistan and Pakistan. I believe that allowing these products to be considered as eligible articles under GSP will help beneficiary countries that have joined the United States in the fight against global terrorism.

Further, H.R. 1047 corrects a mistake in the Trade Act of 2002 that inadvertently and temporarily raised duties on Andean originating handbags, luggage, flat goods, work gloves and leather wearing apparel under the Andean Trade and Preferences and Drug Eradication Act, ATPDEA. This provision retroactively reinstates the reduced duty treatment for eligible products that entered the U.S. from August 6, 2002, the date ATPDEA was signed, and the time in which these products met the import sensitivity test, several months later. It provides for continued duty-free treatment for these eligible products, which was the intent of the trade act.

I am also pleased that the bill includes the Emergency Protection for Iraqi Cultural Antiquities Act. I introduced the EPIC Antiquities Act to authorize the President to continue emergency import restrictions on the archaeological and ethnological materials of Iraq. The purpose of this bill is simple—to close a legal loophole which could allow looted Iraqi antiquities to be brought into the United States.

If Congress does not act to ensure the continuing means for banning trade in antiquities that may have been stolen, the door could be opened to imports of looted Iraqi antiquities into the United States. Already the press has reported allegations that European auction houses have traded in looted Iraqi antiquities. The last thing that we in Congress want to do is to fail to act to prevent trade in looted Iraqi artifacts here in the United States.

Other important provisions in the bill include modifications to the cellar treatment of natural wine and repeal of the 1916 act. Repeal of the 1916 act will bring the United States into compliance with its WTO obligations. We have also improved and extended the wool trust fund and added a provision that simplifies some processing U.S. Customs processing procedures, thereby resulting in increased efficiency and productivity for both the government and the trade community.

I also want to point out that the provisions I have covered are not the only important provisions contained in this bill. This bill makes a number of other technical yet meaningful changes to our trade laws.

I am very pleased that we are going to be able to pass this bill today. We would not be here today if not for the bipartisan efforts of a number of the Finance Committee staff, some of whom have long left the Senate. First, I want to thank Andy Harig who shepherded this bill through its first stages of development under Chairman BAUCUS' leadership during the 107th Congress. I also want to recognize Carrie Clark Phillips, for immersing herself in the tremendous complexities of this bill and her dedication to seeing the task done upon my resumption as chairman of the committee. Zach Paulsen and Sara Andrews also deserve recognition for their ability to pick up where Carrie and Andy left off and their hard work in bringing this bill to a successful conclusion. I also appreciate the hard work of Rohit Kumar, who was instrumental in helping us move this bill forward. Finally, Liese Wright, with the Washington International Business Council, has done an outstanding job bringing together, and holding intact, the Ad Hoc Coalition on Tariffs. In good times and bad, Liese remained ever hopeful and committed to getting this bill done. Her hard work and optimism is appreciated.

Let me also thank the rest of the Finance Committee international trade staff for their work not just on this bill, but for all we have been able to accomplish this Congress. On Senator BAUCUS's staff I would like to recognize Russ Sullivan and Bill Dauster, who provided the guidance necessary to help the Committee accomplish its goals, and Tim Punke, Brian Pomper, John Gilliland and Shara Aranoff for their technical expertise and policy advice which was so crucial to our success. On my staff, I would like to thank Kolan Davis, Everett Eissenstat, Stephen Schaefer, David Johanson, Tiffany Atwell McCullen, and detailees Nova Daly and Dan Shepherdson. Their knowledge, hard work, and ability to pull together as a team, enabled me to accomplish a number of important trade priorities in this Congress. And for that, I am grateful.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise today to express my strong opposition to efforts to push through a provision in this bill normalizing trade relations with Laos.

Let me first say I thoroughly enjoy my work with both managers of the bill. Senator BAUCUS and I agree on so many issues. We have had our disagreements on trade issues, but I do respect his views and arguments. Of course, I very much respect the Senator from Iowa. I have the pleasure of serving with him on a number of committees. I respectfully disagree with him on this particular aspect of the bill having to do with Laos.

I am deeply disappointed that a decision was made to insert this provision into the Miscellaneous Trade and Technical Corrections Act of 2004 conference report. The Senator from Montana suggested that those of us who are opposed to this provision simply believe that Laos could do better. I am afraid it is a lot more serious than Laos needing to do a little bit better on human rights.

First, let there be no misunderstanding that this bill would sail through the Senate if this provision on Laos was not included. However, I cannot support upgrading Laos's trading status as long as the human rights situation in that country remains so disturbing. I am not prepared to simply let this bill pass without at least some debate on this important matter.

This is the wrong time to reward the Government of Laos with normal trade relations. Reports emerging from Laos continue to demonstrate that human right conditions in Laos remain appalling. It is not a question of simply doing a little better, it is appalling. Despite the Lao Government's denials, human rights organizations, the U.S. Government, and my constituents and various news agencies have all documented the Lao Government's blatant disregard for human rights.

I have tried to closely monitor the human rights situation in Laos as a member of the Senate Foreign Relations Committee's Subcommittee on East Asia and Pacific Affairs, and also as a Senator representing over 35,000 Hmong people in Wisconsin. Many of these people fled Laos following the end of the Vietnam war. Quite a number of the Hmong provided courageous assistance to the CIA during the Vietnam war, at great risk to themselves and their families. They helped rescue American pilots and hold off North Vietnamese troops.

Especially at a time like this, I think we can all agree that we owe them a debt of gratitude, and we owe them better than simply rewarding normal trade relations to a government that has badly mistreated them.

The Senator from Montana indicated this provision was an indication that it is time to put the legacy of the Vietnam war behind us. When it comes to the situation on the ground in Laos, the tragic legacy of the Vietnam war is very much alive for families of people who helped us during that very difficult conflict. So the legacy of Vietnam is not over when it comes to the treatment of the Lao Hmong people in Laos.

I am regularly contacted by constituents concerned about their friends and families in Laos. Again and again, my office encounters reports of atrocities committed against the Hmong in Laos and other deplorable practices by the Lao Government. These reports, combined with the Lao Government's absolute refusal to investigate allegations or to permit independent monitoring, lead me to believe it is not in our country's national interest to adopt normal trade relations with the Lao Government.

The United States has an obligation to the Hmong people, and I strongly believe that we have a moral interest in reducing human suffering and protecting human rights abroad. We cannot ignore these allegations of atrocities in Laos. Granting NTR is not appropriate at this time. In fact, I do recognize, as the Senator from Montana pointed out, that there are only a few countries that do not have NTR status. But that does not mean Laos deserves it any more than North Korea or perhaps Cuba. In fact, I have not supported the granting of NTR to some countries that have it now, such as China. In fact, I think the normal trade agreement with China is the biggest reason the State of Wisconsin has lost up to 80,000 manufacturing jobs since the middle of the year 2000.

You can call NTR normal, but, in fact, that was a semantic change from MFN, most-favored-nation treatment. It was a semantic change to try to make it easier to get these deals through. The fact is, normal trade relations with another country is not always right. Sometimes it is in our own interest in terms of protecting our jobs, and sometimes because of the outrageous human rights records that some countries have, and Laos, in my view, is certainly one of those countries.

I know many of my colleagues have provisions in this bill they want passed, and I want the body to know, Mr. President, that I have repeatedly asked that we simply strip out this one contentious provision and pass the rest of the bill, and I am prepared to do that again. I heard the resuscitation of some of the other meritorious aspects of this bill, and I respect that. I am not sure I agree with every piece of the bill, but I do recognize much of it is good. My goal here is not to kill the whole bill. I simply want this item removed.

At some point, this body has to come to grips with the fact that we tend to shove major policy decisions into larger bills without any real debate and discussion and without the American people having access to what their representatives are doing, thinking, or saying about some of these items. Somehow this has to change.

I also realize the 108th Congress is drawing to a close, and many of us are already looking to head home to our families and constituents. But I cannot, in good conscience, stand by and say nothing against a provision that conflicts so fundamentally with our country's dedication to human rights, to democracy, and to fundamental decency.

I urge my colleagues to join me in opposing cloture. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I am deeply troubled by the series of events which have brought us here today. The miscellaneous tariff bill, a relatively noncontroversial bill that has been making its way through the Congress for more than a year now, which is full of worthy noncontroversial provisions, has become the vehicle to pass a bill that is controversial, to say the least.

At the eleventh hour, behind closed doors, the conferees on this bill decided to tack on a bill to grant normal trade relations status to the Communist Laos People's Democratic Republic, one of the few remaining Communist states on the Earth.

For many years, I have worked to shed light on the serious allegations of human rights violations in Laos, many involving the status of the Hmong ethnic minority. By attaching Laos NTR to this bill without any opportunity to debate it and to consider it on its merits, we are missing an important opportunity to hold the Lao Government accountable. We are also missing an important opportunity to press the Lao Government to allow credible international observers into Laos and into the remote jungles where the Hmong ethnic minority live.

We should not be proceeding to this bill in its current form. The Finance Committee could have easily stripped the Laos NTR provisions from the conference report and passed a clean version of the miscellaneous tariff bill. Then we could have had a real debate on Laos NTR at a more appropriate time.

I will have more to say on this matter after the cloture vote. I urge my colleagues to vote against cloture so that Laos NTR can be considered on its merits and not part of an omnibus trade package.

I yield the floor.

Mr. HATCH. Mr. President, every year U.S. businesses lose several billion dollars in revenues due to international theft of their products. Every time a book is photocopied without permission, a bootleg movie DVD is sold, or a piece of music is downloaded from the Internet, engineers, authors, musicians, actors, technicians, camera crews, lighting crews, building owners, investors—indeed, everyone involved in the process—lose money. The United States has long been the world leader in the creation of products protected by intellectual property. Almost every growing industry in the United States uses intellectual property laws as the single most important tool they have to ensure their companies will be viable and competitive in the world marketplace. Millions of employees throughout the United States can directly or indirectly tie their jobs to companies who use intellectual property protections for their products.

Because intellectual property is so important to the U.S. economy, our Government has a long tradition of working hard with the international community to enforce the basic and fair rights established by intellectual property law. Enforcement of these rights in foreign countries is extremely important to the U.S. economy and so the Congress has long provided Government officials with the direction and tools they need to pursue fair treatment of intellectual property on an international basis.

Be it through the Trade Act of 1974 or through the WTO establishment of the Agreement on Trade-Related Aspects of Intellectual Property Rights, TRIPS Agreement, the U.S. Government has been very active in pursuing the protection of intellectual property that brings me to the bill at hand.

As passed by the Senate on March 4, 2004, H.R. 1047 contained five important measures that would have given the U.S. Government more tools in our effort to protect intellectual property around the world. Specifically, the five intellectual property sections of H.R. 1047 would provide the U.S. Trade Representative additional time to negotiate and consult with countries prior to bringing a World Trade Organization intellectual property dispute; it would have given companies and innovators the ability to request the U.S. Government suspend certain trade benefits to Caribbean and Central American countries who are not meeting their intellectual property commitments; and it would have standardized the criteria for adequate and effective protection of intellectual property under several U.S. trade programs, thereby giving U.S. companies greater ability to protect their IP in several countries around the world.

Unfortunately, during the conference with the House, H.R. 1047 was stripped of four of the five IP protections I just outlined. This is of great concern to me. I fear the House conferees who were opposed to these important IP measures are selling our economy short and jeopardizing thousands of U.S. jobs. Failure to pass these important protections diminishes the U.S. Government's ability to encourage foreign governments to crack down on intellectual property violations. It is difficult to motivate foreign governments to seek out and prosecute those who steal the property of U.S. companies and sell it to consumers at reduced prices. However, this language would have provided an extra incentive for foreign governments to prosecute intellectual property theft and, hopefully, would have led to billions of dollars of additional U.S. exports across several industries.

Few U.S. industries enjoy a positive trade balance in the world marketplace; however, those few U.S. industries which do enjoy large positive trade balances with other countries depend on strong, internationally enforced intellectual property protections. It is beyond me why anyone would want to make it more difficult for these industries to enforce their property rights internationally. It is beyond me why anyone would want to stand idly by and watch American employees get ripped off by foreign companies.

Although this legislation was stripped of most of the intellectual property protections I worked so hard to include, I am supporting its passage because it provides tariff relief to many industries throughout the country. Many of our Nation's largest manufacturers and employers in industries such as agriculture, textiles, chemicals, pharmaceuticals, electronics, heavy equipment, and food and beverages all benefit greatly from the reduced tariffs provided by this legislation.

In fact, several large employers in my home State of Utah will benefit directly from this legislation. The reduced tariffs contained in this bill will provide these companies with the ability to compete for effectively in the global marketplace, to sell more products and services throughout the world, and create jobs in Utah. For these important reasons, I will support this legislation.

Although the Senate has not been able to take advantage of this opportunity to pass four very important intellectual property provisions on the Miscellaneous Tariffs Bill, I am hopeful that we can come together at the start of the 109th Congress and take up and pass these important protections. Those industries which depend on IP protections agree that we need them; the U.S. Trade Representative's Office agrees that we need them; and I call on my Senate colleagues to work with me next Congress to pass these important tools to help us combat international IP theft.

I yield the floor.

DUTY SUSPENSIONS FOR IMPORTED PRODUCTS

Mr. BUNNING. Mr. President, I would like to ask my colleague about the conference report to accompany H.R. 1047, the Miscellaneous Trade and Technical Corrections Act of 2004, which passed the Senate floor by unanimous consent earlier today. This legislation contains a number of duty suspensions for imported products. The duty suspensions help make American industry competitive by allowing companies to reduce costs on needed inputs. An important criterion for duty suspension is that the imported product cannot compete with a domestic product.

I am concerned that duty suspensions were included in the bill for eight pigments that may compete directly with pigments produced in my State. If so, it could directly affect hundreds of workers in my State. The provisions at issue are: Sections 1439, 1440, 1441, 1452, 1453, 1454, 1455, and 1456.

I understand that the Department of Commerce has been contacted about these provisions and is willing to review them to determine whether they are appropriate for inclusion in this bill. Will the Senator work with me to ensure that the Department of Commerce completes its analysis?

Mr. GRASSLEY. I appreciate the Senator raising this issue with me. I am happy to work with the Senator from Kentucky and the Commerce Department to ensure that an appropriate and timely analysis is completed. I recognize that the duty suspensions in question take effect on January 1, 2005. If the results of this analysis demonstrate that the inclusion of these provisions in H.R. 1047 was inappropriate, I will gladly work with him to try and rectify the situation at the earliest possible date.

Mr. BUNNING. I thank my colleague and I pledge to work closely with you to resolve this matter.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield back the remainder of my time and ask unanimous consent that all time be yielded back.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 1047, a bill to amend the harmonized tariff schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

Bill Frist, Chuck Grassley, George Allen, Craig Thomas, Jon Kyl, Mike Crapo, Robert F. Bennett, John Ensign, Pete Domenici, Lamar Alexander, John E. Sununu, Richard G. Lugar, George Voinovich, Peter Fitzgerald, Trent Lott, Lindsey Graham, Jim Talent.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 1047, a bill to amend the harmonized tariff schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent. The Senator from Wyoming (Mr. ENZI), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Indiana (Mr. LUGAR).

Mr. REID. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Florida (Mr. GRAHAM), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 88, nays 5. as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—88

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Carper
Chafee
Chambliss
Cochran
Collins
Conrad
Cornyn
Corzine
Craig
Crapo

Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Inhofe
Inouye
Johnson
Kennedy
Kerry
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Lott
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—5

Byrd
Coleman
Dayton
Feingold
Kohl

NOT VOTING—7

Clinton
Enzi
Graham (FL)
Hutchison
Jeffords
Leahy
Lugar

The PRESIDING OFFICER. On this vote the ayes are 88, the nays are 5. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Ms. LANDRIEU. Mr. President, I ask unanimous consent for Resolution No. 474 to be brought up for its immediate consideration, and I will allocate time.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Louisiana yield?

Ms. LANDRIEU. I am happy to cooperate. I thought we had worked this out. Perhaps we have not. I understand we are calling up a resolution for its immediate consideration and I will stay in the business that we are in.

Mr. FEINGOLD. Mr. President, I will suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection? The clerk will call the roll.

Mr. CRAIG. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I will not object to a quorum call if it is only temporary, and I mean very temporary, so we can work out our differences. This is a very important resolution that deserves to come before the Senate. Tomorrow is National Adoption Day and the Senator from Louisiana and I find this an important priority for all Senators. With that, I will not object, understanding that Senator FEINGOLD offers this only temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL ADOPTION MONTH

Ms. LANDRIEU. I ask unanimous consent the Senate proceed immediately to the consideration of S. Res. 474, submitted earlier today by myself, Senator CRAIG, Senator BOND, as well as Senator DEWINE, Senator FITZGERALD, Senator LEVIN, Senators SANTORUM and STABENOW—those last names be added as cosponsors to the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 474) to express support for the goals of National Adoption Month by promoting national awareness of adoption, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children.

There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. I yield to my friend who cosponsored this resolution for his remarks prior to mine.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, let me thank the Senator from Louisiana for her leadership on this issue and on the introduction of this resolution to recognize what we believe to be a very important month and a very important day for America, for America's children, and especially for the foster care children of America.

Tomorrow, November 20, is National Adoption Day. This month is National Adoption Month. Over the years, as we have worked to bring this to the attention of the American people and to people who would like to form families through adoption, we find this tremendously important. More than 3,100 adoptions of children from foster care will be finalized as a result of National Adoption Day. Of those who are in foster care, some 129,000 children wait for adoption. Senator LANDRIEU and I, over the last good number of years, have worked almost nonstop on this issue, not just for the foster care children of our country but for all children of our country who are seeking a permanent, loving, safe environment.

As a result of that effort, she and I and others on the House side took the old congressional coalition on adoption and created the Congressional Coalition on Adoption Institute. That institute is now one of the sponsors of National Adoption Month and National Adoption Day.

These efforts on the part of all of us, we hope, continue to build the kind of understanding and knowledge that is growing across America—that you can form a family through adoption. Adoption is a phenomenally viable option for couples who may not be able to have children naturally or who wish to expand their families, simply because they care so much about the future of children and who know that children who grow up in a safe, loving environment are going to be young people who become productive in our society instead of frustrated and oftentimes misguided in their adult efforts.

What I would like to do now is read the resolution and the President's Proclamation on National Adoption Month, because I think it speaks to the kind of cooperative effort that the Congress, that Mary and I and a good many others in this Senate and the Congressional Coalition on Adoption Institute have, with a lot of other alliances but very importantly with the President and the executive branch of Government.

This is the 2004 Presidential Proclamation on National Adoption Month, by the President of the United States:

> By deciding to share their hearts and home with a child, adoptive parents demonstrate great compassion and receive many blessings in return. During National Adoption Month, we recognize the generosity of adoptive and foster families who are providing hope and love, and we encourage the adoption of children of all ages.
>
> In 2002, I signed the Promoting Safe and Stable Families legislation that supports families and promotes adoption, and last December I signed the Adoption Promotion Act of 2003 to increase incentives to adopt older children. We have raised the adoption tax credit to $10,000 per child and created the AdoptUSKids website that has joined thousands of children with adoptive parents. We are working hard to place more children from foster care to permanent homes. This year, on November 20, communities from all 50 States and the District of Columbia will celebrate National Adoption Day by finalizing the adoption of thousands of children by loving families. And each one of those families will be enriched by the addition of new members. By bringing care and hope into other lives, individuals can fill their own lives with greater purpose.
>
> Now, therefore, I, George W. Bush, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim November 2004 as National Adoption Month. I call on all Americans to observe this month with appropriate programs and activities to honor adoptive families and to participate in efforts to find permanent homes for waiting children.
>
> In witness whereof, I have hereunto set my hand this fourth day of November, in the year of our Lord two thousand four, and of the Independence of the United States of America the two hundred and twenty-ninth.
>
> GEORGE W. BUSH.

That is what our President has said. He and this administration, as have others, have worked very cooperatively with Senator LANDRIEU and me. Much of what we talk about and much of what the President talked about were activities and efforts initiated right in the Senate—the child tax credit and other efforts to facilitate and make easier for Americans the ability to adopt children and bring them into their homes to create that loving environment that we talk about, that we know is so critically necessary in the lives of young people as they grow up.

So I am tremendously proud to join with my colleague, MARY LANDRIEU of Louisiana, as we work cooperatively together in the passage of this resolution and as we continue to work to foster the Congressional Coalition on Adoption Institute, to grow it.

Let me close by asking all Senators to become an active member with us in the Congressional Coalition on Adoption Institute, to participate in its activities and its purpose as we work to facilitate adoptions both here in this country and around the world.

I thank my colleague from Louisiana, and I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I am pleased and proud to join my colleague from Idaho. I have the opportunity this morning before this body to thank him for his extraordinary leadership on this issue and his tireless efforts. Despite all of the responsibilities he has as a leader of the majority party and all of the other issues that he leads, he always finds time for this issue. It is not an issue that has a lot of paid lobbyists associated with it because this is a coalition that is actually advocating on behalf of orphans. His leadership is particularly noted, and we are grateful for all the work that our Senators do for children, not only in our country but around the world.

While we do celebrate this month and recognize this month of November and mark this time noting our great progress and success, let me begin by saying, unfortunately, the number of orphans in the world is on the rise. Some experts predict an unprecedented number of orphans in the world—really in numbers not ever known by the world before. We have had world wars in the past that have caused the number of orphans to expand greatly, but in the midst of this century and this time not only do we have war and famine, but we have something the world has never seen before, and that is the epidemic of AIDS that is an orphan factory in Africa and India.

We come to the floor today to celebrate what successes we have achieved in the United States, and we will talk about those successes in a moment. The challenge is great. I look forward to working with Senator CRAIG and all Members of the Senate as we try to form a leadership team for the world to address this unprecedented number of orphans.

If I could just say one more word about AIDS, sometimes children are orphaned because a parent dies of heart disease or cancer, but those diseases usually just affect one parent, not two. Because of the nature of AIDS and the way this disease is transmitted, it actually works at killing parents in usually a quick amount of time, leaving children in the international community not single orphans but double orphans. So that is quite a challenge to the world.

Let me switch to a happy note. In America last year 120,000 children found loving and permanent homes, and approximately 12,000 of those children came from other countries to the United States to loving homes in all parts of our country; small towns in Idaho, very small towns in Louisiana, as well as to our larger metropolitan areas. And they were welcomed, of course, with happiness and celebration and have become parts of families. I am proud to say that over 100,000 children were adopted, children from the United States to American families right here at home out of foster care and, of course, infant adoptions as well. That was terrific.

Two million children live in adoptive homes today in our country. More extraordinary and more jolting and impressive is the fact that 6 out of every 10 Americans have been personally touched by adoption; either they themselves were adopted or they have adopted into their family or grandparents have received from their biological family adoptive grandchildren. The stories are endless and wonderful. We need to make sure this Government of ours is doing everything it can to connect children who need families because governments do a great job at many things, but raising children is not one of them. Children need to be raised by parents, preferably two parents, but at least one loving adult that can raise that child to be a contributing member of our society.

Our future truly depends on it. We can have all the great tax policies in the world, great health policies, great education policies, but it is parent to child, that carries future values from one generation to the next. So making these connections is not only a feel-good thing to do, it is a necessary thing to do for the continuation of our great Nation and the world community and family.

Let me share briefly about some of the children waiting in my State. There are 500,000 children in foster care in the United States today. That is tragic. It is tragic and good and I will explain. It is tragic because children have been separated from their parents. Sometimes we could have done a better job of preventing that had we given more drug counseling on substance abuse or stronger educational benefits or job opportunities to those parents. On the positive side, sometimes children have to be separated from their families because, if not, they may literally die at the hands of parents who are not in their right mind and spirit. These children can sometimes be in danger.

While we try to protect, promote and develop a better system, the fact is, 500,000 children are in foster care, anywhere from the age of 1 month up to 21 years old.

These are pictures of some of the children in my State. There are many more. Some are young teens, children who are perfectly healthy, sibling groups. Cynthia is a beautiful child. She was born with cerebral palsy and needs special care and attention. This is a story of one child who gives everyone great inspiration. Children like this with the right love and attention can grow up to be Presidents, mayors of great cities, professors at our great universities. They just need love, attention, and care. That is what National Adoption Month is all about.

Let me in my brief time share a story about an extraordinary young woman who came out of an orphanage. I will tell the story and then show the picture because you will not believe it when I show the picture. I want to tell a story that Senator CRAIG and I know about that has touched our hearts that we want to share with you today.

A young girl, about 9 years ago, was left in an orphanage in Russia. We do not know too much about the circumstances, but what we know is she was severely disabled when she was born. She had spina bifida. She had a hole in her spine. In some places in the world, children born with disabilities are basically just left to die—even with disabilities that we have come to know in America can be fixed and corrected with good health care. But there are truly dying rooms around the world where infants and young children are born and left to die. They are not fed, they are not taken care of because there is no medicine, no doctors, and nobody can do anything, so they make a tough judgment: to feed the healthy children and leave the sick children to die.

This little girl was left in a dying room. But she would not die, basically. After 6 years of living, with very little support, a woman we know well showed up in one of our adoption agencies and was trying to find children in this orphanage to be adopted. She came across this child who was on the floor because she could not walk. She had no wheelchair but she crawled up and touched her jacket. She looked down at this child's eyes and saw something that obviously no one else had seen and decided to adopt this child. The orphanage kept saying: We don't want you to have this child; we want you to have a "good" child.

She kept saying: This is the child I want. I want this child with a hole in her back, the strong and beautiful little girl.

The long and short of the story is, this woman scoops this child up, brings the child to America, adopts this child as her daughter, and her name is Tatiana McFadden.

I want to show a picture of Tatiana, but no one is going to believe the end of this story. Tatiana represented the United States of America in the Para-

Olympics in Greece this year and won the silver medal for our country, for America.

This is a picture of Tatiana, who is now 16 or 17 years old, one of the strongest, most courageous, bravest human beings I have ever met. She proudly carried the American flag over that finish line and won the silver medal in the Para-Olympics.

Senator CRAIG, my good friend from Idaho, and I hoped she would be our special guest at Angels in Adoption, but she was actually winning the medal as our event was taking place.

In honor of Tatiana McFadden, I wanted to speak for her and for the children she represents in America and around the world. This is Tatiana, receiving on our behalf, for the United States of America, the silver medal. She represents everything that Senator CRAIG and I want to share today about National Adoption Month.

There are many orphans waiting. They are not damaged goods. These are children who, through no fault of their own, have been separated from their parents for a variety of different reasons. They need and want families. They have a lot to offer not only to themselves but to their countries and their families.

We hope in November, as we gather around our Thanksgiving table, and as our Nation gathers and spends time on its knees thanking God for our many blessings which we have, remembering our blessings from the early founding of this country. As we gather around our tables and hold the hands of our children, let's think about the children who do not have parents and what we can do.

Every Senator can most certainly do something. Many Senators and House Members are doing a great deal.

My colleagues have been very gracious with this time, but I close by saying that tomorrow, on Saturday, many of our colleagues, House and Senate Members, will be participating at their courthouses all over America. We are happy to say that we will have 4,000 children adopted tomorrow, on National Adoption Day, an effort started by one judge, Judge Nash in Los Angeles, CA, who started this to call attention to children like Tatiana. All they need is someone to pick them up, hold them, love them. Basically the spirit that God has put in them will do the rest. That is what this month is about.

I thank my colleague for offering this resolution. I thank the Senators in the midst of their busy work schedule for pushing this resolution through. I thank the President for his great support and acknowledge President Clinton and First Lady Clinton's effort, now Senator CLINTON, and President Bush and Mrs. Bush, for their good leadership on this issue—not just in America, as my colleague knows, but as President Bush advocates these policies around the world.

Ms. LANDRIEU. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider by laid upon the table, and any statements related thereto be printed in the RECORD without intervening action or debate.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

The resolution (S. Res. 474) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 474

Whereas there are approximately 532,000 children in the foster care system in the United States, approximately 129,000 of whom are waiting to be adopted;

Whereas the average length of time a child in foster care remains in foster care is almost 3 years;

Whereas for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected is endless;

Whereas every year 25,000 children "age out" of foster care by reaching adulthood without being placed in a permanent home;

Whereas, since 1987, the number of annual adoptions has ranged from 118,000 to 127,000;

Whereas approximately 2,100,000 children in the United States live with adoptive parents;

Whereas approximately 6 of every 10 Americans have been touched personally by adoption in that they, a family member, or a close friend was adopted, has adopted a child, or has placed a child for adoption;

Whereas every day loving and nurturing families are formed when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas, on November 20, 2004, communities from all 50 States and the District of Columbia will celebrate National Adoption Day by finalizing the adoption of thousands of children by loving families; and

Whereas on November 4, 2004, the President proclaimed November 2004 as National Adoption Month: Now, therefore, be it

Resolved, That the Senate recognizes November 2004 as National Adoption Month.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Reserving the right to object.

Mr. BOND. I thank the President.

Mr. FEINGOLD. Madam President, reserving the right to object, I will not object to these remarks, but subsequent to that we will begin the postcloture discussion of the issue before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Madam President, I commend my colleagues from Louisiana and Idaho. It was a very touching story of the Senator from Louisiana which highlights the importance of adoption month. This is a wonderful effort that my two colleagues have launched. We are pleased to support them and the President's efforts and all those wonderful people who take adopted children into their home.

(The remarks of Mr. BOND pertaining to the introduction of S. 3009 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Madam President, I want to speak on the miscellaneous tariffs bill.

Last spring, Senator FEINGOLD and I sent a letter to the minority leader making it clear we would object to taking up S. 2200, a bill granting NTR status to Laos because of the human rights situation there. At the time we said:

> Reports emerging from Laos remain disturbing. Journalists, human rights groups, and many of our constituents inform us that the Laos government continues to be responsible for serious human rights violations, and that conditions are particularly difficult for the Hmong ethnic group.

The situation in Laos has not changed, and, in fact, over the last several months more disturbing evidence has emerged that now is not the time for us to appear to be rewarding one of the most closed and repressive regimes. For the first time, we have independent corroboration of the types of charges which have been made by many Hmong residents of my State for years and by others who have fled Laos more recently.

On September 13, 2004, Amnesty International issued a report entitled "Military Atrocities Against Hmong Children Are War Crimes." The report, which I will read from momentarily, details horrific crimes committed in May of this year reportedly by Laos soldiers. These crimes were captured on a graphic videotape smuggled out this summer and which I understand the State Department has taken very seriously, and they were also described by witness testimony.

The attack took place against a group of children, five of whom were killed, in a remote area of the country, and was described by Amnesty International as follows:

> The 5 children, between 13 and 16 years old and part of an ethnic Hmong rebel group, were brutally mutilated—the girls apparently raped before being killed—by a group of approximately 30-40 soldiers. The victims—four girls, Mao Lee, 14; her sister Chao Lee, 16; Chi Her, 14; Pang Lor, 14; and Tou Lor, Pang Lor's 15 year old brother—were killed whilst foraging for food close to their camp. They were unarmed.
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> A witness, who has subsequently fled the country and been recognized as a refugee by the United Nations High Commissioner for Refugees, reported hearing one of the soldiers saying: "Hmong. Your mouth allows

> you to speak. Your vagina allows you to breed".
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> He then heard moans and a gunshot.
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> A 14-year-old girl was shot in each breast and the other bodies were mutilated by what appears to be high-powered rifle shots fired at close range. One of the girls was disemboweled.
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> Several other members of the group were seriously injured with gun shot wounds but managed to return to their encampment. The rebels have little if any medicine and rely on traditional treatments using plants found in the forest.

It is my understanding that in the last several weeks, our State Department has delivered a demarche to the Lao Government, calling for thorough investigation of these atrocities which happened in May—an investigation that is credible and that would withstand scrutiny by the international community. To date, there has been no such investigation and the soldiers involved with these war crimes have not been held accountable.

Also this year, came startling and deeply upsetting reports. Hundreds of former Hmong-Lao insurgents—many of whom courageously helped our military during the Vietnam War—and their families emerged from the jungles in Laos only to be captured by the Lao military and mistreated, and as some allege, killed.

The emerging Hmong-Lao were under the impression that there was an amnesty program organized by the Laotian government, but there was much confusion about this program. The Lao government has officially denied there was such a program, they have refused to provide our Government with any details of this mass surrender of ethnic Hmong and their families, and they would not accept humanitarian assistance for the sudden influx of people seeking assistance.

In response to these reports, Senator FEINGOLD and I, along with others, sent a letter to Ambassador Negroponte asking for his assistance in urging the United Nations to send a high level UN representative or fact finding mission to Laos to monitor the treatment of the Hmong. I also raised the issue with Secretary Powell when he came to testify before the Commerce-Justice-State Appropriations Subcommittee. Secretary Powell expressed concerns about the reports coming out of Laos. He agreed that there is a need for greater access and that more needs to be done to secure the safety of the Hmong. And, while Laos hasn't exactly been on the front burner, this spring the Secretary raised the issue of the Hmong in Laos with UN Secretary General Kofi Annan, and he wrote to the Lao Foreign Minister to express concerns about the reports related to the supposed amnesty.

It is my understanding that there has been no reply to Secretary Powell's letter.

So, here we are today offering a carrot to a government that has essentially stonewalled our Secretary of State and has restricted access to independent international monitors, leaving us with no way to investigate the many reports coming from Laos.

I am aware that there are supporters of Laos who have raised questions about the veracity of reports of human rights violations against the Hmong. Because of restrictions put in place by the Lao government that deny policymakers, journalists, and humanitarian groups access to the situation on the ground, it is very difficult to confirm these reports one way or the other. More significantly, it is virtually impossible to ensure that these individuals are being treated fairly and humanely. That is why it is essential for us to keep the pressure on the Lao government to push for international access. Such access would be crucial in determining the facts surrounding the treatment of the Hmong and would allow us to ensure that they are not being mistreated.

The sad fate of the Hmong in Laos has been exacerbated by their role in helping the United States during the Vietnam war. By 1963, as many as 20,000 Hmong fighters were trained and armed by the Central Intelligence Agency to fight against the North Vietnamese Army and Pathet Lao forces as part of the so-called "secret war in Laos." Some reports put the number of fighters as high as 40,000 in 1969. The Hmong sustained heavy casualties during those years, working in coordination with the CIA. The impact on the Hmong community extended beyond the actual fighters: Family members lived under terrible conditions, throughout this period, unable to farm because they were constantly moving to keep one step ahead of the Communists. Since they were never in one place long enough to harvest, they had to eat leaves, wild fruit, tree bark, and whatever else they could find in the jungle. The United States is indebted to these former Hmong insurgents who rescued downed American pilots and disrupted North Vietnamese supply lines—under the most difficult circumstances. We cannot forget these courageous individuals and their families.

In the years since the end of the Vietnam war, thousands of Hmong have fled to Thailand, living a life of separation from their homeland and ongoing transition. Hmong have come to the United States, resettling in California, Minnesota, Wisconsin, North Carolina, and Rhode Island. My State of Wisconsin is the home to 33,000 former Hmong refugees, many of whom are concerned about the status of their family and friends in Laos. And, last December, the U.S. Government decided to admit 15,000 Hmong-Lao refugees who were living in Thailand. These refugees began to arrive in June and they will continue to arrive through the end of the year.

Estimates are that there are as many as 17,000 Hmong still live in the jungles of Laos. According to the Associated Press, about 20 Hmong communities are currently involved in low level combat against the Lao communist government, which came to power in 1975 at the end of the Vietnam War. Most recently, there are reports that as many as two thousand Hmong have been under attack in remote regions of Laos by Lao forces using grenades, machine guns, and mortars. The scattered reports we receive are from those who manage to escape the area, those who call out on satellite phones, and the few reporters who venture onto the dangerous terrain.

In October 2003, Amnesty International issued a report which stated that the Lao government is using starvation as a "weapon of war against civilians"—a clear violation of the Geneva Conventions, which Laos has ratified. The report indicated that the Lao military had surrounded several rebel groups and their families, including civilians, and was preventing them from foraging for food they need to survive. At that time, Amnesty stated that it was greatly concerned "by the sharply deteriorating situation of thousands of family members of ethnic minority groups, predominantly Hmong, involved in an armed conflict with the Lao military in jungle areas of the country." Articles in Time Asia in spring 2003 underscored these charges, stating that the Lao government had hunted down and surrounded "this dwindling group of outcasts." The pictures accompanying this and other pieces in Time have shown the Hmong in the jungle living in deplorable conditions.

Beyond its treatment of the Hmong, the Lao government also has a history of particularly severe violations of religious freedom which have been documented by the U.S. Commission on International Religious Freedom in a report submitted to Congress last March. The Commission has designated Laos as a "country of particular concern" and has said that "U.S attention to Laos at this time may advance protections for religious freedom and promote U.S. interests."

I am sure that granting NTR was not the kind of attention the Commission had in mind.

To quote from their report:

> . . . there has been extensive government interference with and restrictions on all religious communities. In more recent years, the government has focused its repression on religions that are relatively new to Laos, including Protestant Christianity . . . [Violations] include the arrest, prolonged detention, and imprisonment of members of religious minorities on account of their religious activities. . . . Lao officials have forced Christians to renounce their faith . . . dozens of churches have been closed.

This persecution of religious minorities has extended to U.S. citizens as well. In June of this year, the Laotian Government arrested, imprisoned, tried, convicted, and sentenced to 15 years in prison a Lutheran minister, a U.S. citizen, from St. Paul, MN. While in captivity, he was denied consular access for over a week and was subjected to a so-called trial before the Laotian judiciary system. Although he was released after a month, Laotian Christians have not been so lucky. Some Christian pastors say leaders have remained imprisoned for years. As long as there is no pressure on the Lao Government, we can expect the status quo to continue.

With all due respect to my colleagues on the Finance Committee, I have to say they have been surprisingly eager to grant NTR status to Laos. They have been so focused on taking this step in the context of cleaning up our trade laws and eliminating the distinction between those nations which have NTR status and those that do not have NTR status that they have forgotten that this is not happening in a vacuum. Whether we intend to or not, we are sending a strong signal to the Lao Government, and that signal is that they can act with impunity.

I recognize there is strong support for the miscellaneous tariff bill that has nothing to do with Laos NTR, and that many of my colleagues are not casting this vote with Laos in mind. For many years, I have worked with others, including my colleague, Senator FEINGOLD, to shed more light on the condition of the Hmong in Laos and to assure their safety, and I did guarantee I will continue to do so.

Madam President, I commend to my colleagues a report on the CIA Web site entitled "Supporting the 'Secret War': CIA Air Operations in Laos, 1955 to 1974." The report is by a historian at the University of Georgia.

I ask unanimous consent to have printed in the RECORD a report from Time magazine of May 5, 2003, entitled "Welcome to the Jungle," which details the deplorable conditions of the Hmong in the jungle in Laos. As one of the Hmong said, "We shed blood with the U.S . . . they should remember us." Also, a report dated September 13, 2004, from Amnesty International entitled "Laos: Military Atrocities Against Hmong Children Are War Crimes." Then a letter from the United States Commission on International Religious Freedom.

And a letter dated March 15, 2004, to the U.S. Ambassador to the U.N., John Negroponte, signed by members of the Wisconsin, California, and Minnesota delegations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Time Magazine, May, 2003]

Welcome To The Jungle

(By Andrew Perrin)

There were hundreds of them, perhaps a thousand. They wept and knelt before me on the ground, crying, "Please help us, the communists are coming." I had hiked four days to reach this forsaken place deep in the jungles of Xaysomboune, northern Laos. The Hmong rebels prostrate before me were convinced they would all soon die. They knew they were a forgotten tribe, crushed by a military campaign that is denied by the communist leaders of their small, sheltered nation.

In all my years as a journalist I had never seen anything like this: a ragtag army with wailing families in tow, beseeching me to take news of their plight to the outside world. I walked among starving children, their tiny frames scarred by mortar shrapnel. Young men, toting rifles and with dull-eyed infants strapped to their backs, ripped open their shirts to show me their wounds. An old man grabbed my hand and guided it over the contours of shrapnel buried in his gut. A teenage girl, no more than 15, whimpered at my feet, pawed at my legs and cried, "They've killed my husband. They've killed my mother, my father, my brother . . ." But before she could finish, others were pushing her aside to sob out their own litanies of loss. In this heart of darkness, nobody has a monopoly on grief.

Now, for the first time in nearly three decades, this dwindling group of outcasts are completely surrounded by the Lao government troops that hunt them. They are trapped in a narrow swath of jungle, with all avenues of escape blocked by either soldiers or antipersonnel mines. "This time," says Moua Toua Ther, 46, the one-armed leader of the camp and commander of its pitifully equipped fighting force, "we will not be able to run or hide. When the helicopters come we will be butchered like wild animals."

What is the crime this ragged bunch has committed? It is simply that they are Hmong, mostly the children, grandchildren or even great-grandchildren of fighters who in the 1960s sided with the U.S. to fight communism in Laos during the Vietnam War. Fabled for their resourcefulness and valor, many Hmong became members of a secret CIA-backed militia that helped rescue downed U.S. pilots and disrupted North Vietnamese supplies and troop movements along the Ho Chi Minh Trail through central Laos. The communist Pathet Lao movement—and its patrons in Hanoi—has never forgotten the Hmong's complicity with the Americans. Shortly after the Pathet Lao took power in 1975—two years after the U.S. had fled the country and left the Hmong soldiers to their fate—a communist newspaper declared the Party would hunt down the "American collaborators" and their families "to the last root." But until Time recently reached one of the last Hmong outposts, no one truly believed that, after 28 years, the Lao government still meant it. This, then, is the final act of a war that, according to history books, ended in 1973.

The Hmong, who migrated to Laos from southwestern China in the 19th century, have always been a proud; warlike people. In the 1920s a Hmong rebellion against their French rulers erupted in much of Laos and northern Vietnam, ultimately failing but leaving thousands dead. When the French left Laos in 1953, the Hmong found themselves fighting again—this time against the threat of communism. Among the resisters was a young Hmong general named Vang Pao, who in 1961 was commissioned by the CIA to set up a secret army to fight the advancing communists. Over the next decade nearly half of the 40,000 Hmong fighters in Vang Pao's army are thought to have perished during the fighting. The reward for their sacrifice? The Paris cease-fire agreement of 1973, which signaled an end of U.S. aid. Vang fought on for two more years, but when it became clear that the Pathet Lao would win he fled to Thailand and then to the U.S. Today, some 200,000 other Hmong live in exile communities in the U.S. But not all Hmong made it to America: 15,000 of Vang's brethren were cut off from escape and were forced to melt away into the mountainous jungles of Laos.

Even from California, where he leads the United Lao Liberation Front (ULLF), Vang, 74, casts a long shadow over his people. Moua says he reports directly to Vang—a claim the Californian denies, though he does admit to providing occasional help. From his suburban American home, the exiled general demands democracy and a reinstatement of the monarchy in Laos. Moua and his militia are among the remnants of Hmong rebel groups fighting for that disappearing dream.

Moua joined Vang's secret army at age 15. His left arm ends in a stump-his hand was removed in a 1974 jungle amputation. One of only four people in the village with some writing skills, he is a meticulous keeper of village statistics—there are 56 orphaned children, 40 widows and 11 widowers. By Moua's count, 30% of the villagers have shrapnel wounds. In 1975, when Vang fled Laos, Moua recorded his group at 7,000 people. Today there are only about 800 left.

Although the Hmong have been on the run for nearly three decades, Moua and others in his village regard the past year as the worst. In October, they say, some 500 ground troops attacked them from four directions in Xaysomboune while a gunship strafed them from above. In all, 216 Hmong were killed. Such assaults can come at any time. Last August, a mortar round landed less than a meter from nine-year-old Yeng Houa's family dinner table, killing both his parents. Yeng survived; but I count 18 shrapnel scars on his legs, his jaw is broken and there is an infected sore on his inner thigh. Since the attack, he has not spoken.

The Hmong say they are too ill-equipped to strike back. Most of their fighters are armed with ancient M–16s and AK–47s, and the heaviest weapons at their disposal are two geriatric M–79 grenade launchers. Ammunition is mostly dug up from former U.S. air bases. According to Moua, only a third of the rounds are actually live, negating Hmong chances of launching a viable offensive. As for the Lao government, which declined to talk to Time, it denies allegations that it is decimating Hmong rebels and blames them for much of the unrest in the country. It insists that Hmong are doubling as bandits. In February an ambush on a bus traveling the busy Highway 13 in the north left 12 people dead, including two Swiss cyclists. A calling card pinned to one of the corpses indicated the deaths were the work of Hmong rebels. And on April 20, gunmen opened fire on a passenger bus, killing at least 13 people. Eyewitnesses to this massacre say the gunmen spoke to one another in the Hmong language. Vang Pao angrily denies claims that his men are responsible for attacks on civilians. "In the past there have been several events like this that have taken place and been blamed on the ULLF," he says. "But it was not us. We believe it was organized by the government using Hmong people who serve in the Lao army." For his part, Moua portrays the Hmong as helpless innocents. "We only defend and run," he says. "If the Lao troops launch an assault, our ammo won't even last an hour."

Back in the mountains of Xaysomboune, Moua and his comrades sleep uneasily on beds of leaves inside banana-leaf huts. Most cannot recall how many times they've relocated, but they remember the people they've lost Bhun Si, 42, says his wife and two sons were taken from him last October. His friend Soum Sai saw everything: the government troops came in, he says, and shot women and children from a distance of just five meters. Today, Bhun looks barely alive himself. Only two fingers remain on his left hand—he lost the others in a B-41 rocket attack that killed six of his fellow Hmong. His leg still bleeds from a suppurating shrapnel wound he received 13 years ago. One side of his face is a mask of melted flesh, with black sockets where an ear and an eye should be. "Everybody is dead," he says. "Sixteen people in my family are dead, all killed by the communists." In a heartbreaking refrain I heard repeatedly during my stay in the camp, he adds, "America must save us."

Commander Moua, too, wonders where his erstwhile American allies have gone. "We shed blood with the U.S.," he says. "They should remember this. They should find us a land where we're safe and have food to eat." But as the world has watched in awe of the might of the U.S. war machine in Iraq, the final scenes of a 30-year-old war in Indochina that America would rather forget are destined to play out unnoticed.

[From Amnesty International, Sept. 13, 2004]

LAOS: MILITARY ATROCITIES AGAINST HMONG CHILDREN ARE WAR CRIMES

Amnesty International is horrified by recent reports, including video evidence and witness testimony, of an attack by Lao soldiers against a group of five children, four of them girls, in the Xaisomboune military zone on 19 May 2004.

The children, aged between 13 and 16 years old and part of an ethnic Hmong rebel group, were brutally mutilated—the girls apparently raped before being killed—by a group of approximately 30-40 soldiers. The victims—four girls, Mao Lee, 14; her sister Chao Lee, 16; Chi Her, 14; Pang Lor, 14; and Tou Lor, Pang Lor's 15 year old brother—were killed whilst foraging for food close to their camp. They were unarmed.

The attacks violate the most fundamental principles of international human rights and humanitarian law. These rapes and killings constitute war crimes. The Lao authorities must bring to justice those responsible for this atrocity and cease attacks on unarmed civilians.

A witness, who has subsequently fled the country and been recognized as a refugee by the United Nations High Commissioner for Refugees, reported hearing one of the soldiers saying: "Meo (Hmong). Your kael ni (mouth) allows you to speak. Your hin (vagina) allows you to breed".

He then heard moans and a gunshot.

Mao Lee was shot in each breast and the other bodies were mutilated by what appears to be high-powered rifle shots fired at close range. One of the girls was disembowelled.

Several other members of the group were seriously injured with gun shot wounds but managed to return to their encampment.

The rebels have little if any medicine and rely on traditional treatments using plants found in the forest.

The Lao authorities must, as a matter of utmost urgency, permit UN agencies and independent monitors unfettered access to those rebels who are recently reported to have 'surrendered'. They must also permit humanitarian agencies to provide medical and food assistance to those injured as a result of this and other military actions against the rebels.

BACKGROUND

The Hmong ethnic minority group in Laos was allied to the US during the Viet Nam war and its spill-over fighting in both Laos and Cambodia. The Hmong people have a long history of resistance and aspirations of independence from Lao government control. Following the creation of the Lao People's Democratic Republic in 1975 and the fall of the former regime, as many as a third of the Hmong ethnic minority are believed to have fled the country. Most of these refugees resettled in the USA, but a large number spent many years in refugee camps in Thailand.

Sporadic military resistance to the government has continued among some ethnic groups, predominantly Hmong. There are also continuing allegations of serious human rights abuses against those Hmong perceived as still being opposed to the Lao government.

There have been increasing concerns over the last two years at an apparent increase in Lao government military activity against rebel groups, who along with armed adult men also comprise a large number of women, children, elderly and sick. The upsurge in military activity followed increasing international concern at the situation, which was triggered by a number of journalists visiting rebel groups and reporting their plight.

Credible sources have reported the deaths of scores of civilians, mainly children, from starvation and injuries sustained during the conflict. It is known that several of approximately 20 rebel groups with their families are surrounded by Lao military and prevented from foraging for food that they traditionally rely on to survive. Amnesty International has protested to the Lao authorities at what it believes is the use of starvation as a weapon of war against civilians.

Several hundred ethnic Hmong rebels are reported to have 'surrendered' to the Lao authorities in recent months. UN agencies, diplomats and journalists have not been given access to these people and Amnesty International has received conflicting reports as to their reception and treatment by the authorities.

Amnesty International has also repeatedly condemned indiscriminate attacks by armed opposition groups that have reportedly killed and injured civilians in Laos. Amnesty International unequivocally condemns these acts and has and will continue to call upon the perpetrators to cease all activities that are in violation of human rights and international humanitarian law.

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM,
Washington, DC, March 20, 2003.

Senator HERB KOHL,
U.S. Senate,
Washington, DC.

DEAR SENATOR KOHL: On behalf of the U.S. Commission on International Religious Freedom, I am pleased to enclose the Commission's 2003 report and policy recommendations on Laos. The Commission is charged with reviewing the facts and circumstances of violations of international religious freedom. By law, a key function of the Commission is to submit to the President, Secretary of State, and Congress its findings and recommendations for U.S. policies with respect to foreign governments engaging in or tolerating violations of religious freedom.

In its most recent report, the U.S. Commission on International Religious Freedom determines that the government of Laos has been engaged in particularly severe violations of religious freedom, as defined in the International Religious Freedom Act of 1998 (IRFA). These violations include the arrest, prolonged detention, and imprisonment of members of religious minorities on account of their religious activities.

The Commission draws attention to abuses including arrests, prolonged detention and imprisonment of members of minority religions, forced renunciations of faith of Christians, and extensive governmental interference with and restrictions on all religious communities, including Evangelical Christians, Roman Catholics, Baha'is and Buddhists. In July 2002, the Lao government promulgated a new decree on religious affairs that provides a legal basis for control of and interference with religious activities by government officials.

Lao officials perceive the United States to be influential in the provision of international aid for Laos' development and some have thus demonstrated a willingness to address U.S. concerns, including human rights concerns raised by the Commission, the State Department, and non-governmental organizations. The United States has a unique opportunity to engage the government and people of Laos in a process of reform that would end the suppression of religious freedom and other related human rights, and relatively small measures of attention and assistance could accomplish a great deal.

Therefore, the Commission makes the following recommendations to the President, Secretary of State, and Congress:

1. President Bush should designate Laos as a "country of particular concern" to make clear U.S. concerns over particularly severe violations of religious freedom in Laos, thus engaging the U.S. government in a process to promote changes that would advance legal as well as practical protections of freedom of religion and related human rights in that country.

2. The U.S. government should urge the government of Laos to take specific steps to improve respect for religious freedom, including the possible establishment of a bilateral human rights dialogue that would also address the broader range of human rights concerns such as torture and other forms of ill-treatment.

3. The U.S. government should provide assistance to Laos to take genuine steps to reform its practices, policies, laws, and regulations that contribute to religious freedom violations.

The report, as well as information about the Commission, can be found on our Web site at www.useirf.gov. For further information, please contact the Commission at (202) 523-3240.

Sincerely,

FELICE D. GAER,
Chair.

U.S. SENATE,
Washington, DC, March 15, 2004.

Ambassador JOHN D. NEGROPONTE,
U.S. Ambassador to the United Nations, United States Mission to the United Nations, New York, NY.

DEAR AMBASSADOR NEGROPONTE: We are writing to ask for your assistance in urging the United Nations to send a UN representative or fact-finding mission to Laos to monitor the treatment of hundreds of Hmong-Lao, many of whom are former insurgents and their families, who have recently emerged from the jungles of Laos. A high-level UN presence is essential in securing the safety of these individuals, as well as in providing greater transparency regarding Lao governmental actions to the international community.

> Over the past several weeks, hundreds of Hmong-Lao and their families have left the jungles of Laos. Many of these former insurgents fought with the Central Intelligence Agency during the Vietnam War to rescue downed American pilots, to thwart supply lines along the Ho Chi Minh trail and to hold off North Vietnamese troops. When the Vietnam War ended and the communist Pathet Lao took over the government, thousands of Hmong were killed and sent to reeducation camps. Most Hmong fled Laos or hid in the jungles of Laos, fearing for their lives. Some estimate that as many as 17,000 Hmong have been living in the jungles since 1975. The United States remains indebted to these courageous individuals and their families.
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> The U.S. government claims that these individuals have surrendered to the Lao government and are participating in an unofficial and "unstated" amnesty program organized by the government of Laos. Yet, our offices have heard contradictory information. Reports indicate that the Laotian government denies the existence of any amnesty program for these individuals. In addition, many of our constituents claim that these former insurgents have been captured by the Lao military and did not surrender. Our constituents fear that these people are in serious danger and allege that many have already been killed, including women and children. Amnesty International in a report on March 4, 2004 states, "Amnesty International has received conflicting reports as to their [the Hmong's] reception and treatment by Lao authorities."
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> The restrictions imposed by the Lao government on international access have prevented policymakers, journalists and humanitarian groups from knowing the reality on the ground and understanding the needs. The United Nations can play a crucial role in shedding light on the situation. We ask you, therefore, to urge the United Nations to send a UN representative or fact-finding mission to ensure that these former insurgents are treated humanely and that the Lao government respects its obligations under international law.
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> We thank you for your consideration.
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> Sincerely,
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> Russ Feingold, U.S. Senator; Herb Kohl, U.S. Senator; Barbara Boxer, U.S. Senator; Mark Dayton, U.S. Senator; Dianne Feinstein, U.S. Senator; Ron Kind, U.S. Representative; Mark Green, U.S. Representative; Devin Nunes, U.S. Representative; George Radanovich, U.S. Representative; Dana Rohrabacher, U.S. Representative.

Mr. KOHL. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I rise today to express my strong opposition to efforts to push through a provision normalizing trade relations with Laos.

First, let me thank my senior colleague, Senator KOHL. I enjoy working with him on so many issues, from our dairy industry in Wisconsin, to our excellent National Guard. But I am particularly proud he and I have been able to cooperate and work so hard with regard to the Hmong people living in Wisconsin and the concerns they have regarding issues not only concerning their own lives in Wisconsin but also the issues involving their families and their relatives in places such as Laos. I thank the Senator for all the work we have done together on this issue, and we will continue this battle to make sure there is accountability with regard to the human rights record of the Government of Laos, which is not a good record.

It is for this reason I am deeply disappointed the decision was made to insert this provision in the Miscellaneous Trade and Technical Corrections Act of 2004 conference report. Let's again remember—and Senator KOHL pointed this out—so there is no misunderstanding, this bill would sail through the Senate if this provision on Laos was not included. Senator KOHL and I are not trying to block the larger legislation. However, I cannot support upgrading Laos's trading status as long as the human rights situation in that country remains so disturbing, and I am not prepared to let this bill pass without at least some further debate on this important matter.

As Senator KOHL just said, this is the wrong time to reward the Government of Laos with normal trade relations. Reports emerging from Laos continue to demonstrate that human rights conditions in Laos remain appalling. Despite the Lao Government's denials, human rights organizations, the U.S. Government, my constituents, and various news agencies have all documented the Lao Government's blatant disregard for human rights.

I have tried to carefully and closely monitor the human rights situation in Laos as a member of the Senate Foreign Relations Committee's Subcommittee on East Asian and Pacific Affairs, and as a representative of over 35,000 Hmong in Wisconsin, many of whom fled Laos following the end of the Vietnam war.

Just like Senator KOHL, I am regularly contacted by constituents concerned about their friends and family in Laos. Again and again, my office encounters reports of atrocities committed against the Hmong in Laos and other deplorable practices by the Lao Government. These reports, combined with the Lao Government's absolute refusal to investigate allegations or to permit independent monitoring, lead me to believe it is not in our country's national interest to adopt normal trade relations with the Lao Government at this time.

The State Department has documented these abuses through a series of reports, including their Human Rights Report, Trafficking in Persons Report, and Religious Freedom Report. In their Country Report for Human Rights Practices for 2003, the State Department reported the Lao Government's "human rights record remained poor, and it continued to commit serious abuses." As described by the report, the abuse of detainees and prisoners, inhumane prison conditions, arbitrary arrests, detention and surveillance by police, a corrupt judiciary, and restrictions on freedom of speech, the press, assembly, and association are just some of the conditions that Laotians face.

Trafficking in women and children for prostitution and forced labor in Laos is also a serious problem. The State Department's 2004 Trafficking in Persons Report placed Laos in their tier 2 watchlist which they said reflected the "lack of evidence of increasing Lao Government efforts to prosecute traffickers and to provide adequate protection for victims." It also stated that some local government officials "likely profit from trafficking."

The State Department's International Religious Freedom Report for 2004 describes restrictions on freedom of religion, stating that while the country's constitution allows for freedom of religion, the Lao Government actually "restricts this right in practice." The report states that local officials were reported to pressure Christians to "renounce their faith on threat of arrest or forceful eviction from their villages. There were also several instances of persons detained or arrested for their religious faith."

The report goes on:

> The absence of rule of law has created an atmosphere in which authorities may act with impunity against persons regarded as threats to social order. Persons arrested for their religious activities have been charged with exaggerated security or other criminal offenses. Persons detained may be held for lengthy periods without trial. Court judges, not juries, decide guilt or innocence in court cases, and an accused person's defense rights are limited. A person arrested or convicted for religious offenses has little protection under the law. All religious groups, including Buddhists, practice their faith in an atmosphere in which application of the law is arbitrary. Certain actions interpreted by officials as threatening may bring harsh punishment. Religious practice is "free only if practitioners stay within tacitly understood guidelines of what is acceptable to the government and the LPRP . . ."

—The Lao Republic Revolutionary Party, the country's ruling party.

A particular concern to my constituents and to me is the steady flow of reports of atrocities committed against the Hmong in Laos. My office is regularly bombarded with reports of murders, rape, and starvation of the Hmong in Laos. We cannot verify each of these claims, but the stream of videos, photographs, eyewitness reports, and articles is deeply disturbing. These allegations cannot be dismissed outright, as the Lao Government simply does again and again, denying the Hmong's very existence in the jungles of Laos. My constituents and the constituents of many Members of Congress care deeply about the well-being of their friends and families.

It is not just our constituents and Members of Congress who are concerned. Patricia Haslach, our U.S. Ambassador to Laos, stated in her nomination hearing on April 22, 2004, that her first priority was to press the Lao Government to respect the rights of ethnic groups, especially the Hmong population. The former Ambassador to Laos, Ambassador Douglas Hartwick, also made this a priority in his dealings with the Government of Laos and recognized the need for greater transparency and reform.

As Senator KOHL pointed out, and as I reiterate, let us not forget the obligation the United States has to the Hmong. During the Vietnam War, the Central Intelligence Agency recruited, trained and armed approximately 60,000 Hmong to fight the Vietcong in a secret war. They fought with the CIA to rescue downed American pilots, to thwart supply lines along the Ho Chi Minh trail and to hold off North Vietnamese troops. Following the ascendancy of the communist Pathet Laos regime in 1975 in Laos, the Lao government cracked down on its perceived political opponents, including the U.S.-trained Hmong guerilla fighters. Lao and Vietnamese troops crushed nearly all remnants of the Hmong army. Tens of thousands of Laotians, including the Hmong, died while attempting to flee the Lao communist regime, and many others perished in reeducation and labor camps. Hundreds of thousands of people fled to Thailand, and between 1975 and 1998, nearly 130,000 Hmong refugees were admitted to the United States.

The Hmong's relationship with the CIA was not acknowledged by the U.S. until 1994 when the former CIA Director William Colby told Congress of the Hmong's cooperation with the CIA. At that hearing, he stated that the Hmong contribution was "substantial and at great sacrifice." He further stated:

> Many of the Hmong who bore the burden of that effort did so in hopes of a better life for their families and children, only to see them flee their homes in fear of their enemies to become dependent refugees in foreign lands . . .

The largest Hmong communities are now in Wisconsin, Minnesota, California and the State of the Presiding officer, North Carolina. There are approximately 280,000 Hmong nationwide. My State of Wisconsin is home to the third largest Hmong community in the United States, most of whom came to this country from Laos as refugees after the Vietnam War. I am proud of the Hmong veterans and their families who sacrificed so much during the Vietnam War.

The Hmong people have made important contributions to Wisconsin and this Nation. They have brought new traditions and new perspectives, which have enriched the cultural life of my State and many others. I have consistently admired their passion and commitment to tackling a host of difficult issues confronting their community in the United States, Laos and in Thailand. They have endured tremendous hardship, even in the United States, as they have adjusted to an entirely new way of life here. I admire their strength and perseverance. In December 2003, the United States Government announced the creation of a new resettlement program of approximately 15,000 Hmong-Lao, who were living at a temple named Wat Tham Krabok in Thailand. They have already begun to resettle in the United States, and some have come to Wisconsin, which has a proud tradition of welcoming refugee populations.

However, while most fled Laos, it appears that remnants of former Hmong insurgent groups and their families, who once fought with the CIA and the Royal Lao government, remain in remote areas of Laos. The Lao leadership refuses to acknowledge that these groups exist. In a speech on January 27, 2004, then-U.S. Ambassador to Laos Hartwick stated that Laos needs to make progress in human rights and should find a humanitarian solution to the people still hiding in Laos' jungles. He actually stated:

> Remnants of former Hmong insurgent groups who once fought on the side of the Royal Lao Government some 27 years ago, still hide deep in the Lao forest, afraid or unwilling to come out. The Lao leadership is unwilling to acknowledge publicly that these groups exist, nor to explain in detail to the international community the amnesty policy Laos has had in place for years to encourage peaceful resettlement. Much more needs to be done. Only improved cooperation and dialogue among the Lao authorities, the forest people leaders, and those outside of Lao borders who encourage this standoff can resolve this tragic situation that continues to claim innocent lives and fuel bilateral tensions . . . My government and the international community stand ready to assist in resolving this complicated issue if requested by the concerned parties.

An article in Time Asia from September 20, 2004 reiterated that thousands of Hmong "remain trapped deep inside the mountains, playing a deadly game of cat and mouse with the government.

Recently, my constituents have informed me that attacks have only escalated against the Hmong in the jungles by Laotian military forces. I want to highlight some of the examples of these disturbing reports.

Amnesty International in October 2003 reported that the Lao Government was using "starvation as a weapon of war." They reported that the Lao military had surrounded several rebel groups and their families and was preventing them from foraging for food they need to survive. Amnesty International stated that they were gravely concerned by the "sharply deteriorating situation of thousands of family members of ethnic minority groups, predominantly Hmong, involved in an armed conflict with the Lao military in jungle areas of the country."

Following this report, I wrote a letter with other Senators to the Ambassador of Laos, bringing his attention to the Amnesty International report and asking the government to investigate the treatment of Hmong in the jungles of Laos, and to permit international monitors and humanitarian relief agencies to provide food and medical supplies. The Lao Ambassador dismissed the Amnesty report outright, and the Lao Government refused to investigate the claims.

In a Time Asia article from May 5, 2003, journalist Andrew Perrin wrote of his journey to visit a group of Hmong deep within the jungles in northern Laos and spoke of the Hmong being hunted down and trapped by Lao military forces. He wrote this "ragtag army with wailing families in tow" was "completely surrounded by the Lao government troops that hunt them." He goes on, "What is the crime this ragged bunch has committed? It is simply that they are Hmong, mostly the children, grandchildren or even great-grandchildren of fighters who in the 1960s sided with the U.S. to fight communism in Laos during the Vietnam War . . . The communist Pathet Lao movement . . . has never forgotten the Hmong's complicity with the Americans."

In another article from Time Asia on June 30, 2003, Andrew Perrin again highlighted the plight of the Hmong, stating, "In Laos, no political dissent has been allowed in 28 years, nor any right of assembly. Scores of political prisoners and youth have been detained for years in dark cells without trial; many have been tortured. Christians are persecuted, told to denounce their faith under threat of imprisonment" and Hmong women and children are "trapped in the mountains, starving, shot at and dying in droves." He continued, "Most of this brutality passes unnoticed or uncommented upon by Western governments, because Laos does not register on their radar."

Well, it registers on my radar and the radar of my constituents. However, it appears that this brutality has gone unnoticed by some members of Congress who wish to move forward on normal trade relations with Laos. Do these reports not give some of my colleagues any hesitation about granting normal trade relations to Laos at this time?

Also in June 2003, in a highly publicized case, the Lao government arrested a Hmong-American and two European journalists for visiting Hmong in restricted areas of Laos. According to reports, they received a 15-year prison sentence following a two hour trial, demonstrating the flawed judicial process in Laos. After intense diplomatic pressure, they were released. According to an AFP report, one of the journalists stated, "Everything was decided in advance. It was a total mockery of justice, a parody . . . At one point we had black hoods on our heads and were handcuffed . . . They said we were carrying drugs and weapons, they were all lies." However, the Lao citizens apprehended with the three foreigners were not so lucky. They remain in jail, having been sentenced to between 12 and 20 years. News reports indicated that they were tortured while in detention.

Even the United Nations has been unsuccessful in getting answers from the Lao Government regarding human rights violations in Laos.

In August 2003, the United Nations Committee to Eliminate Racial Discrimination strongly criticized the Lao People's Democratic Republic and expressed its grave concerns regarding reports of human rights violations, including brutalities inflicted on the Hmong. The committee "expressed its grave concern at the information it had received of serious and repeated human rights violations in that country; was extremely disturbed to learn that some members of the Hmong minority had been subjected to severe brutalities; deplored the measures taken by the Lao authorities to prevent the reporting of any information concerning the situation of the Hmong people . . ." The committee "urged the state party to halt immediately acts of violence against the Hmong population."

In March 2004, an Amnesty International reported that large numbers of ethnic Hmong rebels and their families had emerged from jungles of Laos and surrendered to authorities in at least two areas of the country. The U.S. State Department confirmed these reports, believing that anywhere from 350 to 700 Hmong surrendered to Lao authorities and were participating in a Lao amnesty program. However, the Lao government has denied the existence of an amnesty program. Furthermore, some of my 26 constituents have raised fears that these Hmong did not actually surrender, but were captured and in some cases summarily executed. Several colleagues and I urged the administration to pursue increased international access to monitor this issue under United Nations auspices. In addition, we urged the State Department to investigate the allegations and gain access to the Hmong emerging from the jungles.

Following these reports, in March 2004, I contacted the U.S. Ambassador to the UN with other members of Congress, asking for his assistance in urging the United Nations to send a representative or fact-finding 27 mission to Laos to monitor the treatment of the Hmong. In addition, I also wrote Secretary Powell with other members of Congress to investigate reports of atrocities and to take further action to protect the Hmong.

In a letter of response, Ambassador Negroponte informed my office that both the Embassy and the United Nations Development Programme—UNDP—continue to urge the Government of Laos to address this humanitarian issue in a peaceful and transparent manner, and have asked the Lao government to provide access to the areas where these people are seeking assistance.

It seems that no access was granted. In addition, in my response to Secretary Powell's letter, the U.S. State Department informed me that they too shared our concern about the treatment of Hmong living in remote areas and that they were seeking access to these people in order to learn about their status firsthand. Furthermore, the State Department informed us that Secretary Powell wrote to Lao Foreign Minister Somsavat, requesting that the Lao government allow the U.S. embassy and UN or other international organization 29 personnel access to these groups. The Foreign Minister never wrote Powell back. The Foreign Minister never even responded to our Secretary of State at all. Now Congress wants to grant normal trade relations to Laos? Why would we reward the misbehavior and human rights abuses of this regime?

Most recently, in September 2004, Amnesty International, CNN and other news sources reported on a recently released video, which documented the murder of five Hmong teenagers in Laos, allegedly by Lao military forces. Amnesty called these attacks war crimes. The children aged between 13 and 16, were murdered while foraging for food near their camp in Laos in May 2004. According to the reports, the 4 girls were raped prior to being killed. Not surprisingly, the Lao government initially dismissed the allegations, calling the tape a fabrication. After intense pressure by the United States State Department to launch an investigation, the Lao government stated that they undertook an investigation and were not able to find any evidence of a confrontation between the Lao military and these Hmong teenagers. But they have refused to make their report on the incident public.

Mr. President, Michael Vang of California and Houa Ly of Wisconsin, two United States citizens, were last seen near the border between Laos and Thailand in April 1999. We do not know what fate they met in Laos. Joint U.S.-Lao investigations were unable to find them. The Lao government needs to make greater efforts at finding these two men.

While we in Congress cannot verify every allegation, the information we receive from journalists, human rights organizations and our constituents is incredibly disturbing and cannot be disregarded. We just do not have enough information. But, the Lao government does not help us find the truth by restricting the international community from getting any more information.

Despite all of the Lao government's stonewalling of our inquiries and the flood of reports of human rights violations by the Lao government, this Congress is now about to grant normal trade relations to Laos. Why now? Why do we choose to reward this oppressive and brutal government when they have not adequately responded to our concerns? When the Foreign Minister of Laos has not even responded to Secretary Powell's letter to his government, requesting more information? If these allegations are untrue, as they claim, then why does the Lao government not allow international monitors into the areas where the Hmong are living?

But our concerns go unheeded, and we continue to be confronted with the most horrific accusations about conditions in Laos with no way to respond. We should not be giving Laos NTR, when they refuse to open to us in meaningful ways.

The Lao government must assure the international community that they are attempting to address the problem of these men and women and children in the jungles of Laos through a humanitarian solution. The Lao government must allow international humanitarian organizations to have access to areas in which Hmong and other ethnic minorities have resettled, to allow independent monitoring of prison conditions, and to release prisoners who have been arbitrarily arrested because of their political or religious beliefs.

The U.S. has an obligation to the Hmong people, and I strongly believe that we have a moral interest in reducing human suffering and protecting human rights abroad. We cannot ignore these allegations of atrocities in Laos. Granting NTR is not appropriate at this time. I urge my colleagues to join me in insisting that the conference report before us not be used as a Trojan horse to sneak through a provision that conflicts so fundamentally with our country's dedication to human rights, to democracy, and to fundamental decency.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I ask unanimous consent to be able to proceed as in morning business for 30 minutes.

Mr. FEINGOLD. Reserving the right to object, I certainly will not object, and I look forward to hearing the remarks of my colleague, the Senator from Oklahoma, whom I have enjoyed serving with very much, especially on the Budget Committee, and simply indicate to the Senate that I intend after this to get back to the business of debating the pending issue. But with that, I do not object.

Again, I commend the Senator on his wonderful service to this body.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAREWELL

Mr. NICKLES. Mr. President, I thank my friend and colleague for his consideration.

My wife and I, our families, were taking our Christmas photo a few days ago and I was surprised to realize that our two oldest children were actually older than we were when we came to the Senate. They are in their thirties and I think I was 32 when I was sworn in, just turned 32, and now we have a couple of children who are that age or more. It tells me we have been here a little while. I am actually very surprised that I am concluding 24 years in the Senate.

I have absolutely loved working in the Senate. The Senate is a great institution. It is one of the true pillars of democracy in the world, one which people look to with great respect and admiration. I have always been proud to be called a Senator and I have always been proud to represent my State and my country. To me, it represents a shining city on a hill, and a true beacon of democracy for the free world which has stood for more than two hundred years.

My first time to visit the Senate and sit in the gallery was in 1974 and I was coming to Congress as a businessman to give my impressions on a bill that was pending before Congress. The bill was called ERISA, Employment Retirement Income Security Act. I ran a small business in Ponca City, OK, and I thought the better title for the bill was "Every Ridiculous Idea Since Adam."

But that was in 1974. I happened to be here, it was a coincidence at the time, and Senator MCCONNELL will appreciate this, being a political historian, it was a time when an election was contested and it happened to be the Senate election of Oklahoma. Henry Bellman, was reelected by a very close margin over Congressman Edmondson. As all of our colleagues know, the Senate is the final arbiter in contested elections and it was being contested on the floor of the Senate the time I was here.

Senator DOMENICI remembers that. It was a very contested, spirited debate.

I was quite taken by the debate. I sat in the gallery for hours. I remember Senator ALLEN, a Democrat. The Democrats controlled the Senate at that time. Henry Bellman was a Republican. He won by a very narrow margin—I can't remember what it was, a couple thousand votes. There were disputes on election-counting machines. That sounds kind of familiar. It was a great debate. I remember Senator ALLEN spoke on Senator Bellman's behalf, and then they had the rollcall vote and enough Democrats voted with Senator Bellman, and that was the end of it.

I happened to ride back on the plane that day, and guess what. I was riding with Senator Bellman and Congressman Edmondson. They were friends and they were shaking hands. I was impressed. And I was impressed with this body. I was impressed with the Senate. I was impressed with the Senators. I was impressed with the conduct of the debate. I was impressed with the fact that almost all Senators were here during the debate.

It was such a special occasion. I was so pleased because Henry Bellman was reelected and affirmed by the Senate because I also considered him a mentor and a leader in Oklahoma. He was the first Republican Senator elected in our State in a long time and now he was reelected. Senator DOMENICI served with him on the Budget Committee. He was the ranking Republican on the Budget Committee, on the formation of the Budget Committee in 1974. I served with Ed Muskie and he did a wonderful job in that capacity.

That was my first, personal impression of the Senate. My impression of the Senate was very good then and it has been very good ever since. I have absolutely had the greatest respect for this institution and for this body. This body is composed of great Members.

I remember the time coming into the Senate when I was elected. It was 1980. That was a big election year. We have had a few big election years in my time, but I'm not sure we have ever had one quite as big, as dramatic a change as we did in 1980. There were 18 new Senators elected in 1980, and 16 of the 18 were Republicans. The majority leader became Howard Baker from Tennessee. He was nice enough to be my mentor, and I thought the world of him then as I still do today. He is a wonderful Ambassador to Japan, and he and Nancy Kassenbaum were wonderful Senators. It was a great time to serve in the Senate.

I remember the highlight of my Senate career was on Ronald Reagan's inaugural day on January 20, 1981. It was a beautiful day, and I remember the hostages in Iran were released that very day. They were held hostage for 444 days. They were liberated on that inaugural day. I will never forget what a euphoric feeling it was for not just those of us who were elected to the Senate and taking control—the Republicans were taking control of the Senate for the first time in decades. I think none of those Republicans had ever been in the majority, and I don't believe any of those Democrats had ever been in the minority.

That was a big change. It was kind of a fun change from my vantage point. There was so many new people. I was one of 18 new Senators, and it was a great time. That was a big turnover any time in this institution. To think that the hostages were released and Ronald Reagan was elected—it was a big exciting time, and a lot was accomplished.

I was coming to Congress as a businessman from Ponca City, OK, with an agenda. Part of the agenda was not to be here forever. Frankly, I told people I was running because I thought our country had declined far too much militarily, economically, and morally, and I wanted to do something about it.

I came here to cut taxes and to cut regulations, particularly in the energy industry, and to see if we couldn't make positive changes for the country. Economic issues aside, I wanted to defeat the Communists. This was of particular concern to me, as I thought our country had declined way too much militarily.

We did a lot of those things. We accomplished a lot in the 1980s under Ronald Reagan's leadership. I am absolutely amazed when I look back at when Ronald Reagan was elected, and when I was elected. The maximum tax rate was 70 percent, and 8 years later it was 28 percent. I am still amazed at that. What an unbelievable accomplishment. I remember how it was accomplished. It took a lot of strong leadership and work by Howard Baker and Bob Dole. It took working with other people. I remember Bill Bradley working on some of these tax bills. That was a big change.

I came from a business background and, oh, yes, if you made some money, you can be taxed all the way to 70 percent on the individual side, and 80 percent on the corporate side. You were working more for the Government than you were yourself. To me, that represented a real loss of personal and economic freedom. I wanted to restore economic freedom for all Americans and be part of that change.

My father, unfortunately, died in 1961. We had a small family-held business. The Government contested, basically, my mother and our family for 7 years over the value of Nickles Machine Corporation. They wanted a big chunk of that business. I always resented that. I thought Government was supposed to protect private property; not confiscate it.

On the 1981 tax bill, I remember talking to Secretary Don Regan when I said: We really should eliminate the estate tax on surviving spouses—and we made sure that was included in the 1981 tax bill. I am probably as proud of that as any other thing. I had a little something to do with a very profamily, very probusiness, very progrowth-oriented bill becoming law. That success told me that we could accomplish great things here.

Of the 18 Senators who were elected with me in 1980, there are only 3 left. CHRIS DODD is still here, CHUCK GRASSLEY is now chairman of the Finance Committee, and ARLEN SPECTER will be chairman of the Judiciary Committee. Only 3 of the 18 are left.

I respect them greatly, and I compliment them for their many years of service.

Over the years, I've had many great mentors. I mentioned Bob Dole and Howard Baker. I'll mention one other one with fond affection. That would be Senator Jesse Helms. I remember one time when we were engaged in a filibuster, and I encouraged the Senate not to have many filibusters, but that is the first one I can remember. I believe it was 1982 or 1983. Eric Ueland knows more about Senate history than all of us combined. This was a little filibuster on the Nickles gasoline tax. Some of us believed that the States should do it rather than the Federal Government. Three of us were opposed to that: Senator Helms, Senator East, and myself. That was when the filibuster was a real filibuster. We spent the night on cots outside the Senate Chamber.

I remember laying awake at night somewhat nervous. The heart was still beating, and I remember some grumbling amongst some of our colleagues who weren't very happy about the fact that we were here in late December arguing over a Nickles gasoline tax. I remember that this wasn't quite worth falling on the sword over.

I communicated that to my friends and colleagues, Senator Helms and Senator East. I eventually convinced Senator Helms, and it took a little longer to convince Senator East, and we dropped the filibuster.

What I wanted to say about Senator Helms is I remember that we had a lot of discussions during these times. We were actually in session two or three nights around the clock. He told me something I will never forget, which I will pass along to our colleagues.

He said: DON, when I am flying over North Carolina and I look around and see all those lights, I am amazed at how many people live in that State and how many people there are, particularly in rural areas. And I wonder if those people think they have anybody in DC who really cares about them, and probably most of them don't think anybody cares about them. He was just as genuine as he could possibly be.

When I am on a plane at night looking out at the lights and see how big our cities, towns, and rural areas are, I think about that. Do the people in those areas really think somebody is fighting for them, working for them? Jesse Helms is one of those individuals. He is very special. He had a reputation of being kind of tough and mean, but personally he is probably one of the nicest Senators with whom I have had the pleasure of working. He knew everybody who worked the elevators. He was nice to the staff. He was a gentleman's gentleman. I understand his health is not real good right now, so my thoughts are with him, and I wish him all the best at this time. He was a great Senator. He knew the rules of the Senate, and he would fight for what he believed in, and he would fight with tenacity. He also was a Senator's Senator, and I'm am fortunate to say I have had the pleasure of serving with many colleagues who fall into that category.

I came here with a real interest in trying to change things in the energy field. I served on the Energy Committee, but I wanted to make some changes. I ran and maybe was elected in large part because of some of the things that Congress was passing in 1978 and 1979 and 1980 with which I just totally disagreed. One of those was the windfall profits tax. I campaigned vigorously against it. I wanted to repeal it. I was disappointed that I couldn't get it repealed in 1981, or in 1982. I introduced legislation every single year. We finally got it repealed in 1986.

As I told somebody last night, it was $77 billion too late. But eventually it was repealed.

We did some other things that I think were very positive—undoing some of the things that were passed in the last couple of years of the Carter administration.

We deregulated natural gas. I did that working with Wendell Ford and Bennett Johnston on the Energy bill. That was very positive, significant legislation that one of my predecessors, Bob Kerr, had worked on 20 years before. We got that done.

We repealed the fuel use tax. We eliminated the Synfuels Corporation. The Synfuels Corporation was run by an Oklahoman who ran against me, Ed Nobel. He ran against me in 1980. Ronald Reagan appointed him chairman of the Synfuels Corporation. I campaigned to eliminate it, which we eventually did.

I have had a lot of fun in this capacity. In the mid-1980s, I was appointed to the Appropriations Committee. I have great, fond memories of that. The Democrat leader, HARRY REID, was my colleague on two or three committees. I think we both were either chairman or ranking, and we switched back and forth a couple of times on the District of Columbia Appropriations Committee, our penance, and the Interior subcommittee, which either Senator REID or Senator BYRD was chairman and/or ranking members. We worked together on those committees for years.

We did a lot of good things together, such as reforming the frank so you couldn't mail out thousands and thousands of pieces of mail, particularly prior to election time.

HARRY REID is my friend and his word is as good as gold. He will be a good leader for the Democrats, and he will be a good Senator for Senator FRIST and Senator MCCONNELL to work with to get things accomplished. So I am excited about his elevation.

I was selected by our colleagues to be campaign chairman back in 1989 and 1990, one of the tougher jobs. I compliment GEORGE ALLEN for the fine job he did this year. I compliment BILL FRIST for the fine job he did in that position, and MITCH MCCONNELL when he had that position. It is probably one of the toughest elected positions we have in leadership, but one which I thoroughly enjoyed. The reason I enjoyed it is you work hard, and you get to know your colleagues. We get so busy around this place we often don't get to know our colleagues. If you are campaigning with somebody, if you are spending the night, as I did at Gordon Smith's home in Oregon, or campaigning in Maine with Senator SNOWE or Senator COLLINS, or if you are campaigning in Minnesota, or when you campaign with people and you are traveling with them for a day or two, or in Montana on a bus tour with CONRAD BURNS and his wife Phyllis, you get to know them.

I have gotten to know our colleagues well. I think I have been in almost everybody's State, at least on our side of the aisle, campaigning. I thoroughly enjoyed getting to know my colleagues. The Senate is composed of a great group of individuals, Democrats and Republicans, and we need to get to know each other better. I think if we get to know each other better, our body works better and we will do better.

After that, I was fortunate enough to be elected policy chairman. I had that position for 6 years, and it was another job I absolutely loved. I succeeded Bill Armstrong, and I was fortunate to keep some of his staff, some of the best staff on the Hill, I might add. They stayed with me, and I appreciate that. Eric Ueland and Doug Badger would fit in that category, and they were outstanding.

Bill Armstrong is another one of my mentors. I met with Bill Armstrong and a couple of other Senators in a prayer group once a week for 12 years. He is probably the most articulate Senator I have had the pleasure of serving with, an outstanding leader. I wish he would have continued his service. He decided to return to the private sector, and since I am doing that, I respect that greatly. But I have always looked up to him because he was a man of conviction, and he got things done.

Let me add, JON KYL who is now the policy chairman, and there could not be a better policy chairman, is doing a fantastic job, a very important job. I compliment him for his leadership.

After that position—and I thank my colleagues for giving me that responsibility—I served 6 years as assistant majority leader, and I guess at some point maybe assistant minority leader. It was a great honor and a pleasure to work with TRENT LOTT, which I enjoyed greatly. TRENT did a fantastic job as our Republican leader, and I'd like to take this opportunity to commend him on his outstanding service. MITCH MCCONNELL has my old post now, and he is doing a super job. Again, it is a position where you get to know your colleagues really well. You not only learn how to count votes, but you find out what makes people tick and where they are coming from, what they are trying to accomplish, and what they are trying to do. And MITCH MCCONNELL is doing a fantastic job in that capacity.

During my tenure in the Senate, we have had the pleasure of passing a lot of legislation. I am fortunate to have so many colleagues who have helped me do some things that I think have become good laws.

The Republicans took control of the Senate in the 1994 elections, and in 1995 I think the first bill we passed was the Congressional Accountability Act that Senator GRASSLEY and a lot of Democrats and Republicans passed. We worked hard on that. I am glad to see that happened.

We passed the Congressional Review Act that Senator REID was my principal Democrat sponsor on, where we could review expensive and expansive Federal regulations. We actually used that to repeal the ergonomics rule which the Clinton administration tried to pass in the last couple of days of their term. Although he supported the regulation, Senator REID, to his credit, defended the Congressional Review Act which is still the law of the land. We used that to repeal what I felt was a very intrusive, expensive, and unwarranted regulation. Again, that is another case where Senator REID stated—he did not agree with repealing the regulation, but he defended the law we repealed it with, and some people were trying to undermine that.

Senator LIEBERMAN and I passed the Defense of Marriage Act, an act that became a little more noteworthy in the last year or two. I thank Senator LIEBERMAN for his help and leadership on that issue. Bill Clinton signed that bill. I am not sure he wanted to, but he did sign it in the wee hours of 1996. That act is still the law of the land. It basically says States do not have to recognize other States' legalization of same sex marriage. Some States have legalized gay marriage, which is their prerogative, but due to our bill other States do not have to recognize that. Some people presume that it will be declared unconstitutional. I hope it is not. I would be disappointed if the Supreme Court did overrule that. That bill passed with 80-some-odd votes in the Senate and still is the law of the land.

We passed the International Religious Freedom Act. Again, I say "we." Senator LIEBERMAN joined me in passing that bill. We passed that in 1998, and it is now the law of the land. It is very important that we note countries that are very repressive and oppressive in stifling religious freedom. Unfortunately, we have seen such oppression in many countries around the world. That kind of bigotry is the genesis of a lot of the hatred and violence and the wars we are fighting today.

We have ensured, with the passage of this act, that the State Department will be much more proactive in not only identifying cases of religious intolerance and persecution, but will take proactive steps to change such behavior as a matter of U.S. policy.

Senator LANDRIEU and I passed, in 2000, the Child Citizenship Act, which basically grants citizenship to foreign born children who are adopted. I think 150,000 children became citizens in one day as a result of that act, and I am greatly pleased to have been a part of that success.

I have had the pleasure for the last couple of years of being chairman of the Budget Committee. I look back at some of our accomplishments, and I have to think maybe those were some of the best in my career as a Senator.

The budget we passed in 2003 was a real challenge. We probably spent more days, more hours, and had more votes on the 2003 Budget Act than any other Budget Act in history. I think we had 80-some-odd votes. It took more than a week. It took about a week and a half, almost 2 weeks, on the floor.

I compliment Senator ZELL MILLER for his assistance in that. We passed that budget with the Vice President breaking the tie. That was not easily done. We defeated numerous amendments, and were successful in passing a budget that allowed us to have the opportunity to have an economic growth package. President Bush was nice enough to ask me to introduce the package and to try to carry it, and we did. Again, ZELL MILLER was the principal cosponsor with me of the bill, the growth package. We introduced that package in January of 2003. We passed it in June of 2003.

When we first took up that legislation, the Dow Jones was at about 7,700. Today, the Dow Jones is over 10,500. We wanted to pass that package so we could stimulate the economy because it was, at that time, pretty anemic. Government receipts were still down. We wanted to get something to grow the economy. We passed that package, and not only did the stock market go up, receipts are up, and we have created a couple million jobs since then.

We accelerated the tax cuts that were slowly being phased in from the 2001 tax bill. So now we have a maximum rate of 35 percent. Although some people say that is too much of a giveaway, it is the same rate the corporations pay, and I do not think individuals or self-employed people should pay a higher rate than Exxon or General Motors. So we passed that.

We also passed a 15-percent tax on capital gains and a 15-percent tax on corporate distributions, dividends, which I firmly believe has greatly helped not just the market but the economy. So I am proud of that.

I am proud of ZELL MILLER because he had the courage to be a cosponsor, to stand up and fight for those things and make them become law. It also made a $1,000 tax credit per child become law. It also eliminated or greatly reduced the marriage penalty on married couples. If they have taxable income of $58,000, that is $900 of tax relief. Those are positive things. It would not have happened without ZELL MILLER.

ZELL MILLER only served 4 years in the Senate. He replaced a very dear friend of all of ours, Paul Coverdell. I mourned Paul Coverdell's loss, and I stated at the time he cannot be replaced; and he certainly cannot be replaced. But ZELL MILLER has been one outstanding addition to this body. He is a great patriot, not a great Democrat or a great Republican, he is a great patriot, and he stands for what he believes in, and he helped us enact these measures which are vitally important.

I also read in the Washington Post today that somebody said, well, the Budget Act is not working, and so on, and there is no discipline in Congress. Frankly, they don't know what they are talking about. I hate to tell them that.

They also said we did not pass a budget this year. Well, they don't quite know what they are talking about there either. In the last 2 years, thanks to the collective will of this body, we have made 82 budget points of order—in the last 2 years—78 of which were sustained. I voted to waive a couple of them. We defeated $1.7 trillion of additional spending over a 10-year period on those 78 budget points of order.

The Budget Act did work. We passed a budget through the Senate earlier this year that had domestic discretionary spending at $821.9 billion.

I am confident that when the leader brings up an Omnibus bill this year, it is going to meet that goal of $821.9 billion. That is several billion dollars less than a lot of people wanted.

I thank my colleague, Senator STEVENS. I have wrestled with him every day on appropriations bills. But Senator STEVENS helped us pass the 821.9 cap on the DOD Appropriations bill. I could not get the budget resolution to pass. We passed it through the Senate and through the House. I could not get the conference report adopted. That was one of my disappointments.

One of our accomplishments, as most people didn't know, was we did put in the spending cap on the DOD Appropriations bill and we are enforcing that cap and we are abiding by that cap today. So I wanted people to know that. I also thank people such as THAD COCHRAN and Senator SPECTER, because they enforced the cap as chairmen of their respective Appropriations subcommittees, probably more than anyone. I didn't have to make the points of order; they did it. It worked. We have nondiscretionary and nonhomeland security growing at less than 1 percent this year, compared to a 14-percent growth a few years ago in President Clinton's last years. Yes, we are spending a lot of money in defense and homeland security, no doubt about it.

Are the deficits too high? You bet. Are they coming down? You bet. The deficit this year was finalized at 400-something, over $100 billion less than the administration projected 9 months ago; and that is because revenues are up and the economy is growing. The changes we passed in 2001 are working significantly.

I project, and CBO projects, they will continue to climb by another $100 billion in the next year or so. Is the war expensive? Yes. Is it worth it? You bet. Is the war on terrorism worth it? Yes.

Earlier this year—I would say this was a real highlight—I went to Iraq and Afghanistan with Senators SESSIONS and LIEBERMAN. I have done a lot of things, and I have been to a lot of places around the world, but I cannot tell you how proud I was to be in Iraq, basically when there was a transition of power, when Mr. Allawi assumed control of Iraq.

We met with the Defense Minister and he said: Yes, we want to protect our country. When we met with our military leadership and theirs, we were in the process of training 210,000 Iraqis, and we had a chance to meet with Iraqis there that are hungry for freedom and thankful for our support and eager to assume and take control.

They are talking about elections in January, and I am hopeful and prayerful that those will be successful. I believe they will be. Senator SESSIONS and I also went to Afghanistan and met with now-President Karzai. It was around July 4. They were scheduled to have elections in October. They did that and he was elected overwhelmingly.

The success we have had in Afghanistan has been absolutely phenomenal. I remember well the debates here, with many people saying: You are going to be involved in a quagmire; you will never be able to have democracy. You cannot get in there. The Soviets were there 10 years and lost tens of thousands of troops. You are going to do the same thing.

Frankly, our military was successful, working with the Afghan northern alliance and other Afghan people who wanted freedom in Afghanistan. We basically helped them take control of that country with a few hundred troops on the ground and our Air Force. We have liberated Afghanistan. They have had elections and they have proved they can have a democracy. They will have parliamentary elections early next year.

So the success we have had and have seen in Afghanistan is restoring freedom to millions of people there. I believe we are in the process of restoring freedom and liberating the Iraqi people for the long run so the Iraqis can control their own destiny. If you look at those things, we have had an outburst, an outgrowth of freedom.

Abraham Lincoln said in the Gettysburg Address:

> This Nation under God shall have a new birth of freedom.

This country is largely responsible for not only this country having a new birth of freedom, but frankly countries throughout the world, in our own hemisphere and in the former Soviet bloc, and now even in places as remote as Afghanistan and Iraq. To have been able to play a small part in that over these last 24 years has been a real pleasure.

I thank my constituents, the people of Oklahoma, for giving me the opportunity and the privilege to serve them for the last 24 years. I thank my family, and especially my wife for her tolerance in allowing me to do this for the last 24 years. I thank my colleagues who I have had the pleasure of serving with and working with and the pleasure of knowing. Frankly, my best friends are my colleagues. I have spent a long time here and I have absolutely loved this work. I love the Senate.

I think the Senate is in very good hands. My replacement is Dr. TOM COBURN. I am honored that an active physician would leave his career and serve in the Senate. We have not seen it often. We saw it with Dr. BILL FRIST, and I am so grateful that he set aside his career as a talented physician to serve in the Senate. I am delighted he is the majority leader. He has done a fantastic job. I am delighted Dr. COBURN has left his profession to serve in the Senate. What a great addition to the Senate. I have had the pleasure of working with JIM INHOFE, and I see JIM and TOM COBURN doing an outstanding job in representing our State.

I look at the leadership in the Senate today with BILL FRIST, MITCH MCCONNELL, JOHN KYL, and the rest of the team on this side, and with HARRY REID and others on the Democrat side, and I see good things ahead for the Senate, positive things.

I have been so fortunate also to have what I have often said are the best staff on the Hill. I have truly been blessed. I have many staff members who have been with me for a long time. Looking to my left is Bret Bernhardt, my chief of staff, who has worked with me for over 20 years. Hazen Marshall came in as an intern many, many years ago, and he is now chief of staff on the Budget Committee. Nobody knows the budget or taxes any better than Hazen Marshall. Both of these men are true professionals.

I have so many people to thank. I cannot go down the whole list. I will recognize some who have been with me for over 20 years. In my Oklahoma City office, there is Joey Bradford, who worked for me going back to Nickles Machine Corporation in 1978 to 1979. She is still with me. She will be the last person to turn out the lights. She is a wonderful person. Jo Stansberry goes way back. She was my secretary when I was a State senator in 1978, bless her heart. She is the sweetest person you will ever know. She is still with me today. Also, in my Oklahoma City office, Judy Albro and Maurie Cole have been with me almost the entire time. Sharon Keasler has been running my Tulsa office for over 20 years.

In my DC office, Zev Teichman and Cynthia Singleton have been with me the entire time.

They are wonderful people and true public servants, all of whom could have done much better financially on the private side, but they have stayed with us on the public side, as well as many others.

I look at our staff and we still have most of the staff still with us. I am grateful for that. They are all anxious about new careers, and they have been generous with their time and very loyal in their support, not just to me but to the people of Oklahoma and to this institution called the Senate. The Senate is a very special place.

I also would be remiss if I didn't acknowledge two or three other people who have had a profound and positive impact on my life. One is Doug Coe. Some of our colleagues know him very well. Doug Coe was a friend, brother, and mentor whom I respect and love greatly. He is also a golfer, and that is my favorite vice, I guess. Most golfers play for a little money. Doug would say, "I will play you for a Bible verse." We would do it and, of course, I would lose—predestined from on high. I will never forget when Doug said here is a verse for you to memorize. It was, I think, John 13:34: "A new commandment I give to you, that you love one another; as I have loved you, that you also love one another." He made me learn that. I learned it in, I think, about 1981 or something. He has been a very positive guiding light. I have tried to keep that commandment in my heart when I am on this floor and conducting my business, and it is good advice. I wanted to thank him.

Also, I will mention a couple other people. One is Dick Halverson, the first Senate Chaplain with whom I had the pleasure working. He was maybe one of the most Christlike persons I have ever known. Lloyd Ogilvie, who succeeded him, was a great mentor. He led many of us in our Bible studies for years. He is a wonderful, wonderful brother and friend. And now Barry Black. Barry Black, when he was giving the prayer today, said we may seek to accomplish causes beyond our lifetime. And he is so right. That is what the Senate is about. It is about causes. It is about things that can have consequences, that can have real meaning beyond our lifetime eternally.

So I thank God for the opportunity and the privilege and the pleasure to serve in this great body.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

TRIBUTES TO RETIRING SENATORS

DON NICKLES

Mr. FRIST. Mr. President, on leader time, I want to make a few comments in tribute, not in response, to the great man we just heard on the floor of this institution. Over the last several days, all of us have taken that opportunity for three of our colleagues on this side of the aisle and others on the other side of the aisle, to reflect on the past and how people have affected us directly.

All of us have prepared remarks, and we have taken the opportunity to read them into the RECORD or enter them into the RECORD. What we just heard does reflect in many ways why so many of us have such strong feelings about DON NICKLES and his family—Linda and their children.

For me, it boils down to two general areas. One is the tremendous respect he has and continues to have and will always have for this institution. He literally reveres this institution. We heard it in his words today, the way he closed referring back to Chaplain Barry Black's opening this morning where causes beyond our lifetime is the essence of this institution, and he has captured that in his 24 years in the Senate—respect for the institution, for its traditions, for its values, for its rules, for its precedents, all of which he has manifested.

The second general area when I think of DON is his wise counseling that he has been able to reflect in different ways to each and every one of us. For me, it is the National Republican Senatorial Committee. When I was first thinking about running, I went directly to DON NICKLES because in the early 1990s he developed a model which was revolutionary at that time which really did go to what happens at the grassroots, and it applied both in terms of politics and fundraising. That model is one that has come full cycle.

One thing he did not mention directly but touched me in a very special way is what he did 2 weeks ago, and that is run, whether it is marathons or short races or out for a daily jog—I call it a jog; he actually runs. But for about a year, at least once a week, sometimes several times a week, we ran together with a few Senators—I think there were more than two—a few Senators, but more than that, about 8, 9, 10, it got up to about 14 other people who every morning at 6 o'clock would take off and go initially for 30 minutes, an hour, an hour and a half, 2 hours, 3 hours, and DON kept going. But those are my memories.

What is interesting is that of the people running with us, there were some new people, but then there were also people who had done this for years and years, and those rich relationships were played out on the floor of the Senate or with his golf, which everybody knows about, or the running, which is touching me.

A few weeks ago, he ran in the New York City marathon. He ran it by himself. He probably ran it in 3 hours. I would go much longer than that. I was back here, but I was really with him, thinking of him when he was going to be taking off and at each of those miles, as you run through those boroughs. I was really with him because it brought back memories of us spending time together.

That was for, again, a cause that goes beyond our lifetime because our running and the group that he put together was for an effort that Linda, his wife, I think introduced him to, the Lombardi Cancer Center. Again, it shows how everything comes together, in ways beyond going out to have a good run and working for this greater cause.

He mentioned getting to know each other. In terms of counseling to me, directly or indirectly, you cannot go anywhere in this town without DON NICKLES being recognized, without him having touched or having a relationship in some special way over the last 24 years, and counseling in terms of the prayer breakfast. DON NICKLES was there every single week, and the Bible studies again touch me directly in that those few moments every week we have the opportunity to come together and share.

He mentioned the positive and guiding light of Doug Coe in the same way he has touched us in those prayer breakfast meetings.

He mentioned the budget, again the wise counsel that he set in place that we will be using over the next several years as we look at tax relief, but also the impact it has had on the jobs and growth in this country.

I have to mention his overall optimism because there is nobody more optimistic in the Senate, even in very tough times, trying times. There were times dealing with the budget over the last 4 years that were tough, difficult, hard, challenging, especially in 2003. Even through all that, he was optimistic, upbeat, reaching out. He always knew there was some way to get the best out of people working together.

I will close by mentioning—and we had this conversation two nights ago—his overall commitment to family. Everything comes back to Linda and their four children—Don Nickles, Jr., Jenny Rossiter, Kim Nickles, and Robyn Nickles. Everything he does comes back through that unit, to Linda who has—he used the word "tolerance," and it does take a lot of tolerance to put up with DON NICKLES, I am sure. Linda was there, I should also add, with support through every one of his endeavors.

It has been a real privilege for Karyn and me to get to know them and their entire family.

He used a Bible verse, his favorite Bible chapter, Galatians 5. The Apostle Paul lists a godly man's attributes. A godly man works hard, says Paul, lives a life of—the words that are key—love, joy, peace, kindness, goodness, and faithfulness. As we look at that string of words, those nouns, I cannot think of a better description of DON NICKLES.

So, DON, we will miss you. I say that recognizing all our relationships will continue to grow. We will clearly miss you on the floor of the Senate.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, most Americans probably do not know the Senate is a continuous body. From the day the Founding Fathers established this marvelous institution up until today, it has never had a termination point. It goes on and on. Senator BYRD can tell us exactly how many Members of the Senate there have been. The last figure I heard was something over 1,500.

Candidly, a significant number of those probably did not make much difference. They filled the seats. They made sure the continuous body continued. But very few left any footprints on the sands of time. We have honored a handful out here off the Senate floor, people such as Henry Clay, Daniel Webster, John C. Calhoun, and just a couple of others.

I have been here now a couple of decades, a little bit less than my friend from Oklahoma. I can say without fear of contradiction, from the moment I got here until today, the Senator from Oklahoma has been a leader in this body. He has been involved in virtually every issue of consequence in the 20 years I have been here in some kind of leadership capacity or providing his inspiration or, as the majority leader indicated, his enthusiasm for getting a solution to the problems confronting America at that particular moment.

So I say to my friend from Oklahoma, he has left footprints in this body.

He is one of the great Senators in the history of our country. We will always remember his service, and we wish him Godspeed in the coming years and look forward to seeing him again in his new capacity whatever it may be.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have not been coming to the floor for a lot of speeches about our fellow Senators, nor have I given very many as they are departing. I do intend to do that in the next few months for all of them, but I would not dare let this record go today without my having an opportunity to share some remarks with the Senate about the Senator from Oklahoma.

There is nobody here that has served on as many committees together as Senator NICKLES and Senator DOMENICI. We have been thrilled to work on the Energy Committee. He has told us the facts about energy. He has told us the impact that was made by that committee, and nobody can doubt that to have the Senator from Oklahoma come to that committee, having lived with the ridiculousness of the rules on natural gas, having him there was a great stimulus to change, once and for all—we did a little bit and we opened the floodgates—to give the country a great supply of energy called natural gas.

More important than that, he is one who takes an opportunity to come forth with an idea, with a cause, and set it forth when people do not even think it has a chance. All of a sudden it gathers some more momentum, and then it is a big issue, and nobody believes it but pretty soon it passes and becomes law. There are so many that we cannot talk about them. The Senator has talked about some of them.

When you came here, your senior Senator was kind of the opposite of you. He was a great hulk of a man. He was older than you by far. If he ever bragged, it was about being a Marine lieutenant tank commander. He used to look at me and tell me: Well, I do not know. This NICKLES is just too young. I am not sure he can do this job.

Well, I am sure he told you some of those things when you were running or preparing to run, but your youth had nothing to do with your success. You were going to get it done because you have a great capacity to lead and to work with people. It has been my privilege to have you as my teammate.

There is one thing for sure, this place does not succeed without people who have talent. We can all look that over and say it is not so, but it is so. You are a very talented man, but talent is not enough. You have to be loyal.

Senator NICKLES is the second most senior serving Senator on the Budget Committee, 20 years. I am the one who was goofy enough to serve more, but he was there during most of my time. Many times, Senator DON NICKLES did not get exactly what he wanted, but when it came to the time of getting something for this Senate that would permit us to follow that Budget Act, you never worried about DON NICKLES. He may have pushed and shoved and maybe held out to the end, but when the time came that you said, We have to do this, DON, he understood. That is because of what he just said here today. He really loves this place. He learned how to love it. He did not love it when he came here. He might have told his colleagues that he started liking it, but he did not love it the first few years like he does now.

I had the privilege once of nominating him for a leadership job. He will not ever forget that introduction because he was thinking I was not going to be speaking in behalf of him, but I surely was. I said something like, DON Nickles came here and he was just too young. Then I proceeded to say, however, I have never seen a Senator mature as much and as fast as he has in terms of acquiring the skills and the capacity and understanding to be a Senator, after which time I suggested that he should win that particular job he was seeking. He did, obviously. I did not have anything to do with it, but nonetheless that is sort of the way I saw him for the first 8, 10, or 12 years.

Senator, you never stopped. You never stopped growing, and I think to grow in this place, besides the qualities I have just described, you have to end up understanding what the Senate is.

I have heard you many times in the last part of your career talk about what a great place this is, and I really believe you understand it. I think you understand that it is not just some legislative body. You have many times cast your vote, done your work, chastised and begged, cajoled people to do things because you would tell them sometimes when it was urgent that this is the Senate and we cannot be all on our own. We have to be a part of this place, and sometimes you have to do things to make it work.

I commend you for all of that and the policies and philosophies that you brought here. We did not agree on some of them. We have not agreed on everything, but I say the Senate was better off for every single day that you were here, and it will not be quite as good until somebody comes along and fills your seat. As our distinguished whip said, it is a continuing place, and we will go on. But I honestly think there will be sort of a place here for you, and we will remember how you used to do things, and, yes, Senator, you will know how you grew in terms of working with the other side. I mean, all of a sudden you would have something and we would wonder what is going on, and you would announce your cosponsor and we would say, well, he started with something that was not going to work, but he has been working at it and it is going to work. I commend you for that. That is the end product of real growth and a real ability to get done what you thought was good.

So I will miss you and your wonderful family and your wife. You have been through some tough problems with the family just like many of us. You have come through it strong and robust, and your children are beautiful and successful.

As far as the prayer breakfast is concerned, you have stated this morning in beautiful terms, just as a matter of fact, with Doug Coe and other names, but I can remember talking to you many times about that, how it made you mature also in terms of your faith, in terms of how we prayed and how we did other things. For that relationship, I thank you. It has little to do with the Senate, but if it were not for the Senate, we would not have had that experience together.

So this is a good day because we get to say something about a great Senator, but on the other hand not so good a day because we say goodbye. He is young enough to honestly spend another 24 years here. I am 72 and I have been here 33 years, so I clearly could have left a while ago. Then I would be out there doing whatever you are going to be doing; I am sure you will have a lot more leisure time. You can hit the ball. Me, maybe I could play with my 11 grandchildren now, and growing.

Thank you, DON. It has been great to be your friend.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I rise after listening to the words of our distinguished whip, who has been here more than a couple of decades, and the distinguished Senator from New Mexico, who has been here more than three decades. I have only been in the Senate a couple of years, but I do want to let the distinguished Senator from Oklahoma know and say very publicly what an impact he has had on me and what deep respect I have for him.

When he came here, he talked about having respect for the Senate, and I certainly understand that. It is somewhat overwhelming to me. As he kind of recapped the 24 years, talking about the love that he has for this institution, I want to let him know what that means to somebody like me who comes here certainly with that respect—that love is something that grows. Love is something that is in the heart.

As I reflect upon a colleague who has been here, who has had some tough things he has had to do, I say to my friend—truly my friend from Oklahoma, the chairman of the Budget Committee—he is in an institution, surrounded by folks who like to say yes, who like to spend money. We like to take care of those around us who have needs. That is a good thing. But we also have to have a fundamental understanding. As in any family, you have to know what you earn and you have to know what you can spend. You have to have some discipline and you have to have some values and you have to do the right thing. It is hard, because naturally we want to say yes to those who come and say, We need help.

Because of the integrity of the Senator from Oklahoma, because of the deep respect his colleagues have for him, he was able to guide us and help us understand what it meant to hold the line, to do the right thing, in the end, to build a stronger America.

His philosophical foundation, framework, "restoring economic freedom for America," is something he said he started thinking about early, and that he always believed in it when he got here. Certainly in each and every thing I have seen him do here, it has been part of his core value, restoring economic freedom for America, so in fact we produce hope and opportunity and greater times for moms and dads. He has done it.

I cannot say I always thought it was the right thing to do. I can't say that every time we voted the same way. But I do want to let the Senator from Oklahoma know how important his words and his values and his integrity were, what they meant to me.

I have been going to the prayer breakfasts since I came to the Senate. I have listened to some of his helpful suggestions for strengthening faith. They have made a difference. They have made an impact.

You are going to be gone, physically gone, and the Senate will be different. But I have no doubt, and I feel part of that, that your faith and your love and your strength and what you have been about has had a profound impact on so many of us here. It has had a profound impact on me. Although you will not be here, know that as I go about making the decisions I make, I have no doubt I will reflect upon your words, reflect upon what you might think is the right thing to do, and then make the decisions I have to make.

You may be gone. You may move from this body. You are still a relatively young man with a great family, a magnificent wife. You are a person who can look back on all you have accomplished and still have the opportunity to accomplish so much more. But I do want to thank the Senator from Oklahoma for his service. I thank him for the opportunity he has given me to serve with him. I thank him for the impact he has had on my life, hopefully making me a better Senator, a better humble servant, a person better able to contribute with a deeper appreciation of how important faith is to the service we give. I want him to know what he is about certainly will live with me in the time I have to stay. I simply want to say for all of that: Thank you and God bless you.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Alabama.

Mr. SESSIONS. Madam President, DON NICKLES has been truly one of our great Senators for almost a quarter of a century. I join with the remarks of others who came before me, and particularly MITCH MCCONNELL's. belief that DON NICKLES is one of the best of all times in this body.

He rode into Washington at the age of 30, determined to fight for a heartland vision of America with all his strength and energy. As he leaves here, still a young man, limping a little bit from that New York marathon he just ran a few days ago, every one of us can say he was true to those ideals and extraordinarily effective in advocating them. This Senate and this Nation is losing a tremendous champion. We are losing one of our most valuable Members.

DON was a small businessman who had seen personally the oppression of mindless regulation and taxes and rules that make creating a business and creating jobs difficult and frustrating. He knows taxes stifle growth and human creativity and taxes mean a transfer of power and wealth from the people who have earned it by the fruit of their labor, sending it to Washington for governmental politicians to dispense.

He knows government spends too much and too wastefully. And he knows as a true man of faith that ultimately it is the families, the hearts, and the faith of America in which our strength resides.

Those values he holds and he holds them very strongly. For those values he has worked ably and courageously to his last day in the Senate. As his service here comes to an end, he can know that in each of these areas where he has committed himself, to a remarkable degree our country has made real progress. We have. He can and should take great pride in knowing he was a key player in effecting the historic transformation of this country from an era of big government to an era in which even President Clinton would say: Big government is over.

The battle hasn't totally ended. The roaches will come back. No doubt we will have to continue to spray. But tremendous progress has been made. DON's critical role in this historic reversal of the liberal big government vision as the answer to all our problems can be seen, in part, by examining the key positions he has held. He chaired the Budget Committee, the Republican Policy Committee, the National Republican Senatorial Committee, the Republican Platform Committee for the Republican National Convention, and he held a critical position of assistant Republican leader, the second person in charge here in the Senate.

During his career he has been involved in many key battles. One of the most crucial was the lead he took in opposing the Clinton administration one-size-fits-all health care plan in 1993. He offered a countervision of consumer choice and for Americans he won that battle by blocking what I think to be ill-advised legislation. I know he took great pride when Congress passed the Medicare prescription drug bill last year that included his vision for medical savings accounts and for more competition in the health care industry. I didn't agree with everything in that bill, but the good parts he and I battled for are going to be important for years to come in health care in America.

Two years later, in 1995, he secured passage of the Congressional Accountability Act, which made Congress abide by the same health and safety standards that employers around America did. That was an important psychological victory for those who suffered under Government regulation, that those of us who write the regulations have to abide by them, too. In 1995 he authored the bill for families to receive $500 per child tax credit. Now it is $1,000 per child tax credit. When I campaigned in 1996, it was one of the primary emphases of my campaign. I strongly believed, and believe to this day, that nothing has been done to strengthen families more than allowing the working families trying to raise children today to have an extra $1,000 in their pockets to take care of their children and their families. DON NICKLES was the one who drove that home.

In 1998, the International Religious Freedom Act that he referred to in his remarks became law. He has been a champion of religious freedom and rights. He worked to establish this commission to develop appropriate responses to violations of religious liberty worldwide. Since the bill's passage, the commission has issued four annual reports on religious freedom and persecution around the world. This act will become more and more important as the years go by, as we are now seeing a rise in religious intolerance and persecution around the world. Now we have an authoritative source so the world can know how serious this problem is, and that knowledge can help us lead to positive change.

The next year, the Senate passed the Patients' Bill of Rights legislation.

Throughout 1998, Senator NICKLES chaired a task force of Republican Senators, on which I served, working to better understand and respond to the concerns about managed health plans. His group wrote and introduced the Patients' Bill of Rights-Plus, a responsible alternative to the plan that would have dramatically increased health care costs. It was a terrific battle. DON called us together daily to prepare on how to carry out the debate. The opposition said a massive intervention into the American private insurance market by the Federal Government was necessary, and anybody who dared oppose this huge Federal mandate would just be run over by them. But DON proposed legislation that targeted the real abuses, with minimum cost increases and limited Federal regulation.

His bill would have, in fact, impacted the cost of premiums only a fraction of what was proposed by the opposition.

It may now seem a small matter. At the time of that debate it was a central issue before the Congress for months, and pressure from the liberal news media to pass an expansive bill was great. There could be no doubt that his personal leadership on behalf of individual citizens and small businesses was a key factor in the successful effort to avoid a fundamental takeover of private insurance in America.

In 2003, he became chairman of the Budget Committee, and I had the honor of serving as a member. During his chairmanship he made great strides to protect the fiscal sanity of our country. He led the Budget Committee during the time of war when our homeland was attacked and when we had a serious economic slowdown. He faced a surging national debt, and it was a time of heated partisanship in an evenly divided Senate. I was doubtful that anything could be accomplished because of the partisan atmosphere, and I told DON of my doubts.

I said: I am not sure we can produce a budget. He understood the difficulty he was facing but was convinced that a responsible budget was essential for America. He set to work with his usual skill and determination and commitment to principle and courtesy. He knew his budget depended on many. There was, indeed, much political posturing on all sides as all maneuvered to promote their interests. But DON never wavered. He was confident, funny, gracious, and determined.

The result was a very responsible 2004 budget with good spending limitations and caps. Wisely, he managed to make sure there would be a cap for fiscal year 2005, which we are in now, in case the budget would have failed this year. Without doubt, this was a good plan. It was critical that the Senate at that time pass a budget in a time of national insecurity and great deficits. It impacted positively, I believe, the economic situation of our country.

We didn't produce a fiscal year 2005 budget, although DON gave it his all. I have never seen him work so hard. He tried everything that could be done to achieve a budget for this year. That effort failed, but his fiscal year 2004 cap still made sure that we could maintain spending control.

I could say more, but I will just close with the remarks that were shared by Phil Gramm as I talked about DON one time. I said something good about him. And Phil Gramm, an astute observer and great Senator, shook his head and said: I am always amazed that this machine shop operator from Oklahoma is so consistently right on every issue that comes up.

I agree. He has been consistently right for every year he has been here. He has been the leader in the values that the American people share. He has played a critical role in the development of a new vision for government in America. He has produced regulations; he reduced taxes; he has empowered people around the globe. It has been an honor and a pleasure for me to call him a friend and serve with him. I admire him greatly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I came here primarily to listen this afternoon and show my respect for the Senator from Oklahoma.

My remarks will be very brief.

I want to begin with a story that I told the Senator from Oklahoma before. My mentor in politics is former majority leader of this body, Howard Baker. I got involved in politics because of him in the 1960s, when we were building a two-party system in Tennessee. I remember the campaign of 1980. Senator Baker was the Republican leader. He changed the name on the door from "Minority Leader" to "Republican Leader" because he didn't want the Republican Party thinking of itself as a permanent minority. Many people thought he was just whistling, "Dixie," so to speak.

At that time, there were 37, 38, or 39 Republican Members, and no one saw much prospect of getting much further ahead of that.

Then came a tidal wave in 1980 with the election of President Reagan and 13 or 14 new Republican Senators. It went from fewer than 40 to more than 50. Senator Baker had predicted that. I had learned to pay attention to him.

I saw him after the election. I said: Well, you were right about that. You were about the only person who was. He said: I will tell you one thing.

I said: What is that?

He said: Pay attention to NICKLES.

I said: Who is NICKLES?

He said: He is this young, 32- or 33-year-old new Senator from Oklahoma, and he is going to be a real force to deal with.

I have paid attention to Senator NICKLES ever since then. I have served in the Senate with the Senator from Oklahoma, and during that time I have seen him a lot. We have known each other. I think Senator Baker was correct. A lot of people have paid attention to DON NICKLES ever since 1980. I am delighted to have had the privilege of serving 2 years with him in the Senate.

In my experience, I have found him highly intelligent. He has been a big help with the complex issues that we have here. He is principled. That is important. And he has been easy to work with from the point of view of a colleague.

I heard his remarks to the new Senators that he was meeting with; he and the Senator from Louisiana spoke to them as they were stepping down. He was suggesting that even though he is known as a principled, effective, and conservative Senator, he reminded them that in order to get things done in the Senate there has to be a consensus. And that usually means finding ways of dealing across the aisle with colleagues we respect.

I am simply here today to show respect, not to make a speech.

I am glad to have that opportunity and finally to say something that may be a little different from what some of your other colleagues have said.

I admire your decision, and from my perspective I think it is the right one. Life is big. It is more than politics. It is more than government.

This is a big wonderful world in which we live. We live in a magnificent country. There is a lot to savor.

For example, when I have been in and out of public life at different times and leaving the Governorship, going into the private sector was liberating. I found that my focus had been narrow and that there were a great many things about my personal life, about my family's life, about my country's life, and about the private sector that I could get involved in and found very interesting. Over time I found I could come back to the public sector with a new energy, a broader experience and a different perspective.

I don't know what the future may hold for you.

I think it is wise to make such an enormous contribution here, and at the peak of that, to step out and take that to other places. For one, I hope the future will include, in some way, a contribution in the public arena. But you certainly deserve a chance to explore the private arena.

It has been my privilege to know you and to serve with you, and to know, once again, that Howard Baker was right in 1981 when he said, "Pay attention to Nickles."

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INVESTIGATION INTO AIR FORCE LEASING OF BOEING AERIAL REFUELING TANKERS

Mr. McCAIN. Madam President, I intend to address the Senate for a period of time today. I believe I have as much as an hour under postcloture debate, but I will be discussing an issue I have been involved in for some 3 years now and have not reached a conclusion, although certainly enormous progress has been made in trying to address this issue.

But during these 3 years since the appropriators slipped a $30 billion rider in the fiscal year 2002 Defense appropriations bill, a lot of strange and unusual things have happened, I am sad to say, that are a very damming commentary about the way the Pentagon in general and the Air Force in particular conducts its business.

I am going to tell a story that has not, as I said, reached its end. But it has uncovered the very strong likelihood, because of the confession by Ms. Druyun in Federal court when she pled guilty, that there could be many billions of dollars of the taxpayers' money that were wasted, criminally treated, and misused because of the decisions made by Ms. Druyun. The question is, How could Ms. Druyun have done all this by herself? Did she have accomplices or was the system in the Pentagon so broken that one individual could make contracting decisions which entailed tens of billions of dollars, and in this case may have cost the taxpayers of America millions and even billions of dollars as well?

Nearly 3 years ago, behind closed doors, the Appropriations Committee slipped a $30 billion rider in the fiscal year 2002 Defense appropriations bill. This rider authorized the Air Force to lease from Boeing up to 100 767s for use as aerial refueling tankers. Before the rider appeared in the bill, Air Force leadership never came to the authorizing committees about this issue. In fact, tankers have never come up in either the President's budget or the Defense Department's unfunded priority list. The Air Force's tanker lease program was born of a virgin birth.

The rider was, in fact, the result of an aggressive behind-the-scenes effort by the Boeing Corporation with considerable assistance from senior Air Force procurement official Darleen Druyun and others. After the President signed the bill into law, the Air Force embarked on negotiating with Boeing a lease that would have cost the taxpayers around $6 billion more than an outright purchase of these aircraft would have.

Soon after Air Force Secretary Jim Roche submitted to the four Defense committees a report on plans to lease these tankers from Boeing, three out of the four authorizing committees summarily approved the lease without even looking at the contract. Two did so without even holding a single hearing.

Much to his credit, Senate Armed Services Committee Chairman JOHN WARNER held the line and refused to authorize the proposal, as did the ranking member, Senator CARL LEVIN. Through the hearings and investigations that followed, we unearthed a crushing body of evidence on how much a folly the proposal actually was.

Throughout 2002 and in the beginning of 2003, even agencies within the Defense Department and the Air Force, including Program, Analysis and Evaluation, the Office of Management and Budget, and even the Air Force's own General Counsel's Office raised salient concerns about aspects of the proposal. These concerns, however, would not get in the way of Air Force leadership.

Rather than resolve these concerns, Air Force proponents continued to aggressively push the deal in the press. A Wall Street Journal editorial entitled "John McCain's Flying Circus," published on the very same day as the tanker hearing we had in the Commerce Committee, is particularly notable. It was obviously drafted with considerable help from the Office of the Air Force Secretary. In it, tanker proponents accused me of "trying to prevent approval by running up my own Jolly Roger" and brazenly exaggerated the Air Force's need for tankers by describing how, during Secretary Roche's visit to Tinker Air Force Base, he "peeled back the skin of a tanker being refurbished and found the metal underneath disintegrating before his very eyes."

By this time, Air Force leadership's aggressive press campaign was well underway. On April 25, 2002, Secretary Roche's special assistant, William Bodie, told Secretary Roche that he:

> saw Rudy deLeon [who heads Boeing's Washington office]—

And, by the way, he has rotated back and forth between the Congress and defense corporations and the Defense Department—he:

> saw Rudy deLeon at the Kennedy Center and politely asked the Great White Arab Tribe of the North [which is what these folks called Boeing] to unleash their falcons on our behalf for once. I talked to [defense analyst] Loren [Thompson], who is standing by to comment to this reporter about the national security imperatives of tanker modernization. [Editor of Defense News and Air Force Times] Vago [Murandian] is also standing by. I will get with [Assistant Air Force Secretary for Acquisitions Marvin] Sambur first thing to rehearse talking points.

Get that, "to rehearse talking points" with the editor of Defense News and Air Force Times and defense analyst Loren Thompson: We will get with you before we talk to the reporter.

Among the falcons that Boeing "unleashed" was an op-ed that subsequently appeared in Vago Muradian's Defense News. This piece, which strongly endorsed Boeing's tanker lease, was supposedly written by former Commander-in-Chief for U.S. Pacific Fleet Admiral Archie Clemins. However, Admiral Clemins has admitted, and Boeing's e-mails reflect, that it was in fact ghost-written and placed by Boeing.

As this indicates, rather than address salient concerns regarding the tanker deal raised by their own staff, Air Force leadership focused on using the press, which Mr. Bodie described as "3rd Party support at its best" to perpetuate the fiction that "the lease was the exact opposite of a Boeing 'bail-out.'" Among the spin that lease advocates fed the press, were statements like, "[I] will not succeed in blocking a 767 lease because tanker replacement is critical and [I] have offered no alternatives to leasing."

While Air Force leadership was focused on pushing the deal in the press, analyses from several independent bodies, including the Defense Department's Office of the Inspector General, the Government Accountability Office, the Congressional Budget Office, the Congressional Research Service, the National Defense University, the Center for Naval Analysis, the Institute for Defense Analyses, and others criticized almost every aspect of the program. Perhaps most notably, a Defense Science Board Task Force, vetted for conflicts with industry only after my insistence, concluded that the need to replace the current tanker fleet was not urgent. The Task Force's finding debunked the numerous representations Air Force leadership made to the contrary. Indeed, the Defense Science Board suggested that the Air Force's case on corrosion was virtually cut from whole cloth. Air Force leadership repeatedly cited this case as the biggest reason for having taxpayers pay Boeing billions more than necessary.

About 2 months ago, Ms. Druyun was sentenced to 9 months in prison on public corruption charges. Her crime: negotiating the $30 billion deal with Boeing while negotiating with Boeing for a job. Ms. Druyun's sentencing occurred months after Boeing's board of directors fired her and former Chief Financial Officer Michael Sears for misconduct arising from the tanker negotiations. Boeing's Chief Executive Officer Phil Condit soon left the company under a cloud of suspicion.

In court papers accompanying her sentencing, Ms. Druyun admitted to overpricing Boeing's 767s as a "parting gift" to Boeing. She admitted that she did this to "ingratiate herself" with her future employer and help secure employment for her daughter and future son-in-law at the company. Astonishingly, Ms. Druyun also admitted that she similarly harmed the United States on behalf of Boeing on several other major defense programs, including the NATO AWACS, C–130 AMP, and the C–17 programs. How much taxpayers were fleeced remains unclear. These contracts were in the billions. But this matter remains under investigation by the Justice Department and other authorities. The scope of these investigations seems to widen almost weekly. Ultimately, it is likely that Ms. Druyun's misconduct cost taxpayers an astronomical sum.

In yesterday's paper, Lockheed is bringing suit against Boeing for allegedly having involvement with bid rigging on other contracts as well.

Over the past few weeks, Air Force leadership has tried to delude the American people into believing that all of this happened because of one person, and that because no one else has been hired for her position, the problem has been solved. I don't buy it. I simply cannot believe that one person, acting alone, can rip off taxpayers out of possibly billions of dollars. This appears to be a case of either a systemic failure in procurement oversight, willful blindness, or rank corruption. Either way, full accountability among Air Force leadership is in order.

Just this week, Secretary Roche and Ms. Druyun's old boss, Assistant Secretary of the Air Force for Acquisitions Marvin Sambur, announced their resignations. But, among Air Force leadership, nor one has assumed responsibility for this debacle. Ms. Druyun is, perhaps grudgingly, accepting responsibility for her role. To some extent, Boeing has accepted responsibility for its. The Justice Department and others are continuing to ferret out others who may be responsible. However, accountability among Air Force leadership has been almost nonexistent. It seems that it is business as usual. Air Force leadership remains content laying all the blame at the feet of a single individual, Darleen Druyun. I'm not buying it.

Just on the Tanker Lease Proposal, the conduct of Air Force leadership has been unacceptable. First, Air Force leadership was never interested in doing a formal “analysis of alternatives” for the multibillion dollar tanker program. Such AOAs are typically always done for major defense programs.

Second, Air Force leadership misrepresented to Congress how bad corrosion afflicted the current tanker fleet. They did this to devise a reason why taxpayers needed to lease new tankers from Boeing, rather than simply buy them at a much lower cost.

Third, according to independent analyses, Air Force leadership overstated “operation and supply” cost-growth estimates for the current tanker fleet. This too was done to artificially bolster the case that the current fleet needed to be replaced immediately, at a dramatically higher cost.

Fourth, Air Force leadership repeatedly misrepresented that its proposal was merely an “operating lease.” Their plan was to slip the program in the budget at a relatively modest initial cost, only to have actual costs balloon in the intervening years. We now know that this was done to conceal the Tanker Lease Proposal's real budgetary impact.

By the way, they also had plans that the money to fund in the later years, known as outyears in Pentagonese, that would be taken from the other services' budget.

Fifth, according to the Defense Department's Inspector General, the commercial procurement strategy that Air Force leadership used in the tanker proposal (and, incidentally, the C–130J program) placed the Department at “high risk for paying excessive prices.” and precluded “good fiduciary responsibility for DoD funds.”

Sixth, the Inspector General found that, when the specifications for the tanker were being developed, Air Force leadership let Boeing tailor those specifications to Boeing's proposed tanker. They were not tailored to the operational requirements of the warfighter. They should have been. Yet, Air Force leadership allowed an Air Force briefer to tell the Joint Staff that the tanker “operational requirements document” was not tailored to Boeing's aircraft. The Defense Department Inspector General, however, found that it was.

I could go on, but I'll stop here for now. As I've gone into many of these points in excruciating detail in my letter to Secretary Rumsfeld on July 28, 2004, I'll simply ask for unanimous consent to have my letter printed into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 28, 2004.

Hon. DONALD H. RUMSFELD,
Secretary, Department of Defense
The Pentagon, Washington, DC.

DEAR MR. SECRETARY: I am concerned about how the Analysis of Alternatives (AoA) for the Tanker Lease Proposal will be conducted. In particular, I am concerned about the participation of Air Force leadership in the AoA, and the involvement of the Air Force's federally funded research and development center (FFRDC)—RAND, which I understand is spearheading this effort.

The conduct of Air Force leadership regarding the Tanker Lease Proposal has been unacceptable. Frankly, its credibility on the recapitalization of the tanker fleet has been fundamentally called into question. Notably, many of the problems that the Department of Defense Office of the Inspector General (DoD-OIG) found in the Tanker Lease Proposal are similar to those it recently found in the multibillion dollar C–130J procurement program. Bases for my concern about the participation of Air Force leadership in the AoA include, but are not limited to, the following.

First, the Air Force has provided Congress inaccurate information in an attempt to justify its original proposal to lease 100 Boeing KC–767As. For example, Air Force Secretary Jim Roche has repeatedly advised Congress that, in the existing KC–135 fleet, “corrosion is significant, pervasive, and represents an unacceptable risk.” Secretary Roche has also emphasized to Congress increased operating costs in the current fleet as a basis for entering into the tanker lease. Air Force leadership has indicated that these elements create an “urgent” need to recapitalize the fleet. However, as you of course know, the DSB task force concluded that the Air Force's claims of unmanageable corrosion problems and cost growth were overstated. As such, the task force also concluded that “[t]here is no compelling material or financial reason to initiate a replacement program prior to the completion of the AoA and the MCS.” Thus, the task force jettisoned the “dominant reason” Secretary Roche first cited in his July 10, 2003, report to Congress as the basis for having taxpayers pay billions of dollars more for leasing tankers than they would for buying them. The Air Force's representations on this issue remains a matter of continuing investigative concern.

In another example, to comply with the original authorizing statute, the Air Force misrepresented to Congress that its proposal to lease 100 Boeing KC–767 tankers was merely an operating lease. This would have obviated the requirement that the White House obtain advance budget authority for the whole lease proposal. But, the DoD-OIG and Program Analysis and Evaluation (PA&E), as well as the Congressional Budget Office (CBO) and the General Accounting Office (GAO) found that the procurement of these tankers is, in fact, a lease purchase. In addition, facts surrounding the original lease proposal made it clear that the transaction was a lease-purchase: under the original proposal, the Air Force conceded that the DoD is “committed to earmark[ing] an additional $2B in FY08 and FY09 for the purchase of aircraft covered by the multi-year program under the terms of the proposed contract” to head off a funding spike over the Future-Years Defense Program.

Second, the DoD-OIG and the NDU concluded that the Air Force's commercial item procurement strategy “prevented any visibility into Boeing's costs and required the Air Force to use a fixed-price type contract . . . The strategy also exempted [Boeing] from the requirement to submit cost or pricing data. The strategy places the Department at high risk for paying excessive prices and precludes good fiduciary responsibility for DoD funds.” The NDU similarly concluded that “[i]n a sole source, monopoly commercial environment, the government is not served well with limited price data” and suggested that the Air Force neglected its fiduciary/stewardship responsibilities.

Notably, the DoD-OIG arrived at similar conclusions regarding the Air Force's mismanagement of the C–130J procurement program. In particular, the DoD-OIG found that, because the C–130J was improperly acquired as a commercial item, the Air Force did not have contractor-certified information on contract prices, costs, or profits, and therefore was “limited” in its ability to protect the Government against possible overpricing.

Third, the DoD–OIG and the NDU also concluded that the operational requirements document (ORD) for tankers was not tailored, as it should have been, to the requirements of the warfighter, but rather to closely correlate to the Boeing KC–767A. The DoD–OIG found that senior Air Force staff directed that the ORD closely correlate to the Boeing KC–767A that was being developed for a foreign government, in anticipation of the authorizing legislation. This is particularly troubling where, according to an internal Boeing document regarding the ORD, Boeing planned to “establish clearly defined requirements in ORD for the USAF Tanker configuration that results in an affordable solution that meets the USAF mission needs and will prevent an AOA from being conducted.” Under the current proposal, the first 100 tankers produced will not be capable of, among other things, interoperability with Navy, Marine, or coalition assets, or simultaneously refueling more than one receiver aircraft. Rear Adm. Mark P. Fitzgerald, USN, recently suggested that in theater, such a limitation restricts the Navy's long range striking capability and fosters a needlessly risky aerial refueling environment.

Notably, with respect to the C–130J procurement program, the DoD-OIG similarly found that, while the Air Force conditionally paid Lockheed Martin about $2.6 billion, the C–130J is not operationally suitable or effective and cannot perform its intended mission. Furthermore, to date, 36 deficiency reports that "could cause death, severe injury or illness, major loss of equipment or systems, or that could directly restrict combat or operational readiness" have been received.

Finally, Boeing documents suggest that the Air Force allowed Boeing to modify the requirements in the ORD while it was being developed. These documents also reflect that the Air Force induced the Joint Requirements Oversight Council (JROC) into approving and validating the corrupted ORD by falsely representing that it was not tailored to a specific aircraft. This is of continuing investigative interest to the Committee.

Interestingly, as a result of the commercial specifications of the C–130J not meeting user needs, the Air Force (and Marine Corp) decided to "revise its requirements document" to reduce the initial capabilities required and to satisfy operational requirement deficiencies through block upgrade programs at the Government expense. I am very concerned about this.

I understand that RAND (the Air Force's FFRDC), and Project Air Force in particular, is spearheading the AoA. Generally, the Air Force, specifically Dr. Sambur, is "the overall sponsor" for Project Air Force activities. However, having argued against the need for an AoA as early as November 2002, according to a recently produced internal DoD e-mail, Dr. Sambur has apparently prejudged its outcome:

"A formal AoA will cost money, delay the program two years, and still come up with the same answer we have today. There are only a few aircraft that can serve as tankers, they are already in production, and so analyzing their respective capabilities and costs won't take long—in fact, it's already been done and the results passed to OSD. What's left to study?"

As I originally indicated in my letter of March 12, 2004, Air Force Vice Chief of Staff General T. Michael Moseley similarly touted the Air Force's proposal to lease and buy Boeing 767s during recent budget hearings. In particular, General Moseley provided "opinion" testimony suggesting that the KC–767 tanker is the Air Force's only viable option. For example, in testimony before the Projection Force Subcommittee of the House Armed Services Committee, General Moseley specifically rejected re-engining remaining KC–135Es (as the DSB task force recommended); modifying used aircraft (for example, DC–10s, also as the DSB task force suggested); using contractor support services (as the GAO recently opined), and other options that your office's AoA guidance specifically required the Air Force to examine. While General Moseley attempted to explain away his testimony as "personal opinion," at no time was he asked to provide his personal opinion and at no time during his testimony did General Moseley indicate that he was conveying a personal opinion. Considering General Moseley's role as the chairman of the Air Force Steering Group for Project Air Force and, respectfully, despite your assurances in your March 17, 2004, letter, I remain concerned that the Air Force and RAND have effectively prejudged the outcome of the AoA regarding the Tanker Lease Proposal.

Several recently produced internal DoD e-mails call into question whether the ongoing AoA will be conducted objectively. For example, in an e-mail, dated August 15, 2003, from Secretary Roche to Dr. Sambur and Acting Undersecretary Wynne, Secretary Roche dissuaded the OSD and Air Force staff from initiating an AoA. In this e-mail, Secretary Roche said the following:

"Agggggg, stop the nonsense! Don't even begin to start an unnecessary AoA at this point. All this would do is give the enemies of the lease an excuse from DoD to delay the 'lease, and really honk off the Appropriators. Let's see what comes out of conference, damn it! If the lease is approved then we can talk about how to decide on the recapitalization of the other 400 airplanes, but there is no rush here."

Soon thereafter, Acting Secretary Wynne responded, "I agree with Jim, [sic] What started this flurry of activity? I'd hate for our story to change." The foregoing does not inspire confidence that the current AoA will be conducted properly.

My concern that RAND, in particular, may have prejudged the outcome of the AoA is underscored by its conclusion regarding tanker recapitalization in a recent report. In a December 2003 report entitled "Investigating Optimal Replacement of Aging Air Force Systems," RAND, in particular Project Air Force, found—without the benefit of an AoA—that "it appears to be optimal to replace the KC–135 by the end of the decade." Apparently relying on Air Force data and analysis that was ultimately rejected by the DSB task force, this conclusion comes unacceptably close to prejudging the outcome of the AoA and is inconsistent with the conclusions of the Air Force's own Economic Service Life Study; the GAO; and, most recently, the DSB task force, all of which found that the current fleet is viable through 2040. In light of the relationship between the RAND and the Air Force, as described above, there can be no assurance that RAND will conduct the AoA here with the desired independence.

My concerns appear to be reflected in a recently released internal DoD e-mail from Eric Coulter, Deputy Director for Theater Assessments and Planning at Program, Analysis and Evaluation (PA&E) to Nancy Spruill, co-chairperson of the Leasing Review Panel Working Group, dated August 7, 2003:

"I do not support RAND as the sole source or lead to conduct the Congressionally-directed independent tanker AoA. First, its [sic] sad that it takes Congress to direct the Department to do something it should do on its own. We've been Wingto get the AF to conduct an AoA for several years, but could never get AT&L's support to direct one. The AF clearly wanted to postpone it for as long as possible to delay the issue of recapitalizing the fleet. Now the Department is playing catch up. That said, [the Institute for Defense Analyses (IDA)] has more experience to conduct this type of effort. In fact, [Air Mobility Command] relies on IDA to do a lot of its mobility analyses both for airlift and tankers. I believe the Department will get a better, more objective product than we would from RAND. I hope we're not letting IDA's cost review of the tanker lease color our opinion. Please convince me otherwise."

I am also concerned about the fact that Project Air Force may have received as much as $50 million for FY03 and FY04 and is expected to get at least another $25 million for FY05. This financial relationship between the Air Force and RAND renders RAND unsuitable for conducting the AoA on this multibillion dollar procurement proposal.

Given the foregoing, I respectfully suggest that the Air Force not enter into an agreement to procure aerial refueling aircraft until an entity independent of the Air Force—on the basis of a study not funded directly or indirectly by the Air Force—completes the AoA.

As always, I appreciate your consideration.

Sincerely;

JOHN MCCAIN,
Chairman.

Mr. MCCAIN. What I would like to do now is discuss documents, belatedly produced by the Defense Department, that underscore the need for accountability among Air Force leadership regarding the tanker lease proposal. While the total number of documents that the Defense Department has produced remains unsatisfactory, the few that have been produced are compelling.

On February 5, 2002, Air Force Secretary Roche personally assured me, in testimony before the Senate Armed Services Committee on the tanker program, that he "believed in competition," and "would come back to Congress" if another competitive proposal was particularly good.

Secretary Roche's e-mails, however, suggests that he is indeed a man who allows his personal animus to stifle competition. For example, on September 5, 2002, Darleen Druyun wrote to Secretary Roche, "I read with disgust the article on Airbus tankers from the new EADS CEO of North America. What BS . . . should not have been surprised at the slime . . . his day of reckoning will come hopefully."

Secretary Roche answered, "Oy. I agree. I had hoped you would have stayed and tortured him slowly over the next few years until EADS got rid of him!"

This is from the guy who says he believes in competition. His personal contempt for one defense contractor, and particularly its CEO, is clearly reflected in his other e-mails.

For example, on August 7, 2002, when Secretary Roche learned that Ralph Crosby, with whom Secretary Roche once worked at Northrop Grumman, was appointed to the head EADS' North American operations, Secretary Roche wrote to his special assistant, William Bodie:

> Well, well, we'll have fun with Airbus.

The day after, William Swanson at Raytheon asked Secretary Roche:

> Did you see the notice on Ralph in EADS?

Secretary Roche responded:

> Right. Privately between us: Go Boeing! The fools in Paris and Berlin never did their homework. And, Ralphie is the CEO and chairman of a marketing firm, for that's all there is to EADS, North America. The [Air

> Force] has problems with EADS on a number of levels. The widespread feelings about Crosby and the Air Staff, Jumper especially, will only make their life more difficult. Smiles.

On September 4, 2002, Mr. Bodie wrote Secretary Roche complaining about statements EADS issued about its tanker proposal:

> We don't have to turn the other cheek, you know. I'm ready to tell the truth about Airbus' boom, footprint, and financial shortcomings. But maybe we should sleep on it.

In response, Secretary Roche wrote:

> No, sir, save it and blow him away. He admits they were not technically qualified! And, we keep their record of bribes as our trump card!

This is the Secretary of the Air Force communicating with an assistant of his saying "we keep their record of bribes as our trump card." Remarkable.

Taken together, these documents inject serious doubt into Secretary Roche's commitment to competition in contracting, about which he assured me in congressional testimony.

During hearings on the controversy in the Senate Commerce Committee and the Senate Armed Services Committee, I expressed concern about Secretary Roche asking Boeing to pressure dissenting elements within the Office of the Secretary of Defense into playing ball on tankers.

However, in congressional testimony, Secretary Roche categorically denied this. For example, at a September 3, 2003, Commerce Committee hearing, I asked Secretary Roche about a Boeing e-mail dated 23 June 2003, "Subject: Roche Meeting 23 June 2003." In particular, I asked Secretary Roche:

> Do you have any recollection whatsoever of telling . . . anyone . . . from Boeing to put pressure on [Acting Assistant Secretary for Acquisitions] Mike Wynne to convince [Program Analysis, and Evaluation] to write a new letter essentially undoing the first letter [which criticized the proposal]?

After significant waffling, Secretary Roche responded:

> No, sir. I talked to [PA&E Director] Ken Krieg, and in fact, I told him, "Don't bother writing another letter." We understood these were his arguments.

Again, on September 4, 2003, at a hearing before the Senate Armed Services Committee, I asked the same question to Secretary Roche:

> Do you have any recollection whatsoever of telling . . . anyone . . . from Boeing to put pressure on Mike Wynne to convince PA&E to write a new letter essentially undoing the first letter?

I might say that the first letter from this part of the Pentagon was very critical of the tanker lease deal. This time Secretary Roche testified:

> I did not ask them to put pressure [on Wynne].

Finally, in testimony before the Senate Armed Services Committee on March 2, 2004, Secretary Roche adamantly denied asking the Boeing company to put pressure on Mike Wynne. Secretary Roche said:

> I've told you there was no pressure. . . .[I] certainly did not tell them to pressure anybody.

Secretary Roche's e-mails, however, paint a very different picture.

From Boeing's e-mails, here is what we know. In a June 23, 2003, e-mail to Jim Albaugh, who is head of Boeing's defense subsidiary, Boeing executive Thomas Owens described a meeting during which Secretary Roche expressed serious concerns about this letter from Mr. Ken Krieg. Mr. Krieg is the Director of Program Analysis, and Evaluation at the Office of the Secretary of Defense. His letter was key. In that letter, Director Krieg concluded that the original Boeing proposal failed two key Government accounting rules and, therefore, violated the authorizing legislation.

According to Mr. Owens's e-mail, Secretary Roche "ask[ed] [Boeing] to put pressure on [Acting Assistant Secretary of Defense for Acquisitions] Mike Wynne to convince PA&E to write a new letter essentially undoing the first letter."

Soon after, Dr. Sambur wrote Secretary Roche regarding the PA&E letter saying:

> Boss, this is getting ridiculous.

Secretary Roche wrote to Acting Assistant Secretary Wynne as follows:

> Ever since Pete—

They are talking about former Assistant Secretary Aldridge—

> left, the bureaucrats who opposed the 767 lease have come out of the woodwork to try to kill it—yet, once again, Mike, I won't sign a letter that makes the case that we shouldn't lease the planes. Ken Krieg's memo attached is a cheap shot, and I'm sure has already been delivered to the enemies of the lease on the Hill. It is a process foul. And Ken needs to be made aware of that by you! I can't control the corporate staff on acquisition issues. Mike, this is their way of asserting dominance over you. I know this sounds wild, but animals are animals. Pete had beaten them down. Now, they're taking you on. I'm sorry. Expecting professional behavior from them is something I gave up on a while back. Among other things, they are about to embarrass SecDef—

That is Secretary of Defense—

> who having approved the lease, will now have to explain why his staff is destroying the case for it. I'll do whatever I can to help you, Mike, but [it's] your job to get the corporate staff under control. If not now, then they will overrun you whenever you "don't behave" according to their desires. This is a game they played for years. [They] and OMB are trying to set the Air Force up to be destroyed by Sen McCain with OSD—

Office of Secretary of Defense—

> and OMB—

Office of Management and Budget—

> arguments. As you might imagine, I won't give them the chance, but I will make it clear who is responsible to Don [Rumsfeld]. I refuse to wear my flack jacket backwards!

This is after testifying before the Senate Armed Services Committee that Secretary Roche never put any pressure on anybody. This is remarkable.

Subsequently, Assistant Secretary Wynne reprimanded Director Krieg. In response to an e-mail from Director Krieg that attempted to clear the air, Secretary Roche rather disingenuously answered:

> Kenny, I love you, and you know that. I think you have been had by some members of the famous PA&E staff. You never should have put what you put in writing. It will now be used against me and Don Rumsfeld.

Other e-mails corroborate that Secretary Roche suggested to Boeing that it lobby the Office of the Secretary of Defense to undercut Program Analysis and Evaluation. For example, a December 17, 2002, e-mail from Boeing's top lobbyist Andy Ellis to Rudy deLeon, who heads Boeing's Washington office and served as a Deputy Defense Secretary in 2000 and 2001 described "some quick notes from Jim [Albaugh]'s meeting today. It instructed, "Please do not re-distribute this e-mail." The e-mail memorialized what was said during "[a] meeting with Sec. Roche" as follows:

> PA&E now a problem on tankers—arguments include price, 767 footprint and prospects for "used 767s." Boeing needs to do more on behalf of tankers in the Office of Secretary of Defense. PA&E working to convince Aldridge to delay—reengine while doing an analysis of alternatives. We should vector hill support for tankers at Aldridge. . . . said he is very comfortable with the price air force has on tanker, and very comfortable with overall deal. It is the right time to do this deal. He is waiting until early January to push on the Office of Management and Budget—wants to deal with the next congress, not the current. . . . Boeing needed to work White House and especially Office of Secretary of Defense.

That is from the Secretary of the Air Force.

Other e-mails recently produced by the Department of Defense corroborate the shocking dynamic whereby Secretary Roche apparently orchestrated efforts against tanker lease critics within the Office of the Secretary of Defense. For example, in a May 7, 2003, e-mail, Paul Weaver, a Boeing lobbyist and former Director of the Air National Guard, wrote Secretary Roche as follows:

> Rudy [DeLeon] called me and said that Marv Sambur was getting beat up by Mike Wynne again concerning the $125 million number per aircraft. Rudy would like to know if he needs to do anything like calling in the big guns to help out. I told him I would query you to get your advice.

In response, Secretary Roche wrote:

> It's time for the big guns to quash Wynne! Boeing won't accept such a dumb contract form and price, and Wynne needs to "pay" the appropriate price!

Now, that is the Secretary of the Air Force talking about another member of the Pentagon in the Office of the Secretary of Defense, Program Analysis and Evaluation:

> Wynne needs to "pay" the appropriate price.

I wonder what he was talking about.

These e-mails call into serious question whether Secretary Roche was truthful in testifying that he had not directed Boeing to pressure tanker lease critics within the Office of the Secretary of Defense to play ball.

During last year's hearings, we released e-mails indicating that Secretary Rumsfeld's policy analysts may have been improperly lobbying the Office of the Secretary of Defense in support of the tanker lease proposal. Another set of e-mails, only recently produced, give a fuller picture of this issue. For example, in an October 9, 2002, e-mail, Darleen Druyun wrote Secretary Roche and Dr. Sambur saying:

> I would like to informally brief [Defense Science Board Chairman] Bill Schneider on tanker leasing when he gets back from Germany. I had briefed him during the transition about the idea of leasing as a viable acquisition alternative. He has apparently had a positive conversation with Wolfowitz on leasing and is interested in quietly helping us.

This is the head of the Defense Science Board, who is supposed to be making decisions about weapons systems and other acquisitions, and he is "interested in quietly helping us."

> If you give the nod we will use the same charts we used to brief Gingrich which was very positively received by him.

Secretary Roche responded:

> Please do. Thanks much.

This e-mail, and others I have released, raise serious questions about the undue influence that industry exerts on procurement decisions in the Pentagon. What is striking here is that in this case, Air Force leadership seems to have been deep in the middle of it.

To what I have described already, add the doctoring of documents produced to Congress. After SASC, Senate Armed Services Committee, staff returned from their visit from Tinker Air Force Base in October 2003, they asked for some placards that reflected unusually low failure rates associated with component parts of the KC-135s maintained there. That is the present Air Force fleet of tankers. Shockingly, what the Senate Armed Services Committee staff received were altered versions of what they asked for. I conveyed my concerns about these doctored documents directly to Secretary Roche. In Secretary Roche's February 27, 2004, response to me, he conceded that the information that the Senate Armed Services Committee requested was intentionally deleted. In particular, he explained:

> As those placards featured "Tinker-only" information, and because our installations and logistics professionals strive to present a complete and timely picture of our fleet, they amended the placard file by omitting the "Tinker-only" occurrence factors.

To add insult to injury, the explanation that the Air Force leadership provided to the press about what happened was different entirely. Furthermore, we have yet to learn who in Secretary Roche's office directed that the information that Congress asked for be doctored before it was delivered.

It seems that whatever documents Air Force leadership did not doctor, they improperly withheld.

For example, on Friday, September 10, 2004, the White House Counsel's Office and the Office of Management and Budget brought to my staff's attention a very troubling e-mail stream between Secretary Roche and senior OMB official, Robin Cleveland. After Darleen Druyun went to work for Boeing, Ms. Cleveland, the Associate Director for National Security Programs, represented the Government in negotiating with Boeing on the tanker lease proposal.

In this e-mail stream beginning on May 9, 2003, Ms. Cleveland asked Secretary Roche to help her brother get a job at Northrop Grumman. The e-mail said:

> Jim, this is my brother's [Peter Cleveland's] stuff. I would appreciate anything you can do to help with NG—

that means Northrop Grumman—

> He is an incredibly hard working, disciplined guy—worked full-time, with two little kids, putting himself through law school at night. I would be grateful. Thanks very much. Robin

About half an hour later, Secretary Roche gave Mr. Cleveland's resume and cover letter, and, under color of his office and title, vouched for him to Steve Dyslas, a Northrop Grumman executive:

> I know this guy. He is good. His sister (Robin) is in charge of defense and intel at OMB. We used to work together in senior staff. If Peter Cleveland looks good to you, pls [sic] add my endorsement.

A few minutes later, Secretary Roche wrote Ms. Cleveland in an e-mail:

> Be well. Smile. Give me tankers now. (Oops. Did I say that? My new deal is terrific.)

Now, the person who is responsible for overseeing the national security programs at the Office of Management and Budget, the watchdog of all the budgetary issues in America, that one specifically charged with overseeing tankers, asked the Secretary of the Air Force to get her brother a job. He, under his title and name, contacts the defense corporation that does business with the U.S. Air Force and asks them to give Ms. Cleveland's brother a job, and then after sending it, sends an e-mail back to Ms. Cleveland:

> Be well. Smile. Give me tankers now. (Oops. Did I say that? My new deal is terrific.)

On May 15, 2003, Ms. Cleveland responded to her brother in an e-mail entitled: "Interview at NG," saying, "Great. Hope it works before the tanker leasing issue gets fouled up."

Until these e-mails were brought to our attention by the White House, we never even knew about them. In a meeting with me on September 13, 2004, White House Counsel Judge Alberto Gonzales told me that someone in Secretary Roche's office concluded that these e-mails were a joke and therefore they did not need to be produced.

That has to be taken in the context that they told me that they would give me these e-mails as part of our oversight responsibility. The Secretary of the Air Force decided the e-mails that I just cited were not relevant to the tanker deal. So if there is some level of mistrust that exists between me and my office and the Secretary, maybe that clears up that degree of mistrust a little bit.

Given all the scandal and controversy surrounding the tanker lease proposal, and especially given the keen interest that Chairman WARNER and I have expressed regarding potential Air Force misconduct, the unilateral decision made by Air Force leadership to withhold this document is profoundly disturbing.

Keeping a defense contractor's "record of bribes" as a "trump card"; "torturing" a defense contractor "slowly"; pressuring dissenting elements within the Office of the Secretary of Defense whose job it was, particularly in the absence of a Defense Acquisition Board—in other words a formal analysis—to vet this procurement program; signing off on a plan to get the chairman of the Defense Science Board to "quietly help" on the tanker lease inside the OSD; doctoring and improperly withholding documents requested by Congress: this is the picture that we are getting on what happened with the tanker proposal, and we have received only a few documents from 6 out of 30 people we have asked for. This is the picture we are getting, but no one among Air Force leadership stands up to assume responsibility. Instead, what we get from Air Force leadership is deeply troubling statements in the press about how rosy things are. For example, in a recent op-ed appearing in Defense News, Dr. Sambur describes the current acquisition process as "healthy" and "on track."

Hoping that Air Force leadership will "get it" now may perhaps be too much, when they didn't "get it" then. In that context, I find particularly troubling an e-mail from Air Force Under Secretary Teets to Secretary Roche sent just 3 days after Boeing announced the firing of CFO Michael Sears and Vice President Darlene Druyun. In it, Under Secretary Teets writes:

> Jim, I think it is important for you to know all I know about the situation surrounding the tankers . . . Late Tuesday afternoon I talked to Marv Sambur and got his assurance that a thorough review of the Darlene situation had been completed and there was no way Darlene had any influence on our plan for tankers. Furthermore, Marv said that a letter had been prepared for the

DepSecDef to send over to the SASC indicating same, and notifying them of our intent to proceed.

So two people are fired by Boeing because of information that has come to light about improper behavior and later the individual pleads guilty in court—in fact, both of them have now pled guilty in court. Ms. Druyun has confessed that she rigged the contracts as a "parting gift to Boeing" in behalf of her daughter and son-in-law's employment.

Meanwhile, the Under Secretary of the Air Force writes to the Secretary of the Air Force that he talked to Marv Sambur, the Assistant Secretary of the Air Force for Acquisition, and got his assurance that "a thorough review of the Darlene situation had been completed and there was no way Darlene had any influence on our plan for the tankers."

I am amazed. I am amazed.

One thing is for sure: the final chapter on the tanker lease proposal cannot be closed until all the stewards of taxpayers funds who committed wrongdoing, are held accountable. In order to get a full accounting of what happened on the tanker lease proposal, I will continue to insist that all the documents that the Senate Armed Services Committee has asked for, be produced—no matter how long it takes

In closing, Air Force Doctrine Document 1-1 on Leadership and Force Development contains a section setting forth the Air Force's core values. There are three: integrity, service before self, and excellence in all they do. The first, integrity, includes the indispensable characteristics of accountability, responsibility, honesty, and honor. When it comes to Air Force leadership's conduct regarding the tanker lease proposal and related congressional probes, I must however ask: where is the accountability and the responsibility; where is the honesty and the honor; where have these core values been over the past 3 years, and where are they now? To eschew accountability here is to do a profound disservice to the good men and women who wear the uniform of the United States Air Force honorably, capably, and proudly.

For those in the public interested in what I have discussed today, I will be posting all of these documents on my website, www.mccain.senate.gov.

In closing, the scandal continues to widen. Yesterday one of the competitors of Boeing alleged that information was leaked by Ms. Druyun, and the CEO of Boeing. I don't know if it is true. I doubt if it is true. I have no way of knowing. But the scandal continues to unfold. As I said, we have only received a small percentage of the documents and e-mails that we have asked for.

This is a very sad chapter. I was asked last week by a reporter for the Air Force Times if this was personal with me, this issue I have discussed on the Senate floor for the past half hour or so.

It is personal in this respect. It is personal that I had the privilege of serving in the U.S. military and wearing the uniform. I believe we always expect not only the same standard but a higher standard of conduct of the men and women who wear the uniform, and the vast majority, 99 and 44/100 percent of the men and women who wear the uniform conduct themselves with the highest degree of honor, courage, and integrity. But here we have individuals who have, obviously, behaved in a less than honorable fashion. That is why it is necessary we get to the bottom of this.

Next year, beginning January, we are going to have to look at the whole procurement process as it works today in the Department of Defense, because we have just found out that Ms. Druyun, in her guilty plea, said she was involved in rewarding Boeing on several other contracts, not just the Boeing tanker lease. We have no idea how much money that is. But it brings a profound question here: How could one person do this? How could one person alone in the whole Pentagon—I have forgotten how many thousands of people work there—have done this and they not know about it? If they didn't know about it, what kind of a system is it that allows such a thing to take place, over a period of years?

I deeply regret having been involved in this. But I also remind my colleagues that the way this thing started was the insertion in an appropriations bill that was one line that no member of the Senate Armed Services Committee had any knowledge of nor did the Senate Armed Services Committee have a single hearing on before this appeared as a line item in an appropriations bill. That is not the way to do business.

I would allege to you right now, if it had gone through the normal authorization process perhaps this whole scandal wouldn't have unfolded the way it did because we would have had a hearing. We would have scrutinized the proposal. We would have gone through the normal process. Instead, we spent 3 years fighting a rearguard action and through the sheerest kind of luck, in many respects, we are able to identify this wrongdoing.

I hope we can get to the bottom of this as quickly as possible and find lessons learned, find out how much money we can reclaim, if necessary, on behalf of the taxpayers, so that if, indeed, Ms. Druyun's statement is true—and I have no reason not to believe what she confessed to, that she issued a number of contracts that were detrimental to the cause of the American taxpayer—we can reform the system so this kind of thing can never happen again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask it be in order for me to speak for a couple of minutes as in morning business about some of our retiring Senators.

The PRESIDING OFFICER. The Senate is considering the miscellaneous trade bill. The Senator will need to ask unanimous consent.

Mr. KYL. I ask unanimous consent to speak as in morning business for not to exceed 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object, I will not object, but I would like to see if I can ask if I can be recognized after the Senator completes his remarks?

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO RETIRING SENATORS

Mr. KYL. Mr. President, obviously, in the brief time here I am not going to be able to say everything that comes to mind about the Senators who are retiring but to summarize a little bit of the information for the benefit of those who might be watching.

When you have long, distinguished careers of Senators and they decide not to run for reelection but leave the body, there is a lot that comes to mind about their service. I think it is good to remind ourselves of just a few of these things because of the service they have provided, both to the people of their own States and to the United States.

DON NICKLES

Starting, for example, with our colleague from Oklahoma, DON NICKLES, he served both in the leadership of the Senate Republican Conference as well as chairman of the Budget Committee. The last 2 years of his time, during his chairmanship of that committee, he was deeply involved on behalf of taxpayers in saving literally hundreds of billions of dollars in taxpayer money that might otherwise have been spent but for his hard work in ensuring that we had the procedural mechanisms in place to object to excess spending.

Second, ensuring that taxpayers could keep more of their money. Helping to get passed significant tax reform, especially during the first term of President Bush, the 2001 and 2003 tax cuts in particular, coupled with the tax cuts of this past year, has meant substantial savings for all American taxpayers.

The marginal rate reductions accelerated in 2003, and the reduction in capital gains and dividend tax rates, have been a substantial reason that the economy has moved forward as quickly as it has.

Senator DON NICKLES was significantly involved in every one of those, and his leadership in tax policy is going to be sorely missed when he leaves the Senate.

He got his start in Nickles Machinery back in Ponca City, OK, and he understood early on the lessons of how Government involvement in business could make it much more difficult to not only grow a business but to employ people and to contribute to the economy. It is one of the reasons, when his father passed away, that he began to understand how the estate tax can act in a pernicious way on American families when his business had to actually sell off part of its equity in order to pay the estate tax, to make it more difficult for them to stay in business, to employ the people they did, and do the work they did. He understood, therefore, from practical experience why we needed to reform the Tax Code, and he was instrumental in the reformation of the estate tax as well with the spouses' deduction, which was largely his work.

There is so much more one could say about the efforts of Senator DON NICKLES. He is a great friend of all of us. In addition to being very focused on getting the work done, he always managed to do so with a smile on his face and a slap on the back in a way that made it hard for people to disagree with him even when they didn't particularly follow his legislative agenda.

DON NICKLES will be very much missed in the Senate. He leaves, even after 24 years, at such a young age that he will be in Washington and around this country in a way to continue to have interaction with us. We all cherish that because of our friendship with DON NICKLES.

It is bittersweet that DON will be leaving the Senate, but we know after his significant contributions to this country he certainly deserves an opportunity to move on.

SENATOR BEN NIGHTHORSE CAMPBELL

Mr. KYL. Mr. President, I wish to say a word about another of our colleagues, BEN NIGHTHORSE CAMPBELL. Senator CAMPBELL and I served together in the House of Representatives. He is unique in the history of the Senate. He is a Native American who came first to the House and then to the Senate. He represents the people of the State of Colorado, as does the Presiding Officer, with distinction. He is a real man of the people. He is a jeweler, a motorcycle enthusiast, a real athlete—an Olympian, as a matter of fact, in judo. He is a man whose interests are extensive beyond the kind of humdrum interests sometimes we in the Senate focus on. He brought a lot of spirit and a lot of light to this body. I know BEN will be missed by every one of us as well.

SENATOR PETER FITZGERALD

Mr. KYL. Mr. President, my colleague PETER FITZGERALD from Illinois is an extraordinarily smart and focused individual who came to the Senate to represent his State of Illinois and did so with great passion, enthusiasm, and courage, in some cases, when he had to stand against a lot of other Members who were attempting to act in ways he felt were inimical to the interests of his State.

PETER FITZGERALD, though here only one term, I think will be remembered as a great Senator from the State of Illinois and certainly a colleague I will miss personally.

SENATOR ZELL MILLER

Mr. KYL. Mr. President, let me mention our colleague ZELL MILLER. ZELL MILLER is another person who will be in the history books of this body because of his passion and because of his unique character as well. He is probably best exemplified by one of the books he has written called "Corps Values," obviously a reference to the U.S. Marine Corps, in which he describes how a lot of the values that have animated the course of his career and the values he has held dear throughout the rest of his life came from his training as a marine and from his drill sergeant whom he describes so vividly in the book as having almost literally pounded some very important lessons of life into ZELL's head at a very young age—lessons that he took away to apply throughout the rest of his life and which have stood him in very good stead throughout his career.

He has represented the people of his State of Georgia with passion and with great capability, not only as Governor but then to come to the Senate. He has certainly been a friend of people on both sides of the aisle. He is a Democrat, but he still, of course, has many friends here on the Republican side of the aisle.

I can't think of ZELL without thinking of some of the more humorous things he has done as well because despite his passion and enthusiasm, he also has a very good sense of humor. I remember one case in particular when he and Phil Gramm from Texas, who has left the Senate, teamed up to offer an amendment which had no chance of passing. There was no real rationale for it. It was an amendment to exempt pickup trucks from the mileage standards we were going to apply to all other vehicles in the Energy bill, but they thought there was something kind of un-American about having these standards applied to pickup trunks. The two of them offered the amendment.

During the course of the debate, more and more people came over here to listen to them. Their case made such great sense that one by one the Senators began to think maybe this is an amendment that ought to pass. At the end of the day, when they pointed out that, after all, there was no other place to haul your coon dogs when you are going to hunt, or have the rack for your gun, and all of the other things they pointed out what a pickup is for, and no other vehicle could do that job, the Senate finally, I think on a voice vote, acquiesced in their amendment. Because, after all, it made sense when ZELL MILLER and Phil Gramm argued that pickup trucks should be exempted from that standard, we exempted pickup trucks from that standard.

In other words, they knew how to have fun with the seriousness of this body to point out some of the commonsense things most Americans believe and we sometimes forget here in this body.

He is a man of great common sense, a man of the people who loves America greatly, and who certainly inspired me, Senator ZELL MILLER from Georgia.

These are only four of the colleagues who are going to be leaving us at the end of this session. These are Senators whom I became particularly close to. I wanted to say a word about each one of them, to wish them all the very best, bid them farewell, also to know they have too many friends around here to ignore. And we are going to be staying in touch with every one of them.

We thank them for their service to the people of their States, to the Senate, and to the people of the United States of America.

The PRESIDING OFFICER. The Senator from Massachusetts.

IDEA

Mr. KENNEDY. Mr. President, a little later today, the House and the Senate, Republicans and Democrats, will come together for a monumental achievement to strengthen special education for millions of children with disabilities.

The agreement we have reached demonstrates what Americans have to come to realize—that students with disabilities are a far too important priority to be used as a political tool or cast aside because of an election schedule. Their education is not a partisan issue. It is an issue that touches families in every State and in every community.

This has been a long and arduous march for our country as we fought to recognize the civil rights of children with disabilities. When Congress first passed IDEA, disabled children were shuttered away. They had no place in our society. We have all heard the horror stories. There is no need to revisit those dark days, but we should never, ever forget from where we have come.

Then they were sent to separate schools. We know from another battle for integration that separate and equal are not synonymous. All of our children must be educated under the same schoolhouse roof.

Gradually, they were allowed to attend regular public schools, but had to remain in separate wings in those schools. Still, separate and unequal.

At long last, America is coming to know what parents of disabled children have known all along—that their children have hopes and dreams, just like every other child—that they have parents who love them and want the best for their children, just like any other parent.

America is coming to learn that children with disabilities want to be asked what every other child is asked: "What do you want to be when you grow up?"

America is coming to understand that disabled does not mean unable—that we shortchange our communities when we deny them the gifts and contributions of those with disabilities.

So today, all children in America—including those with disabilities have—the right to a free and appropriate education. No one can take that away. And now, 6.5 million children with disabilities attend public schools, and two-thirds of them spend most of the day in a regular education classroom.

The IDEA is about making a better life for children like Zachary Morris of Newton, MA, who has Down's syndrome. Zachary enjoys reading, and loves to play the characters in Dr. Seuss books in class.

It is about Valerie Sims of Attleboro, MA. When her mother Katie noticed her daughter was having difficulty reading at home, she asked her school for an evaluation. The school discovered that Valeria has a learning disability. She spends a couple hours a day in a special classroom and now is able to read at grade level.

The bill before the Senate is a milestone. With this legislation, the debate is no longer whether children with disabilities should learn alongside all other children, but how best to do it. That is why this bill strengthens services to disabled children, works with their parents, improves teaching, and provides practical help to their schools.

This bill also involves changes in the IDEA law, changes which I know cause uncertainty and anxiety for many parents here today, especially when it comes to the proposed new discipline procedures. With the help of Senator SESSIONS, I believe we have reached a workable compromise. It makes sure no child is ever punished for behavior that is caused by their disability or has to go without the educational services they need to meet their goals. And for students whose behavior is caused by their disability, they will get new help under this compromise.

I know that around other issues related to discipline, many parents are worried that the changes in this bill will take away their rights to fight for their child. I want to address several of these issues to clarify what the intent of the conference committee was in making these changes and to reassure parents that we are not, in any way, taking away their rights.

Parents must be trained to be knowledgeable about the changes that were made in this bill and to be skilled advocates for their children. We must assure that misinformation is corrected so that parents do not believe that this bill stripped them of rights to advocate for their children and if necessary have representation by lawyers.

For example, this bill incorporate for the first time, well established civil rights guidelines setting forth the rare circumstances when school districts can recover fees from parents or their attorney's. These standards were developed in Christiansburg Garmet Co., v EEOC, 1978. Defendants can only get fees against a parent's attorney if the case is wholly without legal merit and against parents only in the most egregious case where the parent acts in bad faith, knowingly filing a complaint for the sole purpose of embarrassing or harassing the school district. Since we know that parents of children with disabilities are far too busy to file complaints on these grounds, we do not expect this provision to be used by Local Educational Agencies and State Educational Agencies. No parent should be in any way deterred from filing their legitimate complaint on behalf of their child.

Another example is that this bill for the first time provides a timeline for when a parent must file a due process complaint. Although the complaint must be filed within 2 years of the alleged violation, the remedy for lost services is not limited to 2 years. For example, a parent might first realize that their child may have a learning disability in sixth grade. If the school should have assessed the child in first grade and provided services, compensatory education would need to cover the entire period. The child with a disability should never be deprived educational opportunity because the schools are not holding up their end of the bargain.

This is also true for disciplinary matters. If the school has not developed an appropriate IEP or has failed to implement the IEP, the child should not be disciplined for conduct arising from the school's failure. It goes without saying that a child should never be punished for conduct that arises from the disability itself. Since the "manifestation determination" is so critical, it is imperative that parents be trained how to be skillful advocates in the manifestation determination process. A child with a disability may engage in the same conduct as a child without a disability, but not have the same ability to understand or control the conduct. In these situations it is inequitable to treat the children the same for disciplinary purposes.

This bill aims at remediation, not punishment. By adding strong requirements for functional behavioral assessments and positive and skillful behavioral interventions, we hope to address the conduct before it becomes misconduct. Suspensions and expulsions are the easy way out and I encourage school districts across the country to institute positive behavioral supports for all children. For the schools that have, the results have been remarkable. I strongly urge school districts to apply educational approaches and to use disciplinary approaches as a last resort.

Regarding the important issue of attorney's fees a sentence in the Statement of Managers' language of the conference report that provided the explanation for the attorney's fees language was inadvertently left out. By adding at Note 231 sections detailing the limited circumstances in which Local Educational Agencies and State Educational Agencies can recover attorney's fees, specifically Sections 615(i)(3)(B)(i)(II) and (III), the conferees intend to codify the standards set forth in *Christiansburg Garment Co.* v. *EEOC*, 434 U.S. 412 (1978).

According to Christiansburg, attorney's fees may only be awarded to defendants in civil rights cases where the plaintiff's claims are frivolous, without foundation or brought in bad faith.

The primary contribution of this legislation is that it strengthens the broader community of those involved in the education of our children, and gives them a greater stake in the success of our children.

For our children, this bill provides at least 30,000 additional fully certified special education teachers in our schools. It will expand access to technologies that will help disabled children learn and become independent.

And for the first time, we will ensure that students with disabilities are provided with job training and other services that enable them to support themselves after they graduate. Five years after they complete their special education programs, more than half of those with disabilities still are not working or are not involved in continuing education. We spend more than $12 billion for their education, only to abandon them once they finish school. Surely, we owe it to them, to their parents, and to our communities to provide the training and support they need to lead independent lives.

Our agreement will simplify the rules for services that help disabled students make the transition from the classroom to the rest of their lives. It requires early planning, and that transition services begin at age 16. It requires the evaluation of all students with disabilities to assist them in meeting post-secondary goals, and to help them apply for jobs, after graduation.

While the major transition provisions included in the Senate bill are not in this bill, Chairman BOEHNER assures me that they will be included in job training legislation next year.

Students with disabilities, more so than their peers, need an education plan that takes into account their academic needs, but also their life goals. Because for children with disabilities, success means more than learning the three R's, it means being able to live independently after they leave school and to contribute and be a part of their community. For this reason, this bill makes sure that a child's education plan lays out a clear roadmap to success in school and in life.

Related services, such as speech and language therapy, physical and occupational therapy, and psychological services are of extraordinary importance for disabled students and the IDEA law has always included them. This bill adds new services, such as interpreters and school nurses.

For parents, this bill assures that they have a strong voice in their children's education. It makes sure that students are evaluated quickly for IDEA services when a parent calls for them, and it works with parents to improve the coordination of educational services for students who change schools during a school year. Parents need to be kept informed of their children's progress. It requires all schools to give parents quarterly reports about their child's progress.

It provides new resources to parent training centers to help resolve disputes between parents and schools, and it gives parents more flexible options to participate in their child's education. And above all, it holds schools accountable for results, and imposes sanctions on States that ignore the law, so that parents don't always have to fight failing schools alone.

For too long, the Department of Education has been a toothless tiger, with little interest in monitoring State compliance with the law and with too few tools to take action where there's need for improvement. We know that as a result, States are woefully out of compliance with the law. Every reliable source shows it, and it's the children who pay the price of this negligence.

According to the National Council on Disability, every State in the country is out of compliance with this law in some way.

A recent General Accounting Office report identified compliance failures in 30 of the 31 States visited. Over half of the failures were directly related to providing student services, the lifeblood of the IDEA, services such as counseling, speech therapy and assistive technology, which make the impossible possible.

The monitoring and enforcement provisions in this bill will hold the Department of Education to a higher standard. And it will improve their capacity to hold States accountable for fixing problems.

For teachers, the bill provides new training opportunities. And it recognizes that special education teachers face 2½ times the paperwork burden as other teachers by allowing 15 States to test new ways of giving teachers more time with students and less with needless paperwork.

It streamlines State and local requirements to ensure that paperwork focuses only on improving educational results for children with disabilities and it requires the Secretary of Education to develop simple model forms for individual education plans and other key requirements.

Teachers, principals and other school personnel are also given improved training options and special grants dedicated for this purpose. And a new grant program is created to help institutes of higher education to train our teachers.

States and local schools are allowed to use funds to provide professional development for teachers.

The new law also expands training options for general education teachers, principals and other administrators in how to make the IDEA work for their whole school community.

Most importantly, the bill sets a high standard of competency for special education teachers to meet so disabled students get the best education possible from the best trained professionals.

Special education teachers are modern-day heroes. They are teachers because they care and they do a remarkable job. But we are facing a shortage crisis now, and in the coming years. One of the reasons so many teachers leave special education is they are not adequately prepared for the job. Better trained teachers remain in the field for longer and improve the results for students.

In No Child Left Behind we made a commitment to have a highly qualified teacher in every regular education classroom, and with this bill we do the same thing with students with disabilities. The new law requires that all special education teachers obtain a bachelor's degree, hold a license in their State to teach special education, and demonstrate subject knowledge. It is the right thing to do for students and it will help schools meet the goals under No Child Left Behind. These teachers need our support, and they will receive it as they work to meet these new, high standards.

For communities—for students and parents and teachers and schools—this bill encourages everyone to work together to solve problems and meet challenges. It says that if children must be removed from school for disciplinary reasons, the community must continue to see to the educational and other needs of those children. Far too often, issues between parents and schools quickly wind up in court. This bill tries to resolve them first through a complaint process before resorting to litigation. But it also preserves parents' rights when they do go to a formal due process hearing. It encourages parents and schools to share information to facilitate early and more effective resolution of disputes.

The law will require all schools to measure the academic performance of students with disabilities on all State and district-wide assessments, including alternate assessments aligned to a State's academic content standards or extended standards. It requires all States to include students with disabilities who take alternate assessments in their No Child Left Behind accountability systems.

Communities win with this bill when it comes to financing the education of disabled children, too. They contribute the majority of funds to educate disabled students, and we recognize that by giving them a greater say over how they spend Federal funds.

I deeply regret this bill does not require the Federal Government to meet its full funding commitment to local schools to help them cover the costs of special education. The bill at least sets specific funding targets, and we will continue to fight next to see that Congress and the administration meet them.

Meeting local needs also includes continuing support for early intervention programs. We know early intervention for our youngest children ages zero to 3 can make an enormous difference in their development, and that dollar for dollar these resources are one of the most effective investments we can make.

This law also gives States the incentives and the authority to create a seamless system of early intervention from birth through kindergarten so our youngest children get the best care possible and enter kindergarten ready to learn.

As a society, we are judged by how we treat our children, and we are measured especially by how we treat those children with special needs. That is why I believe so strongly in the right of every child to a free and appropriate education, and I believe this bill advances that cause.

I thank the many people who brought us successfully to this day. First and foremost, I commend the thousands of parents who made their views known in shaping this legislation. They have been citizen leaders at their very best. Chairman BOEHNER, Senator GREGG, the chairman of our committee, and Congressman MILLER deserve special thanks for their leadership in producing an agreement with such strong and overwhelming support.

I might mention, Mr. President, the vote in the House of Representatives was 397 to 3 on this legislation. The House voted earlier today. It reflects the best judgment of Republicans and Democrats in both bodies on an issue of such fundamental, basic importance to families who have the special-needs children but to all Americans who care about the quality of our society and the value this Nation places in terms of understanding the special gifts special-needs children provide for their families and for communities and for our country.

I also commend Senator SESSIONS for his bipartisan work in dealing with the discipline issue, which has needlessly plagued the debate on IDEA for so long.

Senator HARKIN is always at the forefront of the movement for equal rights for all persons with disabilities, including children. He has led the effort for positive support for all students with disabilities, and his best ideas are in this bill.

Senator DODD and Senator JEFFORDS worked effectively on this legislation to improve early childhood programs. They have been two pioneers in the development of the legislation since the very beginning, and they have been absolutely tireless in pursuing positive, constructive, responsive changes in these programs. They are both leaders on children's programs in the Senate.

Senator BINGAMAN fought for strong enforcement of civil rights protections for every disabled student. Senator MIKULSKI strengthened support for students making the transition from schools to careers. Senator REED improved the training and recruitment of special education teachers. Senator MURRAY improved the provisions on enforcement and the monitoring of the law and for caring for homeless and foster care children so they do not fall through the cracks. Senator CLINTON deserves credit for her work to ensure that new funds are provided to improve the quality of alternative student placements, to provide more effective behavioral support for students, and to see that all schools are safe schools.

Thanks especially to the staff, who worked endless hours over the past few weeks to produce this bill.

All of us are grateful to Denzel McGuire, Annie White, Bill Lucia and Courtney Brown on Senator GREGG's staff for their dedication to making this bipartisan process work, and to Michael Yudin with Senator BINGAMAN for his expert counsel.

Also to Sally Lovejoy, David Cleary, Melanie Looney, Krisann Pearce and Brad Thomas with Congressman BOEHNER; Alex Nock, Alice Cain and Ruth Freidman with Congressman MILLER; John Little with Senator SESSIONS; Mary Giliberti and Eric Fatemi with Senator HARKIN; Elyse Wasch and Seth Gerson with Senator REED; Maryellen McGuire and Jim Fenton with Senator DODD; Bethany Little, formerly with Senator MURRAY's staff; Jamie Fasteau with Senator MURRAY; Justin King and Jean Cook with Senator JEFFORDS; Catherine Brown, Susie Saavedra and Maryana Zubok with Senator CLINTON; Carmel Martin, formerly with Senator BINGAMAN's staff; Sara Vecchiotti with Senator BINGAMAN; Rebecca Litt with Senator MIKULSKI; Erica Buehrens with Senator EDWARDS; Joan Huffer with Senator DASCHLE; Bethany Dickerson with the Democratic Policy Committee; and Kristen Bannerman with Senator ALEXANDER.

I especially thank Jeremy Buzzell, Michael Dannenberg, Charlotte Burrows, Jim Manley, Jane Oates, Roberto Rodriguez, Kent Mitchell, Cody Keenan, Danica Petroshius and Michael Myers on my staff for their skillful work and dedication, and above all Connie Garner for all she has done for children with disabilities and their families and for never letting us forget what this law is really about.

Our thanks also go out to the hundreds of disability and education advocates across the country who worked so hard on this legislation.

This bill represents our best bipartisan effort, and I look forward to its immediate and imminent passage and strong support from both sides of the aisle.

Mr. President, before concluding—and I am going to include an appropriate number of these letters in the RECORD—we asked, just several weeks ago, some of those children whose lives will be impacted by this legislation a question. We sent them this question:

> Take a few minutes to think about being an adult. What will your life look like? How do you think that school can help prepare you to be the best that you can be and make some of your own dreams for your future come true?

This is the answer from an eighth grader:

> I want to be a doctor. I know that if I try hard to read well, I can learn better and then I have a chance to be a doctor. Teachers like Mr. McKenzie and Ms. Ann help me to learn and make me feel good.

The question was:

> Take a few minutes to think about being an adult. What will your life look like? How do you think school can help prepare you to be the best that you can be and make some of your own dreams for your future come true?

Again, this was a sixth grader:

> I want to be an art teacher when I grow up. I want to learn all about and to be able to work with clay, paints, pencils and everything. I want to teach kids like me.

Mr. President, we have a book that I will not, obviously, put in the RECORD, but we have a number of letters like that. The hopes and dreams of these children are the hopes and dreams of children all across the country. This bill will help those hopes and dreams be achieved.

I see my chairman on the floor at this time. Again, I thank Senator GREGG for his work.

We have worked very closely on this legislation and other legislation, No Child Left Behind. He was tireless in terms of trying to increase funding for the IDEA. We had differences. Some of us felt we ought to move in a more rapid way, but he has certainly been strong and committed to the goals of this legislation over a long period of time. He is giving up the chairmanship of this committee to go on to other service in the Senate. I think all of us who have been a part of this pathway on IDEA are particularly in his debt for his leadership and the work he has done on this very important piece of legislation.

Mr. HARKIN. Mr. President, I want to thank my colleagues, Chairman GREGG and Senator KENNEDY, as well as Chairman BOEHNER and Representative MILLER, for conducting a truly bipartisan conference. When the legislative process is working properly, we have a fair negotiation—and more often than not, that produces a better bill. Not a bill that gives each of us everything we wanted, but a fair result given the two bills that we are charged with reconciling. And that is what we have here.

Last week, Washington Post's internet site ran a cartoon by Ted Rall that was one of the most egregious things I have ever seen. I don't know if many of you saw it, but it showed a student in a wheelchair with crossed eyes and drool coming from his mouth. He had joined a class of students without disabilities and here is what one of the panels of the cartoon read, "The special needs kids make people uncomfortable and slow the pace of learning." The cartoon showed the class changing from higher level math to simple addition because of the special education student.

The cartoon was supposed to be some kind of analogy to the United States, but it was very hard to understand the point. What was crystal clear, however, was the author's bigotry and stereotyping of children with disabilities. I understand that the Post will no longer run cartoons by Mr. Rall because cartoons like this are not funny. They are hurtful and serve as a stark reminder of why we are here and why IDEA is such important civil rights legislation.

I was here in Congress in 1975, as were some of my Senate colleagues, when IDEA was enacted. And it is important to remember why we passed this legislation in the first place. We passed it because bigotry and discrimination were keeping a million children with disabilities completely out of school. Those children were locked out of an education and denied the bright future that comes with an education. IDEA opened the doors of opportunity for those children.

I have participated in many subsequent revisions to the law over the past 29 years. And I am supporting this reauthorization because we continue our proud tradition of ensuring that children with disabilities have the right to a free, appropriate public education, FAPE. In addition, we improve the enforcement of that right.

Over the years, I have been involved in the debate about disciplining students with disabilities—and this was a major issue for the conferees. I know that parents were very concerned about changes to this section of the law. I appreciate and understand those concerns because I have shared them.

While this reauthorization streamlines the discipline provisions, it continues several key principles. We will continue to consider the impact of the disability on what the child is doing and we will not punish children for behavior that is related to their disability. It is also important that we continue to require that children receive educational services when they are being disciplined so they do not fall further behind. We also continue to emphasize that an assessment and services must be provided to children who have more serious behaviors so we can prevent future discipline problems.

I believe that discipline will become less and less of an issue over time as schools implement positive behavior supports more widely. Section 614(d)(3)(B), entitled consideration of special factors, was added in 1997 to provide special emphasis on certain related services, modifications and auxiliary aides which were not being considered by IEP teams and therefore not provided. The Senate bill modified subsection 614(d)(3)(B)(i) to state that behavioral supports must be provided when the child's behavior impeded his/her education or that of others. In conference, current law was re-instated in order to make the subsection consistent with the other special consideration subsections.

By instructing the IEP team to consider the specified services, it goes without saying that the services must be provided if the IEP team finds that the services will assist the child in benefiting from his/her educational program. In the case of behavioral interventions, the section sets forth the circumstances when the services would be required.

The regulations to IDEA specify that "if, in considering the special factors ... the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive FAPE, the IEP team must include a statement to that effect in the child's IEP." 34 C.F.R. Sec. 346(c). And IEP services must be provided to the student. See Office of Special Education Programs Letter to Osterhout, 35 IDELR 9 (2000).

There has been widespread noncompliance with this requirement. However, with reauthorization's increased emphasis on monitoring and enforcement, we expect that this implementation will improve. Children whose behavior is impeding them or others from learning should get the positive behavioral supports they need when the IEP team considers this issue and finds that the services are part of FAPE for that child.

In addition, we allow schools to use up to 15 percent of their funds to address behavior issues for children who have not been identified as special education students. Also, Senator CLINTON has worked to include authorization for a program that would provide funding for systemic positive behavioral supports in schools.

Research by Dr. George Sugai and others indicates that the implementation of positive behavioral supports can have a dramatic impact on disciplinary problems. Dr. Sugai testified in 2002 before the Health, Education and Labor Committee that by shifting to schoolwide positive behavioral supports, an urban elementary school decreased its office referrals from 600 to 100. It also decreased in 1 year its days of suspension from 80 to 35. Schools can save administrators' time and resources and cut down on discipline problems by implementing these programs.

Another area that generated discussion in this reauthorization is litigation and attorneys fees. However, the facts show that there is very little litigation under IDEA. GAO examined the data and concluded that the use of "formal dispute resolution mechanisms has been generally low relative to the number of children with disabilities," according to a 2003 report titled, Special Education: Numbers of Formal Disputes Are Low and States Are Using Mediation and Other Strategies To Resolve Conflicts.

My own State of Iowa follows the general trend of very low hearings and court cases. A graduate student in Iowa did a thorough analysis of due process hearings in Iowa from 1989–2001. Since the amendments in 1997, there were three hearings in 1998; three also in 1999 and four hearings in 2000. The Department of Education informs me that this trend continues, with only three hearings in each of the past 2 years. And there are thousands of children in special education in the State of Iowa.

Given the fact that litigation is generally not a problem in IDEA, in this reauthorization we merely include a standard that is used in other civil rights contexts—it is generally referred to by the case, *Christiansburg Garment Company* vs. *Equal Employment Opportunity Commission*, 98 S.Ct. 694 (1978). Both prongs of the Christiansburg standard (filing or pursuing litigation that is groundless or for bad faith/improper purpose) adopted today are very high standards and prevailing defendants are rarely able to meet them. They are designed for only the most egregious cases.

Also, in deciding cases under this standard, courts have considered the party's ability to pay. This is important because Congress does not intend to impose a harsh financial penalty on parents who are merely trying to help their child get needed services and supports. So in applying this standard and deciding whether to grant defendants' fees, the court must also consider the ability of the parents to pay.

A school district would be foolhardy to try to use these provisions in any but the most egregious cases. Not only would the school be wasting its own resources if it did not prevail, but it would be liable for the parents' fees defending the action.

Unlike parents who are entitled to attorney fees if they win the case, the fact that a LEA ultimately prevailed is not grounds for assessing fees against a parent or parent's attorney. As the Supreme Court concluded in Christiansburg, courts should not engage in "post hoc reasoning by concluding that, because a plaintiff did not ultimately prevail, his action must have been unreasonable or without foundation. This kind of hindsight logic could discourage all but the most airtight claims, for seldom can a prospective plaintiff be sure of ultimate success."

As GAO found, there has been a low incidence of litigation under IDEA. The cases that are filed are generally pursued because parents have no other choice. Congress does not intend to discourage these parents from enforcing their child's right to a free, appropriate, public education. This is merely to address the most egregious type of behavior in very rare circumstances where it might arise.

In this reauthorization, we also include a 2-year statute of limitations on claims. However, it should be noted that this limitation is not designed to have any impact on the ability of a child to receive compensatory damages for the entire period in which he or she has been deprived of services. The statute of limitations goes only to the filing of the complaint, not the crafting of remedy. This is important because it is only fair that if a school district repeatedly failed to provide services to a child, they should be required to provide compensatory services to rectify this problem and help the child achieve despite the school's failings.

Therefore, compensatory education must cover the entire period and must belatedly provide all education and related services previously denied and needed to make the child whole. Children whose parents can't afford to pay for special education and related services when school districts fail to provide FAPE should be treated the same as children whose parents can. Children whose parents have the funds can be fully reimbursed under the Supreme Courts decisions in Burlington and

Florence County, subject to certain equitable considerations, and children whose parents lack the funds should not be treated differently.

I also want to discuss the monitoring and enforcement sections of this bill. I want to thank Senator KENNEDY for his leadership on this issue. Again, GAO has issued a report that has informed our deliberations around this issue. They noted that the Department of Education found violations of IDEA in 30 of the 31 States monitored. In addition, GAO found that the majority of these violations were for failure to provide actual services to children. That report, issued this year, is titled, Special Education: Improved Timeliness and Better Use of Enforcement Actions Could Strengthen Education's Monitoring System.

When we passed the Americans with Disabilities Act, we said that our four national goals for people with disabilities were equality of opportunity, full participation, independent living, and economic self-sufficiency. But children with disabilities are never going to meet any of those goals if they don't get the tools that they need when they are young. So if we truly want equal opportunity for individuals with disabilities, it has to start with IDEA, and with our youth, who are our future. The law must be enforced so they receive the services and supports they need to get a quality education and a brighter future.

As part of the enforcement of this law, States must ensure that local education agencies are meeting their targets to provide a free, appropriate public education. If they fail to do so, the State must take action, including prohibiting the flexible use of any of the local education agency's resources.

In addition to monitoring and enforcement, there are other improvements in this bill. I will mention one area that is near and dear to my heart because of my brother, Frank, who many of you know, was deaf. In this bill, we add interpreter services to the list of related services, a change that is long overdue. And we continue to require the Department of Education to fund captioning so deaf and hard-of-hearing individuals will have equal access to the media.

While I support the bill, I must point out, however, that I am deeply disappointed that this bill does not include mandatory full funding of IDEA.

SECTION 615(K)

Mr. President, I say to my colleague, Senator KENNEDY, with whom I have worked on these issues for many years, there are revisions in this bill to the provisions concerning the authority of school personnel to place a student with a disability in an alternative educational setting. That is section 615(k). As you know, this was a subject of much discussion when IDEA was reauthorized in 1997, and I think we reached a good balance at that time. Is there an attempt here in this new reauthorization to change the balance we created in 1997?

Mr. KENNEDY. I can answer without hesitation that there is no attempt to change the basic principles of what was done in 1997. As was recognized at that time, the general rule is that a child with a disability cannot be suspended or placed in an alternative placement for more than 10 days. In order to meet safety concerns of school personnel, Congress added specific exemptions in 1997 to deal with the most dangerous situations. In keeping with that concern, the school may place a child in an alternative setting if he has inflicted serious bodily injury on another person at school. However, even in these circumstances, the child may not be removed for more than 45 days and must receive a free, appropriate, public education and behavioral supports in the alternate setting.

Mr. HARKIN. I thank my colleague, and I agree with his explanation. I ask the Senator, what about the child with a disability who violates a code of conduct in a way which does not reach that level of dangerousness? In 1997, we distinguished between situations where the conduct was related to their disability and those where it was not. Is this distinction also preserved in our new bill?

Mr. KENNEDY. Absolutely, it is a basic premise of disability civil rights law that someone should not be punished for disability-related conduct. Nowhere is this more true than in the educational setting. That is why we have placed an emphasis on functional behavioral assessments and positive behavioral supports. We want to address behavior educationally, hopefully before it becomes misconduct.

Mr. HARKIN. I wonder whether my colleague believes this reauthorization changes the factors for deciding whether the behavior is a manifestation of the disability?

Mr. KENNEDY. I say to my friend from Iowa, the answer is no. While there was an attempt to streamline the language, the information that should be reviewed and the factors that should be considered should be the same. In 1997, the act set forth specific instances when the child's behavior would be a manifestation, when the child's disability impaired the ability to understand or control the behavior, or when the individualized education program or IEP was not being appropriately implemented. These instances would still constitute grounds for finding that the conduct is a manifestation of the disability, as would any other relevant factor or special circumstance which indicated that the conduct in question was caused by, or in the alternative, substantially related to the child's disability. If the student's conduct is a manifestation of their disability, the student may not be moved to an alternative placement for more than 10 school days unless one of the specific dangerousness exceptions apply.

Mr. HARKIN. I thank my colleague for his explanation.

Mr. GREGG. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, let me first thank the Senator from Massachusetts for his very generous comments, but more importantly for his extremely positive and constructive and aggressive role in bringing this bill to fruition. He and his staff have done an exceptional job of reaching across the aisle to make sure that this bill, so critical to so many children in our Nation, was completed and completed in a manner where everybody could feel comfortable that the product was good and was going to improve the lives of these special-needs children.

This bill has some exceptional strengths. It doesn't respond to all of the problems we know are out there relative to IDEA, but it makes dramatic strides forward in improving this very significant piece of legislation, which many of us have worked on for a long time. I think it is a reflection of the good faith and the good attitude brought to the table that we were able to reach an agreement.

This was not an easy piece of legislation to put together. It came together not only because of our side, in the Senate, with myself, Senator KENNEDY, and other Members of the committee, but because over on the House side Congressmen BOEHNER and MILLER played a very positive role in making sure we reached an agreement.

This bill's uniqueness is that it changes the paradigm relative to how we help these children. The goal is to make sure the special-needs children have a reasonably decent shot at making sure they accomplish as much as they are capable of accomplishing. So we go from an input system, where we had a lot of T's to cross and I's to dot, where we ask are these children getting the best education they can get, and are there results? It is an output look, a look at accountability to make sure these children are trained and given skills and the academic preparation they need. So it changes the emphasis of IDEA to that of being one of input and regulation—to say how far can we go to improve this child's life and education capabilities? We have trained the teachers and given them more flexibility, hopefully, and less regulation and less paperwork and more time with students. We also hope we have given parents tools to work with and given the school board tools to work with. We hope we have dramatically released the litigiousness of this exercise that created an atmosphere where parents and school boards and teachers can work out a game plan for their children and not feel they have to resort to lawsuits.

In addition, we have addressed critical issues, such as the question of discipline in the classroom and how best to deal with a child who has special needs, and how that child can interface with the classroom in a positive way. I thank Senator SESSIONS for that. This was the most difficult part of the bill. Senator SESSIONS gave strong leadership and we were able to work out a strong compromise.

Again, the reason this bill succeeded was because everybody came to the table in good faith and tried to reach an agreement that would be positive for the children who have special needs in our Nation. And we have been successful, in my opinion, in moving this ball well down the field toward that goal. Will there need to be more tweaking and effort in this area? Of course. That is a fact of life. But have we made dramatic strides toward giving these children a better shot at a better life? Absolutely, under this legislation.

Senator KENNEDY listed all the different Members on his side and many on ours who played a major role in making this bill work. I intend to put those in my statement, as I recognize my time is limited. A lot of players came to the table from a lot of different offices—on the staff side but, more importantly, on the Members' side, and worked very constructively. Certainly, we appreciated the genuine effort put forward by Members who serve on the HELP Committee to reach agreement here.

I especially thank Denzel McGuire of my staff, who leads our education activities. She has been the author and the energizer of a lot of good law around here. Much of it is now bearing fruit; for example, No Child Left Behind. This will be another legacy of hers, in which she can take great pride, and in which I also take great pride.

Again, I thank my ranking member, Senator KENNEDY, and his staff, including Connie Garner, for their very constructive role and their willingness to work so aggressively with us to reach a product that will have a very positive impact on lives.

This bill is going to make a lot of kids who have special needs, with special problems, have a much better life and a much better chance at an education that fulfills their strengths and gives them a chance to use those strengths in a positive way.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President——

Mr. COLEMAN. Mr. President, I understand the Senator from West Virginia has the floor, and I understand he is going to give a Thanksgiving message. However, I ask the distinguished Senator from West Virginia if he will yield to me for 10 minutes to address the pending measure.

Mr. BYRD. Mr. President, I will be happy to yield.

I ask unanimous consent that I may yield to the distinguished Senator for not to exceed 10 minutes, and that I may then be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COLEMAN. Mr. President, I rise to address the pending measure, the Miscellaneous Trade and Technical Corrections Act. I was proud to join the bipartisan efforts in the Senate to bring this important legislation to conference. This bill is important to me and to the people of Minnesota because it helps make our State and our Nation more competitive in a world market, which can be pretty rough and tumble.

That said, however, I am equally opposed to the extension of permanent normal trade relations to Laos, a provision slipped into this trade bill in conference committee, notwithstanding the fact that neither the Senate nor the other body voted to include this provision in their respective versions of the bill.

The Laos trade provision was not included in the underlying bill moving through the regular process because, as the saying goes, "there are some things no amount of sunshine can disinfect." That is an apt way to describe the terrible human rights record of Laos. If the United States were to ever extend normal trade relations to Laos under that country's current human rights conditions, it could only be done in this way—without either body addressing the issue head on. It could only be tacked onto a popular piece of legislation that was not amendable, as was the case with the conference committee report, allowing this otherwise unacceptable provision to get a free ride without the scrutiny it deserves.

This provision did not emanate from the Senate negotiators but from the negotiators in the other body. I commend Chairman GRASSLEY and Senator BAUCUS, two good friends, for whom I have the greatest respect, for all the hard work they put into the underlying bill. It is a good bill. But because the bill wound up with this Laos trade provision on it, I was put in the position of having to oppose invoking cloture on the bill, a vote I took earlier today. This is the first time as a Senator I opposed cloture. I did not take this position lightly. I have seen too much good legislation in the Senate die not because it didn't have majority support, but because it could not get a simple up-or-down vote. My vote earlier today was also not easy because I strongly support trade. Minnesota is the seventh largest agricultural export State in the Nation, and twelfth in overall exports. Trade is good for America and for Minnesota.

Frankly, opposing normalized trade with a country is a tough call, even when trade with that country is of nominal value to the United States, as is the case with Laos. But frankly, there are just some times where the actions of an unapologetic nation are so egregious that is is morally wrong to move forward on trade liberalization with that nation because if would effectively place the imprimatur of the United States on those actions. The actions of Laos rise to this level. I know we will not be able to stop this Laos trade provision today with it being attached to a bill that enjoys such overwhelming support on both sides of the aisle. But I am pleased that a resolution I introduced condemning Laos for its human rights abuses will be taken up by the United States Senate today.

I am pleased to be joined by Senators FEINGOLD, KOHL, and DAYTON on this resolution, and I appreciate the assistance of Chairmen LUGAR and GRASSLEY, Senators BAUCUS and BIDEN as well as the majority leader in helping to work out this very important and very strong resolution. Our resolution essentially says to Laos, you have now got normal trade relations with the United States, now, shape up and rise to that very basic level of human decency expected around the civilized world by today's standards—and probably achieved by most of us in the Dark Ages.

Laos is a Communist nation with a disturbing human rights record, particularly with regard to its treatment of ethnic minorities.

Laos is home to an ethnic minority, the Hmong. The Hmong are a brave and freedom-loving people. During the Vietnam War, thousands of Hmong aided American soldiers. The CIA trained and armed approximately 60,000 Hmong guerrillas to disrupt View Cong supply lines and rescue downed pilots during the Vietnam War. They served admirably and saved American lives.

When Laos fell to the Communists in 1975, the government began to systematically persecute these people, in retaliation for their support of our soldiers and their rejection of communism. Tens of thousands of Hmong were able to flee difficult conditions in Laos, and many have resettled in Minnesota, Wisconsin, and California where they are hard-working, important members of our communities. In fact, this year the U.S. is welcoming another 15,000 Hmong refuges who fear returning to Laos from their camp in Thailand.

Thousands of Hmong remain in Laos, however, and fear for their lives daily.

The Lao Government continues to employ ruthless tactics against them. Amnesty International has accused the government of Laos of using starvation as a "weapon of war against civilians." More recent reports—and even grotesque video footage—suggest the rapes and killings of several young Hmong girls at the hands of Lao soldiers.

Let me give you an example from my State. A constituent of mine, a Lutheran Minister from St. Paul who is Hmong, traveled to Laos last year to translate for two European journalists who were investigating human rights in Laos. During their trip, Reverend Mua and his associates were arrested by the Lao police on suspicion of murder. He was denied consular access for over a week and subjected to a 1-day show trial, after which he was convicted for 15 years in prison. Although he was eventually released after more than a month in captivity—thanks to the hard work of our American diplomats in VientianeReverend Mua's case is one more illustration of the Lao govenment's disregard for human rights and due process, as well as its apparent discrimination against this ethnic minority.

The State Department's Human Rights Report on Laos catalogues the many failings of this regime with regard to human rights. Permit me to share some key findings of this report:

> The Government's human rights record remained poor, and it continued to commit serious abuses . . . Members of the security forces abused detainees, especially those suspected of insurgent or anti-govenment activity . . . Police used arbitrary arrest, detention, and surveillance . . . The Government infringed on citizens' privacy rights and restricted freedom of speech, the press, assembly, and association. . . . The Government restricted some worker rights. Trafficking in women and children was a problem.

The report goes on and on.

According to the U.S. Commission on International Religious Freedom:

> There continue to be serious religious freedom problems in Laos. The government interferes with and restricts the activities of all religious communities . . .

Now the Commission does note some recent improvement by the Lao government.

Nevertheless, "Lao officials, primarily those at the provincial and local levels, have continued to harass, detain, and arrest individuals reportedly for participating in certain religious activities." Bear in mind that this state of affairs—harassment, detention and incarceration for one's religious convictions—is apparently an improvement over the Lao Government's performance of last year.

My office has received troubling reports from Laos about shocking behavior on the part of the Lao military toward the Hmong minority. As I have mentioned, a new video documents alleged rapes and murders of a number of young Hmong girls. The Lao Government, not surprisingly, has disputed these reports. But the areas in which these atrocities appear to have been committed are not open to outside observation. Outside groups are not allowed to enter these communities to verify—or even dispute—these allegations. The Lao Government certainly has acted as though it has something to hide.

This United States is not alone in our concern. In August 2003 the United Nations Committee to Eliminate Racial Discrimination "deeply regretted that the Lao People's Democratic Republic had failed to honor its obligations . . . expressed its grave concern at the information it had received of serious and repeated human rights violations in that country: was extremely disturbed to learn that some members of the Hmong minority had been subjected to serve brutalities;" and, "deplored the measures taken by the Lao authorities to prevent the reporting of any information concerning the situation of the Hmong people . . ."

Finally, they say you can tell a lot about a man by the company he keeps. Let us then consider the government of Laos, which counts among its closest friends such nations as North Korea and Burma. Last year Laotian representatives met with representatives of North Korea where, according to the BBC, "both sides . . . exchanged views on the need to boost cooperation . . . (in) talks (that) proceeded in a friendly atmosphere."

And according to the Vietnam News Agency and other sources, in May of last year, "Top leaders of Myanmar and Laos . . . expressed their delight with the two countries' growing friendship and highly valued the mutual assistance and successful cooperation in the spheres of politics, security, economy, trade and socio-culture." I am sure I do not need to remind the members of this body that North Korea is a charter member of the "axis of evil," nor need I recall that this very body has voted twice in the last two years to impose sanctions against Burma. A country that seeks to boost "friendly" cooperation with North Korea and delights in its "growing friendship" with Burma ought to give us some pause, some opportunity to examine this normalized trade relationship, giving us an opportunity to vote against it rather than putting it in a bill we all know will pass.

I believe in trade. I believe it helps the people in my state, and that it can help to create a more inter-connected and ultimately more peaceful world.

But I am wary about the signals we send by extending permanent normal trade relations to a nation with such an abysmal human rights record.

The timing is particularly troublesome, coming as it does on the heels of such highly disturbing reports.

I wish we had an opportunity to debate this issue on its face. I wish we had a chance to hold a hearing on trade with Laos, or to debate it as part of an amendable piece of legislation. My colleagues in the other body also wish they had been afforded the opportunities, or even been advised of the inclusion of the Laos measure in what is otherwise a very popular bill. I will be watching Laos closely and if progress is not made, expect to revisit this issue.

I know my colleague, Senator FEINGOLD, will expect to revisit the issue. This is a bipartisan issue.

Finally, let me say, 99 percent of this bill is good for the country and good for Minnesota. My home State has a strong tradition in support of trade, and normally the underlying bill would be a slam-dunk back home. But Minnesota also has a strong tradition of respect for human rights and the culture of life, and at least with this Senator, and with respect to this extremely egregious case, the human rights and the culture of life must be the first consideration.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is to be recognized.

Mr. BYRD. I thank the Chair. Mr. President, I ask unanimous consent that I may speak without regard to germaneness, with the understanding that the time be charged against me under the cloture rule, and that I not speak beyond 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

(The remarks of Mr. BYRD are printed in today's RECORD under "Morning Business.")

Mr. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I would like to take a minute to explain or review where we are procedurally. The Senate has voted for cloture on the miscellaneous trade bill, including the Laos NTR issue. Under rule XXII, 30 hours of debate is available postcloture for further debate on the conference report.

I would like to ask how much time remains available for debate on the miscellaneous trade bill?

The PRESIDING OFFICER. There is 30 hours for all consideration, which includes the debate, quorum calls, and votes, which would end tomorrow at 4:44 in the afternoon.

Mr. FEINGOLD. Mr. President, how much time have we consumed of the 30 hours?

The PRESIDING OFFICER. Cloture was invoked this morning at 10:44, so we have consumed slightly less than 5 hours.

Mr. FEINGOLD. Mr. President, we apparently have a little over 25 hours remaining of the 30-hour period. I have with me a number of State Department and international reports from which I would at some point like to read. They describe further some of the horrific human rights abuses that have been perpetrated by the Lao Government. Senators COLEMAN, KOHL, DAYTON, and I have drafted a resolution condemning these abuses and urging the Lao Government to allow international access to vulnerable populations.

I don't want to shut this place down, but this is a very important issue, and it is my intention to remain on the floor and to prevent us from transacting any business unrelated to the conference report before us until we reach agreement to pass this important resolution. I realize I do not have the votes to block NTR from passing, but I cannot stand by and let that pass without insisting the Senate take strong action noting and condemning the Lao Government's actions.

I hope we can work things out quickly, and I think we can. I appreciate the support and hard work of my colleagues, particularly Senators KOHL and COLEMAN, who are working hard to get this resolution through.

At this point, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is considering a conference report under cloture.

Mr. DORGAN. I ask unanimous consent to speak in morning business for as much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

COUNTRY-OF-ORIGIN LABELING

Mr. DORGAN. Mr. President, as we near the end of the legislative session and its final day or 2 day, it is interesting what kicks around these Chambers: some people have ideas about adding things to the Omnibus appropriations bill. Other people want to take something out that they think is in that bill.

I came across a story in the newspaper this morning that describes something I discussed on the floor of the Senate yesterday. It says, "GOP looks to repeal food label law." Then it quotes the House majority whip saying he expects the Senate to agree to repeal the country-of-origin labeling law now that its proponent, Senator TOM DASCHLE, is no longer in office.

First of all, Senator TOM DASCHLE remains in office until the end of his term.

Second, it is true that Senator DASCHLE is the strongest proponent and actually the architect and the author of the legislation that has created country-of-origin labeling. But I say to those in the GOP who look now to repeal the country-of-origin labeling law that they are in for a fight. Repeal is not going to happen just because somebody has a hiccup in the morning and decides they don't like this law. It is the law. We passed it.

The Secretary of Agriculture dragged her feet and didn't want to implement it. The omnibus conference legislation last fall actually delayed the implementation time for the law, and now they just want to kill it outright, apparently. Let me describe again what it is we are talking about. We are talking about labeling for meats and vegetables.

In the morning, when you put your T-shirt on, there is a label that tells you where that T-shirt was produced. Slip on a pair of shoes or slippers and you will find out where they were produced because they have a label. Go to the grocery store and pick up a can of peas off the shelf and take a look at its label and what is in this can, and you can see where it was produced. Most items that consumers are able to buy these days has a label that tells you where those things were produced. But that is not the case with meats and vegetables.

Country-of-origin labeling is something that is important for our farmers and ranchers because they produce the finest quality of food in the world for the lowest percent of consumers' disposable income. And it is also very important for consumers.

I held up a piece of beef on the floor of the Senate the other day. I said: I defy anyone to tell me where that piece of beef was produced. Where does it come from? Does it come from the processing plant in Mexico that was processing beef and shipping it to the dinner tables of American consumers?

By the way, that processing plant was only inspected once. And when it was inspected, the inspector found that carcasses were hanging in rooms that were not cooled, with feces on the carcasses. The meat was being walked on by the folks who were working in that plant, with bacteria all around. The most unclean conditions you can imagine were in that plant, and eventually it was shut down. But that meat was going to the American kitchen table. Meat was produced in that Mexican processing plant under the most unsanitary of conditions.

That plant was closed down, but it has reopened under a new name, a new ownership.

Does anybody know whether the slab of beef that I held up the other day came from that plant? You don't. It is because there is no labeling. No one has any idea where any of it comes from. That is why farmers and ranchers in this country support labeling. Fruits and vegetables ought to be labeled. Consumers deserve it.

Farmers and ranchers in this country produce the best quality food in the world, and we ought to have country-of-origin labeling for meats and vegetables. Who doesn't want it? The big economic interests don't want it.

When they start whistling, we have people around here who start dancing. The faster they whistle, the faster these folks dance.

Now, apparently, they say let us just dump this proposal that is now law, or let us rather repeal the country-of-origin labeling law.

I say, again, there are those of us who will wage an aggressive fight with those who want to decide to repeal that law.

Not only do we have people who want to stick legislation like this to repeal the country-of-origin labeling in the omnibus bill at the end of this session, which would be a huge step backwards and a real slap in the face not only of consumers but also of farmers and ranchers, but we also still have people blocking legislation that should be completed by this Congress. Let me describe specifically what that is.

We have been working in the Senate for a long while to allow the reimportation of prescription drugs. U.S. consumers pay the highest prices in the world for prescription drugs. Brand-name prescription drugs cost a great deal of money in our country. Miracle drugs offer no miracles to those who can't afford to buy them. I commend the drug companies for producing miracle medicines. But there is no excuse for charging the American consumer the highest prices in the world.

I will give you some examples.

If you are a woman and have breast cancer, God forbid and have to take the drug tamoxifen, I have had people tell me that they went to Canada and paid one-tenth of the price they were charged in the United States for that anti-cancer drug.

I spoke just recently, in fact, to a couple in North Dakota who have gone to Canada for 3 straight years to buy tamoxifen. They said they paid one-sixth of the price that was charged locally in this country.

As I indicated, I have heard people say they paid 10 times more in the United States for that drug than you would pay in Canada for that.

What about Lipitor for cholesterol? Lipitor is one of the top selling cholesterol-lowering drugs in the United States. I have two bottles in my office that I have used previously on the floor of the Senate. They look identical because they are made by the same company; the same pill put in the same bottle, sold by the same pharmaceutical company. One was sold in Winnepeg, Canada, and the other one in Grand Forks, ND—the same pill, the same tablet called Lipitor.

The only difference is the price. Buy it in the United States and you pay

$1.86 per tablet. Buy it in Canada and you pay $1.01 per tablet.

Why is the price for that cholesterol-lowering drug almost double in the United States? It is because U.S. consumers are charged the highest prices in the world for most brand-name prescription drugs.

We have been trying very hard in the Congress to pass a bill that would allow the consumers to make the choice where to purchase those drugs. In fact, the legislation Senator SNOWE and I and others have introduced would allow American pharmacists to go to Canada and buy that lower priced prescription drug and bring it back to our country and pass the savings along to the consumers. But we have been blocked in this effort.

Many of us in the Senate put together a bipartisan bill, and that bipartisan legislation was authored by myself, Senator SNOWE, Senator KENNEDY, Senator MCCAIN, Senator DASCHLE, and many others. That bill did not get through the Senate because it was blocked.

I thought I had an agreement with the majority leader. He believed that he had reached a different agreement at about midnight one evening in exchange for releasing a hold on a key nominee. I believe I was told that we were going to be able to see action on that legislation. The majority leader feels differently. I regret that we have that disagreement.

But we come to the end of this session, and the fact is that the effort to help American consumers by putting downward pressure on prescription drug prices in this country has been scuttled. It has been blocked. The White House has blocked it. The FDA has blocked it. The majority in the Senate has blocked it.

In the Presidential debates, in fact, this issue came up. The President was asked, why are you blocking the reimporting of prescription drugs to put downward pressure on prescription drug prices? And the President said, "I haven't yet"—meaning he hasn't blocked it yet. Of course he has, he has continually blocked it. The President went on to say during the debate:

> Just want to make sure they're safe. When a drug comes in from Canada, I want to make sure it cures you and doesn't kill you. Now it may well be here in December you'll hear me say, I think there's a safe way to do it. If they're safe, they're coming.

But the President meanwhile goes on blocking the reimportation of prescription drugs.

The bill we have written is a bipartisan bill. This is not Democrat versus Republican. It is a bipartisan piece of legislation.

Let me point out with respect to the safety issue, in testimony from an executive of a drug company, a vice president for marketing at Pfizer, Dr. Peter Rost:

> The biggest argument against reimportation is safety. What everyone has conveniently forgotten to tell you is that in Europe reimportation of drugs has been in place for 20 years. It is called parallel trading.

In Germany, if you want to buy a prescription drug from Spain because it is cheaper, you can. If you are in France and you want to buy it from Italy, you can do it. It is called parallel trading. The Europeans have done it for 20 years routinely and there is no safety issue.

Our legislation would give American consumers and pharmacists the ability to access FDA-approved drugs that are produced in FDA-approved plants. This approach allows the marketplace to put downward pressure on prescription drug prices here by being able to buy the identical prescription drug, FDA-approved, from Canada, or another country. As long as there is a chain of custody that is safe—and no one argues that the Canadian chain of custody for prescription drugs is not safe—there is no reason why we should not allow the marketplace to work for the benefit of consumers.

We end this legislative session with this proposal having been blocked.

It is estimated that if Americans could pay the same price as the Canadians for prescription drugs, the consumers of this country would save $38 billion. This is not a small issue. This is a big issue. The fastest rising portion of health care costs is prescription drugs, and we are trying desperately to do something about it.

I don't denigrate the pharmaceutical industry. They are a big industry, strong and tough. They fight hard to protect what they have. I don't denigrate that. But there needs to be some competition in order to put downward pressure on prices. It is unsound public policy for our country to decide to allow the pharmaceutical industry to charge the American consumer the highest prices in the world. It is especially tough for senior citizens. Senior citizens are about 12 percent of the population of this country and they consume one-third of the prescription drugs in America. They have reached that point in their life where they are receiving a lower income and having to shell out substantially more for prescription drugs. Many of them simply say, we cannot afford it.

That is why Republicans and Democrats, together in a bipartisan effort, have tried very hard this year to get this reimportation legislation through the Senate. I regret we come to the final day or days and it remains blocked.

My hope is that those who I felt had reached an agreement with us to give us an opportunity to have a vote on this legislation will understand we will be back the minute the Congress returns, in a new Congress, ready to fight this battle again. This battle is not over. We are not quitting. On behalf of the consumers of this country, they deserve fair treatment with respect to the prices of prescription drugs.

It appears to me we are one or two days from completing this legislative session. I will have great regrets—I believe I speak for my colleagues Senator MCCAIN, Senator SNOWE on the Republican side, Senator DASCHLE, Senator KENNEDY, Senator STABENOW and Senator FEINGOLD on the Democratic side—that we have gotten to this point and have been blocked each and every step of the way.

Then we have the President say, I haven't blocked it. Of course, he has blocked it. The FDA, the White House, and the majority in the Senate have blocked our bipartisan bill, an opportunity to try to do something to put downward pressure on prescription drug prices. That, in my judgment, is a failure of this Congress, and it is a failure I hope we will soon remedy when we turn the calendar over to January and begin a new Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I ask unanimous consent that following my remarks, the senior Senator from Minnesota, Senator DAYTON, be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICAL RESEARCH

Mr. SPECTER. Mr. President, I have sought recognition to speak briefly about medical research in the United States. The Senate is now working through, as we all know, an Omnibus appropriation bill, which includes the appropriations bill for the subcommittee which I chair on the Department of Labor, Health and Human Services, and Education. One of the component parts of this bill involves the funding for the National Institutes of Health. Our allocation is grossly insufficient. It impacts on many areas. It impacts on education. It impacts on worker training. It impacts on many aspects of the delivery of health services.

One line which I think is particularly troublesome is the absence of adequate funding for the National Institutes of Health. I say that because of the very remarkable advances which NIH has made in the past, and the enormous potential for the future.

I was elected to the Senate in 1980. In the first year I served on the subcommittee, which I have for the full 24 years of service, the NIH funding was something less than $3.6 billion. By this current fiscal year, funding had increased to some $28 billion, significantly as a result of the leadership of Senator TOM HARKIN, who is the senior Democrat on the subcommittee, and my pressure to increase the funding, backed up by the full committee and by the full subcommittee, Senator STEVENS, Senator BYRD, and then approved most of the time by the full body. This year, our funding is very insufficient.

If we look at where medical research has brought us, it is remarkable. Life expectancy has increased from 47 years in the year 1900 to 77 years in the year 2001. Polio, smallpox, and other infectious diseases no longer kill or cause suffering to large numbers of people. The rate of death due to heart disease has been cut by more than half since 1950. Death rates from cancer for 11 of the top 15 cancers in men have decreased; 8 of the top 15 cancers in women have been decreased. Diagnoses with multiple myelomas have been reduced from a death sentence to living with a chronic condition as a result of new drugs developed through biomedical research.

But there is still an enormous challenge. Heart disease continues to be the number one killer; cancer, the number 2 killer, not far behind. The tragic aspect of these deadly diseases is that they could all be cured, I do believe, if we had sufficient funding.

Two of my closest friends have died recently as a result of breast cancer. Being the chairman of this subcommittee for many years has brought me into contact with many people who have maladies, whose children have maladies, who suffer from Parkinson's, whose family suffers from Alzheimer's, and varying categories of cancer.

My Chief of Staff, a young woman named Carey Lackman Slease—well known in the Senate community—died on July 14 of this year at the tender age of 48. She was known by practically everybody in the Senate. She came to the Senate to work for Senator Heinz 24 years ago when she was 24. She left the Senate for a time for a variety of private enterprises, but her heart and soul belonged to the Senate, and she came back as my Chief of Staff and did a spectacular job.

The breast cancer disease lingered in her body, and notwithstanding the pain, suffering, and torture she went through; she stayed at the job. And she stayed at her desk, insisting on staying, although many of us tried, including me personally, to have her ease off. She was in love with the Senate and found the Senate work the best therapy, so that when she passed, it was a shock to people who had been working with her in very recent periods of time before. All of us took her death very hard, especially in the context of our thinking that her death could have been avoided had medical research had sufficient funds and sufficient resources to do the job.

A few days ago, on November 11, a very close personal friend, Paula Kline, who was the wife of my son's law partner, who I was very close to, who was practically a daughter, died at the age of 54 of breast cancer. In a very valiant and very courageous way, Paula Kline struggled with all of the advanced protocols and possibilities which might have spared her or elongated her life. And going through the various forms of treatment, they turned out to be worse than the cancers themselves. But again, the tragedy is that Paula Kline's death could have been avoided had sufficient resources been devoted by this very wealthy country to medical research. We have a gross national product in excess of $11 trillion. We have a Federal budget of $2.4 trillion this year, and it will be more next year. And when we take a look at the budget for the National Institutes of Health at $28 billion, it is, candidly, scandalous that with our resources, our resource capability, research capability in biomedical science, that people are still dying of breast cancer or colon cancer or heart disease.

There is a long list of maladies that people suffer from where there could be cures: autism, Parkinson's, scleroderma, muscular dystrophy, osteoporosis, cervical cancer, lymphoma, prostate cancer, colon cancer, brain cancer, pediatric renal disorders, glaucoma, sickle cell anemia, spinal cord injury, arthritis, a variety of mental health disorders, hepatitis, deafness, stroke, Alzheimer's, spinal muscular atrophy, amyotrophic lateral sclerosis—commonly known as Lou Gehrig's Disease—diabetes, breast cancer, ovarian cancer, multiple myeloma, pancreatic cancer, head and neck cancer, lung cancer, multiple sclerosis, macular degeneration, heart disease, infant sudden death syndrome, schizophrenia, polycystic kidney disease, Cooley's anemia, stroke, primary immune deficiency disorders.

That list was compiled by Bettilou Taylor, who is the most—I was about to say the most extraordinary staffer; we have a lot of extraordinary staffers in the Senate family—but a most devoted worker. I will take just a moment to commend her and the staff on the Appropriations Subcommittee of Labor, Health and Human Services, and Education. They have been working around the clock, home for an early morning shower, and back at work, turning out an omnibus bill for some eight of the subcommittees which had not been able to turn out bills before.

It continues to be mystifying to me, after being here for 24 years, that we cannot complete our work in a more orderly way. It is a regrettable fact of life, but it is a fact of life that everything is done in the Congress at 11:59 if there is a 12 o'clock curfew. Some of it does not get done until after midnight, until after the curfew. We have worked the bill every which way. A couple years ago, we had the bill concluded on June 29, floor action by the Senate. But by the time we get through the complex conferencing—and I do not ascribe any fault anywhere, to the other body or to this body—it seems to be endemic of the way we do our business.

But we are about to have a bill filed. There have been various predictions. The most recent one is for 5 o'clock. We will see if that happens. There are so many items that our constituents come to us for, and they want included in the bill. It is such a complex and difficult matter. We struggle with it. And the House will take it up some time tonight. I do not know how anybody can intelligently or intelligibly read that bill, let alone to comprehend it, through the limited period of time which is available.

In struggling through the bill this year, for my subcommittee, there are many disappointments, but the biggest one is on the National Institutes of Health. I focus particularly on the tragic death of my Chief of Staff, Carey Lackman Slease, who died July 14 at the age of 48, and a very close personal friend, Mrs. Paula Kline, who died on November 11, just a few days ago, at the age of 54. The deaths are marked by the tragedy of the fact they could have been eliminated had we devoted sufficient resources to medical research.

I call this to the attention of my colleagues in the Congress and the people who may be watching on C-SPAN or who may read the CONGRESSIONAL RECORD of the importance of renewing our efforts, in a wealthy country with a gross national product of $11 trillion and a Federal budget of $2.4 trillion, that we could do better than $28 billion for this very important subject.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I ask unanimous consent that the pending matters be set aside and I be allowed to speak 10 minutes on another matter, and that the 10 minutes count against my hour under the cloture rules.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT

Mr. DAYTON. Mr. President, on another matter, I am rising to support the conference report that is being proposed for the Individuals with Disabilities Education Act. I support this legislation. I commend the conferees for their efforts to streamline, make less bureaucratic and less time-consuming, the current IDEA legislation and its administration.

In Minnesota, my home State, special education teachers—in fact, some of our most experienced special education teachers—are leaving that field, leaving special education classrooms, because of the bureaucratic burdens, the time-consuming paperwork.

They lament the time they cannot spend in those classrooms, the time lost to working directly with schoolchildren, in order to have to comply with all of the State, Federal, and local school district reporting requirements.

Those reporting requirements are mostly well intended, and one layer of them is mostly necessary and appropriate. However, the second and the third layers of bureaucracy have become duplicative, redundant, excessive, and oppressive.

Sadly, previous attempts to "reform" this bureaucratic overload have resulted, according to many of the teachers in Minnesota, in more, not less, reporting requirements, more forms, more time required away from their classrooms and from their students. No one benefits from that bureaucratic overload—not the special education students, their families, the teachers, or the taxpayers.

Like too many other well-intended programs, we try to micromanage the process, rather than analyze the results. We tell educators, or other experts in their fields, how they ought to do their jobs, rather than telling them to do their jobs as efficiently and effectively as possible, and then report to us and to our constituents their progress—in this case, improving the educational attainments and ability of their students, and what they need from us to do their jobs even more effectively.

When IDEA was enacted back in 1975, there was opposition to it from some States and school districts and from some schools. But now, in my State, schools and teachers are committed to doing special education as well as possible. We need to get out of the way and let them do it. So I hope this legislation will be a step in that direction—better yet, two or three steps in that direction.

Something else we should do, though—and we should have done it long ago, and certainly have done it during the last 4 years I have been here—is fully fund the Federal commitment to IDEA, to fulfill a promise Congress made 29 years ago—29 years ago, when it passed the special education mandate. Congress back then promised the States, promised local school districts and, most important, promised the children and parents of America that they would pay for 40 percent of the cost of special education. When I arrived here 4 years ago, that percentage was only 13 percent, less than one-third of the amount promised 25 years before. To his credit, President Bush has proposed in each fiscal year an increase in the amount of Federal funding for special education. To our credit, we have passed those increases, and even somewhat more, so that this year the Federal funding for special education totals 19 percent of total spending nationwide, which is an improvement, but is still less than half of what was promised 29 years ago.

That broken promise by the Federal Government cost my State of Minnesota nearly $200 million this year. It has cost every other State special education funding. I am, frankly, mystified at why my five pieces of legislation—five times I have attempted to increase the Federal share of special education to that promised 40-percent level—have been defeated every time in the Senate. I am mystified—because I cannot believe that most other States and most school districts in America could not use that additional special education funding. In schools in Minnesota, the underfunding of the Federal share of special education results in local school districts having to make up those shortfalls either out of funding for other school programs for students, or by increasing local property taxes, because states and schools are being mandated by us to provide special education services. They are subject to lawsuits if they don't. But we are not providing them with the money to carry out that mandate.

This bill before us would not fully fund the Federal share for special education until the year 2011. Even then, that funding level is not assured. It may not be enough. It is not guaranteed. It is not made a requirement. The appropriations still have to come each year.

So we have, once again, evidence that we lack the proper priorities. We propose and pass tax cuts for the wealthiest Americans, and the President proposes to make them permanent. Some colleagues propose eliminating the estate tax, which affects 2 percent of the people in America, by 2010, and to make that permanent starting in 2011. While some call that the death tax, special education is a life commitment, a lifesaving commitment. Yet, we will not make that lifesaving commitment to the schoolchildren of America.

I will try again next year, and I will keep on trying with my legislation to fully fund the Federal share of special education, which should be well within our reach financially. It is the right thing to do, and it is the necessary and moral thing to do, and it would serve well the interests of this Nation in the years ahead. I regret that it is not part of this conference report coming before us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. What is the parliamentary situation?

The PRESIDING OFFICER. The Senate is under cloture on the conference report to H.R. 1047.

Mr. LEAHY. I thank the Chair.

TRIBUTES TO RETIRING SENATORS

TOM DASCHLE

Mr. LEAHY. Mr. President, when the Senate concludes its business in the coming days, the congressional career of a remarkable man will come to an end. After 26 years of representing South Dakotans as their voice in Washington, Senator DASCHLE will be leaving the Senate.

His story is a classic one. As a young man from Aberdeen, SD, TOM DASCHLE graduated from South Dakota State University and immediately began 3 years of service in the Air Force of the United States. After his service, he got an early introduction to Washington as he went to work for Senator Abourezk, eventually returning to South Dakota to work out of the Senator's state offices.

TOM was elected to Congress in 1978 and went on to serve four terms in the House of Representatives before being elected in 1986 to the Senate.

After the resignation of George Mitchell in 1994, Senator DASCHLE won a very tight race for minority leader. I was proud to have supported him at that time. 1994 was a difficult year for our party and we had some serious soul searching to do. TOM displayed the strong leadership that was necessary to take Democrats in the Senate forward. That is why, after that first tight election for leader, he was reelected unanimously as leader each time thereafter. He has always been a man who radiates optimism and hope, making him an excellent face for our party.

I have known TOM since he first came to this body in 1986. I closely followed his Senate race against James Abdnor, and I was impressed by him. A few days after TOM won that race, he and his wife Linda joined my family in Vermont for Thanksgiving dinner. When they came to the farm, my mother said to me, "That is the nicest young man I ever met." Well, she was right. TOM is a man of deep resolve and strong character.

The Nation saw that character exhibited in the days following September 11. Senator DASCHLE showed the country the importance of setting labels aside when he publicly embraced President Bush. In the face of that terrible tragedy, America united behind our leadership.

Only a few short weeks later, Senator DASCHLE and I were both targets of anthrax attacks—some of which killed several people—in letters addressed to the two of us. I know that the attacks brought home the reality of terrorism to both of us, but also to the Senate community as a whole.

In the ensuing years, Senator DASCHLE continued to show resolute leadership in the Senate, routinely reaching across the aisle even when those on the other side of the aisle were at their most partisan.

On more than a few occasions, Senator DASCHLE and I have joined together to work on a variety of national legislative efforts. Together, we advocated for expanded benefits for members of the National Guard and Reserve. Senator DASCHLE has shown courage and resolve in holding the line against the President's most objectionable judicial nominations. We worked together on tort reform, combating corporate crime, and efforts to help off-duty police protect Americans. Those are just a few of the initiatives on which we collaborated.

But during that time, he has also been a strong voice for South Dakota on those issues important to his constituents. He has fought for improved health and education for Indians. He has led efforts to expand health services in rural areas and to prevent companies from canceling retiree benefits without notice. He is well known as a champion for ranchers and farmers in South Dakota. In fact, he made sure their voices were always heard. He worked to ensure they had drought aid, but also he worked to do what a true South Dakotan would do: He wanted to make sure they could compete on a level playing field.

Despite a well-run campaign and putting forth his best effort, Senator DASCHLE was not reelected to the Senate this fall. The morning after election day, he gave a speech before his supporters in Sioux Falls. He finished that speech by recalling two memories. The first was of a magnificent Washington skyline sunset he witnessed one fall afternoon leaving his office in the Capitol. The second was watching the Sun rise at Mount Rushmore with his family, and the warm, sweet optimistic feeling inspired by that sunrise. TOM said that, seeing both, he likes sunrises better. I agree. For the past 18 years with each daily sunrise, he sought to bring hope and optimism to this body. He has worked to better his State and his country, to ensure our children and grandchildren have a brighter world in which to live. He is a remarkable friend and colleague, and I thank him for his service to this institution.

If I can be very personal, in my 30 years in the Senate, I have not known a more honest and more decent Senator than TOM DASCHLE. I believe that part of our Senate fabric and our Senate conscience leaves with this special person.

Mr. President, I see others seeking recognition. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, in a few minutes Senator COLEMAN will offer a resolution. I join Senators COLEMAN, KOHL, and DAYTON in supporting this resolution. By taking this up and passing it at this time, we signal that congressional concern about the deplorable human rights situation in Laos will be intense and ongoing.

As I have discussed today, I hear regular reports from constituents distraught about the conditions faced by their relatives in Laos. This is especially wrenching—and this is the point we have been trying to make all day—when we remember that the Hmong communities reportedly targeted for abuse are the same communities that worked side by side with U.S. forces during the Vietnam war. We simply cannot ignore the dismal human rights situation in Laos and be the country and the people we wish to be.

Just a word on the language of the resolution which Senator COLEMAN will describe in a moment. This resolution expresses the Senate's hope—hope—that a more open society will develop in Laos in the wake of the extension of NTR. Certainly this is my hope, although I, frankly, really see no reason to believe it will happen.

But the reality is that Laos will get NTR. The votes are there, and while I may disagree with the wisdom of colleagues taking that step, we, of course, all do hope for change in Laos—a greater respect for basic human rights, an end to repression aimed at ethnic minorities, such as the Hmong, and religious minorities, such as the Christian community, and for access to vulnerable populations.

I appreciate the efforts of my colleagues who join me in sponsoring this resolution and the efforts of the leadership on both sides, the Senate Foreign Relations Committee, and the Finance Committee.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, first, I thank Senator FEINGOLD for his leadership on this issue, for his perseverance, persistence and being on the floor, as we discuss the miscellaneous tariff provisions, to make sure that, before we finish our work, we put forth a resolution reflecting the sense of this body that there are problems with human rights in Laos. They have to be recognized. That is what this resolution does.

I thank Senator FEINGOLD. I thank my colleague, Senator DAYTON, who has been working with us, and Senator KOHL.

Mr. President, I ask unanimous consent that following the adoption of the resolution relating to Laotian human rights, which I will send to the desk in a moment, that the pending conference report to accompany H.R. 1047 be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDEMNING HUMAN RIGHTS ABUSES IN LAOS

Mr. COLEMAN. Mr. President, I now ask unanimous consent that the Senate proceed to the resolution, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 475) to condemn human rights abuses in Laos.

There being no objection, the Senate proceeded to consider the resolution.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the resolution be agreed to, that the preamble be agreed to, that the motions to reconsider be laid upon the table, and that any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 475) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 475

Whereas the Lao People's Democratic Republic is an authoritarian, Communist, one-party state;

Whereas the Government of Laos has a poor human rights record, particularly with regard to its treatment of minorities;

Whereas the United States Central Intelligence Agency trained and armed tens of thousands of Hmong guerrillas to disrupt Viet Cong supply lines and rescue downed pilots during the Vietnam war;

Whereas in 1975, the Kingdom of Laos was overthrown by the Communist Pathet Lao regime, and tens of thousands of Laotians, including the Hmong, were killed or died at the hands of Communist forces while attempting to flee the Lao Communist regime, and many others perished in reeducation and labor camps;

Whereas tens of thousands of Hmong became refugees, eventually resettling in the United States, where they now reside as American citizens and lead constructive lives as members of our communities;

Whereas remnants of former Hmong insurgent groups and their families who once fought with the United States and the Royal Lao Government still remain in remote areas of Laos, including Xaisomboun Special Zone and the Luang Prabang Province;

Whereas in August 2003 the United Nations Committee to Eliminate Racial Discrimination strongly criticized the Lao People's Democratic Republic for failing to honor its obligations, expressed its grave concerns regarding reports of human rights violations, including brutalities inflicted on the Hmong, and deplored the measures taken by the Lao authorities to prevent any reporting of the situation of the Hmong;

Whereas in October 2003, Amnesty International issued a statement detailing its concern about the use of starvation by the Lao Government as a "weapon of war against civilians" in Laos and the deteriorating situation facing thousands of family members of ethnic minority groups;

Whereas the Department of State reported in its most recent Country Report on Human Rights Practices for Laos that the "Government's human rights record remained poor," and highlighted press reports that one group of Hmong in Xaisomboun Special Zone, mostly women and children, was being systematically hunted down and attacked by government air and ground forces and that it was at the point of starvation;

Whereas international organizations, the Department of State, and Members of Congress have received reports of mistreatment over the past 6 months of Hmong in Laos emerging from remote areas of Laos, including the Xaisomboun Special Zone, the Luang Prabang-Xieng Khouang border area;

Whereas the Lao Government has not allowed independent organizations to monitor the treatment of the Hmong emerging from remote areas of Laos;

Whereas in September 2004, Amnesty International issued a statement condemning recent reports that Lao soldiers murdered 5 Hmong children, raping 4 girls, who were foraging for food close to their camp, and called it a war crime; and

Whereas the Lao People's Democratic Republic has failed to substantially improve the status of human rights for its citizens: Now therefore, be it

Resolved, That the Senate—

(1) Condemns the consistent pattern of serious human rights abuses in the Lao People's Democratic Republic;

(2) Urges the Government of Laos to increase international access to vulnerable populations and to respect the basic human rights of all Laotians, including ethnic and religious minorities; and

(3) Hopes that the Lao government intensifies its efforts to make its economy and society more open and transparent in light of the congressional grant of normal trade relations to the Lao People's Democratic Republic.

Mr. COLEMAN. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, this is an issue in which I, Senators FEINGOLD, COLEMAN, and many others have taken a deep interest. I believe this resolution is an important statement. It makes very clear, when the Senate passes the miscellaneous tariff bill with Laos NTR, that we still condemn the consistent pattern of serious human rights abuses, and we will continue to press forward for increased access for the Hmong and other ethnic minorities in remote areas of Laos.

I thank the Chair. I yield the floor.

Mr. DAYTON. Mr. President, I thank my colleagues Senator FEINGOLD and Senator COLEMAN for permitting me to have this time and also to commend them for their outstanding leadership regarding the violation of human rights in Laos. I join with them in opposing the granting of permanent trade relations for that country due to the oppression of Hmong and other violations of human rights in Laos. I strongly support, proudly, and am a cosponsor of their resolution to express the strong opposition of the Senate to those continuing violations.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2004—CONFERENCE REPORT—Continued

Mr. BYRD. Mr. President, today I voted against invoking cloture and ending debate on the conference report accompanying the Miscellaneous Tariff Bill, H.R. 1047. Normally, this is a noncontroversial bill passed by unanimous consent. However, this year's bill is different. While it contains many provisions that I support and have worked with other Senators to someday enact, it also includes a specific provision to repeal the Antidumping Act of 1916. This bill would repeal the 1916 Act in response to an international ruling, which found that this U.S. trade law is WTO-violative even though no court ruling under this U.S. law has resulted in any need for the United States to compensate any of America's trading partners.

I disagree with repeal of the Antidumping Act of 1916, because I believe that this attempt by the WTO to force the United States to abolish this trade law, legitimately enacted at the start of the prior century, is misguided and unfair. Our trade foes have little reason to criticize this trade law; few cases have been brought under its provisions, and even fewer have resulted in judgements against any foreign firm. The WTO's attempt to abolish this law is simply one of a long line of decisions by this international body meant to open U.S. markets to cheap, unfairly traded imports, and to undermine the ability of the United States Congress to exercise its sovereign right to regulate domestic and foreign commerce.

Repealing this U.S. trade law would set a bad precedent and could only encourage other nations to seek similar, ill-informed "justice" at the WTO. That, in turn, will lead to disaster for the U.S. industrial base, where American producers will assuredly suffer the ill-effects of increased, dumped imports, which will drive down the prices of American-made goods and put more and more American manufacturers out of work.

The PRESIDING OFFICER. Under the previous order, the conference report is adopted and the motion to reconsider is laid upon the table.

The conference report was agreed to.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Illinois.

Mr. FITZGERALD. Mr. President, I ask unanimous consent to speak as in morning business for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAREWELL

Mr. FITZGERALD. Mr. President, I rise with some sadness on my last time to speak on the Senate floor. It is a very bittersweet occasion for me because I have loved every minute of the last 6 years, and I will miss this body greatly. I am sure I will think about it every remaining day in my life hence forward. The past 6 years have been amongst the most thrilling in my life, and it has been a privilege and honor to serve here.

I rise really to thank my colleagues for their kindness to me over the years and to thank my staff and my family and the entire Senate staff and everyone who is part of this institution for the wonderful 6 years I have had here.

I was first elected to the Senate from Illinois in 1998. I was sworn in in 1999, and almost immediately thereafter, the first Presidential impeachment trial in 130 years began. For my first 35 days, I think it was, or 38 days, on the Senate floor, I was immersed in the impeachment trial of former President Clinton. Thereafter, we had times of war, war in Kosovo and Afghanistan and now Iraq. We had the events of 9/11. I have served in times of war and peace, in times of great prosperity, as well as in times of recession. I have seen a whole lot.

What I will remember most probably is the wonderful people who are part of the Senate. When I entered the Senate in 1999, I came in as the youngest Member. I was 38 at the time. I am older now, obviously, and have probably less hair and more gray hair. The oldest Member of the Senate at that time was Strom Thurmond. He was 96 years of age. I will never forget Strom Thurmond telling me, when he was 96, about how he used to work out 45 minutes every day, and I was thinking about whether I might be as active as Strom when I am 96, if I make it that long. Even at that age, I remember Strom giving me advice, telling me about how I could help the coal industry in southern Illinois. It was remarkable to meet someone like that.

There are many who have retired. There are others like Strom who have passed away. There are some giants who are still with us, such as Senator ROBERT BYRD. One of my first memories of meeting Senator BYRD is going in to talk to him after I first got elected and asking him to sign for me a copy of his book on the history of the Roman Republic. Early on in my term in the Senate, I actually read Senator BYRD's whole book on the history of the Roman Republic. I have to say it is a marvelous book, and any Member of the Senate who has not read that book should please go out and get it because it has bountiful lessons for every Member of the Senate. It traces the decline and fall of the Roman Republic. It traces the decline of the Republic to the Roman Senate giving up more and more of its powers to the Executive, finally to the point where the Senate became meaningless and Rome was just governed by Caesers, dictators, and kings. It is an outstanding book.

To meet the man who wrote this book and to realize that book was taken from a series of speeches that he delivered on the Senate floor, without notes, as to the hundreds of thousands of names and dates in that book, is truly astonishing.

Senator BYRD has written a much larger four-volume history of the Senate, which when I retire from this body I hope to have time to tackle. But just to think of someone who could be so productive not only in the Senate for so long but accomplish so much in other areas writing such scholarly books, I will miss people like Senator BYRD and Senator Thurmond and all the others, the leaders with whom I have had the privilege to serve.

Senator Trent Lott was the majority leader when I entered. For a period of time, Tom Daschle was the majority leader. Now Senator Frist is the majority leader, and soon Senator Harry Reid will be the minority leader. Each one of those individuals is remarkable, in my judgment. They have always been gentlemen of the highest order, and they work very hard. They are very good at what they do in representing their perspectives. They are good and honorable people whom our country is lucky to have.

Our whips on the Republican side, Don Nickles and Mitch McConnell, Don Nickles has done such a good job for the taxpayers of this country. It has been an absolute pleasure to watch him fighting excessive spending and confiscatory taxation. I have been pleased to join him over and over again to hold the line on spending and to vote against tax increases and for tax relief, something that I view as very important.

I am retiring at the same time as Senator Nickles. I will miss him greatly as part of this body, but I hope to see him often in life outside of the Senate.

Other colleagues of mine are so important to me for reasons one might not think of. I did not know what I might have in common with Senator Bunning from Kentucky. He was elected at the same time I was in 1998. Senator Bunning is always so kind in giving me advice, as I advise my own son how to practice his pitching for his Little League games.

The other night, I saw Senator Bunning in his car, and I said: Jim, having been a Hall of Fame baseball pitcher—where else can you get that kind of advice for your son's pitching lessons—I am not going to be able to ask you for advice on how to coach my son on pitching.

He said: You know what. You can still call me afterwards. I will always be there.

It is comments like that and the friendships like that, where I have spent so much time with the other 99 Members of this body, so many late nights and long weekends and sometimes retreats together, all of us really have become almost kind of like a family. It is much more family like than I think the media in America recognizes because so often the differences between the parties or the personalities get emphasized by the media. But I will miss them all.

John McCain, the chairman of the Senate Commerce Committee on which I have been privileged to serve the last 4 of my 6 years, a man I admire greatly. Most Americans know about his heroism as a prisoner of war during the Vietnam War, where he was in the Hanoi Hilton for 5 years and the enemy forces tortured him, crushed his bones and could never get him to buckle or back down. Few men have the kind of courage that John McCain has. It is not just physical courage but the courage he has had to always fight for what he believes is right. Sometimes I have not agreed with him, but when he believes he is right he is willing to stand up to some very powerful forces that often threaten him politically, but nothing scares this American hero, John McCain. I am so thankful to him for the opportunity he gave me to chair the Consumer Affairs Subcommittee on the Senate Commerce Committee where I have been able to work on child safety and booster seat safety and automobiles and also to play a very critical role in the corporate governance hearings that we had a few years back first with Enron, Adelphia, WorldCom and those other corporate scandals.

We have also worked on aviation and transportation, the Internet, telecommunications. There is never a dull moment with Senator McCain chairing the committee, and for the seven new Senators who are coming in who are thinking of what committees they might want to serve on, that is one I have always loved. With Senator McCain, there is never a dull moment.

Susan Collins, the chairman of the Senate Governmental Affairs Committee—what a great American, what a hard-working American. We all saw that recently with her hard work on putting together the Intelligence bill under very difficult circumstances with a very short time to work. I thank her for giving me the opportunity to chair the Financial Management, the Budget, and International Security Subcommittee of the Governmental Affairs Committee, together with my friend and colleague Danny Akaka, from Hawaii, who has been my ranking member on that subcommittee. Danny is such a gentleman. I tell you, I am going to miss him personally, and I am also going to miss the macadamia nuts that he regularly sent over to me. But I may have time to visit him on a beach in Hawaii, now that I think about it. Maybe that is where I will see him and Senator Inouye next.

But Senator Akaka and I were able to wake up what might normally be thought of as a very sleepy subcommittee of the Governmental Affairs Committee, where we dealt with improving accountability of Government financial reporting. We increased audit requirements on Federal agencies, we extended the Chief Financial Officers Act to the Homeland Security Department, and we put it in to apply to the new Intelligence Directorate. But, also, we have worked very hard in that subcommittee to spotlight some of the great challenges our country confronts.

I think in that regard, with the staff on that committee on both sides of the aisle being so able, we have been able to put together some of the best hearings the Senate has had on issues such as our defined benefit pension problem in this country. The Pension Benefit Guaranty Corporation has a massive deficit with no end to increasing deficits on the horizon.

We have had hearings on the Government-sponsored entities such as Fannie Mae and Freddie Mac and the Homeowner Bank Boards and other entities that are privately owned but have Government charters, and what risk they may or may not pose to the system.

We had a series of hearings on huge funds and the problem of high fees. Mr. President, I was honored to have your cosponsorship on a landmark bill to reform the mutual fund industry. While we were not successful in passing that legislation this year, the Securities and Exchange Commission has adopted many of the items in that bill, including requiring independent chairmen of the boards of mutual funds in America.

Just this week we did a hearing on the problems that we have seen in the insurance brokerage industry in which we heard from experts on all sides and got Washington's first perspective on the indictments that have come out of Attorney General Eliot Spitzer's office in New York. We had a hearing on the issue of the expensing for stock option compensation, which has been so actively debated amongst accountants in our country.

Finally, the Accounting Financial Standards Board is going to require publicly traded corporations to expense stock option compensation on their earnings statements.

On the Agriculture Committee, if I think of the word "gentleman," I would think of Senator Lugar, who was the chairman of the Agriculture Committee when I first came in, and Senator Cochran, from Mississippi, who is the current chairman of the Agriculture Committee. It is regretful I will not be here a second term because I now have enough seniority on the Agriculture Committee to chair it in the second term, believe it or not.

But Senators Lugar and Cochran have been a pleasure to work with. We passed a number of measures to make life better for our Nation's farmers, some very simple but important allowing farmers to file all their USDA paperwork on the Internet.

We improved child nutrition and passed legislation to make it easier for people who depend on Government assistance for their nutrition and food needs, that those people through the Food Stamp Program can now get their benefits across State lines—somebody who may live in St. Louis and goes back and forth to Illinois, or somebody living in northwest Indiana and goes back and forth to Chicago.

Also, a very important industry in my State, Mr. President, and in your State as well, is the commodity futures industry. In Chicago, we have the

Board of Trade and the Chicago Merchantile Exchange. We also have the Chicago Board Options Exchange. I am told, directly and indirectly, in Chicago we employ some 200,000 people in the futures industry.

The Agriculture Committee has given me the opportunity to work on the rewrite of our commodity trading laws. I was pleased to be an active participant in the Commodity Futures Modernization Act, where we first allowed the trading of futures on individual stocks in this country. That market is now developing. I hope to see it come back.

I want to say some words of thanks to the senior Senator from Illinois, Mr. DICK DURBIN. He referred to us as the political odd couple—one conservative Republican, one liberal Democrat, from the land of Lincoln.

More often than not, we probably disagreed from a policy perspective on some of the key issues confronting our Nation, but it never prevented us from working well together. In fact, we jointly held 163 breakfasts, constituent breakfasts together. Every Thursday morning at 8:30 when the Senate was in session, Senator DURBIN and I would host a breakfast, allow constituents who were visiting Washington from Illinois to ask us any question that was on their mind, whether it was political or policy related, and we paid for the breakfast. My understanding is, there are not many other examples of bipartisan breakfasts where you have one Republican and one Democrat who have such a weekly gathering for their constituents.

We worked well together on the selection of judges. We almost never had an open vacancy that we couldn't resolve on the district courts in the northern, central, or southern Illinois districts.

Senator DURBIN was terrific in supporting me in my effort to clean up corruption in Illinois. One of the most important things I did in that regard was to bring in independent U.S. attorneys to the State of Illinois who were not beholden to the political class in the State. That was something new. When I went to appoint U.S. attorneys, I found everybody and their brother, particularly all the local politicians on both sides of the aisle, trying to influence the selection of my U.S. attorney.

I didn't want to lay awake at night wondering who was trying to influence my U.S. attorney, either to go after someone unjustly or to protect someone wrongly from prosecution. I, ultimately, decided for that reason to do a nationwide search for our U.S. attorneys, which yielded, I think, amongst the best U.S. attorneys anywhere in the country: Patrick Fitzgerald in the Northern District of Illinois, Jan Paul Miller in the Central District of Illinois, and Ron Tempas, in the Southern District of Illinois. They are doing a tremendous job and no one is asking whether they are influenced politically or what their motivation would be. I thank Senator DURBIN for supporting that effort to bring independent U.S. attorneys to Illinois.

Senator DURBIN is a man whose stamina, hard work, and intelligence I greatly admire. He is very devoted and hard working. He travels back to his hometown of Springfield every weekend. That is a harder commute than my commute. I travel back to Palatine, IL, which is only about 12 miles northwest of O'Hare. So I had a fairly easy commute; I just had an hour and a half plane flight and then a short drive and I was at my house. But Senator DURBIN would go back to O'Hare every weekend and then catch another flight down to Springfield and he does that every weekend. He is constantly back in the State of Illinois.

I think we worked well on just about everything, except aviation. We had a disagreement over O'Hare Airport. I think I am right. He thinks he is right. But aside from that difference of opinion, it has been a pleasure to work with him.

I am sure Senator DURBIN will be an effective spokesman for his side of the aisle as the whip for the incoming Democratic caucus in the 109th Congress. I do not necessarily wish Senator DURBIN success in that role, but I do wish him well.

Barack Obama, my successor, I wish him well. It was a privilege to have lunch with him yesterday in the Senate dining room. I served with Barack Obama in the State senate for 2 years. He was coming in, in the legislature in Springfield, in my last 2 years of service there. He is an uncommonly bright and talented young man. He is 1 year younger than I. He is the first African-American president of the Harvard Law School. He is almost unequaled in his potential and promise. I am confident he will be a credit to the State of Illinois. I think he may surprise the political pundits by voting, crossing party lines at times that you don't expect him to. It may be a challenge for him with Senator DURBIN as his whip. But I see Barack Obama as possibly being a fairly moderate voice, more moderate than many people suspect.

To my staff, many of whom are gathered in the Senate Chamber. I could not have been blessed with a more wonderful staff to have gotten me through the last 6 years. I first need to start by thanking former Senator Bob Dole and the current Senator ELIZABETH DOLE for recommending to me the man who is my chief of staff, Gregory Gross. Greg worked for Senator Bob Dole when he was the leader in the Senate and during his Presidential campaign in 1996. He worked for Mrs. DOLE when she was at the American Red Cross. He is extremely bright, as Bob Dole told me when I first called for a reference on Greg Gross.

Bob Dole said to me: Greg is what you call a genius. And I thought, that is the kind of person I want, a genius on my staff. But he is more than just a brilliant and talented and knowledgeable chief of staff.

He is also incredibly devoted and incredibly loyal, and I thank him for that.

For the first 3 years, my chief of staff was Richard Hertling. He is now at the Justice Department. Richard did an outstanding job in getting us up and running. It is very hard when a new Senator is coming in and assembling a new staff, as some of the new Senators are finding out.

I have been blessed to have had an outstanding legislative director, Terry Van Doren from Macoupin County, IL, whose father owns a cattle operation in Macoupin County. Terry started out doing agriculture policy for me. Terry was just what the doctor ordered. He had straight A's from the University of Illinois in agriculture sciences. Then he got a master's in agriculture policy from Colorado State University. He had a 4.0 there. I was called by the dean of the University of Illinois Agriculture School. He told me what an outstanding young man Terry is. Terry has been instrumental in agricultural policy. He has been my legislative director.

Before him, Joe Watson was my legislative director, a brilliant young Harvard Law School graduate whom I pocketed out of the Sutter and Hopkins law firm. He is now at the Commerce Department serving under Secretary Evans.

My office manager, Sherri Hupart, has done such an outstanding job; always pleasant and kind and willing to help, and calm under pressure.

Her predecessor, Tina Tyrer, came to me from Senator Fred Thompson's office. She had some 20 years of experience in Washington running Senate offices.

My Chicago chief of staff, Maggie Hickey, is a one-woman army, entirely devoted, very hard working. I want to thank her.

My staff director for my Financial Management and Budget and International Security Subcommittee, Mike Russell, and the team he has put together, which I think enabled us to do the best hearings on some of the key issues confronting our financial markets in this country, I can't thank them enough.

I thank my schedulers and executive assistants, Lanae Denney, Julie Cate, Julie Crisolano, and Doris Gummino. Scheduler has to be the toughest job on Capitol Hill because you know how busy Senators' schedules get and how it is for them to hear when a Senator is tired, or frustrated, or thinks he is overscheduled. Senators hear about it. There is no question about that. I thank my schedulers for being there, staying here working late into the evening. They have to be here even when the rest of the staff has gone home.

My campaign manager and first communications director, Mike Cys. is now in the private sector. He is brilliant and energetic and enthusiastic. I thank him for all his support.

I thank my communications. legislative assistants. legislative correspondents. receptionists. front office and back office, duty entry personnel, the interns. the kids we have had serve over the years.

My staff handled 6,000 to 10.000 letters a week for the past 6 years. The first year we came in. we were getting some 22.000 e-mails a day on the impeachment. My State office has handled over 22.000 individual constituent cases. They conducted traveling office hours all over the State, 1.574 traveling office hours in 675 towns. My State staff met individually with 831 mayors and village clerks telling them how to apply for Federal grants for sewer and water.

I thank the staff on the floor of the Senate: Dave Schiappa, the floor staff; Myron Fleming. the chief doorkeeper, the cloakroom staff, the Parliamentarians. leadership and Sergeant at Arms staff, and the pages who come and go every semester. I always look at them. They have to get up at 5 in the morning to do school work before they can come here. But they work so hard. I hope their experience has been as wonderful as we want it to be for them.

And, finally, I would be remiss if I didn't thank the most important people in my life. my family. my mother and father, who always supported me through my 12 years in public service, but through all the years of my life. It was always clear they would have been there to lay their lives down for their son.

Mr. DURBIN. Mr. President, if the Senator will yield, I would like to thank him for his kind words and wish him very well. We have served together for 6 years. Every Thursday morning when we were in session we had free coffee and doughnuts, a tradition that was started by Senator Paul Simon. I believe we were the only two Senators, being Democrat and Republican Senators, offering this opportunity for the visitors who come to Washington to ask a few questions and take a few photographs. But it worked very well. It became a very interesting experience for Illinoisans and others coming to Washington. We did it many times. It reached the point where I would give his answers to the questions and he would give my answers to the questions. We distinguished ourselves as being the only two Senators offering free coffee and doughnuts, which may account for the crowds that showed. But we did that for 6 years. We have worked closely together and effectively and successfully together on the appointment of judges. U.S. attorneys, and many projects that were local to Illinois. We disagreed on some issues but managed to maintain our friendship and warm relationship throughout.

Senator FITZGERALD announced his retirement for the right reasons. He said he wanted to spend more time with his family. That is something which we all admire very much.

I have enjoyed serving with Senator FITZGERALD, and I wish him the very best, whatever the next venture might be, and I hope we will continue to work together.

Mr. FITZGERALD. Mr. President, I thank Senator DURBIN for the kind words. I hope to come back to his breakfasts and get some of those free doughnuts myself. I might not have to pay for them. But I will miss it.

I thank Senator DURBIN.

Finally, I thank my brothers and sisters, Gerry, my older brother, Jim, Tom. my sister Julie. A lot of people in public office worry that their siblings might embarrass them. I have never had to worry because they are wonderful, upstanding people. all of whom I think are probably worried about what I might do that they might worry about. They are wonderful people.

I thank my wife Nina. We met together in D.C. when we were interns back when we were 19 years old, and after college and law school we got married. I moved her, plucked her from her home State of Colorado. She came to Illinois. I want to thank her for her steadfast support through all my years in public office.

Finally, last but not least, I thank my 12-year-old son Jake. Jake missed his father at baseball and basketball games. I have been in public office for his entire 12 years. I am going to make it up to Jake now. I am pleased that he is doing so well as a baseball pitcher. I thank JIM BUNNING and others for their advice.

And finally, the people of Illinois from one end of the State to the other, to the south, from Rockport to Freeport in the north, thank you for your kindness to me. I have loved every minute of it. You gave me your trust, and I worked hard every day to keep it safe.

Thank you all. God bless. I will miss you all.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, like the distinguished Senator from Illinois, I take a couple of minutes this afternoon to come to the floor to express in the most heartfelt way, as he just has, my profound thanks for the opportunity I have had to serve in the Senate.

I congratulate him on his successful career and wish him well in all of his endeavors.

I would like to begin where he ended—by thanking my family: my wife Linda, my mother, my daughter Kelly, Eric, our son Nathan, and Jill, and our daughter Lindsey.

I thank my staff. I actually believe—and I am sure each of our colleagues shares this view—that I have the finest staff the Senate has ever assembled. They have served me, they have served this institution. they have served the people of my State. and they have served this country with remarkable professionalism, dedication, loyalty, patriotism, and commitment in ways that nobody could possibly register.

I thank the people of South Dakota, most importantly, for the opportunities they have given me to live my passion for these past 26 years. No Senator has ever been more grateful, more fortunate than I.

I thank my colleagues for their friendship and their loyalty, their support, and the remarkable strength they have given me each and every day.

I congratulate the man on my left, HARRY REID. No Senate leader has ever had the good fortune I have had to have an assistant like the man from Searchlight. He is a profoundly decent man who loves his State. this institution, and his country. If friends are relatives that you make for yourself. then he is my brother.

I thank DICK DURBIN and congratulate him and DEBBIE STABENOW and BYRON DORGAN and HILLARY CLINTON for their willingness to take on the leadership roles in the 109th Congress. I will say that this Senate and the caucus could not be served better.

I congratulate especially CHUCK SCHUMER for taking on what may be one of the most challenging of all leadership positions. I know that he will serve us well.

I can remember so vividly 10 years ago when I was elected by one vote. I came to the Senate very nervous and filled with trepidation, but I recognized that we had a job to do. I wanted to use the power I had been given wisely, recognizing that it was entrusted to me so we might make the lives of all people better.

Shortly after I was elected leader, I was asked to come to dinner with a good friend of mine, a man in his eighties, whose name was Reiners, from Worthing, South Dakota. Dick was a farmer, had been one of my strongest supporters, most loyal and dedicated friends, one of those people we can all identify with. He asked me to come to dinner that night and I went out to his farmhouse. We had dinner. I asked him for advice. He paused and he looked at me and he said, "There are two things I will hope for you. One is that you never forget where you came from. Come home. Remember us."

And then he pointed to some pictures on the wall that I recognized very readily. They were pictures of his grandchildren. He said, "You have held each one of those grandkids, as have I. Give them hope. Every day you walk onto the Senate floor, give them hope."

We hugged each other and I left. Later on that night, I got a call in the middle of the night that Dick Reiners had passed away. I never, ever, have been given better advice in all the years before or since and I remember it now.

We come to this body with great goals, and our challenge is to stay focused on those goals, to never lose sight of them in the daily challenges and the battles we take on as we come to these desks.

Two touchstones, in particular, have helped me remember my goals.

The first touchstone is this desk, the leader's desk. You pull open this drawer and you see the names of all the leaders carved in it. It is a constant reminder that we are part of a continuum, a continuum that makes us the heirs and the guardians of a miracle. That miracle is democracy—a government founded on the ideal of freedom.

We have sworn to protect that ideal. We have a challenge, as we sit at these desks, to do what soldiers have done for 200 years. We either have to fight for this freedom or work at it. In more than 30 wars, 1 million men and women have given their lives for that freedom, and our job is to work at it as if we have given our lives, too—every day. We have to protect and defend that freedom and we must pass it on to future generations undiminished.

My second touchstone is a practice I acquired many years ago, making it a habit to get into my car and drive without a schedule to all the counties of South Dakota. There are 66 of them. I do it to be energized, to refresh, to touch the land, to watch the sunsets and the sunrises, the majestic beauty of my State. But more than anything else I do it to be inspired, and to remember how what we do here touches the lives of those I represent.

It is an amazing feeling to drive from one county to the other and to see the results of our work in this body. I am honored and very grateful that there is not one county in the State of South Dakota that has not been touched by our work and our efforts these years I have been here, touched in ways large and small.

We now are an energy-producing State, which means a lot to me. People said that would never be possible. We have little oil, very little natural gas, no coal—but we now produce 400,000 gallons of fuel a year that otherwise might be imported. We passed farm legislation that is truly giving our farmers and ranchers hope for a better future.

My State suffers from poorly distributed water. Our challenge has always been to find a way to take the good water and get it to those locations where they have none. One of the most emotional experiences I have ever had was to watch a family turn on a tap for the first time and cry and embrace each other and pass around a glass and look at it and say "thank you."

I am honored to have been a part of creating a new future for Indian students who had long ago given up any hope of graduating in a traditional way, but who now can walk through the doors of tribal colleges with a true sense of fulfillment and optimism that they only dreamed of just a few years ago.

The joy of walking into a town and talking to people and being embraced by total strangers who tell you that saved their lives because of something your staff did, recognizing that if it had not been for you, perhaps there would be no life to save. What an honor. What a sense of gratitude.

As leader, I have been privileged to meet some of the greatest leaders of our time. I believe that Nelson Mandela would probably rank in a class by himself. Vaclav Havel, Lech Walesa, Mother Teresa, Rosa Parks, Presidents and kings: I have been inspired by them—but not as inspired as I have been by people who are not well known:

Carolyn Downs, who runs the Banquet in Sioux Falls, SD, touching lives every day and giving them hope.

Louie and Melvina Winters on the Pine Ridge Reservation, who had absolutely nothing to their name and took a burned out trailer house, rebuilt it, and have literally saved the lives of hundreds, if not thousands, of children who had no other place to go, whom they found on their doorstep when the word got out that somehow they were the ones to whom children could turn.

Chick Big Crow, who witnessed the death of her daughter, only to make the lives of young people on Pine Ridge richer with her steadfast determination to build a Boys and Girls Club.

And there are those like Elaine, who gets up at 4:30 in the morning to go to work. She's 77 years old, with $900 a month in Social Security and $900 a month in drug bills. She works at McDonald's to be able to pay for the rest of her living expenses, and says she is proud to do so.

And Mary Ann, who works three jobs, has a blood disease and no health insurance. She says: "I want you to know something, Senator DASCHLE. I'm going to make it. I'm going to make it, but I would like a little help along the way, if you can find a way to remember me."

They are the heart and soul of America, and they need us now maybe more than ever before.

We are each given a number when we come to the Senate. I think it is a wonderful tradition. And I have always been so proud of my number. My number is 1776, the year of our Revolution.

I think of that number not just because of its unique nature, but it reminds me every day that we are still part of an American revolution.

As a nation, we are making monumental decisions about what kind of country this will be.

Will we use our powerful might as a force just for vengeance and protection against those who would destroy us, or will we use it for progress the world around?

Will we recognize that power is not just our arms, but our wisdom, our compassion, our tolerance, our willingness to cooperate not just with ourselves but with the whole world?

Will we honor the uniquely American ideal that we are responsible for passing onto our children a future that is better, or will we forfeit the promise of the future for the reward of the moment?

These are questions that we will continue to face.

Several months ago, I came to the floor and gave a speech at this desk expressing the hope that regardless of how the election turned out, we could continue mightily to search for the politics of common ground.

I am proud of those times in this body when we showed our very best.

I am proud of that moment on the Capitol steps when we joined hands and sang.

I am proud of the effort we made after 9/11 to come together to pass legislation that our country so desperately needed, not just for what it said, but for the message it sent.

I am proud of that moment, on October 15, when we were the target of the greatest biological attack in our Nation's history and again we came together.

I am proud of those moments when we found common ground on campaign finance reform and the farm bill and Patients' Bill of Rights, highways, measures that in some cases have not yet become law but demonstrated that here, collectively, with common will, there is common good.

I know we can continue to find common ground because we have found it in the past, as those instances have demonstrated.

If I could leave this body with one wish, it would be that we never give up that search for common ground.

The politics of common ground will not be found on the far right or on the far left. That is not where most Americans live. We will only find it in the firm middle ground of common sense and shared values.

Ten years ago, my wise friend pointed to his grandchildren and asked me to give them hope. Linda and I now have two beautiful grandchildren. I implore my colleagues to give my grandchildren, Henry and Ava, hope; give all the children and grandchildren of this Nation hope.

Let us treasure and protect the great freedoms that we have inherited, and let us always promise and commit that we will pass them on undiminished.

I said a moment ago that one of my touchstones is my unscheduled driving. I make notes constantly on these trips. A couple of days ago I was telling my colleagues about how I had been looking through the notes of a trip I made a few years back. I noted I had met with some tribal leaders, and met with a businessman who was trying to find a way to provide childcare for his family as well as his employees. I met a couple who wanted to tour the White House. At the end of all my notes, I made the comment: "Everything was worth doing."

The same could be said for my service here. It has had its challenges, its triumphs, its disappointments, but everything was worth doing. And I am grateful for every moment.

I love history, and there is wonderful history about the relationship between John Adams and Thomas Jefferson. They were rivals, but they respected each other. And that respect grew as they left office and began correspondence that today is some of our most treasured writing.

In one letter to John Adams, Thomas Jefferson wrote, "I like the dream of the future better than I like the history of the past." So it is with me. I have loved these years in the Senate, but I like the dream of the future.

It is with heartfelt gratitude to the people of South Dakota, with great respect and admiration for my colleagues, and with love for this institution and the power it has to make this Nation even greater that I say farewell and look to the future with great optimism, with hope and anticipation.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip is recognized.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 5:10 p.m., recessed subject to the call of the Chair and reassembled at 5:16 p.m.

The PRESIDING OFFICER. The majority leader is recognized.

TRIBUTES TO RETIRING SENATORS

TOM DASCHLE

Mr. FRIST. Mr. President, what we just heard on the floor of the Senate captures the essence of this remarkable, remarkable body, the leadership, which dictates the character, which dictates the fabric of the body that all of us have the real privilege of participating in.

I know several Members want to speak, so I will be very brief. I take a moment to pay tribute to a truly exceptional leader with whom I have had the honor to serve alongside, and whom I have had the opportunity to serve with over the last year. We first began working together 2 years ago, when I suddenly became majority leader of the Senate. Oftentimes, we have been on the opposite side of issues. But I want to say how much I deeply respect his abilities and his judgment as a Senator, as Democratic leader, and as a person.

This environment is fiercely competitive, and as leaders, both he and I are thrust into that competitive environment. Yet Senator DASCHLE has always, always, without exception, handled each and every situation in that competition with class and with honesty, with integrity, with forthrightness, and with true grace.

Clearly, I have had the opportunity to learn from him much more than I could have ever possibly given him in any way. I was the beneficiary of that each and every day. From that very first day that I became majority leader, he has treated me in that position with respect and with that very same grace. For that, I will forever be grateful.

I wanted to pay tribute to Senator DASCHLE and close with one reference. The great Daniel Webster once remarked that the Senate is a community of equals, of men of individual honor and personal character. Indeed, Senator TOM DASCHLE is no exception. He is the epitome of that and a great credit to this venerable institution. On behalf of all of our colleagues, I wish all the best for TOM and Linda and their entire family in the years ahead.

The PRESIDING OFFICER. The majority whip is recognized.

Mr. McCONNELL. Mr. President, all of us in the Senate have just had an opportunity to hear an extraordinary speech by the outgoing Democratic leader. We are indeed in a very tough and competitive business. On the other hand, when we enter this Chamber, we take on public responsibility and have the obligation to deal with each other in a civil and forthright manner. I think Senator DASCHLE has always met that standard. We all admire his work here. He is one of the longest serving leaders in the history of the Senate. We wish him well in the coming years. He can look back on his extraordinary career here with great pride.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, you can learn a lot about a person by the way he handles winning, and you can learn even more about someone by the way he handles and accepts defeat. TOM DASCHLE does not know that I know this, but I saw an e-mail he sent recently to someone on his staff.

TOM DASCHLE was concerned about a man with whom he talked one day late in the campaign when he was calling undecided voters in his home State of South Dakota. The man was not rich or powerful. He was just an average South Dakota citizen.

This man used to work for the Government. He received many awards at his work. This is what TOM DASCHLE wrote in that e-mail:

> One day, the man started to suffer extreme stress and even depression. The psychiatrist told him he had to retire from his work . . . under a medical discharge. Afterwards, (the government) denied him a medical retirement. They said it can only be for physical reasons.
>
> He was denied medical access and retirement pay. He has since also had a heart attack. He asked me for help in getting a medical retirement. I told him we would be happy to try and would follow up.

TOM DASCHLE in his e-mail went on to say:

> Could you have someone contact him and look into this? It just doesn't seem right.

The date on that e-mail was November 8, 6 days after the election, 6 days after what had to be one of the most heartbreaking losses in his life.

The reason TOM DASCHLE got into politics in the first place, the reason he ran for leadership positions in the Senate, and the reason he worked his heart out for this job was never to get rich or to get attention. He tried to bring power to help the powerless, the average person, the people to whom life had given some unfair breaks.

Even now, until the minute he has to relinquish his power, TOM DASCHLE is using his power to help people who still look to him as their last best hope.

Golda Meir once famously told a political rival:

> Don't be humble. You're not that great.

But TOM DASCHLE is great enough and good enough to be truly humble. He will never talk about all the people he helped, all the people to whom he has given hope, but I can tell you there are people all across South Dakota and all across America whose lives are better because TOM DASCHLE was in the Senate.

"It just doesn't seem right"—that is what TOM DASCHLE wrote in that e-mail, and it just doesn't seem right that we are going to have a Senate without TOM DASCHLE to keep fighting for what is all good and decent about America.

My consolation is that I know TOM and Linda and their family will find another noble way to continue serving this Nation, defending the values we cherish and making life better for people who need a champion.

Someone noted that this is a cruel business, and it is. There are three ways to leave the Senate. Two of them are not very good. In this situation, we have seen a man who has given 26 years of his personal life to South Dakota and to the Nation, and he made a decision a year ago to retire. In the past year, I am sure there would have been a succession of tributes, dinners, schools, and highways and bridges being named after him and maybe statues and plaques commissioned. But instead, he stood for election. He had the courage to stand again. Although he did not succeed, I hope the people of South Dakota realize that he was a man who loved them throughout his political life and those of us who were honored to call him a friend and a colleague love him and will miss him.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, when the 109th Congress convenes this coming January, the Senate will be a poorer place for not having TOM DASCHLE among its Members.

By nature, TOM DASCHLE is a South Dakotan to the core, born and raised and regularly returning to his hometown of Aberdeen, with a population today of not quite 25,000. He was the eldest of four children in a family who knew the meaning of hard work and family. He went to college, the first in his family to do so, at South Dakota State University, some 150 miles from his home. When his colleagues elected him Democratic leader, TOM DASCHLE asked an old friend back in South Dakota, as he told us on the floor only a few moments ago, for advice, and was promptly told: Never forget where you came from.

That was something TOM DASCHLE knew without being told. If he had set out to forget where he came from, he could not have done it. The unscheduled driving tour that he made every year around South Dakota was a kind of pilgrimage. It did not create his close ties to South Dakota and its people; rather, it reflected them. As an editorial published on November 6 in TOM's hometown newspaper, the Aberdeen American news, noted, "Personal stories abound of how DASCHLE and his staff have been able to get things done for the average South Dakotan."

The editorial concluded with a tribute worth quoting:

> On behalf of all the thousands of people you have helped, we would like to offer you our deep gratitude and respect. With quiet dignity, you fought for the State that raised you and which still so obviously holds a special place in your heart. Thanks, TOM, and good luck.

If by nature TOM is a South Dakotan, by choice he is a public servant. After receiving his college degree in 1969, he served 3 years in the Air Force Strategic Air Command, one of the relatively small number of Members now serving in the Congress who served in the military in that period. And he has remained a forceful advocate for veterans throughout all his years in public office.

He entered the House of Representatives after a vote so close that it took a recount almost a full year, and TOM became known as "landslide" DASCHLE.

Following his service in the House in 1986, he was elected to the Senate. In his 18 years in this body, TOM's agenda for action on behalf of the people of South Dakota has focused on health care, education, the outdoors, security and safety, economic opportunity, and rural life. Any State would be doubly fortunate to have an agenda and an advocate as dedicated and skillful as TOM DASCHLE.

By temperament, TOM DASCHLE is a Democrat in the fundamental meaning of that word—respectful of others, a scrupulous listener, seeking consensus in the middle ground on complex and controversial issues.

Time magazine has accurately described his instinct for courtesy, reputation for humility, a willingness to compromise, and a sense of Midwestern civility.

TOM DASCHLE's steadiness and reasonableness made him especially well-suited to assume the responsibilities of majority leader in that painful period when the country was dealt successive hammerblows by a recession, the crisis in the capital markets, and, above all, the tragic attacks of 9/11 and their aftermath.

While others shouted at fever pitch, TOM DASCHLE never raised his voice because it is not in his temperament to do so. His calm manner was profoundly reassuring to worried Americans, as was the strength of his resolve.

In the end, it is TOM DASCHLE's own words that tell us all we need to know about him.

They explain why he is so respected around his State and here in the Senate. His November 3 statement to the people of South Dakota who support and love him speaks again and again of gratitude—gratitude for the opportunity to serve, gratitude to his family, gratitude to his devoted staff, gratitude to the State that is his extended family. It speaks of belief in our people, in the future, in what can be accomplished by people working together. It speaks of work—of work yet to be done. And it speaks of hope.

On November 3, TOM compared the sunset over the mall with the sunrise over Mount Rushmore and concluded, "Having seen sunsets and sunrises, I like sunrises better."

There is no question of TOM's public service having ended; the only question is the direction it will now take. TOM DASCHLE has honored Teddy Roosevelt's dictum that "Far and away the best prize that life offers is the chance to work hard at work worth doing."

It has been my privilege to work with so dedicated and honorable a public servant, a dear friend. I like to think that our work together on behalf of the people of this great country will continue as we move on into the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to join my colleagues in complimenting Senator DASCHLE for his years of service. I did not really know TOM DASCHLE when he served in the House. I have had the pleasure of serving with him for the last 18 years in the Senate. Many of those we were both in leadership, and I will just say our relationship has always been very good.

Having the pleasure of working with TOM DASCHLE and HARRY REID, both for whom I have great respect, many times we were political adversaries, but we were always friends. We never had a heated exchange, maybe elevated on occasion, but we always were friends and we could always shake hands at the time we might have somewhat of a heated discussion. We would always remain friends, and he continues to be my friend to this day.

I compliment him for his many years of public service to his State of South Dakota, for his service in the House of Representatives, his service to the Senate, and his service as the Democrat leader. He is a very competent individual, speaker, and representative of his viewpoint, and he happens to be my friend. I wish TOM DASCHLE and his wife Linda all the best for the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I am going to be very brief. For many of us who knew TOM DASCHLE and know TOM DASCHLE, we never thought this day would come. We never thought TOM would really be defeated in an election. I thought a lot about that. Why? I mean, this man is such a good man. He is such a good friend. He is a good leader. I do not know anyone who cares more about their State and who has worked harder.

He talked about the State's energy sufficiency, and it was TOM DASCHLE's sheer will of support to develop an ethanol industry for the State. I know because I tangled with him year after year because from a California perspective this was not such a good idea; from a South Dakota perspective, it was. For TOM, his State always came first.

I thought he was unbeatable. He is for the little people. I remember being in the State. I remember hearing him talk about the Pine Ridge Indian Reservation and the state of the people in Pine Ridge and how deeply he felt. When he feels very deeply, his voice gets that quaver and it drops low.

This is a very hard day for many of us. As I went down the aisle to embrace TOM, two people said this really is a tough business. And, in fact, it is a tough business.

I also want to say that TOM DASCHLE was a great leader for our caucus. Many of us on many days watched him convince, cajole, push, and bring us together when we had to be together. We watched him on the Senate floor in the middle of the night, early in the morning, late in the day, always gracious, always patient, always articulate. We never had to worry about TOM DASCHLE's integrity or his credibility.

I still wonder, how could he be beat? This is such a good man, such a good leader, such a good State representative. For me and my husband he was a personal friend. When Dick was in Washington, early in the morning he would run with TOM and they would talk about all kinds of things. The run was always a good one and my husband would come home and always say what a great guy TOM DASCHLE is.

I think for all of us we wish him all the best. For me, I do not believe this man has reached his potential yet. I think he still has enormous gifts to give to this Nation, to his State, and I believe he will, perhaps in a different way. Perhaps we will see him come back in a different form. For TOM DASCHLE, these 10 years were very special years and for us we were so privileged because we had an opportunity to be led by a good man, by a great friend, and by a great leader.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, I first join the voices of my friends and my colleagues in talking about our dear and great friend, TOM DASCHLE, with whom I had the privilege to serve for the last 6 years, and to be led by for the last 6 years. I have never known a better human being or a better public servant than TOM DASCHLE. He is a good, honest, decent, and honorable man. The Senate will miss him. The country has benefited from his long and extraordinary service to this country.

FAREWELL

Mr. EDWARDS. Mr. President, life has a great way of handing us moments that are bittersweet. I am sad today to rise for the final time to represent the State of North Carolina as their Senator, but I am also filled with a great deal of joy because I will be heading home to the place and the people and the family I love so much. I also want to thank everyone who is listening and all Members of the Senate and the staff who have been so extraordinary about my wife Elizabeth for their prayers and their support.

Elizabeth and I and our family draw so much strength from all of you. We are comforted by your words and your prayers.

We are grateful to the more than 50,000 people who have sent e-mails and letters to Elizabeth. As Elizabeth's brother said when he was asked about it, he would not want to be cancer inside of Elizabeth's body, and I agree with that.

She is the love of my life and a woman of great strength. I am sure she will be successful in this fight. Both of us hope and pray that by talking about it in the way that Elizabeth has, and with the grace and courage that she has shown, it will help other women who are faced with the same kind of struggle so they can avoid the same kind of struggle.

Sometimes when hardship comes, one feels alone, but thanks to all of you and our family in the Senate, we know that we are not alone. We are blessed to have the love, affection, and support of our friends and our family, our great staff in Washington, DC, in the Senate office and back in North Carolina and our Senate offices there, and also the staff in the Senate.

Those who serve on the floor of the Senate who have been wonderful friends and so much help and support for all of us, we thank all of them. To Marty and to Lula, whom Elizabeth and I adore, who have been wonderful friends to us and have advised us and shown us our way around here, we appreciate both of them. To the people in the cloakroom who have helped us and taken care of us for the last 6 years, and to the men and women—and I hope they will hear my voice—who take us up and down the elevators, whom we see as we go in and out of these office buildings and the Capitol, who serve all of us and who are wonderful, extraordinary people, I have to say, since I have come back from the campaign trail, to a person they have spoken their support and affection for Elizabeth and for our family and what we are going through. I just want them all to know how much they mean not only to us but to all of us who serve in the Senate.

And, of course, to all the men and women I have had the privilege to serve with here in the Senate. To those who think the men and women who serve in this institution do not work hard, I wish they could spend one day here and see how hard it is and how devoted everyone who serves in the Senate is, and how much they want to do good things for the country—whatever our disagreements are. We have many and they are strong. The truth is, everyone here serves because they love their country and they want to do good things for their country.

All of you, you keep us strong. You keep us going. You remind us, in good times and in bad, when we work together, everything is still possible here in America. It is the North Carolina way. That is the way I like to look at it. I have never loved my home State or my country more than I do today. We have had some triumphs, we have had some tragedies over the last 6 years. But one thing is clear: I will never stop representing the people of North Carolina, the values they represent and the values that I grew up with there and the values I believe in. The truth is, it is who I am.

It is what I learned in Robbins, NC growing up, watching my father and the men and women who worked alongside him in the mill for all those years. It is what I learned from going to church, from going to our schools, and from going to all 100 counties in North Carolina, which I am proud to have done, and listening to the people of North Carolina. It is what I learned when I shook the hands of the people who came on Tarheel Thursday, which we had on Thursday when we were here in the Senate. I will never forget you.

I will never forget the first struggle we had in the wake of Hurricane Floyd, hard-working people like Bobby Carraway. He owned a restaurant in Kinston near the Neuse River. It sat under 3 feet of water for days. He lost everything. He and so many like him didn't want a Government handout, they wanted a hand up and a chance to do what they were capable of doing and a chance to go back to work, which is all he and his family had ever known their entire lives. What we did then for so many, and this year, too, in the western part of our State, which has been hit by hurricanes and flooding, is we worked together, we picked ourselves up, we dusted away the disappointment, and we got back to work to make North Carolina stronger.

I will also never forget the men and women who worked at Pillowtex. They did everything right. They took care of their families. They went to work every day, some of them for days and years, some of them for decades. They still couldn't stop their jobs from moving overseas.

I met one woman whose question I hear over and over—I heard it over and over again as I traveled around the country. She looked at me and said: What am I supposed to do now? Have I not done what is right in America? I worked hard, I raised my family, I was responsible. Now my job is gone and what am I supposed to do?

Together we fought to help her pay for health care and get training for a new job but, most importantly, we fought to keep North Carolina jobs in North Carolina where we need them so badly. We stood up against tax breaks that shipped our jobs overseas. We fought for fair trade that gave our workers and businesses a chance to compete, and represented the values we believe in.

I will also never forget Dr. Clay Ballantine. He works at Mission St. Joseph's Hospital in Asheville, NC. Every day he sees kids and adults and seniors who come in with respiratory problems, problems with asthma. He told his story as we fought the battle to protect the quality of our air for our children and for our seniors.

I will never forget the farmers and the men and women who live in our small towns, our rural areas where I grew up. That is who I am. The truth is, you are the heart and soul of North Carolina. When our farmers were struggling, especially our tobacco farmers, I am proud in the end we were able to do something, to do something to help them, because they deserve it. They have done so much for their towns and their communities and for my State. They deserve something, finally, to be done to help them and support them. All of us together were able to do that.

It also matters, it matters to good, hard-working people like Blythe and Gwendolyn Casey. They have had a family farm for decades. They did their part and they never dreamed they would be close to retiring, mired in debt, debt they can never recover from. Together we helped them and we maintained family farms across our State of North Carolina.

I will never forget the mothers and the fathers, the husbands and the wives, the brothers and the sisters who wanted nothing but to make sure their loved one got the care they needed in their darkest hour. Together with Senator JOHN McCAIN and Senator KENNEDY, my friends and my colleagues, two men for whom I have enormous respect and affection, we went to work on something that matters—making sure you and your doctors could make your own health care decisions, especially when they were important to you and your family. It wasn't easy. There were lobbyists all over this place from every drug company, HMO, and big insurance company. They prowled these halls, but we did it and we got the Patients' Bill of Rights passed in the Senate. I have absolute faith that the Senate will do it again and the President will sign the Patients' Bill of Rights into law for all Americans.

I will also never forget the brave soldiers I met in Afghanistan on a dark night. They are so proud—they were so proud and still are—of serving their country, going after terrorists and Osama bin Laden. I will never forget the thousands of men and women from Fort Bragg, Camp Lejeune, Cherry Point, Seymour Johnson, and Pope Air Force bases, who were serving this country abroad and who were serving the country at home, and whose families were there to support them. I represented them and represented their families and it was an extraordinary honor for me to be able to represent them.

It is simple for me. If you take care of us, if you serve our country to protect the freedoms and ideals we cherish, we should be there for you. Your country should be there for you. That means health care and housing, it means relief on your student loans, and help covering your child care cost when your spouse has to go to work.

The men and women who wear the uniform of the United States of America, they are who we think of and pray for when we look at our flag. The Stars and Stripes wave for them. The word "hero" was made for them. They are the best and the bravest, and we will always stand with you when you are standing in harm's way. This is what we have fought for together. It is something of which we should all be proud.

We built on North Carolina's model to improve our schools, to strengthen standards, to expand afterschool, and to pay teachers more. We fought to strengthen security at our ports and our borders, chemical and nuclear plants, and to give our police and firefighters the support they needed to keep this country safe. We fought to make Washington live within its budget, to make sure Washington did what most families in America do every single day, to live within their means, and to restore fiscal responsibility. And we fought to reward work—not just wealth, work—and to ensure that the American dream stays alive and available to every single American, no matter where they live or who their family is or what the color of their skin. This is the America we believe in. This is the America we fought for.

All my life I have fought for those who do not have a voice. I did it before I came to the Senate. I have done it here in the Senate. I will do it for the rest of my life. It is what my life has been about: Fighting for people who need someone to fight for them.

I thank Senator BYRD for all of his guidance and for showing me the ropes during the time I have been here in the Senate.

I want to take a moment and say a word about Senator REID, who has also been a great leader here in the Senate and who I want to wish Godspeed in the important work in front of him.

Again, my thanks to my leader, to our leader, Senator DASCHLE, for the work he has done and the leadership he has shown and the grace and strength and courage he has shown in leading in very difficult times, as others have said. He is a good and decent man and we all look up to him and respect him.

I thank Senator McCAIN and Senator KENNEDY for including me in working on the Patients' Bill of Rights, two great leaders in this Senate, two great leaders for the country, two Americans that Americans do and should look up to and respect.

I thank my friend, my seatmate, Senator EVAN BAYH, for all the times we have spent together, working here on the floor of the Senate, running together. He and his wife and his family are great friends of ours. His friendship means the world to me.

I also thank my fellow Senate retirees Senator BREAUX and Senator HOLLINGS. One thing I guarantee you: Our accents will be missed here on the floor of the Senate. Hopefully, there will be others who will be able to speak the way we speak.

I also want to say a word about my friend Senator KERRY. I embarked a few months ago on a journey with Senator KERRY, a fight, as we traveled across the country and fought for the things in which we believe. We shared our hopes for this country together. We worked hard to make America stronger. I developed a very strong, close, personal friendship with JOHN KERRY during that time. JOHN KERRY is a good man and he is a good American. I got the chance to see him when others didn't, when there were no cameras around, when there were no crowds. This is a man of strength and conviction and courage. He loves his children. He has a beautiful family, by the way. He and his wife Teresa and their kids became very close with my family and our children.

We feel an enormous affection for them and enormous connection with them because we were engaged in what we thought was a very important cause. It still is a very important cause.

But the reality is that JOHN KERRY is somebody who has loved this country his entire life. He stood up and fought for this country his entire life. I am proud to have been able to spend the last few months fighting alongside him as he traveled throughout the country and the work that he did not just in this campaign but for all the years he served in this Senate before this campaign, and the years he will serve from here on are important. Every day he walks onto the floor of this Senate, the American people will be better for it.

He is my friend. He is my colleague. I trust him.

I believe, of course, that he would have made a great President, and I believe he has great work to do for this country in the days and years to come. It is an honor for me to be able to serve with him in this term.

I also want to thank my staff. I ask unanimous consent to have their names printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Sophie Milam, Blair B. Milligan, Joyce Mitchell, Carlos A. Monje, Kevin A. Monroe, Robert Morgan, Matthew L. Nelson, Elizabeth E. Nicholas, Ashley I. O'Bryan, Sacha M. Ostern, Joseph W. Parry-Hill, Lauren Partner, Elizabeth Pegram, Philip J. Peisch, Sarah L. Pendergraft.

Anthony Petty, Aaron S. Pickrell, Lesley Pittman, Sally Bussey Plyler, Mary Margaret Propes, Hunter L. Pruett, Jacqueline F. Ray, Karen A. Robb, David E. Roberts, Judith M. Rossabi, David A. Russell, Craig J. Saperstein, Heidi Schneble, David G. Sewell, David L. Sherlin.

Joseph L. Smalls, Julianna Smoot, Joshua H. Stein, Michael Sullivan, Johathan Sumrell, Adrian Talbott, Noelle Shelby Talley, Bradford T. Thompson, Cindy E. Townes, Brooke I. Turner, Ann S. Vaughn, Jannice T. Verne, Rebecca Walldorff, Jewell E. Wilson, Jessica F. Wintringham, Andrew A. Young, Lisa E. Zeidner.

Mr. EDWARDS. Mr. President, we couldn't do the work we do here without the support and help of all those who work so hard with us every single day. You show up every day. You show up every day, in my case as I saw it, with a simple question: What can I do to make my country better? And you did. Those of you who worked with me, I know that you did: I saw it. I saw the hard work you did, and you will continue to do it because you believe public service is an important and noble calling. I thank you personally. I thank you on behalf of the people of North Carolina and the people of this country. I have seen the hard work you have done, and it is important.

This fight goes on.

I will be home in a place I love, North Carolina, the place that made me love America to begin with. I am going to have God's gift—more time to hear the screen door slam when my young kids run through the house after school. I still have a couple of young kids, Emma Claire, who is 6, and Jack, who is 4. I will be able to spend more time with my older daughter Kate, who graduated from college and was out on the campaign trail. I am very proud of her. I will have more time to spend with my own parents and my family and more time to be there for the woman I love and have loved for a long time now, my wife Elizabeth.

It is bittersweet knowing what we have accomplished. And it is also bittersweet knowing what is left to be done. There is so much work left to be done in this country.

And in the end, I always think of North Carolina's own Thomas Wolfe. He said:

> I believe that we are lost here in America, but I believe we shall be found. And this belief, which mounts now to the catharis of knowledge and conviction, is for me—and I think for all of us—not only our own hope but, America's everlasting, living dream.

Our job is making sure that no one—no one—is lost in America; that that dream is everlasting. And together we will continue to make it stronger and more alive for all who grace our lives.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I would like to make some comments about our friends who are departing the Senate.

I thank Senator EDWARDS for spending some time in this Chamber. When you came in, we were faced with some tough legal issues. We turned to you and you stepped up to the plate. I appreciate that. I thought you did us proud—I am not only speaking as a Democrat. I am speaking as an American—on the campaign trail with the passion for people. You are so articulate and you brought the economic issues home to everyone. I think everyone is better for it.

You are right about Senator KERRY. I think he would have made a great President. I think history will look at his campaign and be kind to him because JOHN KERRY had dignity in his campaign. He stuck to the issues. The debates were fantastic. I believe it served our President well. He had to step up to the plate as well on many of the issues.

I also want to say how much I am going to miss FRITZ HOLLINGS, an amazing man; protector of the consumers, guardian of the budget.

Senator GRAHAM is a champion on the environment and some other issues, protecting senior citizens and Social Security. We will need to hear his voice.

Senator BREAUX was always out there trying to pull us together.

I have to say a word about Senator FITZGERALD because of some tough environmental votes. There he was standing with me. I remember one time he said, I have to stand with you because my son will never talk to me again. It was good to work with him as well.

I want to finish my remarks by saying TOM DASCHLE is a man of great courage and compassion and wisdom, quiet leadership. I think today as we listened to his remarks, his farewell to the Senate, we saw his goodness, we saw his intelligence, and as my senior Senator said, it is tough to imagine people wanting something different than what TOM DASCHLE offered them. But that is what it is about. It is about elections.

I say that TOM DASCHLE will go down as a great leader of this Senate, as a man who put issues ahead of his own personal gain. I think he is a role model for each and every one of us. He is a class act.

I say to him and Linda, Godspeed. I know that in future years you will be very much on the scene because you have so much to offer. You have such a sense of history and such a sense of the future. It is bittersweet. But it is an honor to have known TOM.

Thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I want to close by associating myself with the remarks of the Senator from California and her regards and respect to the other retiring Members, particularly Senator EDWARDS who has just spoken and has distinguished himself so impressively over the last year and half in the service of our country by seeking the Vice Presidency.

I am proud of my State of Minnesota. They cast by a majority over 100,000 votes for Senator EDWARDS and Senator KERRY, reflecting the wisdom of voters in the tremendous excitement of Senator EDWARDS and Senator KERRY. But Senator EDWARDS, in my personal experience, generated tremendous courage and enthusiasm in St. Paul, MN on Labor Day and on the Iron Range in Minnesota. He has a very bright future in whatever future endeavors.

I join my colleagues in expressing to his wife Elizabeth our prayers for a speedy recovery. I think that will be the result.

I thank the Senator for his outstanding service and as leader of our party and our country.

I also want to join my colleagues in expressing my highest personal regard for Senator DASCHLE. It is, like others, a hard time for me. It was very hard in the next day after the election to hear the results in South Dakota. I have always had and will continue to have the greatest respect for the democratic process in this country. It is the ultimate and appropriate judgment of the people. I felt that way even when I disagreed with the verdicts they rendered.

I must say to the very slightest of majority, the voters of my neighboring State in South Dakota, with all due respect to them and their rightful judgment, that in my humble opinion you were wrong. You cannot fully understand the extraordinary leader, the superb public servant, and the phenomenal human being you had in TOM DASCHLE as your Senator, and as all of us in his caucus knew we had in our Democratic leader.

What makes it so hard is he has been taken away from us despite our wishes, and taken away from the country. And it is very hard. It is hard, frankly, to hear all the false praise of someone who went beyond the boundaries of comity, of bipartisanship, of deserved respect for a leader, who campaigned against TOM, who violated the boundaries of his own State and disparaged him; and, most recently, the comments of the incoming chairwoman of the Republican Senate Campaign Committee which were untrue, unwarranted, and just plain foul. TOM DASCHLE has too much decency to say so.

That was the irony in and the indecency of those remarks. They were directed after the election, after the victory against the most decent man I have ever met in politics, TOM DASCHLE. He is a gentleman in the very best sense of that word: strong in his principles, firm in his convictions, fierce in his dedication to serving the people of South Dakota and their best interests, but a gentleman in his decency, his personal respect and the senatorial courtesies he extended to every one of his colleagues.

But TOM, being the man he is, would not want me to end on such a note. So I will not. I end by thanking him, thanking him for his leadership over the last 4 years, from the time during which I have been privileged to serve under his leadership, for mentoring me, giving me the opportunities I have had in committee assignments, to listening to me and offering his astute guidance and experience and wisdom. I thank him for showing me by his living example every day and every night in the Senate what it means to be a great Senator, what it entails, the dedication, the hard work, the hours, the travel; what it means when you can do what TOM DASCHLE has done for his State to save people's lives, to improve people's lives, create new opportunities for young and old, what he has done for his country, what he has done for people who are not his constituents who cannot even thank him and won't be able to vote for him. But that did not matter because he had the opportunity and he seized the opportunity to do things that benefited their lives.

Thank you, TOM DASCHLE. Thank you for being a superb leader. Thank you for being a great Senator. Thank you for being a phenomenal human being. I wish you well.

I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, we could not help but note the sadness we all experienced as our friend and leader, TOM DASCHLE, made his goodbye speech. As usual, when TOM DASCHLE spoke, it had meaning, substance. He certainly had that as he closed his chapter here—I hope not his book, just his chapter.

He talked about things he cared about and people he cared about and what it is that drove him to take this job. Everyone knows how difficult a task being a leader in the Senate is. It is not always realized outside this Chamber how hard one has to work to please so many, to sacrifice so much in terms of personal life.

TOM DASCHLE, our leader, distinguished Senator from South Dakota, outstanding leader—not just for this side of the aisle but the entire country. He lost an extremely tough, close race a couple of weeks ago.

TOM DASCHLE is the stuff of which so many of our lives in the Senate are made.

It is a sad day. It is not just a sad day for me, who treasured the friendship I had with TOM DASCHLE, listened carefully to his words and followed, for the most part, the directions he portrayed for all Members here, it is a sad day, obviously, for TOM DASCHLE's family; it is a sad day for the Senate and a sad day for everyone in this great country of ours.

I said TOM is the stuff of which so many of our lives are made. It is quite hard to see in this place of splendor the route so many Members took to get here. There is a substantial difference in age between TOM DASCHLE and me but I had a similar experience. I was the first in my family to go to college. My parents were hard-working people. They did not work on a farm but they worked in the store. They worked in the mills. My father worked in the silk mills of Patterson, NJ, a factory town.

What was the legacy they imparted? It was to work hard, to believe in America, to believe in yourself. Try to achieve a degree of respect and dignity. That is what my father did for me, even after I had enlisted in the Army and he was on his deathbed from cancer. The messages were all profound: work, study, learn.

He took me into his factory one time and said: You must never work like this, so dirty, so dusty, so noisy, so dangerous. He knew it was dangerous, that there was something in the weaving of that silk fabric where they used chemicals to keep it from growing too brittle, to keep the machinery oiled. It took my father, his brother, their father, at very young ages.

When we hear TOM DASCHLE talk about his background, how his parents worked to provide him with not the funds but the incentive to make something of his life, to give something back to America, we know TOM DASCHLE is a model for so many to follow, with that commitment to decency and honor.

It is a sad day when we reflect on what happened in TOM DASCHLE's last race. He wanted to be here. We wanted him to be here. TOM has been an effective leader for us for 10 years. The Republicans threw everything they could at him, including some $20 million in that race, including some insults in recent days. And then to not permit the man to leave with grace and hold his head high—no, called him an obstructionist.

I know when the shoe is on the other foot what happens, when the minority has to fight like the devil to keep from being rolled over by the majority. We saw it when we were in charge. How I miss those days when we were in charge. The Republican Party, the minority party, they did their filibustering. They did their obstruction. They did the things needed to protect the interests they thought served their constituents, their States, and their country.

It was ungracious when the Republican side could not find enough of their Members to sit here out of respect. I remember being here when Bob Dole left and I could not wait to sit in my chair and salute his contribution to America and to this body, because, although Bob Dole could disagree with you, he was always interested in the well-being of the country. You saw it from the result of his service to country and the military.

I do not know why, in the closing days, some element of comity, some element of grace, some element of respect for a human being could not have gotten some of our friends out of their offices to come down to the floor. You saw the applause. The applause that I paid most of the attention to was from the people who work back here, the people who saw TOM DASCHLE at work every day. They know what he meant to them personally, to this country, to this institution. That is why they stood and applauded so vigorously. You saw TOM's colleagues standing here, hating to let go, hating to let him leave the room. They did it with their applause and their hugs, their glances, and their tears.

So we are sorry that the TOM DASCHLE segment of service to this country and to this body is over. As usual, as always, there was a characteristic graciousness in his departure, in acknowledging that he had lost the race. Everyone here has some sense of how painful it could be, especially being leader of the party, especially when they threw everything in the book at him that they could pick up.

It is not going to be easy to forget TOM DASCHLE. We are going to miss him. He had wonderful service to country. He served as an intelligence officer in the Air Force for 3 years. He won his first race. Many cited the chronology of his climb to leader of the Democratic Senate. He carved out a national reputation. People knew who he was, but he never forgot his South Dakota constituents.

We heard him talk about them. He talked about traveling to each of the State's counties every year as an unscheduled driving tour, where he stopped at the local clubs, the Elks Club, the cattle auctions, the health clinics, schools, cafes, police stations, or any other place where people could gather to hear him talk about what was on his mind, and to listen to them talk about what was on their mind.

TOM has been an effective legislator. His aim: to help his constituents, help his country, help those who were less fortunate across America. He fought hard for small farmers in his State.

We did not always agree. Those of us who come from an urban environment disagreed with some of the votes he took. But he always remembered from whence he came. He fought hard for the people that he believed in, for Native Americans from his State, veterans exposed to Agent Orange. I joined him in that fight because I always believed anyone who had any remote contact, no matter how remote or how short a period of time, with Agent Orange should be treated as any other veteran or any other soldier who had a wound because we know what Agent Orange has done to so many who have served so well, so loyally in a war we could not agree on, much like what we are seeing now in our country. And we had to respect his insistence that we remember these people, the seniors, and the people in the rural parts of the country where the economy has never really been robust.

Nature always takes its toll. But TOM insisted we fight back, that we make sure the farm community continued to exist in this country so we could produce the nutrition that is so vital—the products we all use so regularly.

And TOM is so young looking, soft spoken, self-effacing, and fundamentally decent. He was actually mistaken for a paperboy one time. But beneath that wonderful exterior, that almost placid view of things, there was a spine of steel. He could get up and fight hard and fight for the issues. His leadership for us—and, believe me, it was not easy. It is not easy on the Democratic side, it is not easy on the Republican side, I am sure, to pull everybody together because each of us has differences that come from our geography, from our State, from the culture within our States. But the fact is, TOM could get us together on the most difficult issues, not always 100 percent, not always in victory, but always with vigor and always with commitment.

TOM has devoted practically all his entire life to public service. We are going to miss his leadership, his counsel, and his friendship.

In my closing comments to him I said: We are saying kind of so long but hopefully not really goodbye. We want to hear from TOM DASCHLE. I have made a plea to him that he stays involved with the public interest. I hope he is going to do that. TOM will have many offers for commercial development and to make lots more money, but he feels an obligation down deep, as I would think most of us or all of us do here, to try to do something that counts.

I encourage him and his great wife Linda to get through this difficult, difficult period. It is not easy when you are the leader to lose a race. It is never easy, but it is particularly difficult when you have had leadership responsibilities.

So my message to TOM is: TOM, keep that spine of steel. Keep that interest that you have in the well-being of our society, in the belief that America can recover from all kinds of difficulties, some of the worst that we are facing right now. It is not just the war, as painful as that is.

I have a display in front of my office of young faces, of people, many of whom are in their teens, late teens, 18, 19. I enlisted in the Army when I was 18. I did not realize then I was such a baby. I realize now that 18 is so, so young. But I have those photographs there as reminders about what the price of this war really is. It is not just the financial side, which is enormous. It is not just the humiliation side, which is enormous, the humiliation because we failed to have the appropriate intelligence, intelligence to tell us even most recently how difficult Fallujah was going to be. We underestimated, and as a consequence the costs are heavy. In the last week, we lost two people from New Jersey. We are now over 1,200 who have died in the course of that fight.

But again, TOM DASCHLE, and I think all of us here, have to continue to fight for what is right. We can endure our differences here. I will tell you what we cannot endure. We cannot endure the bitterness that exists across the dividing line here. We cannot endure the vitriol that is constant in this room of ours. We cannot endure the anger that exists. We have a cause that is greater than all of us.

I am not saying it all comes flowing this way, but I am saying it is unpleasant. I have now had 22 years since I arrived. It is now 22 years since I arrived in the Senate. I remember different days. I remember days when you could disagree and still be able to say hello without grimacing when you saw one of your colleagues. Lord willing, I hope TOM DASCHLE taught us some of that, with his graciousness, his characteristic willingness to listen and to understand and get back to you when a problem existed.

So, Mr. President, I am going to yield the floor, but I do want to talk about our other colleagues who are retiring in a few minutes. There are a lot of good people here on both sides of the aisle.

We are going to miss all of our friends over here, but I am going to miss DON NICKLES. I have had a lot of fights with him, but I know he always knew where he wanted to go. I respected that.

PETER FITZGERALD, newer among us, but a gentleman to be noted, and BEN NIGHTHORSE CAMPBELL comes from a State I love. I have two grandchildren there. He is a decent fellow. We are going to miss all of them. I will talk about them later.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I know this is a time of recognition of our retiring Members on both the Republican and Democratic sides. If I can step in for a moment, we have cleared a variety of bills to be moved at this time. I will proceed to do that.

The PRESIDING OFFICER. The Senator is recognized for that purpose.

THE CALENDAR

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following Indian Affairs bills: Calendar Nos. 697, H.R. 2912; 777, S. 2605; 795, S. 519; 710, S. 1530; 654, S. 1996; 787, S. 1438.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that the amendments at the desk, where applicable, be agreed to, the committee amendments, where applicable, be agreed to, the bills be read a third time and passed, the title amendments, where applicable, be agreed to, and the motions to reconsider be laid upon the table, en bloc, and that any statements relating to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOVEREIGN RIGHTS OF THE OSAGE TRIBE

The bill (H.R. 2912) to reaffirm the inherent sovereign rights of the Osage Tribe to determine its membership and form of government, was considered, ordered to a third reading, read the third time, and passed.

H.R. 2912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAFFIRMATION OF CERTAIN RIGHTS OF THE OSAGE TRIBE.

(a) FINDINGS.—The Congress finds as follows:

(1) The Osage Tribe is a federally recognized tribe based in Pawhuska, Oklahoma.

(2) The Osage Allotment Act of June 28, 1906 (34 Stat. 539), states that the "legal membership" of the Osage Tribe includes the persons on the January 1, 1906 roll and their children, and that each "member" on that roll is entitled to a headright share in the distribution of funds from the Osage mineral estate and an allotment of the surface lands of the Osage Reservation.

(3) Today only Osage Indians who have a headright share in the mineral estate are "members" of the Osage Tribe.

(4) Adult Osage Indians without a headright interest cannot vote in Osage government elections and are not eligible to seek elective office in the Osage Tribe as a matter of Federal law.

(5) A principal goal of Federal Indian policy is to promote tribal self-sufficiency and strong tribal government.

(b) REAFFIRMATION OF CERTAIN RIGHTS OF THE OSAGE TRIBE.—

(1) MEMBERSHIP.—Congress hereby clarifies that the term "legal membership" in section 1 of the Act entitled, "An Act For the division of lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes", approved June 28, 1906 (34 Stat. 539), means the persons eligible for allotments of Osage Reservation lands and a pro rata share of the Osage mineral estate as provided in that Act, not membership in the Osage Tribe for all purposes. Congress hereby reaffirms the inherent sovereign right of the Osage Tribe to determine its own membership, provided that the rights of any person to Osage mineral estate shares are not diminished thereby.

(2) GOVERNMENT.—Notwithstanding section 9 of the Act entitled, "An Act For the division of lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes", approved June 28, 1906 (34 Stat. 539), Congress hereby reaffirms the inherent sovereign right of the Osage Tribe to determine its own form of government.

(3) ELECTIONS AND REFERENDA.—At the request of the Osage Tribe, the Secretary of the Interior shall assist the Osage Tribe with conducting elections and referenda to implement this section.

SNAKE RIVER WATER RIGHTS ACT OF 2004

The Senate proceeded to consider the bill (S. 2605) to direct the Secretary of the Interior and the heads of other Federal agencies to carry out an agreement resolving major issues relating to the adjudication of water rights in the Snake River Basin, Idaho, and for other purposes, which was reported from the Committee on Indian Affairs, as follows:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 2605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Snake River Water Rights Act of 2004".

[SEC. 2. PURPOSES.

[The purposes of this Act are—

[(1) to resolve some of the largest outstanding issues with respect to the Snake River Basin Adjudication in Idaho in such a manner as to provide important benefits to the United States, the State of Idaho, the Nez Perce Tribe, the allottees, and citizens of the State;

[(2) to achieve a fair, equitable, and final settlement of all claims of the Nez Perce Tribe, its members, and allottees and the United States on behalf of the Tribe, its members, and allottees to the water of the Snake River Basin within Idaho;

[(3) to authorize, ratify, and confirm the Agreement among the parties submitted to the Snake River Basin Adjudication Court and provide all parties with the benefits of the Agreement;

[(4) to direct—

[(A) the Secretary, acting through the Bureau of Reclamation, the Bureau of Land Management, the Bureau of Indian Affairs, and other agencies; and

[(B) the heads of other Federal agencies authorized to execute and perform actions necessary to carry out the Agreement;

to perform all of their obligations under the Agreement and this Act; and

[(5) to authorize the actions and appropriations necessary for the United States to meet the obligations of the United States under the Agreement and this Act.

[SEC. 3. DEFINITIONS.

[In this Act:

[(1) Agreement.—The term "Agreement" means the document titled "Mediator's Term Sheet" dated April 20, 2004, and submitted on that date to the SRBA Court in SRBA Consolidated Subcase 03-10022 and SRBA Consolidated Subcase 67-13701, with all appendices to the document.

[(2) Allottee.—The term "allottee" means a person that holds a beneficial real property interest in an Indian allotment that is—

[(A) located within the Nez Perce Reservation; and

[(B) held in trust by the United States.

[(3) Consumptive use reserved water right.—The term "consumptive use reserved water right" means the Federal reserved water right of 50,000 acre-feet per year, as described in the Agreement, to be decreed to the Tribe and the allottees, with a priority date of 1855.

[(4) Parties.—The term "parties" means the United States, the State, the Tribe, and any other entity or person that submitted, or joined in the submission, of the Agreement to the SRBA Court on April 20, 2004.

[(5) Secretary.—The term "Secretary" means the Secretary of the Interior.

[(6) Snake river basin.—The term "Snake River Basin" means the geographic area in the State described in paragraph 3 of the Commencement Order issued by the SRBA Court on November 19, 1987.

[(7) Springs or fountains water right.—The term "springs or fountains water right" means the Tribe's treaty right of access to and use of water from springs or fountains on Federal public land within the area ceded by the Tribe in the Treaty of June 9, 1863 (14 Stat. 647), as recognized under the Agreement.

[(8) SRBA.—The term "SRBA" means the Snake River Basin Adjudication litigation before the SRBA Court styled as In re Snake River Basin Adjudication, Case No. 39576.

[(9) SRBA court.—The term "SRBA Court" means the District Court of the Fifth Judicial District of the State of Idaho, In and For the County of Twin Falls in re Snake River Basin Adjudication.

[(10) State.—The term "State" means the State of Idaho.

[(11) Tribe.—The term "Tribe" means the Nez Perce Tribe.

[SEC. 4. APPROVAL, RATIFICATION, AND CONFIRMATION OF AGREEMENT.

[(a) In General.—Except to the extent that the Agreement conflicts with the express provisions of this Act, the Agreement is approved, ratified, and confirmed.

[(b) Execution and Performance.—The Secretary and the other heads of Federal agencies with obligations under the Agreement shall execute and perform all actions, consistent with this Act, that are necessary to carry out the Agreement.

[SEC. 5. BUREAU OF RECLAMATION WATER USE.

[(a) In General.—As part of the overall implementation of the Agreement, the Secretary shall take such actions consistent with the Agreement, this Act, and water law of the State as are necessary to carry out the Snake River Flow Component of the Agreement.

[(b) Mitigation for Change of Use of Water.—

[(1) Authorization of appropriations.—There is authorized to be appropriated to the Secretary $2,000,000 for a 1-time payment to local governments to mitigate for the change of use of water acquired by the Bureau of Reclamation under section III.C.6 of the Agreement.

[(2) Distribution of funds.—Funds made available under paragraph (1) shall be distributed by the Secretary to local governments in accordance with a plan provided to the Secretary by the State.

[(3) Payments.—Payments by the Secretary shall be made on a pro rata basis as water rights are acquired by the Bureau of Reclamation.

[SEC. 6. BUREAU OF LAND MANAGEMENT LAND TRANSFER.

[(a) Transfer.—

[(1) In general.—The Secretary shall transfer land selected by the Tribe under paragraph (2) to the Bureau of Indian Affairs to be held in trust for the Tribe.

[(2) Land selection.—The land transferred shall be selected by the Tribe from a list of parcels of land managed by the Bureau of Land Management that are available for transfer, as depicted on the map entitled "North Idaho BLM Land Eligible for Selection by the Nez Perce Tribe" dated May 2004, on file with the Director of the Bureau of Land Management, not including any parcel designated on the map as being on the Clearwater River or Lolo Creek.

[(3) Maximum value.—The land selected by the Tribe for transfer shall be limited to a maximum value in total of not more than $7,000,000, as determined by an independent appraisal of fair market value prepared in accordance with the Uniform Standards of Professional Appraisal Practice and the Uniform Appraisal Standards for Federal Land Acquisitions.

[(b) Existing Rights and Uses.—

[(1) In general.—On any land selected by the Tribe under subsection (a)(2), any use in existence on the date of transfer under subsection (a) under a lease or permit with the Bureau of Land Management, including grazing, shall remain in effect until the date of expiration of the lease or permit, unless the holder of the lease or permit requests an earlier termination of the lease or permit, in which case the Secretary shall grant the request.

[(2) Availability of amounts.—Amounts that accrue to the United States under a lease or permit described in paragraph (1) from sales, bonuses, royalties, and rentals relating to any land transferred to the Tribe under this section shall be made available to the Tribe by the Secretary in the same manner as amounts received from other land held by the Secretary in trust for the Tribe.

[(c) Date of Transfer.—No land shall be transferred to the Tribe under this section until the waivers and releases under section 10 take effect.

[SEC. 7. WATER RIGHTS.

[(a) Holding in Trust.—

[(1) In general.—The consumptive use reserved water right shall be held in trust by the United States for the benefit of the Tribe and allottees.

[(2) Springs or fountains water right.—The springs or fountains water right of the Tribe shall be held in trust by the United States for the benefit of the Tribe.

[(b) Water Code.—

[(1) In general.—The consumptive use reserved water right shall be subject to section 7 of the Act of February 8, 1887 (25 U.S.C. 381; 24 Stat. 390, chapter 119).

[(2) Enactment of water code.—Not later than 3 years after the date of enactment of this Act, the Tribe shall enact a water code, subject to any applicable provision of law, that—

[(A) manages, regulates, and controls the consumptive use reserved water right; and

[(B) includes, subject to approval of the Secretary—

[(i) a process by which an allottee, or any successor in interest to an allottee, may request and be provided with an allocation of water for irrigation use on allotted land of the allottee; and

[(ii) a due process system for the consideration and determination of any request by an allottee, or any successor in interest to an allottee, for an allocation of water, including a process for appeal and adjudication of denied or disputed distributions of water and for resolution of contested administrative decisions.

[(3) Rights of allottees.—Any provision of the water code and any amendments to the water code that affect the rights of the allottees shall be subject to the approval of the Secretary, and no such provision or amendment shall be valid until approved by the Secretary.

[(4) Interim administration.—The Secretary shall administer the consumptive use reserved water right until such date as the water code described in paragraph (2) has been enacted by the Tribe and approved by the Secretary.

[(c) Satisfaction of Claims.—

[(1) In general.—The water rights and other benefits granted or confirmed by the Agreement and this Act shall be in full satisfaction of all claims for water rights and injuries to water rights of the allottees.

[(2) Satisfaction of entitlements.—Any entitlement to water of any allottee under Federal law shall be satisfied out of the consumptive use reserved water right.

[(d) Abandonment, Forfeiture, or Nonuse.—The consumptive use reserved water right and the springs or fountains water right shall not be subject to loss by abandonment, forfeiture, or nonuse.

[(e) Lease of Water.—

[(1) In general.—The Tribe, without further approval of the Secretary, may lease water to which the Tribe is entitled under the consumptive use reserved water right through any State water bank in the same manner and subject to the same rules and requirements that govern any other lessor of water to the water bank.

[(2) Funds.—Any funds accruing to the Tribe from any lease under paragraph (1) shall be the property of the Tribe, and the United States shall have no trust obligation or other obligation to monitor, administer, or account for any consideration received by the Tribe under any such lease.

[SEC. 8. TRIBAL FUNDS.

[(a) Definition of Fund.—In this section, the term "Fund" means—

[(1) the Nez Perce Tribe Water and Fisheries Fund established under subsection (b)(1); and

[(2) the Nez Perce Tribe Domestic Water Supply Fund established under subsection (b)(2).

[(b) Establishment.—There are established in the Treasury of the United States—

[(1) a fund to be known as the "Nez Perce Tribe Water and Fisheries Fund", to be used to pay or reimburse costs incurred by the Tribe in acquiring land and water rights, restoring or improving fish habitat, or for fish production, agricultural development, cultural preservation, water resource development, or fisheries-related projects; and

[(2) a fund to be known as the "Nez Perce Domestic Water Supply Fund", to be used to pay the costs for design and construction of water supply and sewer systems for tribal communities, including a water quality testing laboratory.

[(c) Management of the Funds.—The Secretary shall manage the Funds, make investments from the Funds, and make amounts available from the Funds for distribution to the Tribe consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), this Act, and the Agreement.

[(d) Investment of the Funds.—The Secretary shall invest amounts in the Funds in accordance with—

[(1) the Act of April 1, 1880 (25 U.S.C. 161; 21 Stat. 70, chapter 41);

[(2) the first section of the Act of June 24, 1938 (25 U.S.C. 162a; 52 Stat. 1037, chapter 648); and

[(3) subsection (c).

[(e) Availability of Amounts From the Funds.—Amounts made available under subsection (h) shall be available for expenditure or withdrawal only after the waivers and releases under section 10 take effect.

[(f) Expenditures and Withdrawal.—

[(1) Tribal management plan.—

[(A) In general.—The Tribe may withdraw all or part of amounts in the Funds on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

[(B) Requirements.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Tribe spend any amounts withdrawn from the Funds in accordance with the purposes described in subsection (b).

[(C) Enforcement.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Funds under the plan are used in accordance with this Act and the Agreement.

[(D) Liability.—If the Tribe exercises the right to withdraw amounts from the Funds, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts.

[(2) Expenditure plan.—

[(A) In general.—The Tribe shall submit to the Secretary for approval an expenditure plan for any portion of the amounts made available under subsection (h) that the Tribe does not withdraw under this subsection.

[(B) Description.—The expenditure plan shall describe the manner in which, and the purposes for which, amounts of the Tribe remaining in the Funds will be used.

[(C) Approval.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act and the Agreement.

[(D) Annual report.—For each Fund, the Tribe shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

[(g) No Per Capita Payments.—No part of the principal of the Funds, or of the income accruing in the Funds, shall be distributed to any member of the Tribe on a per capita basis.

[(h) Authorization of Appropriations.—There are authorized to be appropriated—

[(1) $60,100,000 to the Nez Perce Tribe Water and Fisheries Fund; and

[(2) $23,000,000 to the Nez Perce Tribe Domestic Water Supply Fund.

[SEC. 9. SALMON AND CLEARWATER RIVER BASINS HABITAT FUND.

[(a) Establishment of Fund.—

[(1) In general.—There is established in the Treasury of the United States a fund to be known as the "Salmon and Clearwater River Basins Habitat Fund" (referred to in this section as the "Fund"), to be administered by the Secretary.

[(2) Accounts.—There is established within the Fund—

[(A) an account to be known as the "Nez Perce Tribe Salmon and Clearwater River Basins Habitat Account", which shall be administered by the Secretary for use by the Tribe subject to the same provisions for management, investment, and expenditure as the funds established by section 8; and

[(B) an account to be known as the "Idaho Salmon and Clearwater River Basins Habitat Account", which shall be administered by the Secretary and provided to the State as provided in the Agreement and this Act.

[(b) Use of the Fund.—

[(1) In general.—The Fund shall be used to supplement amounts made available under other law for habitat protection and restoration in the Salmon and Clearwater River basins, including projects and programs intended to protect and restore listed fish and their habitat in the Salmon and Clearwater basins, as specified in the Agreement and this Act.

[(2) No allocation requirement.—The use of the Fund shall not be subject to the allocation procedures under section 6(d)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1535(d)(1)).

[(3) Release of funds.—The Secretary shall release funds from the Clearwater River Basins Habitat Account in accordance with section 6(d)(2) of the Endangered Species Act (16 U.S.C. 1535(d)(2)).

[(c) Availability of Amounts in the Fund.—Amounts made available under subsection (d) shall be available for expenditure or withdrawal only after the waivers and releases under section 10(a) take effect.

[(d) Authorization of Appropriations.—There are authorized to be appropriated—

[(1) $12,666,670 to the Nez Perce Tribe Salmon and Clearwater River Basins Habitat Account; and

[(2) $25,333,330 to the Idaho Salmon and Clearwater River Basins Habitat Account.

[SEC. 10. TRIBAL WAIVER AND RELEASE OF CLAIMS.

[(a) Waiver and Release of Claims in General.—

[(1) Claims to water rights; claims for injuries to water rights or treaty rights.—Except as otherwise provided in this Act, the United States on behalf of the Tribe and the allottees, and the Tribe, waive and release—

[(A) all claims to water rights within the Snake River Basin (as defined in section 3(b));

[(B) all claims for injuries to such water rights; and

[(C) all claims for injuries to the treaty rights of the Tribe to the extent that such injuries result or resulted from flow modifications or reductions in the quantity of water available that accrued at any time up to and including the effective date of the settlement, and any continuation thereafter of any such claims, against the State, any agency or political subdivision of the State, or any person, entity, corporation, municipal corporation, or quasi-municipal corporation.

[(2) Claims based on reduced water quality or reductions in water quantity.—The United States on behalf of the Tribe and the allottees, and the Tribe, waive and release any claim, under any treaty theory, based on reduced water quality resulting directly from flow modifications or reductions in the quantity of water available in the Snake River Basin against any party to the Agreement or this Act.

[(3) No future assertion of claims.—No water right claim that the Tribe or the allottees have asserted or may in the future assert outside the Snake River Basin shall require water to be supplied from the Snake River Basin to satisfy the claim.

[(4) Effect of waivers and releases.—The waivers and releases by the United States and the Tribe under this subsection—

[(A) shall be permanent and enforceable; and

[(B) shall survive any subsequent termination of any component of the settlement described in the Agreement or this Act.

[(5) Effective date.—The waivers and releases under this subsection take effect on the date on which the Secretary causes to be published in the Federal Register a statement of findings that the actions set forth in section IV.L of the Agreement—

[(A) have been completed, including issuance of a judgment and decree by the SRBA court from which no further appeal may be taken; and

[(B) have been determined by the United States on behalf of the Tribe and the allottees, the Tribe, and the State of Idaho to be consistent in all material aspects with the Agreement.

[(b) WAIVER AND RELEASE OF CLAIMS AGAINST THE UNITED STATES.—

[(1) IN GENERAL.—In consideration of performance by the United States of all actions required by the Agreement and this Act, including the appropriation of all funds authorized under sections 8(h) and 9(d)(1), the Tribe shall execute a waiver and release of the United States from—

[(A) all claims for water rights within the Snake River Basin, injuries to such water rights, or breach of trust claims for failure to protect, acquire, or develop such water rights that accrued at any time up to and including the effective date determined under paragraph (2);

[(B) all claims for injuries to the Tribe's treaty fishing rights, to the extent that such injuries result or resulted from reductions in the quantity of water available in the Snake River Basin;

[(C) all claims of breach of trust for failure to protect Nez Perce springs or fountains treaty rights reserved in article VIII of the Treaty of June 9, 1863 (14 Stat. 651); and

[(D) all claims of breach of trust arising out of the negotiation of or resulting from the adoption of the Agreement.

[(2) EFFECTIVE DATE.—The waiver and release contained in this subsection take effect on the date on which the funds authorized under sections 8(h) and 9(d)(1) of this Act have been appropriated as authorized by this Act.

[(c) RETENTION OF RIGHTS.—

[(1) IN GENERAL.—The Tribe shall retain all rights not specifically waived or released in the Agreement or this Act.

[(2) DWORSHAK PROJECT.—Nothing in the Agreement or this Act constitutes a waiver by the Tribe of any claim against the United States relating to non-water-based injuries resulting from the construction and operation of the Dworshak Project.

[(3) FUTURE ACQUISITION OF WATER RIGHTS.—Nothing in the Agreement or this Act precludes the Tribe, or the United States as trustee for the Tribe, from purchasing or otherwise acquiring water rights in the future to the same extent as any other entity the State.

[SEC. 11. MISCELLANEOUS.

[(a) GENERAL DISCLAIMER.—The parties expressly reserve all rights not specifically granted, recognized, or relinquished by the settlement described in the Agreement or this Act.

[(b) DISCLAIMER REGARDING OTHER AGREEMENTS AND PRECEDENT.—

[(1) IN GENERAL.—Except as expressly provided in this Act, nothing in this Act amends, supersedes, or preempts any State law, Federal law, Tribal law, or interstate compact that pertains to the Snake River or its tributaries.

[(2) NO ESTABLISHMENT OF STANDARD.—Nothing in this Act—

[(A) establishes any standard for the quantification of Federal reserved water rights or any other Indian water claims of any other Indian tribes in any other judicial or administrative proceeding; or

[(B) limits the rights of the parties to litigate any issue not resolved by the Agreement or this Act.

[(3) NO ADMISSION AGAINST INTEREST.—Nothing in this Act constitutes an admission against interest against any party in any legal proceeding.

[(c) TREATY RIGHTS.—Nothing in the Agreement or this Act impairs the treaty fishing, hunting, pasturing, or gathering rights of the Tribe except to the extent expressly provided in the Agreement or this Act.

[(d) OTHER CLAIMS.—Nothing in the Agreement or this Act quantifies or otherwise affects the water rights, claims, or entitlements to water, or any other treaty right, of any Indian tribe, band, or community other than the Tribe.

[(e) RECREATION ON DWORSHAK RESERVOIR.—

[(1) IN GENERAL.—In implementing the provisions of the Agreement and this Act relating to the use of water stored in Dworshak Reservoir for flow augmentation purposes, the heads of the Federal agencies involved in the operational Memorandum of Agreement referred to in the Agreement shall implement a flow augmentation plan beneficial to fish and consistent with the Agreement.

[(2) CONTENTS OF PLAN.—The flow augmentation plan may include provisions beneficial to recreational uses of the reservoir through maintenance of the full level of the reservoir for prolonged periods during the summer months.

[(f) JURISDICTION.—

[(1) NO EFFECT ON SUBJECT MATTER JURISDICTION.—Nothing in the Agreement or this Act restricts, enlarges, or otherwise determines the subject matter jurisdiction of any Federal, State, or Tribal court.

[(2) CONSENT TO JURISDICTION.—The United States consents to jurisdiction in a proper forum for purposes of enforcing the provisions of the Agreement.

[(3) EFFECT OF SUBSECTION.—Nothing in this subsection confers jurisdiction on any State court to—

[(A) enforce Federal environmental laws regarding the duties of the United States; or

[(B) conduct judicial review of Federal agency action.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Snake River Water Rights Act of 2004".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to resolve some of the largest outstanding issues with respect to the Snake River Basin Adjudication in Idaho in such a manner as to provide important benefits to the United States, the State of Idaho, the Nez Perce Tribe, the allottees, and citizens of the State;

(2) to achieve a fair, equitable, and final settlement of all claims of the Nez Perce Tribe, its members, and allottees and the United States on behalf of the Tribe, its members, and allottees to the water of the Snake River Basin within Idaho;

(3) to authorize, ratify, and confirm the Agreement among the parties submitted to the Snake River Basin Adjudication Court and provide all parties with the benefits of the Agreement;

(4) to direct—

(A) the Secretary, acting through the Bureau of Reclamation, the Bureau of Land Management, the Bureau of Indian Affairs, and other agencies; and

(B) the heads of other Federal agencies authorized to execute and perform actions necessary to carry out the Agreement;

to perform all of their obligations under the Agreement and this Act; and

(5) to authorize the actions and appropriations necessary for the United States to meet the obligations of the United States under the Agreement and this Act.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the document titled "Mediator's Term Sheet" dated April 20, 2004, and submitted on that date to the SRBA Court in SRBA Consolidated Subcase 03-10022 and SRBA Consolidated Subcase 67-13701, with all appendices to the document.

(2) ALLOTTEE.—The term "allottee" means a person that holds a beneficial real property interest in an Indian allotment that is—

(A) located within the Nez Perce Reservation; and

(B) held in trust by the United States.

(3) CONSUMPTIVE USE RESERVED WATER RIGHT.—The term "consumptive use reserved water right" means the Federal reserved water right of 50,000 acre-feet per year, as described in the Agreement, to be decreed to the United States in trust for the Tribe and the allottees, with a priority date of 1855.

(4) PARTIES.—The term "parties" means the United States, the State, the Tribe, and any other entity or person that submitted, or joined in the submission of, the Agreement to the SRBA Court on April 20, 2004.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) SNAKE RIVER BASIN.—The term "Snake River Basin" means the geographic area in the State described in paragraph 3 of the Commencement Order issued by the SRBA Court on November 19, 1987.

(7) SPRINGS OR FOUNTAINS WATER RIGHT.—The term "springs or fountains water right" means the Tribe's treaty right of access to and use of water from springs or fountains on Federal public land within the area ceded by the Tribe in the Treaty of June 9, 1863 (14 Stat. 647), as recognized under the Agreement.

(8) SRBA.—The term "SRBA" means the Snake River Basin Adjudication litigation before the SRBA Court styled as In re Snake River Basin Adjudication, Case No. 39576.

(9) SRBA COURT.—The term "SRBA Court" means the District Court of the Fifth Judicial District of the State of Idaho, In and For the County of Twin Falls in re Snake River Basin Adjudication.

(10) STATE.—The term "State" means the State of Idaho.

(11) TRIBE.—The term "Tribe" means the Nez Perce Tribe.

SEC. 4. APPROVAL, RATIFICATION, AND CONFIRMATION OF AGREEMENT.

(a) IN GENERAL.—Except to the extent that the Agreement conflicts with this Act, the Agreement is approved, ratified, and confirmed.

(b) EXECUTION AND PERFORMANCE.—The Secretary and the other heads of Federal agencies with obligations under the Agreement shall execute and perform all actions, consistent with this Act, that are necessary to carry out the Agreement.

SEC. 5. BUREAU OF RECLAMATION WATER USE.

(a) IN GENERAL.—As part of the overall implementation of the Agreement, the Secretary shall take such actions consistent with the Agreement, this Act, and water law of the State as are necessary to carry out the Snake River Flow Component of the Agreement.

(b) MITIGATION FOR CHANGE OF USE OF WATER.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $2,000,000 for a 1-time payment to local governments to mitigate for the change of use of water acquired by the Bureau of Reclamation under section III.C.6 of the Agreement.

(2) DISTRIBUTION OF FUNDS.—Funds made available under paragraph (1) shall be distributed by the Secretary to local governments in

accordance with a plan provided to the Secretary by the State.

(3) PAYMENTS.—Payments by the Secretary shall be made on a pro rata basis as water rights are acquired by the Bureau of Reclamation.

SEC. 6. BUREAU OF LAND MANAGEMENT LAND TRANSFER.

(a) TRANSFER.—

(1) IN GENERAL.—The Secretary shall transfer land selected by the Tribe under paragraph (2) to the Bureau of Indian Affairs to be held in trust for the Tribe.

(2) LAND SELECTION.—The land transferred shall be selected by the Tribe from a list of parcels of land managed by the Bureau of Land Management that are available for transfer, as depicted on the map entitled "North Idaho BLM Land Eligible for Selection by the Nez Perce Tribe" dated May 2004, on file with the Director of the Bureau of Land Management, not including any parcel designated on the map as being on the Clearwater River or Lolo Creek.

(3) MAXIMUM VALUE.—The land selected by the Tribe for transfer shall be limited to a maximum value in total of not more than $7,000,000, as determined by an independent appraisal of fair market value prepared in accordance with the Uniform Standards of Professional Appraisal Practice and the Uniform Appraisal Standards for Federal Land Acquisitions.

(b) EXISTING RIGHTS AND USES.—

(1) IN GENERAL.—On any land selected by the Tribe under subsection (a)(2), any use in existence on the date of transfer under subsection (a) under a lease or permit with the Bureau of Land Management, including grazing, shall remain in effect until the date of expiration of the lease or permit, unless the holder of the lease or permit requests an earlier termination of the lease or permit, in which case the Secretary shall grant the request.

(2) AVAILABILITY OF AMOUNTS.—Amounts that accrue to the United States under a lease or permit described in paragraph (1) from sales, bonuses, royalties, and rentals relating to any land transferred to the Tribe under this section shall be made available to the Tribe by the Secretary in the same manner as amounts received from other land held by the Secretary in trust for the Tribe.

(c) DATE OF TRANSFER.—No land shall be transferred to the Bureau of Indian Affairs to be held in trust for the Tribe under this section until the waivers and releases under section 10(a) take effect.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary $200,000 for 1-time payments to local governments to mitigate for the transfer of land by the Bureau of Land Management to the Tribe under section I.F of the Agreement.

(2) PAYMENTS.—Payments under paragraph (1) shall be made on a pro rata basis as parcels of land are acquired by the Tribe.

SEC. 7. WATER RIGHTS.

(a) HOLDING IN TRUST.—

(1) IN GENERAL.—The consumptive use reserved water right shall—

(A) be held in trust by the United States for the benefit of the Tribe and allottees as set forth in this section; and

(B) be subject to section 7 of the Act of February 8, 1887 (25 U.S.C. 381).

(2) SPRINGS OR FOUNTAINS WATER RIGHT.—The springs or fountains water right of the Tribe shall be held in trust by the United States for the benefit of the Tribe.

(3) ALLOTTEES.—Allottees shall be entitled to a just and equitable allocation of the consumptive use reserved water right for irrigation purposes.

(b) WATER CODE.—

(1) ENACTMENT OF WATER CODE.—Not later than 3 years after the date of enactment of this Act, the Tribe shall enact a water code, subject to any applicable provision of law, that—

(A) manages, regulates, and controls the consumptive use reserved water right so as to allocate water for irrigation, domestic, commercial, municipal, industrial, cultural, or other uses; and

(B) includes, subject to approval of the Secretary—

(i) a due process system for the consideration and determination of any request by an allottee, or any successor in interest to an allottee, for an allocation of such water for irrigation purposes on allotted land, including a process for an appeal and adjudication of denied or disputed distribution of water and for resolution of contested administrative decisions; and

(ii) a process to protect the interests of allottees when entering into any lease under subsection (e).

(2) SECRETARIAL APPROVAL.—Any provision of the water code and any amendments to the water code that affect the rights of the allottees shall be subject to approval by the Secretary, and no such provision or amendment shall be valid until approved by the Secretary.

(3) INTERIM ADMINISTRATION.—The Secretary shall administer the consumptive use reserved water right until such date as the water code described in paragraph (2) has been enacted by the Tribe and the Secretary has approved the relevant portions of the water code.

(c) EXHAUSTION OF REMEDIES.—Before asserting any claim against the United States under section 7 of the Act of February 8, 1887 (25 U.S.C. 381) or other applicable law, a claimant shall exhaust remedies available under the Tribe's water code and Tribal law.

(d) PETITION TO THE SECRETARY.—Following exhaustion of remedies in accordance with subsection (c), a claimant may petition the Secretary for relief.

(e) SATISFACTION OF CLAIMS.—

(1) IN GENERAL.—The water rights and other benefits granted or confirmed by the Agreement and this Act shall be in full satisfaction of all claims for water rights and injuries to water rights of the allottees.

(2) SATISFACTION OF ENTITLEMENTS.—Any entitlement to water of any allottee under Federal law shall be satisfied out of the consumptive use reserved water right.

(3) COMPLETE SUBSTITUTION.—The water rights, resources, and other benefits provided by this Act are a complete substitution for any rights that may have been held by, or any claims that may have been asserted by, allottees within the exterior boundaries of the Reservation before the date of enactment of this Act.

(f) ABANDONMENT, FORFEITURE, OR NONUSE.—The consumptive use reserved water right and the springs or fountains water right shall not be subject to loss by abandonment, forfeiture, or nonuse.

(g) LEASE OF WATER.—

(1) IN GENERAL.—Subject to the water code, the Tribe, without further approval of the Secretary, may lease water to which the Tribe is entitled under the consumptive use reserved water right through any State water bank in the same manner and subject to the same rules and requirements that govern any other lessor of water to the water bank.

(2) FUNDS.—Any funds accruing to the Tribe from any lease under paragraph (1) shall be the property of the Tribe, and the United States shall have no trust obligation or other obligation to monitor, administer, or account for any consideration received by the Tribe under any such lease.

SEC. 8. TRIBAL FUNDS.

(a) DEFINITION OF FUND.—In this section, the term "Fund" means—

(1) the Nez Perce Tribe Water and Fisheries Fund established under subsection (b)(1); and

(2) the Nez Perce Tribe Domestic Water Supply Fund established under subsection (b)(2).

(b) ESTABLISHMENT.—There are established in the Treasury of the United States—

(1) a fund to be known as the "Nez Perce Tribe Water and Fisheries Fund", to be used to pay or reimburse costs incurred by the Tribe in acquiring land and water rights, restoring or improving fish habitat, or for fish production, agricultural development, cultural preservation, water resource development, or fisheries-related projects; and

(2) a fund to be known as the "Nez Perce Domestic Water Supply Fund", to be used to pay the costs for design and construction of water supply and sewer systems for tribal communities, including a water quality testing laboratory.

(c) MANAGEMENT OF THE FUNDS.—The Secretary shall manage the Funds, make investments from the Funds, and make amounts available from the Funds for distribution to the Tribe consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), this Act, and the Agreement.

(d) INVESTMENT OF THE FUNDS.—The Secretary shall invest amounts in the Funds in accordance with—

(1) the Act of April 1, 1880 (25 U.S.C. 161; 21 Stat. 70, chapter 41);

(2) the first section of the Act of June 24, 1938 (25 U.S.C. 162a; 52 Stat. 1037, chapter 648); and

(3) subsection (c).

(e) AVAILABILITY OF AMOUNTS FROM THE FUNDS.—Amounts made available under subsection (h) shall be available for expenditure or withdrawal only after the waivers and releases under section 10(a) take effect.

(f) EXPENDITURES AND WITHDRAWAL.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—The Tribe may withdraw all or part of amounts in the Funds on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Tribe spend any amounts withdrawn from the Funds in accordance with the purposes described in subsection (b).

(C) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Funds under the plan are used in accordance with this Act and the Agreement.

(D) LIABILITY.—If the Tribe exercises the right to withdraw amounts from the Funds, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts.

(2) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Tribe shall submit to the Secretary for approval an expenditure plan for any portion of the amounts made available under subsection (h) that the Tribe does not withdraw under this subsection.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, amounts of the Tribe remaining in the Funds will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act and the Agreement.

(D) ANNUAL REPORT.—For each Fund, the Tribe shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(g) No Per Capita Payments.—No part of the principal of the Funds, or of the income accruing in the Funds, shall be distributed to any member of the Tribe on a per capita basis.

(h) Authorization of Appropriations.—There are authorized to be appropriated—

(1) to the Nez Perce Tribe Water and Fisheries Fund—

(A) for fiscal year 2007, $7,830,000;

(B) for fiscal year 2008, $4,730,000;

(C) for fiscal year 2009, $7,380,000;

(D) for fiscal year 2010, $10,080,000;

(E) for fiscal year 2011, $11,630,000;

(F) for fiscal year 2012, $9,450,000; and

(G) for fiscal year 2013, $9,000,000; and

(2) to the Nez Perce Tribe Domestic Water Supply Fund—

(A) for fiscal year 2007, $5,100,000;

(B) for fiscal year 2008, $8,200,000;

(C) for fiscal year 2009, $5,550,000;

(D) for fiscal year 2010, $2,850,000; and

(E) for fiscal year 2011, $1,300,000.

SEC. 9. SALMON AND CLEARWATER RIVER BASINS HABITAT FUND.

(a) Establishment of Fund.—

(1) In general.—There is established in the Treasury of the United States a fund to be known as the "Salmon and Clearwater River Basins Habitat Fund" (referred to in this section as the "Fund"), to be administered by the Secretary.

(2) Accounts.—There is established within the Fund—

(A) an account to be known as the "Nez Perce Tribe Salmon and Clearwater River Basins Habitat Account", which shall be administered by the Secretary for use by the Tribe subject to the same provisions for management, investment, and expenditure as the funds established by section 8; and

(B) an account to be known as the "Idaho Salmon and Clearwater River Basins Habitat Account", which shall be administered by the Secretary and provided to the State as provided in the Agreement and this Act.

(b) Use of the Fund.—

(1) In general.—The Fund shall be used to supplement amounts made available under any other law for habitat protection and restoration in the Salmon and Clearwater River Basins in Idaho, including projects and programs intended to protect and restore listed fish and their habitat in those basins, as specified in the Agreement and this Act.

(2) Release of funds.—The Secretary shall release funds from the Idaho Salmon and Clearwater River Basins Habitat Account in accordance with section 6(d)(2) of the Endangered Species Act (16 U.S.C. 1535(d)(2)).

(3) No allocation requirement.—The use of the Fund shall not be subject to the allocation procedures under section 6(d)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1535(d)(1)).

(c) Availability of Amounts in the Fund.—Amounts made available under subsection (d) shall be available for expenditure or withdrawal only after the waivers and releases under section 10(a) take effect.

(d) Authorization of Appropriations.—There are authorized to be appropriated—

(1) to the Nez Perce Tribe Salmon and Clearwater River Basins Habitat Account, $2,533,334 for each of fiscal years 2007 through 2011; and

(2) to the Idaho Salmon and Clearwater River Basins Habitat Account, $5,066,666 for each of fiscal years 2007 through 2011.

SEC. 10. TRIBAL WAIVER AND RELEASE OF CLAIMS.

(a) Waiver and Release of Claims in General.—

(1) Claims to water rights; claims for injuries to water rights or treaty rights.—Except as otherwise provided in this Act, the United States on behalf of the Tribe and the allottees, and the Tribe, waive and release—

(A) all claims to water rights within the Snake River Basin (as defined in section 3);

(B) all claims for injuries to such water rights; and

(C) all claims for injuries to the treaty rights of the Tribe to the extent that such injuries result or resulted from flow modifications or reductions in the quantity of water available that accrued at any time up to and including the effective date of the settlement, and any continuation thereafter of any such claims, against the State, any agency or political subdivision of the State, or any person, entity, corporation, municipal corporation, or quasi-municipal corporation.

(2) Claims based on reduced water quality or reductions in water quantity.—The United States on behalf of the Tribe and the allottees, and the Tribe, waive and release any claim, under any treaty theory, based on reduced water quality resulting directly from flow modifications or reductions in the quantity of water available in the Snake River Basin against any party to the Agreement.

(3) No future assertion of claims.—No water right claim that the Tribe or the allottees have asserted or may in the future assert outside the Snake River Basin shall require water to be supplied from the Snake River Basin to satisfy the claim.

(4) Effect of waivers and releases.—The waivers and releases by the United States and the Tribe under this subsection—

(A) shall be permanent and enforceable; and

(B) shall survive any subsequent termination of any component of the settlement described in the Agreement or this Act.

(5) Effective date.—The waivers and releases under this subsection shall take effect on the date on which the Secretary causes to be published in the Federal Register a statement of findings that the actions set forth in section IV.L of the Agreement—

(A) have been completed, including issuance of a judgment and decree by the SRBA court from which no further appeal may be taken; and

(B) have been determined by the United States on behalf of the Tribe and the allottees, the Tribe, and the State of Idaho to be consistent in all material aspects with the Agreement.

(b) Waiver and Release of Claims Against the United States.—

(1) In general.—In consideration of performance by the United States of all actions required by the Agreement and this Act, including the appropriation of all funds authorized under sections 8(h) and 9(d)(1), the Tribe shall execute a waiver and release of the United States from—

(A) all claims for water rights within the Snake River Basin, injuries to such water rights, or breach of trust claims for failure to protect, acquire, or develop such water rights that accrued at any time up to and including the effective date determined under paragraph (2);

(B) all claims for injuries to the Tribe's treaty fishing rights, to the extent that such injuries result or resulted from reductions in the quantity of water available in the Snake River Basin;

(C) all claims of breach of trust for failure to protect Nez Perce springs or fountains treaty rights reserved in article VIII of the Treaty of June 9, 1863 (14 Stat. 651); and

(D) all claims of breach of trust arising out of the negotiation of or resulting from the adoption of the Agreement.

(2) Effective date.—

(A) In general.—The waiver and release contained in this subsection shall take effect on the date on which the amounts authorized under sections 8(h) and 9(d)(1) are appropriated.

(B) Periods of limitation; equitable claims.—

(i) In general.—All periods of limitation and time-based equitable defenses applicable to the claims set forth in paragraph (1) are tolled for the period between the date of enactment of this Act until the earlier of—

(I) the date on which the amounts authorized under sections 8(h) and 9(d)(1) are appropriated; or

(II) October 1, 2017.

(ii) Effect of subparagraph.—This subparagraph neither revives any claim nor tolls any period of limitation or time-based equitable defense that may have expired before the date of enactment of this Act.

(3) Defense.—The making of the amounts of appropriations authorized under sections 8(h) and 9(d)(1) shall constitute a complete defense to any claim pending in any court of the United States on the date on which the appropriations are made.

(c) Retention of Rights.—

(1) In general.—The Tribe shall retain all rights not specifically waived or released in the Agreement or this Act.

(2) Dworshak project.—Nothing in the Agreement or this Act constitutes a waiver by the Tribe of any claim against the United States resulting from the construction and operation of the Dworshak Project (Project PWI 05090), other than those specified in subparagraphs (A) and (B) of subsection (b)(1).

(3) Future acquisition of water rights.—Nothing in the Agreement or this Act precludes the Tribe or allottees, or the United States as trustee for the Tribe or allottees, from purchasing or otherwise acquiring water rights in the future to the same extent as any other entity in the State.

SEC. 11. MISCELLANEOUS.

(a) General Disclaimer.—The parties expressly reserve all rights not specifically granted, recognized, or relinquished by the settlement described in the Agreement or this Act.

(b) Disclaimer Regarding Other Agreements and Precedent.—

(1) In general.—Subject to section 9(b)(3), nothing in this Act amends, supersedes, or preempts any State law, Federal law, Tribal law, or interstate compact that pertains to the Snake River Basin.

(2) No establishment of standard.—Nothing in this Act—

(A) establishes any standard for the quantification of Federal reserved water rights or any other Indian water claims of any other Indian tribes in any other judicial or administrative proceeding; or

(B) limits the rights of the parties to litigate any issue not resolved by the Agreement or this Act.

(3) No admission against interest.—Nothing in this Act constitutes an admission against interest against any party in any legal proceeding.

(c) Treaty Rights.—Nothing in the Agreement or this Act impairs the treaty fishing, hunting, pasturing, or gathering rights of the Tribe except to the extent expressly provided in the Agreement or this Act.

(d) Other Claims.—Nothing in the Agreement or this Act quantifies or otherwise affects the water rights, claims, or entitlements to water, or any other treaty right, of any Indian tribe, band, or community other than the Tribe.

(e) Recreation on Dworshak Reservoir.—

(1) In general.—In implementing the provisions of the Agreement and this Act relating to the use of water stored in Dworshak Reservoir for flow augmentation purposes, the heads of the Federal agencies involved in the operational Memorandum of Agreement referred to in the Agreement shall implement a flow augmentation plan beneficial to fish and consistent with the Agreement.

(2) CONTENTS OF PLAN.—The flow augmentation plan may include provisions beneficial to recreational uses of the reservoir through maintenance of the full level of the reservoir for prolonged periods during the summer months.

(f) JURISDICTION.—

(1) NO EFFECT ON SUBJECT MATTER JURISDICTION.—Nothing in the Agreement or this Act restricts, enlarges, or otherwise determines the subject matter jurisdiction of any Federal, State, or Tribal court.

(2) CONSENT TO JURISDICTION.—The United States consents to jurisdiction in a proper forum for purposes of enforcing the provisions of the Agreement.

(3) EFFECT OF SUBSECTION.—Nothing in this subsection confers jurisdiction on any State court to—

(A) enforce Federal environmental laws regarding the duties of the United States; or

(B) conduct judicial review of Federal agency action.

MEANING OF SECTION 4

Ms. CANTWELL. Mr. President, I say to Senator CAMPBELL, as chairman of the Indian Affairs Committee upon which I serve. I appreciate his leadership in helping this important bill become law. I support S. 2605 and believe it codifies a fair and equitable settlement of Snake River Basin water rights in Idaho. However, I am concerned that the bill currently pending before the Senate may have inadvertently altered the rights of my constituents and obligations of the downstream States of Washington and Oregon in the application and implementation of Federal environmental laws.

Therefore, I have a few questions to ask regarding the effect of section 4 of S. 2605 and the agreement, as expressed in the Mediator's Term Sheet, that S. 2605 would approve. Specifically, I am concerned about (1) whether some inference might be drawn from the language in section 4(a) of the act that, by approving, ratifying and confirming the agreement, Congress has in effect altered the obligation of Federal agencies to consult under section 7 of the Endangered Species Act; (2) whether the act might be interpreted to require that Federal agencies implement the agreement without taking into consideration the interests of other affected States; and (3) whether the act or the agreement might be construed to alter any obligations that the parties might have under the Clean Water Act, particularly in relation to the protection of federally approved State water quality standards of downstream States.

I noticed that these three specific issues were not expressly addressed in the report of the Committee on Indian Affairs that has been filed and accompanies the substitute amendment.

Mr. CAMPBELL. These three issues were not specifically addressed in the report issued by the committee, although the part of the report that discusses the meaning of section 4(a) of the substitute amendment does make the point, and fairly clearly I think, that there is no intent to alter or amend Federal environmental laws like the Endangered Species Act and the Clean Water Act or to somehow limit the rights of persons or organizations to pursue any remedies that are otherwise available to them under such laws. The three precise issues you mention were not deliberately omitted from discussion in the report—to the contrary, they were not discussed in the report simply because those specific issues, as you have articulated them, were not aired during or after the hearing held on this legislation and, in fact, arose only after the amendment in the nature of a substitute was reported to the Senate on October 7, 2004.

Ms. CANTWELL. As the principal sponsor and architect of the substitute amendment approved by the Senate Committee on Indian Affairs, what was the intent about the meaning of the substitute amendment and the agreement it would approve with respect to those three issues?

Mr. CAMPBELL. My intent with respect to all three of the issues that the Senator has mentioned is consistent with my intent regarding the meaning of section 4 of the substitute amendment and the agreement itself—that is, neither the substitute amendment nor the agreement should be interpreted to somehow restrict the rights of any State, person or organization to pursue remedies otherwise available under Federal environmental laws such as the Clean Water Act and the Endangered Species Act.

I would point out that neither the substitute amendment nor the agreement should be read to create, enlarge or limit any obligation of Federal agencies to consult under section 7 of the Endangered Species Act. Also, the intent behind the substitute amendment is that Federal agencies implement the terms of the agreement and any applicable Federal laws with due consideration of both the interests of the parties and those of other affected States so that no interests are prejudiced. Finally, neither the substitute amendment nor the agreement should be interpreted to create or alter any obligations of the parties under the Clean Water Act with respect to the protection of federally approved State water quality standards of downstream States. However, with that I do not mean to imply or suggest that any such obligations exist or do not exist.

Ms. CANTWELL. I thank the Senator for clarifying these important matters.

Mr. CAMPBELL. I thank the Senator for her inquiry.

Mr. CRAPO. Speaking as the subcommittee chairman with jurisdiction over the Endangered Species Act and the Clean Water Act, I concur in the clarifications expressed by my colleagues.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2605), as amended, was read the third time and passed.

INDIAN TRIBAL DEVELOPMENT CORPORATION FEASIBILITY ACT OF 2004

The Senate proceeded to consider the bill (S. 519) to establish a Native American-owned financial entity to provide financial services to Indian tribes, Native American organizations, and Native Americans, and for other purposes, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 519

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

[(a) SHORT TITLE.—This Act may be cited as the "Native American Capital Formation and Economic Development Act of 2003".

[(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

[Sec. 1. Short title; table of contents.
[Sec. 2. Findings.
[Sec. 3. Purposes.
[Sec. 4. Definitions.

[TITLE I—NATIVE AMERICAN CAPITAL DEVELOPMENT CORPORATION

[Sec. 101. Establishment of the Corporation.
[Sec. 102. Authorized assistance and service functions.
[Sec. 103. Native American lending services grant.
[Sec. 104. Audits.
[Sec. 105. Annual housing and economic development reports.
[Sec. 106. Advisory Council.

[TITLE II—CAPITALIZATION OF CORPORATION

[Sec. 201. Capitalization of the Corporation.

[TITLE III—REGULATION, EXAMINATION, AND REPORTS

[Sec. 301. Regulation, examination, and reports.
[Sec. 302. Authority of the Secretary of Housing and Urban Development.

[TITLE IV—FORMATION OF NEW CORPORATION

[Sec. 401. Formation of new corporation.
[Sec. 402. Adoption and approval of merger plan.
[Sec. 403. Consummation of merger.
[Sec. 404. Transition.
[Sec. 405. Effect of merger.

[TITLE V—OTHER NATIVE AMERICAN FUNDS

[Sec. 501. Native American Economies Diagnostic Studies Fund.
[Sec. 502. Native American Economic Incubation Center Fund.

[TITLE VI—AUTHORIZATIONS OF APPROPRIATIONS

[Sec. 601. Native American financial institutions.
[Sec. 602. Corporation.
[Sec. 603. Other Native American funds.

[SEC. 2. FINDINGS.

[Congress finds that—

[(1) there is a special legal and political relationship between the United States and the Indian tribes, as grounded in treaties, the Constitution, Federal statutes and court decisions, executive orders, and course of dealing;

[(2) despite the availability of abundant natural resources on Indian land and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, Native Americans suffer rates of unemployment, poverty, poor health, substandard housing, and associated social ills to a greater degree than any other group in the United States;

[(3) the economic success and material well-being of Native Americans depends on the combined efforts and resources of the United States, Indian tribal governments, the private sector, and individuals;

[(4) the poor performance of moribund Indian economies is due in part to the near-complete absence of private capital and private capital institutions; and

[(5) the goals of economic self-sufficiency and political self-determination for Native Americans can best be achieved by making available the resources and discipline of the private market, adequate capital, and technical expertise.

[SEC. 3. PURPOSES.

[The purposes of this Act are—

[(1) to establish an entity dedicated to capital development and economic growth policies in Native American communities;

[(2) to provide the necessary resources of the United States, Native Americans, and the private sector on endemic problems such as fractionated and unproductive Indian land;

[(3) to provide a center for economic development policy and analysis with particular emphasis on diagnosing the systemic weaknesses with, and inhibitors to greater levels of investment in, Native American economies;

[(4) to establish a Native-owned financial entity to provide financial services to Indian tribes, Native American organizations, and Native Americans; and

[(5) to improve the material standard of living of Native Americans.

[SEC. 4. DEFINITIONS.

[In this Act:

[(1) ALASKA NATIVE.—The term "Alaska Native" has the meaning given the term "Native" in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

[(2) BOARD.—The term "Board" means the Board of Directors of the Corporation.

[(3) CAPITAL DISTRIBUTION.—The term "capital distribution" has the meaning given the term in section 1303 of the Federal Housing Enterprise Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502).

[(4) CHAIRPERSON.—The term "Chairperson" means the chairperson of the Board.

[(5) CORPORATION.—The term "Corporation" means the Native American Capital Development Corporation established by section 101(a)(1)(A).

[(6) COUNCIL.—The term "Council" means the Advisory Council established under section 106(a).

[(7) DESIGNATED MERGER DATE.—The term "designated merger date" means the specific calendar date and time of day designated by the Board under this Act.

[(8) DEPARTMENT OF HAWAIIAN HOME LANDS.—The term "Department of Hawaiian Home Lands" means the agency that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

[(9) FUND.—The term "Fund" means the Community Development Financial Institutions Fund established under section 104 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703).

[(10) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

[(11) MERGER PLAN.—The term "merger plan" means the plan of merger adopted by the Board under this Act.

[(12) NATIVE AMERICAN.—The term "Native American" means—

[(A) a member of an Indian tribe; or

[(B) a Native Hawaiian.

[(13) NATIVE AMERICAN FINANCIAL INSTITUTION.—The term "Native American financial institution" means a person (other than an individual) that—

[(A) qualifies as a community development financial institution under section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702);

[(B) satisfies—

[(i) requirements established by subtitle A of title I of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4701 et seq.); and

[(ii) requirements applicable to persons seeking assistance from the Fund;

[(C) demonstrates a special interest and expertise in serving the primary economic development and mortgage lending needs of the Native American community; and

[(D) demonstrates that the person has the endorsement of the Native American community that the person intends to serve.

[(14) NATIVE AMERICAN LENDER.—The term "Native American lender" means a Native American governing body, Native American housing authority, or other Native American financial institution that acts as a primary mortgage or economic development lender in a Native American community.

[(15) NATIVE HAWAIIAN.—The term "Native Hawaiian" has the meaning given the term in section 201 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108).

[(16) NEW CORPORATION.—The term "new corporation" means the corporation formed in accordance with title IV.

[(17) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

[(18) TOTAL CAPITAL.—The term "total capital" has the meaning given the term in section 1303 of the Federal Housing Enterprise Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502).

[(19) TRANSITION PERIOD.—The term "transition period" means the period beginning on the date on which the merger plan is approved by the Secretary and ending on the designated merger date.

[TITLE I—NATIVE AMERICAN CAPITAL DEVELOPMENT CORPORATION

[SEC. 101. ESTABLISHMENT OF THE CORPORATION.

[(a) ESTABLISHMENT; BOARD OF DIRECTORS; POLICIES; PRINCIPAL OFFICE; MEMBERSHIP; VACANCIES.—

[(1) ESTABLISHMENT.—

[(A) IN GENERAL.—There is established and chartered a corporation, to be known as the "Native American Capital Development Corporation".

[(B) PERIOD OF TIME.—The Corporation shall be a congressionally chartered body corporate until the earlier of—

[(i) the designated merger date; or

[(ii) the date on which the charter is surrendered by the Corporation.

[(C) CHANGES TO CHARTER.—The right to revise, amend, or modify the Corporation charter is specifically and exclusively reserved to Congress.

[(2) BOARD OF DIRECTORS; PRINCIPAL OFFICE.—

[(A) BOARD.—The powers of the Corporation shall be vested in a Board of Directors, which Board shall determine the policies that govern the operations and management of the Corporation.

[(B) PRINCIPAL OFFICE; RESIDENCY.—

[(i) PRINCIPAL OFFICE.—The principal office of the Corporation shall be in the District of Columbia.

[(ii) VENUE.—For purposes of venue, the Corporation shall be considered to be a resident of the District of Columbia.

[(3) MEMBERSHIP.—

[(A) IN GENERAL.—

[(i) NINE MEMBERS.—Except as provided in clause (ii), the Board shall consist of 9 members, of which—

[(I) 3 members shall be appointed by the President; and

[(II) 6 members shall be elected by the class A stockholders, in accordance with the bylaws of the Corporation.

[(ii) THIRTEEN MEMBERS.—If class B stock is issued under section 201(b), the Board shall consist of 13 members, of which—

[(I) 9 members shall be appointed and elected in accordance with clause (i); and

[(II) 4 members shall be elected by the class B stockholders, in accordance with the bylaws of the Corporation.

[(B) TERMS.—Each member of the Board shall be elected or appointed for a 4-year term, except that the members of the initial Board shall be elected or appointed for the following terms:

[(i) Of the 3 members appointed by the President—

[(I) 1 member shall be appointed for a 2-year term;

[(II) 1 member shall be appointed for a 3-year term; and

[(III) 1 member shall be appointed for a 4-year term;

as designated by the President at the time of the appointments.

[(ii) Of the 6 members elected by the class A stockholders—

[(I) 2 members shall each be elected for a 2-year term;

[(II) 2 members shall each be elected for a 3-year term; and

[(III) 2 members shall each be elected for a 4-year term.

[(iii) If class B stock is issued and 4 additional members are elected by the class B stockholders—

[(I) 1 member shall be elected for a 2-year term;

[(II) 1 member shall be elected for a 3-year term; and

[(III) 2 members shall each be elected for a 4-year term.

[(C) QUALIFICATIONS.—Each member appointed by the President shall have expertise in 1 or more of the following areas:

[(i) Native American housing and economic development matters.

[(ii) Financing in Native American communities.

[(iii) Native American governing bodies, legal infrastructure, and judicial systems.

[(iv) Restricted and trust land issues, economic development, and small consumer loans.

[(D) MEMBERS OF INDIAN TRIBES.—Not less than 2 of the members appointed by the President shall be members of different, federally-recognized Indian tribes enrolled in accordance with the applicable requirements of the Indian tribes.

[(E) CHAIRPERSON.—The Board shall select a Chairperson from among the members of the Board, except that the initial Chairperson shall be selected from among the members of the initial Board who have been appointed or elected to serve for a 4-year term.

[(F) VACANCIES.—

[(i) APPOINTED MEMBERS.—Any vacancy in the appointed membership of the Board shall be filled by appointment by the President, but only for the unexpired portion of the term.

[(ii) ELECTED MEMBERS.—Any vacancy in the elected membership of the Board shall be filled by appointment by the Board, but only for the unexpired portion of the term.

[(G) TRANSITIONS.—Any member of the Board may continue to serve after the expiration of the term for which the member was appointed or elected until a qualified successor has been appointed or elected.

[(b) POWERS OF THE CORPORATION.—The Corporation—

[(1) shall adopt bylaws, consistent with this Act, regulating, among other things, the manner in which—

[(A) the business of the Corporation shall be conducted;

[(B) the elected members of the Board shall be elected;

[(C) the stock of the Corporation shall be issued, held, and disposed of;

[(D) the property of the Corporation shall be disposed of; and

[(E) the powers and privileges granted to the Corporation by this Act and other law shall be exercised;

[(2) may make and execute contracts, agreements, and commitments, including entering into a cooperative agreement with the Secretary;

[(3) may prescribe and impose fees and charges for services provided by the Corporation;

[(4) may, if a settlement, adjustment, compromise, release, or waiver of a claim, demand, or right of, by, or against the Corporation, is not adverse to the interests of the United States—

[(A) settle, adjust, and compromise on the claim, demand, or right; and

[(B) with or without consideration or benefit to the Corporation, release or waive, in whole or in part, in advance or otherwise, the claim, demand, or right;

[(5) may sue and be sued, complain and defend, in any Federal, State, tribal, or other court;

[(6) may acquire, take, hold, and own, manage, and dispose of any property;

[(7) may—

[(A) determine the necessary expenditures of the Corporation and the manner in which those expenditures shall be incurred, allowed, and paid; and

[(B) appoint, employ, and fix and provide for the compensation and benefits of such officers, employees, attorneys, and agents as the Board determines reasonable and not inconsistent with this section;

[(8) may incorporate a new corporation under State, District of Columbia, or tribal law, as provided in this Act;

[(9) may adopt a plan of merger, as provided in this Act;

[(10) may consummate the merger of the Corporation into the new corporation, as provided in this Act; and

[(11) may have succession until the designated-merger date or any earlier date on which the Corporation surrenders the Federal charter of the Corporation.

[(c) INVESTMENT OF FUNDS; DESIGNATION AS DEPOSITARY, CUSTODIAN, OR AGENT.—

[(1) INVESTMENT OF FUNDS.—Funds of the Corporation that are not required to meet current operating expenses shall be invested in—

[(A) obligations of, or obligations guaranteed by, the United States (or any agency of the United States); or

[(B) in obligations, participations, or other instruments that are lawful investments for fiduciary, trust, or public funds.

[(2) DESIGNATION AS DEPOSITARY, CUSTODIAN, OR AGENT.—Any Federal Reserve bank or Federal home loan bank, or any bank as to which at the time of its designation by the Corporation there is outstanding a designation by the Secretary of the Treasury as a general or other depositary of public money, may—

[(A) be designated by the Corporation as a depositary or custodian or as a fiscal or other agent of the Corporation; and

[(B) act as such a depositary, custodian, or agent.

[(d) ACTIONS BY AND AGAINST THE CORPORATION.—Notwithstanding section 1349 of title 28, United States Code, or any other provision of law—

[(1) the Corporation shall be deemed to be an agency covered under sections 1345 and 1442 of title 28, United States Code;

[(2) any civil action to which the Corporation is a party shall be deemed to arise under the laws of the United States, and the appropriate district court of the United States shall have original jurisdiction over any such action, without regard to amount or value; and

[(3) in any case in which all remedies have been exhausted in accordance with the applicable ordinances of an Indian tribe, in any civil or other action, case, or controversy in a tribal court, State court, or in any court other than a district court of the United States, to which the Corporation is a party, may at any time before the commencement of the civil action be removed by the Corporation, without the giving of any bond or security and by following any procedure for removal of causes in effect at the time of the removal—

[(A) to the district court of the United States for the district and division in which the action is pending; or

[(B) if there is no such district court, to the United States District Court for the District of Columbia.

[SEC. 102. AUTHORIZED ASSISTANCE AND SERVICE FUNCTIONS.

[The Corporation may—

[(1) assist in the planning, establishment, and organization of Native American financial institutions;

[(2) develop and provide financial expertise and technical assistance to Native American financial institutions, including methods of underwriting, securing, servicing, packaging, and selling mortgage and small commercial and consumer loans;

[(3) develop and provide specialized technical assistance on overcoming barriers to primary mortgage lending on Native American land, including issues relating to—

[(A) trust land;

[(B) discrimination;

[(C) high operating costs; and

[(D) inapplicability of standard underwriting criteria;

[(4) provide mortgage underwriting assistance (but not in originating loans) under contract to Native American financial institutions;

[(5) work with the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and other participants in the secondary market for home mortgage instruments in identifying and eliminating barriers to the purchase of Native American mortgage loans originated by Native American financial institutions and other lenders in Native American communities;

[(6) obtain capital investments in the Corporation from Indian tribes, Native American organizations, and other entities;

[(7) act as an information clearinghouse by providing information on financial practices to Native American financial institutions;

[(8) monitor and report to Congress on the performance of Native American financial institutions in meeting the economic development and housing credit needs of Native Americans; and

[(9) provide any of the services described in this section—

[(A) directly; or

[(B) under a contract authorizing another national or regional Native American financial services provider to assist the Corporation in carrying out the purposes of this Act.

[SEC. 103. NATIVE AMERICAN LENDING SERVICES GRANT.

[(a) INITIAL GRANT PAYMENT.—If the Secretary and the Corporation enter into a cooperative agreement for the Corporation to provide technical assistance and other services to Native American financial institutions, the agreement shall, to the extent that funds are available as provided in this Act, provide that the initial grant payment, anticipated to be $5,000,000, shall be made at the time at which all members of the initial Board have been appointed under this Act.

[(b) PAYMENT OF GRANT BALANCE.—The payment of the remainder of the grant shall be made to the Corporation not later than 1 year after the date on which the initial grant payment is made under subsection (a).

[SEC. 104. AUDITS.

[(a) INDEPENDENT AUDITS.—

[(1) IN GENERAL.—The Corporation shall have an annual independent audit made of the financial statements of the Corporation by an independent public accountant in accordance with generally accepted auditing standards.

[(2) DETERMINATIONS.—In conducting an audit under this subsection, the independent public accountant shall determine and submit to the Secretary a report on whether the financial statements of the Corporation—

[(A) are presented fairly in accordance with generally accepted accounting principles; and

[(B) to the extent determined necessary by the Secretary, comply with any disclosure requirements imposed under section 301.

[(b) GAO AUDITS.—

[(1) IN GENERAL.—Beginning on the date that is 2 years after the date of commencement of operation of the Corporation, unless an earlier date is required by any other law, grant, or agreement, the programs, activities, receipts, expenditures, and financial transactions of the Corporation shall be subject to audit by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General.

[(2) ACCESS.—To carry out this subsection, the representatives of the General Accounting Office shall—

[(A) have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation that are necessary to facilitate the audit;

[(B) be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians; and

[(C) have access, on request to the Corporation or any auditor for an audit of the Corporation under subsection (a), to any books, accounts, financial records, reports, files, or other papers, or property belonging to or in use by the Corporation and used in any such audit and to any papers, records, files, and reports of the auditor used in such an audit.

[(3) REPORTS.—The Comptroller General of the United States shall submit to Congress a report on each audit conducted under this subsection.

[(4) REIMBURSEMENT.—The Corporation shall reimburse the General Accounting Office for the full cost of any audit conducted under this subsection.

[SEC. 105. ANNUAL HOUSING AND ECONOMIC DEVELOPMENT REPORTS.

[Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Corporation shall collect, maintain, and provide to the Secretary, in a form determined by the Secretary, such data as the Secretary determines to be appropriate with respect to the activities of the Corporation relating to economic development.

[SEC. 106. ADVISORY COUNCIL.

[(a) ESTABLISHMENT.—The Board shall establish an Advisory Council in accordance with this section.

[(b) MEMBERSHIP.—

[(1) IN GENERAL.—The Council shall consist of 13 members, who shall be appointed by the Board, including—

[(A) 1 representative from each of the 12 districts established by the Bureau of Indian Affairs; and

[(B) 1 representative from the State of Hawaii.

[(2) QUALIFICATIONS.—Of the members of the Council—

[(A) not less than 6 members shall have expertise in financial matters; and

[(B) not less than 9 members shall be Native Americans.

[(3) TERMS.—Each member of the Council shall be appointed for a 4-year term, except that the initial Council shall be appointed, as designated by the Board at the time of appointment, as follows:

[(A) Each of 4 members shall be appointed for a 2-year term.

[(B) Each of 4 members shall be appointed for a 3-year term.

[(C) Each of 5 members shall be appointed for a 4-year term.

[(c) DUTIES.—The Council shall—

[(1) advise the Board on all policy matters of the Corporation; and

[(2) through the regional representation of members of the Council, provide information to the Board from all sectors of the Native American community.

[TITLE II—CAPITALIZATION OF CORPORATION

[SEC. 201. CAPITALIZATION OF THE CORPORATION.

[(a) CLASS A STOCK.—The class A stock of the Corporation shall—

[(1) be issued only to Indian tribes and the Department of Hawaiian Home Lands;

[(2) be allocated—

[(A) with respect to Indian tribes, on the basis of Indian tribe population, as determined by the Secretary in consultation with the Secretary of the Interior, in such manner as to issue 1 share for each member of an Indian tribe; and

[(B) with respect to the Department of Hawaiian Home Lands, on the basis of the number of current leases at the time of allocation;

[(3) have such par value and other characteristics as the Corporation shall provide;

[(4) be issued in such a manner as to ensure that voting rights may be vested only on purchase of those rights from the Corporation by an Indian tribe or the Department of Hawaiian Home Lands, with each share being entitled to 1 vote; and

[(5) be nontransferable.

[(b) CLASS B STOCK.—

[(1) IN GENERAL.—The Corporation may issue class B stock evidencing capital contributions in the manner and amount, and subject to any limitations on concentration of ownership, as may be established by the Corporation.

[(2) CHARACTERISTICS.—Any class B stock issued under paragraph (1) shall—

[(A) be available for purchase by investors;

[(B) be entitled to such dividends as may be declared by the Board in accordance with subsection (c);

[(C) have such par value and other characteristics as the Corporation shall provide;

[(D) be vested with voting rights, with each share being entitled to 1 vote; and

[(E) be transferable only on the books of the Corporation.

[(c) CHARGES AND FEES; EARNINGS.—

[(1) CHARGES AND FEES.—The Corporation may impose charges or fees, which may be regarded as elements of pricing, with the objectives that—

[(A) all costs and expenses of the operations of the Corporation should be within the income of the Corporation derived from such operations; and

[(B) those operations would be fully self-supporting.

[(2) EARNINGS.—

[(A) IN GENERAL.—All earnings from the operations of the Corporation shall be annually transferred to the general surplus account of the Corporation.

[(B) TRANSFER OF GENERAL SURPLUS FUNDS.—At any time, funds in the general surplus account may, in the discretion of the Board, be transferred to the reserves of the Corporation.

[(d) CAPITAL DISTRIBUTIONS.—

[(1) DISTRIBUTIONS.—

[(A) IN GENERAL.—Except as provided in paragraph (2), the Corporation may make such capital distributions as may be declared by the Board.

[(B) CHARGING OF DISTRIBUTIONS.—All capital distributions under subparagraph (A) shall be charged against the general surplus account of the Corporation.

[(2) RESTRICTION.—The Corporation may not make any capital distribution that would decrease the total capital of the Corporation to an amount less than the capital level for the Corporation established under section 301, without prior written approval of the distribution by the Secretary.

[TITLE III—REGULATION, EXAMINATION, AND REPORTS

[SEC. 301. REGULATION, EXAMINATION, AND REPORTS.

[(a) IN GENERAL.—The Corporation shall be subject to the regulatory authority of the Department of Housing and Urban Development with respect to all matters relating to the financial safety and soundness of the Corporation.

[(b) DUTY OF SECRETARY.—The Secretary shall ensure that the Corporation is adequately capitalized and operating safely as a congressionally chartered body corporate.

[(c) REPORTS TO SECRETARY.—

[(1) ANNUAL REPORTS.—On such date as the Secretary shall require, but not later than 1 year after the date of enactment of this Act, and annually thereafter, the Corporation shall submit to the Secretary a report in such form and containing such information with respect to the financial condition and operations of the Corporation as the Secretary shall require.

[(2) CONTENTS OF REPORTS.—Each report submitted under this subsection shall contain a declaration by the president, vice president, treasurer, or any other officer of the Corporation designated by the Board to make the declaration, that the report is true and correct to the best of the knowledge and belief of that officer.

[SEC. 302. AUTHORITY OF THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

[The Secretary shall—

[(1) have general regulatory power over the Corporation; and

[(2) promulgate such rules and regulations applicable to the Corporation as the Secretary determines to be appropriate to ensure that the purposes specified in section 3 are accomplished.

[TITLE IV—FORMATION OF NEW CORPORATION

[SEC. 401. FORMATION OF NEW CORPORATION.

[(a) IN GENERAL.—In order to continue the accomplishment of the purposes specified in section 3 beyond the terms of the charter of the Corporation, the Board shall, not later than 10 years after the date of enactment of this Act, cause the formation of a new corporation under the laws of any tribe, any State, or the District of Columbia.

[(b) POWERS OF NEW CORPORATION NOT PRESCRIBED.—Except as provided in this section, the new corporation may have such corporate powers and attributes permitted under the laws of the jurisdiction of in which the new corporation is incorporated as the Board determines to be appropriate.

[(c) USE OF NAME PROHIBITED.—The new corporation may not use in any manner the names "Native American Capital Development Corporation" or "NACDCO", or any variation of those names.

[SEC. 402. ADOPTION AND APPROVAL OF MERGER PLAN.

[(a) IN GENERAL.—Not later than 10 years after the date of enactment of this Act, after consultation with the Indian tribes that are stockholders of class A stock referred to in section 201(a), the Board shall prepare, adopt, and submit to the Secretary for approval, a plan for merging the Corporation into the new corporation.

[(b) DESIGNATED MERGER DATE.—

[(1) IN GENERAL.—The Board shall establish the designated merger date in the merger plan as a specific calendar date on which, and time of day at which, the merger of the Corporation into the new corporation shall take effect.

[(2) CHANGES.—The Board may change the designated merger date in the merger plan by adopting an amended plan of merger.

[(3) RESTRICTION.—Except as provided in paragraph (4), the designated merger date in the merger plan or any amended merger plan shall not be later than 11 years after the date of enactment of this Act.

[(4) EXCEPTION.—Subject to the restriction contained in paragraph (5), the Board may adopt an amended plan of merger that designates a date under paragraph (3) that is later than 11 years after the date of enactment of this Act if the Board submits to the Secretary a report—

[(A) stating that an orderly merger of the Corporation into the new corporation is not feasible before the latest date designated by the Board;

[(B) explaining why an orderly merger of the Corporation into the new corporation is not feasible before the latest date designated by the Board;

[(C) describing the steps that have been taken to consummate an orderly merger of the Corporation into the new corporation not later than 11 years after the date of enactment of this Act; and

[(D) describing the steps that will be taken to consummate an orderly and timely merger of the Corporation into the new corporation.

[(5) LIMITATION.—The date designated by the Board in an amended merger plan shall not be later than 12 years after the date of enactment of this Act.

[(6) CONSUMMATION OF MERGER.—The consummation of an orderly and timely merger of the Corporation into the new corporation shall not occur later than 13 years after the date of enactment of this Act.

[(c) GOVERNMENTAL APPROVALS OF MERGER PLAN REQUIRED.—The merger plan or any amended merger plan shall take effect on the date on which the plan is approved by the Secretary.

[(d) REVISION OF DISAPPROVED MERGER PLAN REQUIRED.—If the Secretary disapproves the merger plan or any amended merger plan—

[(1) the Secretary shall—

[(A) notify the Corporation of the disapproval; and

[(B) indicate the reasons for the disapproval; and

[(2) not later than 30 days after the date of notification of disapproval under paragraph (1), the Corporation shall submit to the Secretary for approval, an amended merger plan that responds to the reasons for the disapproval indicated in that notification.

[(e) NO STOCKHOLDER APPROVAL OF MERGER PLAN REQUIRED.—The approval or consent of the stockholders of the Corporation shall not be required to accomplish the merger of the Corporation into the new corporation.

[SEC. 403. CONSUMMATION OF MERGER.

[The Board shall ensure that the merger of the Corporation into the new corporation is accomplished in accordance with—

[(1) a merger plan approved by the Secretary under section 402; and

[(2) all applicable laws of the jurisdiction in which the new corporation is incorporated.

[SEC. 404. TRANSITION.

[Except as provided in this section, the Corporation shall, during the transition period, continue to have all of the rights, privileges, duties, and obligations, and shall be subject to all of the limitations and restrictions, set forth in this Act.

[SEC. 405. EFFECT OF MERGER.

[(a) TRANSFER OF ASSETS AND LIABILITIES.—On the designated merger date—

[(1) all real, personal, and mixed property, all debts due on any account, and any other interest, of or belonging to or due to the Corporation, shall be transferred to and vested in the new corporation without further act or deed; and

[(2) no title to any real, personal, or mixed property shall be impaired in any way by reason of the merger.

[(b) TERMINATION OF THE CORPORATION AND FEDERAL CHARTER.—On the designated merger date—

[(1) the surviving corporation of the merger shall be the new corporation;

[(2) the Federal charter of the Corporation shall terminate; and

[(3) the separate existence of the Corporation shall terminate.

[(c) REFERENCES TO THE CORPORATION IN LAW.—After the designated merger date, any reference to the Corporation in any law or regulation shall be deemed to refer to the new corporation.

[(d) SAVINGS CLAUSE.—

[(1) PROCEEDINGS.—The merger of the Corporation into the new corporation shall not abate any proceeding commenced by or against the Corporation before the designated merger date, except that the new corporation shall be substituted for the Corporation as a party to any such proceeding as of the designated merger date.

[(2) CONTRACTS AND AGREEMENTS.—All contracts and agreements to which the Corporation is a party and which are in effect on the day before the designated merger date shall continue in effect according to their terms, except that the new corporation shall be substituted for the Corporation as a party to those contracts and agreements as of the designated merger date.

[TITLE V—OTHER NATIVE AMERICAN FUNDS

[SEC. 501. NATIVE AMERICAN ECONOMIES DIAGNOSTIC STUDIES FUND.

[(a) ESTABLISHMENT.—There is established within the Corporation a fund to be known as the "Native American Economies Diagnostic Studies Fund" (referred to in this section as the "Diagnostic Fund"), to be used to strengthen Indian tribal economies by supporting investment policy reforms and technical assistance to eligible Indian tribes, consisting of—

[(1) any interest earned on investment of amounts in the Fund under subsection (d); and.

[(2) such amounts as are appropriated to the Diagnostic Fund under subsection (f).

[(b) USE OF AMOUNTS FROM DIAGNOSTIC FUND.—

[(1) IN GENERAL.—The Corporation shall use amounts in the Diagnostic Fund to establish an interdisciplinary mechanism by which the Corporation and interested Indian tribes may jointly—

[(A) conduct diagnostic studies of Native economic conditions; and

[(B) provide recommendations for reforms in the policy, legal, regulatory, and investment areas and general economic environment of the interested Indian tribes.

[(2) CONDITIONS FOR STUDIES.—A diagnostic study conducted jointly by the Corporation and an Indian tribe under paragraph (1)—

[(A) shall be conducted in accordance with an agreement between the Corporation and the Indian tribe; and

[(B) at a minimum, shall identify inhibitors to greater levels of private sector investment and job creation with respect to the Indian tribe.

[(c) EXPENDITURES FROM DIAGNOSTIC FUND.—

[(1) IN GENERAL.—Subject to paragraph (2), on request by the Corporation, the Secretary of the Treasury shall transfer from the Diagnostic Fund to the Corporation such amounts as the Corporation determines are necessary to carry out this section.

[(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 12 percent of the amounts in the Diagnostic Fund shall be available in each fiscal year to pay the administrative expenses necessary to carry out this section.

[(d) INVESTMENT OF AMOUNTS.—

[(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Diagnostic Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

[(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

[(A) on original issue at the issue price; or

[(B) by purchase of outstanding obligations at the market price.

[(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Diagnostic Fund may be sold by the Secretary of the Treasury at the market price.

[(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Diagnostic Fund shall be credited to and form a part of the Diagnostic Fund.

[(e) TRANSFERS OF AMOUNTS.—

[(1) IN GENERAL.—The amounts required to be transferred to the Diagnostic Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Diagnostic Fund on the basis of estimates made by the Secretary of the Treasury.

[(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

[(f) TRANSFERS TO DIAGNOSTIC FUND.—There are appropriated to the Diagnostic Fund, out of funds made available under section 603, such sums as are necessary to carry out this section.

[SEC. 502. NATIVE AMERICAN ECONOMIC INCUBATION CENTER FUND.

[(a) ESTABLISHMENT.—There is established within the Corporation a fund to be known as the "Native American Economic Incubation Center Fund" (referred to in this section as the "Economic Fund"), consisting of—

[(1) any interest earned on investment of amounts in the Economic Fund under subsection (d); and

[(2) such amounts as are appropriated to the Economic Fund under subsection (f).

[(b) USE OF AMOUNTS FROM ECONOMIC FUND.—

[(1) IN GENERAL.—The Corporation shall use amounts in the Economic Fund to ensure that Federal development assistance and other resources dedicated to Native American economic development are provided only to Native American communities with demonstrated commitments to—

[(A) sound economic and political policies;

[(B) good governance; and

[(C) practices that promote increased levels of economic growth and job creation.

[(c) EXPENDITURES FROM ECONOMIC FUND.—

[(1) IN GENERAL.—Subject to paragraph (2), on request by the Corporation, the Secretary of the Treasury shall transfer from the Economic Fund to the Corporation such amounts as the Corporation determines are necessary to carry out this section.

[(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 12 percent of the amounts in the Economic Fund shall be available in each fiscal year to pay the administrative expenses necessary to carry out this section.

[(d) INVESTMENT OF AMOUNTS.—

[(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Economic Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

[(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

[(A) on original issue at the issue price; or

[(B) by purchase of outstanding obligations at the market price.

[(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Economic Fund may be sold by the Secretary of the Treasury at the market price.

[(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Economic Fund shall be credited to and form a part of the Economic Fund.

[(e) TRANSFERS OF AMOUNTS.—

[(1) IN GENERAL.—The amounts required to be transferred to the Economic Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Economic Fund on the basis of estimates made by the Secretary of the Treasury.

[(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

[(f) TRANSFERS TO ECONOMIC FUND.—There are appropriated to the Economic Fund, out of funds made available under section 603, such sums as are necessary to carry out this section.

[TITLE VI—AUTHORIZATIONS OF APPROPRIATIONS

[SEC. 601. NATIVE AMERICAN FINANCIAL INSTITUTIONS.

[(a) IN GENERAL.—There are authorized to be appropriated to the Fund, without fiscal year limitation, such sums as are necessary to provide financial assistance to Native American financial institutions.

[(b) NO CONSIDERATION AS MATCHING FUNDS.—To the extent that a Native American financial institution receives funds under subsection (a), the funds shall not be considered to be matching funds required under section 108(e) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4707(e)).

[SEC. 602. CORPORATION.

[There are authorized to be appropriated to the Secretary, for transfer to the Corporation, such sums as are necessary to carry out activities of the Corporation.

[SEC. 603. OTHER NATIVE AMERICAN FUNDS.

[There are authorized to be appropriated such sums as are necessary to carry out sections 501 and 502.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Tribal Development Corporation Feasibility Study Act of 2004".

SEC. 2. FEASIBILITY STUDY.

Section 4(b) of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4303(b)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following:

"(6) TRIBAL DEVELOPMENT CORPORATION FEASIBILITY STUDY.—

"(A) IN GENERAL.—The Secretary shall establish the Tribal Development Corporation Feasibility Study Group (referred to in this paragraph as the 'Group').

"(B) MEMBERS.—The Group shall be comprised of 12 members, as follows:

"(i) REPRESENTATIVES OF INDIAN TRIBES.—Five members of the Group shall be representatives of federally recognized Indian tribes.

"(ii) REPRESENTATIVES OF THE ALASKA NATIVE COMMUNITY.—Three members of the Group shall be representatives of the Alaska Native Community.

"(iii) REPRESENTATIVE OF THE NATIVE HAWAIIAN COMMUNITY.—One member of the Group shall be a representative of the Native Hawaiian Community.

"(iv) REPRESENTATIVE OF THE PRIVATE SECTOR.—Two members of the Group shall be representatives of nongovernmental economic activities carried out by private enterprises in the private sector.

"(v) FEDERAL OFFICIALS.—One member of the Group shall be a representative of the Department of the Treasury with demonstrated experience in international economic development and international financial institutions.

"(C) CHAIRPERSON.—The members of the Group shall select a Chairperson.

"(D) PERSONNEL AND SERVICES.—

"(i) IN GENERAL.—The Chairperson of the Group may appoint and terminate such personnel as are necessary to enable the Group to perform its duties.

"(ii) PROCUREMENT OF SERVICES.—The Chairperson may procure such services as are necessary to enable the Group to perform the duties of the Group.

"(E) STUDY.—

"(i) IN GENERAL.—Not later than 270 days after the date of enactment of this subparagraph, the Group shall—

"(I) conduct a study to determine the feasibility of establishing an Indian Tribal Development Corporation (referred to in this subparagraph as the 'Corporation'); and

"(II) submit to the Committee on Indian Affairs and the Committee on Appropriations of the Senate and the Committee on Resources and the Committee on Appropriations of the House of Representatives a report that describes the results of the study and any recommendations of the Group for further legislative action.

"(ii) CONTENTS.—The report shall contain—

"(I) a discussion and determination of the financial feasibility of the Corporation, including whether the Corporation can be, over the long term, financially self-sustainable;

"(II) a discussion and determination of the probable economic impact of the Corporation, including a demonstration of the quantitative and qualitative economic impact on Native American communities;

"(III) a discussion and determination of the best alternatives in the structure, organization, and lending terms and conditions of the Corportation, including the most appropriate structure of capital contributions to best serve, and be acceptable to, Native interests;

"(IV) a discussion and determination of the basic terms and conditions under which funding would be provided to member Indian tribes;

"(V) a discussion of nonfinancial and advisory activities to be undertaken by the Corporation, including the use of diagnostic studies by the Corporation to—

"(aa) identify tribal, Federal, or State policies and legal and regulatory conditions and infrastructure deficiencies that impede investment, both private and public, needed to promote economic development;

"(bb) provide specific recommendations for remedial actions that can be undertaken by an Indian tribe to overcome such inhibitors of investment; and

"(cc) identify and establish the terms for preappraisal studies of investment opportunities, both private and public, that can be developed and promoted by an Indian tribe; and

"(VI) a discussion and determination of—

"(aa) the capital structure of the Corporation, including the optimal level of initial capital contributions by both Indian tribes and the United States Government; and

"(bb) the financial instruments that will be required by the Corporation to ensure its success.

"(F) TERMINATION OF STUDY GROUP.—The Group shall terminate 120 days after the date on which the Group submits the report under subparagraph (E).

"(G) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph—

"(i) $3,000,000 for fiscal year 2005; and

"(ii) $2,000,000 for fiscal year 2006.".

Amend the title so as to read: "A bill to determine the feasibility of establishing an Indian Tribal Development Corporation.".

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 519), as amended, was read the third time and passed.

The title was amended so as to read: "A bill to determine the feasibility of establishing an Indian Tribal Development Corporation."

TRIBAL PARITY ACT

The Senate proceeded to consider the bill (S. 1530) to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River, which had been reported from the Committee on Indian Affairs with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 1530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tribal Parity Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 891)), was approved to promote the general economic development of the United States;

(2) the Fort Randall and Big Bend dam and reservoir projects in South Dakota—

(A) are major components of the Pick-Sloan Missouri River Basin Program; and

(B) contribute to the national economy;

(3) the Fort Randall and Big Bend projects inundated the fertile bottom land of the Lower Brule and Crow Creek Sioux Tribes, which greatly damaged the economy and cultural resources of the Tribes;

(4) Congress has provided compensation to several Indian tribes, including the Lower Brule and Crow Creek Sioux Tribes, that border the Missouri River and suffered injury as a result of 1 or more Pick-Sloan Projects;

(5) the compensation provided to those Indian tribes has not been consistent;

(6) Missouri River Indian tribes that suffered injury as a result of 1 or more Pick-Sloan Projects should be adequately compensated for those injuries, and that compensation should be consistent among the Tribes; and

(7) the Lower Brule Sioux Tribe and the Crow Creek Sioux Tribe, based on methodology determined appropriate by the General Accounting Office, are entitled to receive additional compensation for injuries described in paragraph (6), so as to provide parity among compensation received by all Missouri River Indian tribes.

SEC. 3. LOWER BRULE SIOUX TRIBE.

Section 4(b) of the Lower Brule Sioux Tribe Infrastructure Development Trust

Fund Act (Public Law 105-132; 111 Stat. 2565) is amended by striking "$39,300,000" and inserting ⟦"$176,398,012"⟧ *"$186,822,140"*.

SEC. 4. CROW CREEK SIOUX TRIBE.

Section 4(b) of the Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act of 1996 (Public Law 104-223; 110 Stat. 3027) is amended by striking "$27,500,000" and inserting ⟦"$100,244,040"⟧ *"$105,917,853"*.

The amendments were agreed to.

The bill (S. 1530), as amended, was read the third time and passed, as follows:

S. 1530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tribal Parity Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 891)), was approved to promote the general economic development of the United States;

(2) the Fort Randall and Big Bend dam and reservoir projects in South Dakota—

(A) are major components of the Pick-Sloan Missouri River Basin Program; and

(B) contribute to the national economy;

(3) the Fort Randall and Big Bend projects inundated the fertile bottom land of the Lower Brule and Crow Creek Sioux Tribes, which greatly damaged the economy and cultural resources of the Tribes;

(4) Congress has provided compensation to several Indian tribes, including the Lower Brule and Crow Creek Sioux Tribes, that border the Missouri River and suffered injury as a result of 1 or more Pick-Sloan Projects;

(5) the compensation provided to those Indian tribes has not been consistent;

(6) Missouri River Indian tribes that suffered injury as a result of 1 or more Pick-Sloan Projects should be adequately compensated for those injuries, and that compensation should be consistent among the Tribes; and

(7) the Lower Brule Sioux Tribe and the Crow Creek Sioux Tribe, based on methodology determined appropriate by the General Accounting Office, are entitled to receive additional compensation for injuries described in paragraph (6), so as to provide parity among compensation received by all Missouri River Indian tribes.

SEC. 3. LOWER BRULE SIOUX TRIBE.

Section 4(b) of the Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act (Public Law 105-132; 111 Stat. 2565) is amended by striking "$39,300,000" and inserting "$186,822,140".

SEC. 4. CROW CREEK SIOUX TRIBE.

Section 4(b) of the Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act of 1996 (Public Law 104-223; 110 Stat. 3027) is amended by striking "$27,500,000" and inserting "$105,917,853".

OGLALA SIOUX TRIBE ANGOSTURA IRRIGATION PROJECT MODERNIZATION AND DEVELOPMENT ACT

The Senate proceeded to consider the bill (S. 1996) to enhance and provide to the Oglala Sioux Tribe and Angostura Irrigation Project certain benefits of the Pick-Sloan Missouri River basin program, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

⟦SECTION 1. SHORT TITLE.

⟦This Act may be cited as the "Oglala Sioux Tribe Angostura Irrigation Project Rehabilitation and Development Act".

⟦SEC. 2. FINDINGS.

⟦Congress finds that—

⟦(1) Congress approved the Pick-Sloan Missouri River basin program by passing the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (33 U.S.C. 701-1 et seq.)—

⟦(A) to promote the economic development of the United States;

⟦(B) to provide for irrigation in regions north of Sioux City, Iowa;

⟦(C) to protect urban and rural areas from devastating floods of the Missouri River; and

⟦(D) for other purposes;

⟦(2) the Angostura Unit—

⟦(A) is a component of the Pick-Sloan program; and

⟦(B) provides for—

⟦(i) irrigation of 12,218 acres of productive farm land in the State; and

⟦(ii) substantial recreation and fish and wildlife benefits;

⟦(3) the Commissioner of Reclamation has determined that—

⟦(A) the national economic development benefits from irrigation at the Angostura Unit total approximately $3,410,000 annually; and

⟦(B) the national economic development benefits of recreation at Angostura Reservoir total approximately $7,100,000 annually;

⟦(4) the Angostura Unit impounds the Cheyenne River 20 miles upstream of the Pine Ridge Indian Reservation in the State;

⟦(5)(A) the Reservation experiences extremely high rates of unemployment and poverty; and

⟦(B) there is a need for economic development on the Reservation;

⟦(6) the national economic development benefits of the Angostura Unit do not extend to the Reservation;

⟦(7) the Angostura Unit may be associated with negative affects on water quality and riparian vegetation in the Cheyenne River on the Reservation;

⟦(8) rehabilitation of the irrigation facilities at the Angostura Unit would—

⟦(A) enhance the national economic development benefits of the Angostura Unit; and

⟦(B) result in improved water efficiency and environmental restoration benefits on the Reservation; and

⟦(9) the establishment of a trust fund for the Oglala Sioux Tribe would—

⟦(A) produce economic development benefits for the Reservation comparable to the benefits produced at the Angostura Unit; and

⟦(B) provide resources that are necessary for restoration of the Cheyenne River corridor on the Reservation.

⟦SEC. 3. DEFINITIONS.

⟦In this Act:

⟦(1) Angostura unit.—The term "Angostura Unit" means the irrigation unit of the Angostura irrigation project developed under the Act of August 11, 1939 (16 U.S.C. 590y et seq.).

⟦(2) Fund.—The term "Fund" means the Oglala Sioux Tribal Development Trust Fund established by section 201(a).

⟦(3) Pick-sloan program.—The term "Pick-Sloan program" means the Pick-Sloan Missouri River basin program approved under the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (33 U.S.C. 701-1 et seq.).

⟦(4) Plan.—The term "plan" means the development plan developed by the Tribe under section 201(f).

⟦(5) Reservation.—The term "Reservation" means the Pine Ridge Indian Reservation in the State.

⟦(6) Secretary.—The term "Secretary" means the Secretary of the Interior.

⟦(7) State.—The term "State" means the State of South Dakota.

⟦(8) Tribal council.—The term "Tribal Council" means the governing body of the Tribe.

⟦(9) Tribe.—The term "Tribe" means the Oglala Sioux Tribe of South Dakota.

⟦TITLE I—REHABILITATION

⟦SEC. 101. REHABILITATION OF FACILITIES AT ANGOSTURA UNIT.

⟦The Secretary may carry out the rehabilitation and improvement of the facilities at the Angostura Project described in the report entitled "Angostura Unit Contract Negotiation and Water Management Final Environmental Impact Statement", dated August 2002.

⟦SEC. 102. DELIVERY OF WATER TO PINE RIDGE INDIAN RESERVATION.

⟦The Secretary shall provide for—

⟦(1) to the maximum extent practicable, the delivery of water saved through the rehabilitation and improvement of the facilities of the Angostura Unit to the Pine Ridge Indian Reservation; and

⟦(2) the use of that water for purposes of environmental restoration on the Pine Ridge Indian Reservation.

⟦SEC. 103. EFFECT ON OTHER LAW.

⟦Nothing in this title affects—

⟦(1) any reserved water rights or other rights of the Tribe;

⟦(2) any service or program to which, in accordance with Federal law, the Tribe, or an individual member of the Tribe, is entitled; or

⟦(3) any water rights in existence on the date of enactment of this Act held by any person or entity.

⟦SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

⟦There is authorized to be appropriated such sums as are necessary to carry out this title, to remain available until expended.

⟦TITLE II—DEVELOPMENT

⟦SEC. 201. OGLALA SIOUX TRIBAL DEVELOPMENT TRUST FUND.

⟦(a) Oglala Sioux Tribal Development Trust Fund.—There is established in the Treasury of the United States a fund to be known as the "Oglala Sioux Tribal Development Trust Fund", consisting of any amounts deposited in the Fund under this title.

⟦(b) Funding.—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit in the Fund—

⟦(1) such sums as the Secretary of the Treasury, in consultation with the Secretary, the Secretary of Health and Human Services, and the Tribal Council, are necessary to carry out development under this title; and

[(2) the amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if that amount had been invested in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States, on the first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

[(c) INVESTMENT OF TRUST FUND.—

[(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

[(2) ACQUISITION OF OBLIGATIONS.—Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

[(3) INTEREST.—The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

[(d) PAYMENT OF INTEREST TO TRIBE.—

[(1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall transfer the aggregate amount of interest deposited into the Fund for the fiscal year to the Secretary for use in accordance with paragraph (3).

[(2) AVAILABILITY.—Each amount transferred under paragraph (1) shall be available without fiscal year limitation.

[(3) PAYMENTS TO TRIBE.—

[(A) IN GENERAL.—The Secretary shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Tribe, as such payments are requested by the Tribe pursuant to tribal resolution.

[(B) LIMITATION.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Tribe has adopted a plan under subsection (f).

[(C) USE OF PAYMENTS BY TRIBE.—The Tribe shall use the payments made under subparagraph (B) only for carrying out projects and programs under the plan prepared under subsection (f).

[(e) LIMITATION ON TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury shall not transfer or withdraw any amount deposited under subsection (b).

[(f) DEVELOPMENT PLAN.—

[(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the governing body of the Tribe shall prepare a plan for the use of the payments to the Tribe under subsection (d).

[(2) CONTENTS.—The plan shall provide for the manner in which the Tribe shall expend payments to the Tribe under subsection (d) to promote—

[(A) economic development;

[(B) infrastructure development;

[(C) the educational, health, recreational, and social welfare objectives of the Tribe and members of the Tribe; or

[(D) any combination of the activities described in subparagraphs (A) through (C).

[(3) PLAN REVIEW AND REVISION.—

[(A) IN GENERAL.—The Tribal Council shall make available for review and comment by the members of the Tribe a copy of the plan before the plan becomes final, in accordance with procedures established by the Tribal Council.

[(B) UPDATING OF PLAN.—

[(i) IN GENERAL.—The Tribal Council may, on an annual basis, revise the plan to update the plan.

[(ii) REVIEW AND COMMENT.—In revising the plan, the Tribal Council shall provide the members of the Tribe opportunity to review and comment on any proposed revision to the plan.

[(C) CONSULTATION.—In preparing the plan and any revisions to update the plan, the Tribal Council shall consult with the Secretary and the Secretary of Health and Human Services.

[(4) AUDIT.—

[(A) IN GENERAL.—The activities of the Tribe in carrying out the plan shall be audited as part of the annual single-agency audit that the Tribe is required to prepare pursuant to the Office of Management and Budget circular numbered A–133.

[(B) DETERMINATION BY AUDITORS.—The auditors that conduct the audit under subparagraph (A) shall—

[(i) determine whether funds received by the Tribe under this section for the period covered by the audit were expended to carry out the plan in a manner consistent with this section; and

[(ii) include in the written findings of the audit the determination made under clause (i).

[(C) INCLUSION OF FINDINGS WITH PUBLICATION OF PROCEEDINGS OF TRIBAL COUNCIL.—A copy of the written findings of the audit described in subparagraph (A) shall be inserted in the published minutes of the Tribal Council proceedings for the session at which the audit is presented to the Tribal Council.

[(g) PROHIBITION OF PER CAPITA PAYMENTS.—No portion of any payment made under this title may be distributed to any member of the Tribe on a per capita basis.

[SEC. 202. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.

[No payment made to the Tribe under this title shall result in the reduction or denial of any service or program with respect to which, under Federal law—

[(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

[(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

[SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated such sums as are necessary to pay the administrative expenses of the Fund.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oglala Sioux Tribe Angostura Irrigation Project Modernization and Development Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Congress approved the Pick-Sloan Missouri River basin program by passing the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (33 U.S.C. 701–1 et seq.)—

(A) to promote the economic development of the United States;

(B) to provide for irrigation in regions north of Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the Angostura Unit—

(A) is a component of the Pick-Sloan program; and

(B) provides for—

(i) irrigation of 12,218 acres of productive farm land in South Dakota; and

(ii) substantial recreation and fish and wildlife benefits;

(3) the Commissioner of Reclamation has determined that—

(A) the national economic development benefits from irrigation at the Angostura Unit total approximately $3,410,000 annually; and

(B) the national economic development benefits of recreation at Angostura Reservoir total approximately $7,100,000 annually;

(4) the Angostura Unit impounds the Cheyenne River 20 miles upstream of the Pine Ridge Indian Reservation in South Dakota;

(5)(A) the Reservation experiences extremely high rates of unemployment and poverty; and

(B) there is a need for economic development on the Reservation;

(6) the national economic development benefits of the Angostura Unit do not extend to the Reservation;

(7) the Angostura Unit may be associated with negative affects on water quality and riparian vegetation in the Cheyenne River on the Reservation;

(8) modernization of the irrigation facilities at the Angostura Unit would—

(A) enhance the national economic development benefits of the Angostura Unit; and

(B) result in improved water efficiency and environmental restoration benefits on the Reservation; and

(9) the establishment of a trust fund for the Oglala Sioux Tribe would—

(A) produce economic development benefits for the Reservation comparable to the benefits produced at the Angostura Unit; and

(B) provide resources that are necessary for restoration of the Cheyenne River corridor on the Reservation.

SEC. 3. DEFINITIONS.

In this Act:

(1) ANGOSTURA UNIT.—The term "Angostura Unit" means the irrigation unit of the Angostura irrigation project developed under the Act of August 11, 1939 (16 U.S.C. 590y et seq.).

(2) FUND.—The term "Fund" means the Oglala Sioux Tribal Development Trust Fund established by section 201(a).

(3) PICK-SLOAN PROGRAM.—The term "Pick-Sloan program" means the Pick-Sloan Missouri River basin program approved under the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (33 U.S.C. 701–1 et seq.).

(4) PLAN.—The term "plan" means the development plan developed by the Tribe under section 201(f).

(5) RESERVATION.—The term "Reservation" means the Pine Ridge Indian Reservation in the State.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) TRIBE.—The term "Tribe" means the Oglala Sioux Tribe of South Dakota.

(8) TRIBAL COUNCIL.—The term "Tribal Council" means the governing body of the Tribe.

TITLE I—MODERNIZATION

SEC. 101. MODERNIZATION OF FACILITIES AT ANGOSTURA UNIT.

(a) IN GENERAL.—The Secretary shall carry out the modernization and improvement of the facilities at the Angostura Unit as described in the Improved Efficiencies Alternative included in the report entitled "Final Environmental Impact Statement, Angostura Unit Contract Negotiation and Water Management (August 2002)".

(b) NONREIMBURSABILITY.—The cost of the modernization and improvement of the facilities at the Angostura Unit shall be carried out on a nonreimbursable basis.

SEC. 102. DELIVERY OF WATER TO PINE RIDGE INDIAN RESERVATION.

The Secretary shall provide for the delivery of the water saved through the modernization and improvement of the facilities of the Angostura Unit to be used for fish and wildlife purposes and environmental restoration on the Reservation.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out section 101 $4,660,000, to remain available until expended.

TITLE II—DEVELOPMENT

SEC. 201. OGLALA SIOUX TRIBAL DEVELOPMENT TRUST FUND.

(a) Oglala Sioux Tribal Development Trust Fund.—There is established in the Treasury of the United States a fund to be known as the "Oglala Sioux Tribal Development Trust Fund", consisting of any amounts deposited in the Fund under this title.

(b) Funding.—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit in the Fund—

(1) $92,500,000; and

(2) the amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if that amount had been invested in interest-bearing obligations of the United States on the first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

(c) Investment of Trust Fund.—

(1) In general.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(2) Eligible obligations.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Fund.

(3) Interest.—The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) Payment of Interest to Tribe.—

(1) Withdrawal of interest.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall transfer the aggregate amount of interest deposited into the Fund for the fiscal year to the Secretary for use in accordance with paragraph (3).

(2) Availability.—Each amount transferred under paragraph (1) shall be available without fiscal year limitation.

(3) Payments to tribe.—

(A) In general.—The Secretary shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Tribe, as such payments are requested by the Tribe pursuant to tribal resolution.

(B) Limitation.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Tribe has adopted a plan under subsection (f).

(C) Use of payments by tribe.—The Tribe shall use the payments made under subparagraph (B) only for carrying out projects and programs under the plan prepared under subsection (f).

(e) Limitation on Transfers and Withdrawals.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury shall not transfer or withdraw any amount deposited under subsection (b).

(f) Development Plan.—

(1) In general.—Not later than 18 months after the date of enactment of this Act, the governing body of the Tribe shall prepare a plan for the use of the payments to the Tribe under subsection (d).

(2) Contents.—The plan shall provide for the manner in which the Tribe shall expend payments to the Tribe under subsection (d) to promote—

(A) economic development;

(B) infrastructure development;

(C) the educational, health, recreational, and social welfare objectives of the Tribe and members of the Tribe; or

(D) any combination of the activities described in subparagraphs (A) through (C).

(3) Plan review and revision.—

(A) In general.—The Tribal Council shall make available for review and comment by the members of the Tribe a copy of the plan before the plan becomes final, in accordance with procedures established by the Tribal Council.

(B) Updating of plan.—

(i) In general.—The Tribal Council may, on an annual basis, revise the plan to update the plan.

(ii) Review and comment.—In revising the plan, the Tribal Council shall provide the members of the Tribe opportunity to review and comment on any proposed revision to the plan.

(C) Consultation.—In preparing the plan and any revisions to update the plan, the Tribal Council shall consult with the Secretary and the Secretary of Health and Human Services.

(4) Audit.—

(A) In general.—The activities of the Tribe in carrying out the plan shall be audited as part of the annual single-agency audit that the Tribe is required to prepare pursuant to the Office of Management and Budget circular numbered A-133.

(B) Determination by auditors.—The auditors that conduct the audit under subparagraph (A) shall—

(i) determine whether funds received by the Tribe under this section for the period covered by the audit were expended to carry out the plan in a manner consistent with this section; and

(ii) include in the written findings of the audit the determination made under clause (i).

(C) Inclusion of findings with publication of proceedings of tribal council.—A copy of the written findings of the audit described in subparagraph (A) shall be inserted in the published minutes of the Tribal Council proceedings for the session at which the audit is presented to the Tribal Council.

(g) Prohibition of Per Capita Payments.—No portion of any payment made under this title may be distributed to any member of the Tribe on a per capita basis.

SEC. 202. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.

No payment made to the Tribe under this title shall result in the reduction or denial of any service or program with respect to which, under Federal law—

(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to pay the administrative expenses of the Fund.

SEC. 204. WATER RIGHTS.

Nothing in this Act—

(1)(A) affects any rights, benefits, privileges or claims (including water rights or claims to water rights) of the Tribe, whether located within or without the external boundaries of the Reservation, based on treaty, Executive order, agreement, Act of Congress, aboriginal title, the Winters doctrine (Winters v. United States, 207 U.S. 564 (1908)), or otherwise; or

(B) validates or invalidates any assertion of the existence, nonexistence or extinguishment of any water rights, or claims to water rights, held by the Tribe or any other Indian tribe or individual Indian under Federal or State law; or

(2) affects any other water rights in existence on the date of enactment of this Act held by any person or entity.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1996), as amended, was read the third time and passed.

SPOKANE TRIBE OF INDIANS OF THE SPOKANE RESERVATION GRAND COULEE DAM EQUITABLE COMPENSATION SETTLEMENT ACT

The Senate proceeded to consider the bill (S. 1438) to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam, and for other purposes, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act".

[SEC. 2. FINDINGS.

[Congress finds the following:

[(1) From 1927 to 1931, at the direction of Congress, the Corps of Engineers investigated the Columbia River and its tributaries to determine sites at which power could be produced at low cost.

[(2) The Corps of Engineers—

[(A) identified a number of sites, including the site at which the Grand Coulee Dam is located; and

[(B) recommended that power development at those sites be performed by local governmental authorities or private utilities under the Federal Power Act (16 U.S.C. 791a et seq.).

[(3) Under section 10(e) of that Act (16 U.S.C. 803(e)), a licensee is required to compensate an Indian tribe for the use of land under the jurisdiction of the Indian tribe.

[(4) In August 1933, the Columbia Basin Commission, an agency of the State of Washington, received a preliminary permit from the Federal Power Commission for water power development at the Grand Coulee site.

[(5) In the mid-1930's, the Federal Government, which is not subject to the Federal Power Act (16 U.S.C. 791a et seq.)—

[(A) federalized the Grand Coulee Dam project; and

[(B) began construction of the Grand Coulee Dam.

[(6) At the time at which the Grand Coulee Dam project was federalized, the Federal Government recognized that the Spokane Tribe and the Confederated Tribes of the Colville Reservation had compensable interests in the Grand Coulee Dam project, including compensation for—

[(A) the development of hydropower;

[(B) the extinguishment of a salmon fishery on which the Spokane Tribe was almost completely financially dependent; and

[(C) the inundation of land with loss of potential power sites previously identified by the Spokane Tribe.

[(7) In the Act of June 29, 1940, Congress—

[(A) in the first section (16 U.S.C. 835d) granted to the United States—

[(i) all rights of Indian tribes in land of the Spokane Tribe and Colville Indian Reservations that were required for the Grand Coulee Dam project; and

[(ii) various rights-of-way over other land under the jurisdiction of Indian tribes that were required in connection with the project; and

[(B) in section 2 (16 U.S.C. 835e) provided that compensation for the land and rights-of-way was to be determined by the Secretary of the Interior in such amounts as the Secretary determined to be just and equitable.

[(8) In furtherance of that Act, the Secretary of the Interior paid—

[(A) to the Spokane Tribe, $4,700; and

[(B) to the Confederated Tribes of the Colville Reservation, $63,000.

[(9) In 1994, following 43 years of litigation before the Indian Claims Commission, the United States Court of Federal Claims, and the United States Court of Appeals for the Federal Circuit, Congress ratified an agreement between the Confederated Tribes of the Colville Reservation and the United States that provided for damages and annual payments of $15,250,000 in perpetuity, adjusted annually, based on revenues from the sale of electric power from the Grand Coulee Dam project and transmission of that power by the Bonneville Power Administration.

[(10) In legal opinions issued by the Office of the Solicitor of the Department of the Interior, a Task Force Study conducted from 1976 to 1980 ordered by the Committee on Appropriations of the Senate, and hearings before Congress at the time at which the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (Public Law 103-436; 108 Stat. 4577) was enacted, it has repeatedly been recognized that—

[(A) the Spokane Tribe suffered damages similar to those suffered by, and had a case legally comparable to that of, the Confederated Tribes of the Colville Reservation; but

[(B) the 5-year statute of limitations under the Act of August 13, 1946 (25 U.S.C. 70 et seq.) precluded the Spokane Tribe from bringing a civil action for damages under that Act.

[(11) The inability of the Spokane Tribe to bring a civil action before the Indian Claims Commission can be attributed to a combination of factors, including—

[(A) the failure of the Bureau of Indian Affairs to carry out its advisory responsibilities in accordance with that Act; and

[(B) an attempt by the Commissioner of Indian Affairs to impose improper requirements on claims attorneys retained by Indian tribes, which caused delays in retention of counsel and full investigation of the potential claims of the Spokane Tribe.

[(12) As a consequence of construction of the Grand Coulee Dam project, the Spokane Tribe—

[(A) has suffered the loss of—

[(i) the salmon fishery on which the Spokane Tribe was dependent;

[(ii) identified hydropower sites that the Spokane Tribe could have developed; and

[(iii) hydropower revenues that the Spokane Tribe would have received under the Federal Power Act (16 U.S.C. 791a et seq.) had the project not been federalized; and

[(B) continues to lose hydropower revenues that the Federal Government recognized were owed to the Spokane Tribe at the time at which the project was constructed.

[(13) More than 39 percent of the land owned by Indian tribes or members of Indian tribes that was used for the Grand Coulee Dam project was land of the Spokane Tribe.

[SEC. 3. STATEMENT OF PURPOSE.

[The purpose of this Act is to provide fair and equitable compensation to the Spokane Tribe, using the same proportional basis as was used in providing compensation to the Confederated Tribes of the Colville Reservation, for the losses suffered as a result of the construction and operation of the Grand Coulee Dam project.

[SEC. 4. DEFINITIONS.

[In this Act:

[(1) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

[(2) CONFEDERATED TRIBES ACT.—The term "Confederated Tribes Act" means the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (Public Law 103-436; 108 Stat. 4577).

[(3) FUND ACCOUNT.—The term "Fund Account" means the Spokane Tribe of Indians Settlement Fund Account established under section 5(a).

[(4) SPOKANE TRIBE.—The term "Spokane Tribe" means the Spokane Tribe of Indians of the Spokane Reservation, Washington.

[SEC. 5. SETTLEMENT FUND ACCOUNT.

[(a) ESTABLISHMENT OF ACCOUNT.—There is established in the Treasury an interest-bearing account to be known as the "Spokane Tribe of Indians Settlement Fund Account".

[(b) DEPOSIT OF AMOUNTS.—

[(1) INITIAL DEPOSIT.—On the date on which funds are made available to carry out this Act, the Secretary shall deposit in the Fund Account, as payment and satisfaction of the claim of the Spokane Tribe for use of land of the Spokane Tribe for generation of hydropower for the period beginning on June 29, 1940, and ending on November 2, 1994, an amount that is equal to 39.4 percent of the amount paid to the Confederated Tribes of the Colville Reservation under section 5(a) of the Confederated Tribes Act, adjusted to reflect the change, during the period beginning on the date on which the payment described in subparagraph (A) was made to the Confederated Tribes of the Colville Reservation and ending on the date of enactment of this Act, in the Consumer Price Index for all urban consumers published by the Department of Labor.

[(2) SUBSEQUENT DEPOSITS.—On September 30 of the first fiscal year that begins after the date of enactment of this Act, and on September 30 of each of the 5 fiscal years thereafter, the Secretary shall deposit in the Fund Account an amount that is equal to 7.88 percent of the amount authorized to be paid to the Confederated Tribes of the Colville Reservation under section 5(b) of the Confederated Tribes Act through the end of the fiscal year during which this Act is enacted, adjusted to reflect the change, during the period beginning on the date on which the payment to the Confederated Tribes of the Colville Reservation was first made and ending on the date of enactment of this Act, in the Consumer Price Index for all urban consumers published by the Department of Labor.

[(c) ANNUAL PAYMENTS.—On September 1 of the first fiscal year after the date of enactment of this Act, and annually thereafter, the Secretary shall pay to the Spokane Tribe an amount that is equal to 39.4 percent of the annual payment authorized to be paid to the Confederated Tribes of the Colville Reservation under section 5(b) for the Confederated Tribes Act for the fiscal year.

[SEC. 6. USE AND TREATMENT OF SETTLEMENT FUNDS.

[(a) TRANSFER OF FUNDS TO SPOKANE TRIBE.—

[(1) INITIAL TRANSFER.—Not later than 60 days after the date on which the Secretary receives from the Spokane Business Council written notice of the adoption by the Spokane Business Council of a resolution requesting that the Secretary execute the transfer of settlement funds described in section 5(a), the Secretary shall transfer all or a portion of the settlement funds, as appropriate, to the Spokane Business Council.

[(2) SUBSEQUENT TRANSFERS.—If not all funds described in section 5(a) are transferred to the Spokane Business Council under an initial transfer request described in paragraph (1), the Spokane Business Council may make subsequent requests for, and the Secretary of the Treasury may execute subsequent transfers of, those funds.

[(b) USE OF INITIAL PAYMENT FUNDS.—Of the settlement funds described in subsections (a) and (b) of section 5—

[(1) 25 percent shall be—

[(A) reserved by the Spokane Business Council; and

[(B) used for discretionary purposes of general benefit to all members of the Spokane Tribe; and

[(2) 75 percent shall be used by the Spokane Business Council to carry out—

[(A) a resource development program;

[(B) a credit program;

[(C) a scholarship program; or

[(D) a reserve, investment, and economic development program.

[(c) USE OF ANNUAL PAYMENT FUNDS.—Annual payments made to the Spokane Tribe under section 5(c) may be used or invested by the Spokane Tribe in the same manner and for the same purposes as other tribal governmental funds.

[(d) APPROVAL BY SECRETARY.—Notwithstanding any other provision of law—

[(1) the approval of the Secretary of the Treasury or the Secretary of the Interior for any payment, distribution, or use of the principal, interest, or income generated by any settlement funds transferred or paid to the Spokane Tribe under this Act shall not be required; and

[(2) the Secretary of the Treasury and the Secretary of the Interior shall have no trust responsibility for the investment, supervision, administration, or expenditure of those funds after the date on which the funds are transferred to or paid to the Spokane Tribe.

[(e) TREATMENT OF FUNDS FOR CERTAIN PURPOSES.—The payments and distributions of any portion of the principal, interest, and income generated by the settlement funds described in section 5 shall be treated in the same manner as payments or distributions under section 6 of the Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act (Public Law 99-346; 100 Stat. 677).

[(f) TRIBAL AUDIT.—After the date on which the settlement funds described in section 5 are transferred or paid to the Spokane Tribe, the funds—

[(1) shall be considered to be Spokane Tribe governmental funds; and

[(2) shall be subject to an annual tribal governmental audit.

[SEC. 7. SATISFACTION OF CLAIMS.

[Payment by the Secretary under section 5 constitutes full satisfaction of the claim of Spokane Tribe to a fair share of the annual hydropower revenues generated by the Grand Coulee Dam project from June 29, 1940, through the fiscal year preceding the fiscal year in which this Act is enacted.

[SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated such sums as are necessary to carry out this Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) from 1927 to 1931, at the direction of Congress, the Corps of Engineers investigated the Columbia River and its tributaries to determine sites at which power could be produced at low cost;

(2) under section 10(e) of the Federal Power Act (16 U.S.C. 803(e)), when licenses are issued involving tribal land within an Indian reservation, a reasonable annual charge shall be fixed for the use of the land, subject to the approval of the Indian tribe having jurisdiction over the land;

(3) in August 1933, the Columbia Basin Commission, an agency of the State of Washington, received a preliminary permit from the Federal Power Commission for water power development at the Grand Coulee site;

(4) had the Columbia Basin Commission or a private entity developed the site, the Spokane Tribe would have been entitled to a reasonable annual charge for the use of its land;

(5) in the mid-1930s, the Federal Government, which is not subject to licensing under the Federal Power Act (16 U.S.C. 792 et seq.)—

(A) federalized the Grand Coulee Dam project; and

(B) began construction of the Grand Coulee Dam;

(6) when the Grand Coulee Dam project was federalized, the Federal Government recognized that—

(A) development of the project affected the interests of the Spokane Tribe and the Confederated Tribes of the Colville Reservation; and

(B) it would be appropriate for the Spokane and Colville Tribes to receive a share of revenue from the disposition of power produced at Grand Coulee Dam;

(7) in the Act of June 29, 1940 (16 U.S.C. 835d et seq.), Congress—

(A) granted to the United States—

(i) in aid of the construction, operation, and maintenance of the Columbia Basin Project, all the right, title, and interest of the Spokane Tribe and Colville Tribes in and to the tribal and allotted land within the Spokane and Colville Reservations, as designated by the Secretary of the Interior from time to time; and

(ii) other interests in such land as required and as designated by the Secretary for certain construction activities undertaken in connection with the project; and

(B) provided that compensation for the land and other interests was to be determined by the Secretary in such amounts as the Secretary determined to be just and equitable;

(8) pursuant to that Act, the Secretary paid—

(A) to the Spokane Tribe, $4,700; and

(B) to the Confederated Tribes of the Colville Reservation, $63,000;

(9) in 1994, following litigation under the Act of August 13, 1946 (commonly known as the "Indian Claims Commission Act" (60 Stat. 1049, chapter 959; former 25 U.S.C. 70 et seq.)), Congress ratified the Colville Settlement Agreement, which required—

(A) for past use of the Colville Tribes' land, a payment of $53,000,000; and

(B) for continued use of the Colville Tribes' land, annual payments of $15,250,000, adjusted annually based on revenues from the sale of electric power from the Grand Coulee Dam project and transmission of that power by the Bonneville Power Administration;

(10) the Spokane Tribe, having suffered harm similar to that suffered by the Colville Tribes, did not file a claim within the Indian Claims Commission Act's 5-year statute of limitations;

(11) neither the Colville Tribes nor the Spokane Tribe filed claims for compensation for use of their land with the Commission before August 13, 1951, but both Tribes filed unrelated land claims prior to August 13, 1951;

(12) in 1976, over objections by the United States, the Colville Tribes were successful in amending their 1951 Claims Commission land claims to add their Grand Coulee claim;

(13) the Spokane Tribe had no such claim to amend, having settled its Claims Commission land claims with the United States in 1967;

(14) the Spokane Tribe has suffered significant harm from the construction and operation of Grand Coulee Dam;

(15) Spokane tribal acreage taken by the United States for the construction of Grand Coulee Dam equaled approximately 39 percent of Colville tribal acreage taken for construction of the dam;

(16) the payments and land transfers made pursuant to this Act constitute fair and equitable compensation for the past and continued use of Spokane tribal land for the production of hydropower at Grand Coulee Dam; and

(17) by vote of the Spokane tribal membership, the Spokane Tribe has resolved that the payments and land transfers made pursuant to this Act constitute fair and equitable compensation for the past and continued use of Spokane Tribal land for the production of hydropower at Grand Coulee Dam.

SEC. 3. PURPOSE.

The purpose of this Act is to provide fair and equitable compensation to the Spokane Tribe for the use of its land for the generation of hydropower by the Grand Coulee Dam.

SEC. 4. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Bonneville Power Administration or the head of any successor agency, corporation, or entity that markets power produced at Grand Coulee Dam.

(2) COLVILLE SETTLEMENT AGREEMENT.—The term "Colville Settlement Agreement" means the Settlement Agreement entered into between the United States and the Colville Tribes, signed by the United States on April 21, 1994, and by the Colville Tribes on April 16, 1994, to settle the claims of the Colville Tribes in Docket 181–D of the Indian Claims Commission, which docket was transferred to the United States Court of Federal Claims.

(3) COLVILLE TRIBES.—The term "Colville Tribes" means the Confederated Tribes of the Colville Reservation.

(4) COMPUTED ANNUAL PAYMENT.—The term "Computed Annual Payment" means the payment calculated under paragraph 2.b. of the Colville Settlement Agreement, without regard to any increase or decrease in the payment under section 2.d. of the agreement.

(5) CONFEDERATED TRIBES ACT.—The term "Confederated Tribes Act" means the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (108 Stat. 4577).

(6) FUND.—The term "Fund" means the Spokane Tribe of Indians Settlement Fund established by section 5.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(8) SPOKANE BUSINESS COUNCIL.—The term "Spokane Business Council" means the governing body of the Spokane Tribe under the constitution of the Spokane Tribe.

(9) SPOKANE TRIBE.—The term "Spokane Tribe" means the Spokane Tribe of Indians of the Spokane Reservation, Washington.

SEC. 5. SETTLEMENT FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States an interest-bearing trust fund to be known as the "Spokane Tribe of Indians Settlement Fund", consisting of—

(1) amounts deposited in the Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Fund.

(b) DEPOSITS.—From amounts made available under section 11—

(1) for fiscal year 2006, the Secretary shall deposit in the Fund $17,800,000; and

(2) for each of the 4 fiscal years thereafter, the Secretary shall deposit in the Fund $12,800,000.

(c) MAINTENANCE AND INVESTMENT OF FUND.—The Fund shall be maintained and invested by the Secretary in accordance with the Act of June 24, 1938 (25 U.S.C. 162a).

(d) PAYMENT OF FUNDS TO SPOKANE BUSINESS COUNCIL.—

(1) REQUEST.—At any time after funds are deposited in the Fund, the Spokane Business Council may submit to the Secretary written notice of the adoption by the Spokane Business Council of a resolution requesting that the Secretary pay all or a portion of the amounts in the Fund to the Spokane Business Council.

(2) PAYMENT.—Not later than 60 days after receipt of a notice under paragraph (1), the Secretary shall pay the amount requested to the Spokane Business Council.

(e) USE OF FUNDS.—

(1) CULTURAL RESOURCE REPOSITORY AND INTERPRETIVE CENTER.—

(A) IN GENERAL.—Of the initial deposit under subsection (b)(1), $5,000,000 shall be used by the Spokane Business Council for the planning, design, construction, equipping, and continuing operation and maintenance of a Cultural Resource Repository and Interpretive Center to—

(i) house, preserve, and protect the burial remains, funerary objects, and other cultural resources affected by the operation of the Grand Coulee Dam; and

(ii) provide an interpretive and educational facility regarding the culture and history of the Spokane Tribe.

(B) EFFECT.—The funding under subparagraph (A) does not alter or affect any authority, obligation, or responsibility of the United States under—

(i) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(ii) the Archaeological Resources Protection Act (16 U.S.C. 470aa et seq.);

(iii) the National Historic Preservation Act (16 U.S.C. 470 et seq.); or

(iv) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) OTHER USES.—Of all other amounts deposited in the Fund (including interest generated on those amounts)—

(A) 25 percent shall be—

(i) reserved by the Spokane Business Council; and

(ii) used for discretionary purposes of general benefit to all members of the Spokane Tribe; and

(B) 75 percent shall be used by the Spokane Business Council to carry out—

(i) resource development programs;

(ii) credit programs;

(iii) scholarship programs; or

(iv) reserve, investment, and economic development programs.

SEC. 6. PAYMENTS BY THE ADMINISTRATOR.

(a) INITIAL PAYMENT.—On March 1, 2007, the Administrator shall pay the Spokane Tribe—

(1) the amount that is equal to 29 percent of the Computed Annual Payment, for fiscal year 2005, adjusted to reflect the change in the Consumer Price Index for all urban consumers published by the Department of Labor, from the date on which the payment for fiscal year 2005 was made to the Colville Tribes to the date on which payment is made to the Spokane Tribe under this subparagraph; and

(2) the amount that is equal to 29 percent of the Computed Annual Payment for fiscal year 2006.

(b) Subsequent Payments.—On or before March 1, 2008, and March 1 of each year thereafter, the Administrator shall pay the Spokane Tribe the amount that is equal to 29 percent of the Computed Annual Payment for the previous fiscal year.

SEC. 7. TREATMENT AFTER FUNDS ARE PAID.

(a) Use of Payments.—Payments made to the Spokane Business Council or Spokane Tribe under section 5 or 6 may be used or invested by the Business Council in the same manner and for the same purposes as other Spokane Tribe governmental funds.

(b) No Trust Responsibility of the Secretary.—Neither the Secretary nor the Administrator shall have any trust responsibility for the investment, supervision, administration, or expenditure of any funds after the date on which the funds are paid to the Spokane Business Council or Spokane Tribe under section 5 or 6.

(c) Treatment of Funds for Certain Purposes.—The payments of all funds to the Spokane Business Council and Spokane Tribe under sections 5 and 6, and the interest and income generated by the funds, shall be treated in the same manner as payments under section 6 of the Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act (100 Stat. 677).

(d) Tribal Audit.—After the date on which funds are paid to the Spokane Business Council or Spokane Tribe under section 5 or 6, the funds shall—

(1) constitute Spokane Tribe governmental funds; and

(2) be subject to an annual tribal government audit.

SEC. 8. REPAYMENT CREDIT.

(a) In General.—The Administrator shall deduct from the interest payable to the Secretary of the Treasury from net proceeds (as defined in section 13 of the Federal Columbia River Transmission System Act (16 U.S.C. 838k))—

(1) in fiscal year 2007, $2,600,000; and

(2) in each subsequent fiscal year in which the Administrator makes a payment under section 6, $1,300,000.

(b) Crediting.—

(1) In general.—Except as provided in paragraphs (2) and (3), each deduction made under this section shall be—

(A) a credit to the interest payments otherwise payable by the Administrator to the Secretary of the Treasury during the fiscal year in which the deduction is made; and

(B) allocated pro rata to all interest payments on debt associated with the generation function of the Federal Columbia River Power System that are due during the fiscal year.

(2) Deduction greater than amount of interest.—If, in any fiscal year, the deduction is greater than the amount of interest due on debt associated with the generation function for the fiscal year, the amount of the deduction that exceeds the interest due on debt associated with the generation function shall be allocated pro rata to all other interest payments due during the fiscal year.

(3) Credit.—To the extent that a deduction exceeds the total amount of interest described in paragraphs (1) and (2), the deduction shall be applied as a credit against any other payments that the Administrator makes to the Secretary of the Treasury.

SEC. 9. TRANSFER OF ADMINISTRATIVE JURISDICTION AND RESTORATION OF OWNERSHIP OF LAND.

(a) Transfer of Jurisdiction.—The Secretary shall transfer administrative jurisdiction from the Bureau of Reclamation to the Bureau of Indian Affairs over—

(1) all land acquired by the United States under the Act of June 29, 1940 (16 U.S.C. 835d), that is located within the exterior boundaries of the Spokane Indian Reservation established pursuant to the Executive Order of January 18, 1881; and

(2) all land on the south bank of the Spokane River that—

(A) extends westerly from Little Falls Dam to the confluence of the Spokane River and Columbia River; and

(B) is located at or below contour elevation 1290 feet above sea level.

(b) Restoration of Ownership in Trust.—All land transferred under this section—

(1) shall be held in trust for the benefit and use of the Spokane Tribe; and

(2) shall become part of the Spokane Indian Reservation.

(c) Reservation of Rights.—

(1) In general.—The United States reserves a perpetual right, power, privilege, and easement over the land transferred under this section to carry out the Columbia Basin Project under the Columbia Basin Project Act (16 U.S.C. 835 et seq.).

(2) Rights included.—The rights reserved under paragraph (1) further include the right to operate, maintain, repair, and replace boat ramps, docks, and other recreational facilities owned or permitted by the United States and existing on the date of enactment of this Act.

(3) Memorandum of understanding.—The cognizant agencies of the Department of the Interior shall enter into a memorandum of understanding with the Spokane Tribe to provide for coordination in applying this subsection.

SEC. 10. SATISFACTION OF CLAIMS.

Payment by the Secretary under section 5 and the Administrator under section 6 and restoration of ownership of land in trust under section 9 constitute full satisfaction of the claim of the Spokane Tribe to a fair share of the annual hydropower revenues generated by the Grand Coulee Dam project for the past and continued use of land of the Spokane Tribe for the production of hydropower at Grand Coulee Dam.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Amend the title so as to read: "A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes.".

The amendment (No. 4068) was agreed to, as follows:

(Purpose: To make clear that land transferred under the bill shall remain part of the Lake Roosevelt National Recreation Area)

In section 9(c), redesignate paragraph (3) as paragraph (4).

In section 9(c), after paragraph (2), insert the following:

(3) Retention of national park system status.—

(A) In general.—Land transferred under this section that, before the date of enactment of this Act, was included in the Lake Roosevelt National Recreation Area shall remain part of the Recreation Area.

(B) Administration.—Nothing in this section affects the authority or responsibility of the National Park Service to administer the Lake Roosevelt National Recreation Area under the Act of August 25, 1916 (39 Stat. 535, chapter 408; 16 U.S.C. 1 et seq.).

On page 23, Section 6, after line 11 insert the following:

(c) Payment Recovery.—Pursuant to the payment schedule in subsection (b), the Administrator shall make commensurate cost reductions in expenditures on an annual basis to recover each payment to the Tribe. The Administrator shall include this specific cost reduction plan in the annual budget submitted to Congress.

On page 28, after line 3, insert the following:

SEC. 12. PRECEDENT.

Nothing in this Act establishes any precedent or is binding on the Southwestern Power Administration, Western Area Power Administration, or Southeastern Power Administration.

The Committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1438), as amended, was read the third time and passed, as follows:

S. 1438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) from 1927 to 1931, at the direction of Congress, the Corps of Engineers investigated the Columbia River and its tributaries to determine sites at which power could be produced at low cost;

(2) under section 10(e) of the Federal Power Act (16 U.S.C. 803(e)), when licenses are issued involving tribal land within an Indian reservation, a reasonable annual charge shall be fixed for the use of the land, subject to the approval of the Indian tribe having jurisdiction over the land;

(3) in August 1933, the Columbia Basin Commission, an agency of the State of Washington, received a preliminary permit from the Federal Power Commission for water power development at the Grand Coulee site;

(4) had the Columbia Basin Commission or a private entity developed the site, the Spokane Tribe would have been entitled to a reasonable annual charge for the use of its land;

(5) in the mid-1930s, the Federal Government, which is not subject to licensing under the Federal Power Act (16 U.S.C. 792 et seq.)—

(A) federalized the Grand Coulee Dam project; and

(B) began construction of the Grand Coulee Dam;

(6) when the Grand Coulee Dam project was federalized, the Federal Government recognized that—

(A) development of the project affected the interests of the Spokane Tribe and the Confederated Tribes of the Colville Reservation; and

(B) it would be appropriate for the Spokane and Colville Tribes to receive a share of revenue from the disposition of power produced at Grand Coulee Dam;

(7) in the Act of June 29, 1940 (16 U.S.C. 835d et seq.), Congress—

(A) granted to the United States—

(i) in aid of the construction, operation, and maintenance of the Columbia Basin Project, all the right, title, and interest of the Spokane Tribe and Colville Tribes in and to the tribal and allotted land within the Spokane and Colville Reservations, as designated by the Secretary of the Interior from time to time; and

(ii) other interests in such land as required and as designated by the Secretary for certain construction activities undertaken in connection with the project; and

(B) provided that compensation for the land and other interests was to be determined by the Secretary in such amounts as the Secretary determined to be just and equitable;

(8) pursuant to that Act, the Secretary paid—

(A) to the Spokane Tribe, $4,700; and

(B) to the Confederated Tribes of the Colville Reservation, $63,000;

(9) in 1994, following litigation under the Act of August 13, 1946 (commonly known as the "Indian Claims Commission Act" (60 Stat. 1049, chapter 959; former 25 U.S.C. 70 et seq.)), Congress ratified the Colville Settlement Agreement, which required—

(A) for past use of the Colville Tribes' land, a payment of $53,000,000; and

(B) for continued use of the Colville Tribes' land, annual payments of $15,250,000, adjusted annually based on revenues from the sale of electric power from the Grand Coulee Dam project and transmission of that power by the Bonneville Power Administration;

(10) the Spokane Tribe, having suffered harm similar to that suffered by the Colville Tribes, did not file a claim within the Indian Claims Commission Act's 5-year statute of limitations;

(11) neither the Colville Tribes nor the Spokane Tribe filed claims for compensation for use of their land with the Commission before August 13, 1951, but both Tribes filed unrelated land claims prior to August 13, 1951;

(12) in 1976, over objections by the United States, the Colville Tribes were successful in amending their 1951 Claims Commission land claims to add their Grand Coulee claim;

(13) the Spokane Tribe had no such claim to amend, having settled its Claims Commission land claims with the United States in 1967;

(14) the Spokane Tribe has suffered significant harm from the construction and operation of Grand Coulee Dam;

(15) Spokane tribal acreage taken by the United States for the construction of Grand Coulee Dam equaled approximately 39 percent of Colville tribal acreage taken for construction of the dam;

(16) the payments and land transfers made pursuant to this Act constitute fair and equitable compensation for the past and continued use of Spokane tribal land for the production of hydropower at Grand Coulee Dam; and

(17) by vote of the Spokane tribal membership, the Spokane Tribe has resolved that the payments and land transfers made pursuant to this Act constitute fair and equitable compensation for the past and continued use of Spokane Tribal land for the production of hydropower at Grand Coulee Dam.

SEC. 3. PURPOSE.

The purpose of this Act is to provide fair and equitable compensation to the Spokane Tribe for the use of its land for the generation of hydropower by the Grand Coulee Dam.

SEC. 4. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Bonneville Power Administration or the head of any successor agency, corporation, or entity that markets power produced at Grand Coulee Dam.

(2) COLVILLE SETTLEMENT AGREEMENT.—The term "Colville Settlement Agreement" means the Settlement Agreement entered into between the United States and the Colville Tribes, signed by the United States on April 21, 1994, and by the Colville Tribes on April 16, 1994, to settle the claims of the Colville Tribes in Docket 181–D of the Indian Claims Commission, which docket was transferred to the United States Court of Federal Claims.

(3) COLVILLE TRIBES.—The term "Colville Tribes" means the Confederated Tribes of the Colville Reservation.

(4) COMPUTED ANNUAL PAYMENT.—The term "Computed Annual Payment" means the payment calculated under paragraph 2.b. of the Colville Settlement Agreement, without regard to any increase or decrease in the payment under section 2.d. of the agreement.

(5) CONFEDERATED TRIBES ACT.—The term "Confederated Tribes Act" means the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (108 Stat. 4577).

(6) FUND.—The term "Fund" means the Spokane Tribe of Indians Settlement Fund established by section 5.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(8) SPOKANE BUSINESS COUNCIL.—The term "Spokane Business Council" means the governing body of the Spokane Tribe under the constitution of the Spokane Tribe.

(9) SPOKANE TRIBE.—The term "Spokane Tribe" means the Spokane Tribe of Indians of the Spokane Reservation, Washington.

SEC. 5. SETTLEMENT FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States an interest-bearing trust fund to be known as the "Spokane Tribe of Indians Settlement Fund", consisting of—

(1) amounts deposited in the Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Fund.

(b) DEPOSITS.—From amounts made available under section 11—

(1) for fiscal year 2006, the Secretary shall deposit in the Fund $17,800,000; and

(2) for each of the 4 fiscal years thereafter, the Secretary shall deposit in the Fund $12,800,000.

(c) MAINTENANCE AND INVESTMENT OF FUND.—The Fund shall be maintained and invested by the Secretary in accordance with the Act of June 24, 1938 (25 U.S.C. 162a).

(d) PAYMENT OF FUNDS TO SPOKANE BUSINESS COUNCIL.—

(1) REQUEST.—At any time after funds are deposited in the Fund, the Spokane Business Council may submit to the Secretary written notice of the adoption by the Spokane Business Council of a resolution requesting that the Secretary pay all or a portion of the amounts in the Fund to the Spokane Business Council.

(2) PAYMENT.—Not later than 60 days after receipt of a notice under paragraph (1), the Secretary shall pay the amount requested to the Spokane Business Council.

(e) USE OF FUNDS.—

(1) CULTURAL RESOURCE REPOSITORY AND INTERPRETIVE CENTER.—

(A) IN GENERAL.—Of the initial deposit under subsection (b)(1), $5,000,000 shall be used by the Spokane Business Council for the planning, design, construction, equipping, and continuing operation and maintenance of a Cultural Resource Repository and Interpretive Center to—

(i) house, preserve, and protect the burial remains, funerary objects, and other cultural resources affected by the operation of the Grand Coulee Dam; and

(ii) provide an interpretive and educational facility regarding the culture and history of the Spokane Tribe.

(B) EFFECT.—The funding under subparagraph (A) does not alter or affect any authority, obligation, or responsibility of the United States under—

(i) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(ii) the Archaeological Resources Protection Act (16 U.S.C. 470aa et seq.);

(iii) the National Historic Preservation Act (16 U.S.C. 470 et seq.); or

(iv) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) OTHER USES.—Of all other amounts deposited in the Fund (including interest generated on those amounts)—

(A) 25 percent shall be—

(i) reserved by the Spokane Business Council; and

(ii) used for discretionary purposes of general benefit to all members of the Spokane Tribe; and

(B) 75 percent shall be used by the Spokane Business Council to carry out—

(i) resource development programs;

(ii) credit programs;

(iii) scholarship programs; or

(iv) reserve, investment, and economic development programs.

SEC. 6. PAYMENTS BY THE ADMINISTRATOR.

(a) INITIAL PAYMENT.—On March 1, 2007, the Administrator shall pay the Spokane Tribe—

(1) the amount that is equal to 29 percent of the Computed Annual Payment, for fiscal year 2005, adjusted to reflect the change in the Consumer Price Index for all urban consumers published by the Department of Labor, from the date on which the payment for fiscal year 2005 was made to the Colville Tribes to the date on which payment is made to the Spokane Tribe under this subparagraph; and

(2) the amount that is equal to 29 percent of the Computed Annual Payment for fiscal year 2006.

(b) SUBSEQUENT PAYMENTS.—On or before March 1, 2008, and March 1 of each year thereafter, the Administrator shall pay the Spokane Tribe the amount that is equal to 29 percent of the Computed Annual Payment for the previous fiscal year.

(c) PAYMENT RECOVERY.—Pursuant to the payment schedule in subsection (b), the Administrator shall make commensurate cost reductions in expenditures on an annual basis to recover each payment to the Tribe. The Administrator shall include this specific cost reduction plan in the annual budget submitted to Congress.

SEC. 7. TREATMENT AFTER FUNDS ARE PAID.

(a) USE OF PAYMENTS.—Payments made to the Spokane Business Council or Spokane Tribe under section 5 or 6 may be used or invested by the Business Council in the same manner and for the same purposes as other Spokane Tribe governmental funds.

(b) NO TRUST RESPONSIBILITY OF THE SECRETARY.—Neither the Secretary nor the Administrator shall have any trust responsibility for the investment, supervision, administration, or expenditure of any funds after the date on which the funds are paid to the Spokane Business Council or Spokane Tribe under section 5 or 6.

(c) TREATMENT OF FUNDS FOR CERTAIN PURPOSES.—The payments of all funds to the Spokane Business Council and Spokane Tribe under sections 5 and 6, and the interest and income generated by the funds, shall be treated in the same manner as payments under section 6 of the Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act (100 Stat. 677).

(d) TRIBAL AUDIT.—After the date on which funds are paid to the Spokane Business Council or Spokane Tribe under section 5 or 6, the funds shall—

(1) constitute Spokane Tribe governmental funds; and

(2) be subject to an annual tribal government audit.

SEC. 8. REPAYMENT CREDIT.

(a) IN GENERAL.—The Administrator shall deduct from the interest payable to the Secretary of the Treasury from net proceeds (as defined in section 13 of the Federal Columbia River Transmission System Act (16 U.S.C. 838k))—

(1) in fiscal year 2007, $2,600,000; and

(2) in each subsequent fiscal year in which the Administrator makes a payment under section 6, $1,300,000.

(b) CREDITING.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), each deduction made under this section shall be—

(A) a credit to the interest payments otherwise payable by the Administrator to the Secretary of the Treasury during the fiscal year in which the deduction is made; and

(B) allocated pro rata to all interest payments on debt associated with the generation function of the Federal Columbia River Power System that are due during the fiscal year.

(2) DEDUCTION GREATER THAN AMOUNT OF INTEREST.—If, in any fiscal year, the deduction is greater than the amount of interest due on debt associated with the generation function for the fiscal year, the amount of the deduction that exceeds the interest due on debt associated with the generation function shall be allocated pro rata to all other interest payments due during the fiscal year.

(3) CREDIT.—To the extent that a deduction exceeds the total amount of interest described in paragraphs (1) and (2), the deduction shall be applied as a credit against any other payments that the Administrator makes to the Secretary of the Treasury.

SEC. 9. TRANSFER OF ADMINISTRATIVE JURISDICTION AND RESTORATION OF OWNERSHIP OF LAND.

(a) TRANSFER OF JURISDICTION.—The Secretary shall transfer administrative jurisdiction from the Bureau of Reclamation to the Bureau of Indian Affairs over—

(1) all land acquired by the United States under the Act of June 29, 1940 (16 U.S.C. 835d), that is located within the exterior boundaries of the Spokane Indian Reservation established pursuant to the Executive Order of January 18, 1881; and

(2) all land on the south bank of the Spokane River that—

(A) extends westerly from Little Falls Dam to the confluence of the Spokane River and Columbia River; and

(B) is located at or below contour elevation 1290 feet above sea level.

(b) RESTORATION OF OWNERSHIP IN TRUST.—All land transferred under this section—

(1) shall be held in trust for the benefit and use of the Spokane Tribe; and

(2) shall become part of the Spokane Indian Reservation.

(c) RESERVATION OF RIGHTS.—

(1) IN GENERAL.—The United States reserves a perpetual right, power, privilege, and easement over the land transferred under this section to carry out the Columbia Basin Project under the Columbia Basin Project Act (16 U.S.C. 835 et seq.).

(2) RIGHTS INCLUDED.—The rights reserved under paragraph (1) further include the right to operate, maintain, repair, and replace boat ramps, docks, and other recreational facilities owned or permitted by the United States and existing on the date of enactment of this Act.

(3) RETENTION OF NATIONAL PARK SYSTEM STATUS.—

(A) IN GENERAL.—Land transferred under this section that, before the date of enactment of this Act, was included in the Lake Roosevelt National Recreation Area shall remain part of the Recreation Area.

(B) ADMINISTRATION.—Nothing in this section affect the authority or responsibility of the National Park Service to administer the Lake Roosevelt National Recreation Area under the Act of August 25, 1916 (39 Stat. 535, chapter 408; 16 U.S.C. 1 et seq.).

(4) MEMORANDUM OF UNDERSTANDING.—The cognizant agencies of the Department of the Interior shall enter into a memorandum of understanding with the Spokane Tribe to provide for coordination in applying this subsection.

SEC. 10. SATISFACTION OF CLAIMS.

Payment by the Secretary under section 5 and the Administrator under section 6 and restoration of ownership of land in trust under section 9 constitute full satisfaction of the claim of the Spokane Tribe to a fair share of the annual hydropower revenues generated by the Grand Coulee Dam project for the past and continued use of land of the Spokane Tribe for the production of hydropower at Grand Coulee Dam.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SEC. 12. PRECEDENT.

Nothing in this Act establishes any precedent or is binding on the Southwestern Power Administration, Western Area Power Administration, or Southeastern Power Administration.

The title was amended so as to read: "A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes."

* * *

INDIVIDUAL INDIAN MONEY ACCOUNT TRUST FUND LAWSUIT

Mr. CRAIG. Mr. President, I ask unanimous consent that the Indian Affairs Committee be discharged from further consideration of S. Res. 248 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 248) expressing the sense of the Senate concerning the individual Indian money account trust fund lawsuit.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CRAIG. Mr. President, I ask unanimous consent that the Campbell amendment at the desk be agreed to, the resolution be agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4070) was agreed to, as follows:

(Purpose: To provide a complete substitute for the preamble)

Whereas, since the 19th century, the United States has held Indian funds and resources in trust for the benefit of Indians, and in its capacity as trustee, is obligated to protect those funds and resources;

Whereas the Senate reaffirms that in continuing to hold and manage Indian funds and resources for the benefit of the Indians, the United States must act in accordance with all applicable standards and duties of care;

Whereas, in 1996, a class action was brought against the United States seeking an accounting of balances of individual Indian money accounts and rehabilitation of the trust system;

Whereas after 8 years of litigation and the expenditure of tens of millions of dollars in Federal funds, the Senate believes that there is a demonstrated need to assist and encourage the parties in reaching a full, fair, and final resolution to the class action litigation; and

Whereas the resolution of the class action litigation may be achieved through alternative dispute resolution processes, including mediation: Now, therefore, be it

The amendment (No. 4070) was agreed to.

The resolution was agreed to.

The preamble, as amended, was agreed to.

The resolution, with its preamble, reads as follows:

The resolution will be printed in a future edition of the RECORD.

* * *

REAUTHORIZING THE HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND CONTROL ACT OF 1998

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3014, which was introduced earlier today by Senators SNOWE and BREAUX.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 3014) to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998.

There being no objection, the Senate proceeded to consider the bill.

Mr. CRAIG. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statement regarding this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3014) was read the third time and passed, as follows:

S. 3014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—HARMFUL ALGAL BLOOM AND HYPOXIA AMENDMENTS ACT OF 2004

SEC. 101. SHORT TITLE.

This title may be cited as the “Harmful Algal Bloom and Hypoxia Amendments Act of 2004”.

SEC. 102. RETENTION OF TASK FORCE.

Section 603 of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 nt) is amended by striking subsection (e). In developing the assessments, reports, and plans under the amendments made by this title, the Task Force shall consult with the coastal States, Indian tribes, local governments, appropriate industries (including fisheries, agriculture, and fertilizer), academic institutions, and nongovernmental organizations with expertise in coastal zone science and management.

SEC. 103. PREDICTION AND RESPONSE REPORT.

Section 603 of such Act, as amended by section 102, is further amended by adding at the end the following:

“(d) Report to Congress on Harmful Algal Bloom Impacts.—

“(1) Development.—Not later than 12 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2004, the President, in consultation with the chief executive officers of the States, shall develop and submit to the Congress a report that describes and evaluates the effectiveness of measures described in paragraph (2) that may be utilized to protect environmental and public health from impacts of harmful algal blooms. In developing the report, the President shall consult with the Task Force, the coastal States, Indian tribes, local governments, appropriate industries (including fisheries, agriculture, and fertilizer), academic institutions, and nongovernmental organizations with expertise in coastal zone science and management, and also consider the scientific assessments developed under this Act.

“(2) Requirements.—The report shall—

“(A) review techniques for prediction of the onset, course, and impacts of harmful algal blooms including evaluation of their accuracy and utility in protecting environmental and public health and provisions for their development;

“(B) identify innovative research and development methods for the prevention, control, and mitigation of harmful algal blooms and provisions for their development; and

“(C) include incentive-based partnership approaches regarding subparagraphs (A) and (B) where practicable.

“(3) Publication and opportunity for comment.—At least 90 days before submitting the report to the Congress, the President shall cause a summary of the proposed plan to be published in the Federal Register for a public comment period of not less than 60 days.

“(4) Federal assistance.—The Secretary of Commerce, in coordination with the Task Force and to the extent of funds available, shall provide for Federal cooperation with and assistance to the coastal States, Indian tribes, and local governments regarding the measures described in paragraph (2), as requested.”.

SEC. 104. LOCAL AND REGIONAL SCIENTIFIC ASSESSMENTS.

Section 603 of such Act, as amended by section 103, is further amended by adding at the end the following:

“(e) Local and Regional Scientific Assessments.—

“(1) In general.—The Secretary of Commerce, in coordination with the Task Force and appropriate State, Indian tribe, and local governments, to the extent of funds available, shall provide for local and regional scientific assessments of hypoxia and harmful algal blooms, as requested by States, Indian tribes, and local governments, or for affected areas as identified by the Secretary. If the Secretary receives multiple requests, the Secretary shall ensure, to the extent practicable, that assessments under this subsection cover geographically and ecologically diverse locations with significant ecological and economic impacts from hypoxia or harmful algal blooms. The Secretary shall establish a procedure for reviewing requests for local and regional assessments. The Secretary shall ensure, through consultation with Sea Grant Programs, that the findings of the assessments are communicated to the appropriate State, Indian tribe, and local governments, and to the general public.

“(2) Purpose.—Local and regional assessments shall examine—

“(A) the causes and ecological consequences, and the economic cost, of hypoxia or harmful algal blooms in that area;

“(B) potential methods to prevent, control, and mitigate hypoxia or harmful algal blooms in that area and the potential ecological and economic costs and benefits of such methods; and

“(C) other topics the Task Force considers appropriate.

“(f) Scientific Assessment of Freshwater Harmful Algal Blooms.—(1) Not later than 24 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2004 the Task Force shall complete and submit to Congress a scientific assessment of current knowledge about harmful algal blooms in freshwater, such as the Great Lakes and upper reaches of estuaries, including a research plan for coordinating Federal efforts to better understand freshwater harmful algal blooms.

“(2) The freshwater harmful algal bloom scientific assessment shall—

“(A) examine the causes and ecological consequences, and the economic costs, of harmful algal blooms with significant effects on freshwater, including estimations of the frequency and occurrence of significant events;

“(B) establish priorities and guidelines for a competitive, peer-reviewed, merit-based interagency research program, as part of the Ecology and Oceanography of Harmful Algal Blooms (ECOHAB) project, to better understand the causes, characteristics, and impacts of harmful algal blooms in freshwater locations; and

“(C) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on harmful algal blooms in freshwater locations.

“(g) Scientific Assessments of Hypoxia.—(1) Not less than once every 5 years the Task Force shall complete and submit to the Congress a scientific assessment of hypoxia in United States coastal waters including the Great Lakes. The first such assessment shall be completed not less than 24 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2004.

“(2) The assessments under this subsection shall—

“(A) examine the causes and ecological consequences, and the economic costs, of hypoxia;

“(B) describe the potential ecological and economic costs and benefits of possible policy and management actions for preventing, controlling, and mitigating hypoxia;

“(C) evaluate progress made by, and the needs of, Federal research programs on the causes, characteristics, and impacts of hypoxia, including recommendations of how to eliminate significant gaps in hypoxia modeling and monitoring data; and

“(D) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on hypoxia.

“(h) Scientific Assessments of Harmful Algal Blooms.—(1) Not less than once every 5 years the Task Force shall complete and submit to Congress a scientific assessment of harmful algal blooms in United States coastal waters. The first such assessment shall be completed not later than 24 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2004 and shall consider only marine harmful algal blooms. All subsequent assessments shall examine both marine and freshwater harmful algal blooms, including those in the Great Lakes and upper reaches of estuaries.

“(2) The assessments under this subsection shall—

“(A) examine the causes and ecological consequences, and economic costs, of harmful algal blooms;

“(B) describe the potential ecological and economic costs and benefits of possible actions for preventing, controlling, and mitigating harmful algal blooms;

“(C) evaluate progress made by, and the needs of, Federal research programs on the causes, characteristics, and impacts of harmful algal blooms; and

“(D) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on harmful algal blooms.

“(i) National Scientific Research, Development, Demonstration, and Technology Transfer Plan on Reducing Impacts From Harmful Algal Blooms.—(1) Not later than 12 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2004, the Task Force shall develop and submit to Congress a plan providing for a comprehensive and coordinated national research program to develop and demonstrate prevention, control, and mitigation methods to reduce the impacts of harmful algal blooms on coastal ecosystems (including the Great Lakes), public health, and the economy.

“(2) The plan shall—

“(A) establish priorities and guidelines for a competitive, peer reviewed, merit based interagency research, development, demonstration, and technology transfer program on methods for the prevention, control, and mitigation of harmful algal blooms;

“(B) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to the actions described in paragraph (1); and

“(C) include to the maximum extent practicable diverse institutions, including Historically Black Colleges and Universities and those serving large proportions of Hispanics, Native Americans, Asian Pacific Americans, and other underrepresented populations.

“(3) The Secretary of Commerce, in conjunction with other appropriate Federal agencies, shall establish a research, development, demonstration, and technology transfer program that meets the priorities and guidelines established under paragraph (2)(A). The Secretary shall ensure, through consultation with Sea Grant Programs, that the results and findings of the program are communicated to State, Indian tribe, and local governments, and to the general public.".

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

Section 605 of such Act is amended—

(1) by striking "and" after "2000," in the first sentence and in the paragraphs (1), (2), (3), and (5);

(2) by inserting "$23,500,000 for fiscal year 2005, $24,500,000 for fiscal year 2006, $25,000,000 for fiscal year 2007, and $25,500,000 for fiscal year 2008," after "2001," in the first sentence;

(3) by inserting ", and $2,500,000 for each of fiscal years 2005 through 2008" after "2001" in paragraph (1);

(4) by inserting ", and $6,500,000, of which $1,000,000 shall be used for the research program described in section 603(f)(2)(B), for each of fiscal years 2005 through 2008" after "2001" in paragraph (2);

(5) by striking "2001" in paragraph (3) and inserting "2001, and $3,000,000 for each of fiscal years 2005 through 2008";

(6) by striking "blooms;" in paragraph (3) and inserting "blooms and to carry out section 603(d);";

(7) by striking "and 2001" in paragraph (4) and inserting "2001, and $6,000,000 for each of fiscal years 2005 through 2008";

(8) by striking "and" after the semicolon in paragraph (4);

(9) by striking "2001" in paragraph (5) and inserting "2001, $4,000,000 for fiscal year 2005, $5,000,000 for fiscal year 2006, $5,500,000 for fiscal year 2007, and $6,000,000 for fiscal year 2008";

(10) by striking "Administration." in paragraph (5) and inserting "Administration; and"; and

(11) by adding at the end the following:

"(6) $1,500,000 for each of fiscal years 2005 through 2008 to carry out section 603(e).".

TITLE II—MISCELLANEOUS

SEC. 201. AVAILABILITY OF NOAA REAL PROPERTY ON VIRGINIA KEY, FLORIDA.

(a) IN GENERAL.—The Secretary of Commerce may make available to the University of Miami real property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration on Virginia Key, Florida, for development by the University of a Marine Life Science Center.

(b) MANNER OF AVAILABILITY.—The Secretary may make property available under this section by easement, lease, license, or long-term agreement with the University.

(c) AUTHORIZED USES BY UNIVERSITY.—

(1) IN GENERAL.—Property made available under this section may be used by the University (subject to paragraph (2)) to develop and operate facilities for multidisciplinary environmental and fisheries research, assessment, management, and educational activities.

(2) AGREEMENT.—Property made available under this section may not be used by the University (including any affiliate of the University) except in accordance with an agreement with the Secretary that—

(A) specifies—

(i) the conditions for non-Federal use of the property; and

(ii) the retained Federal interests in the property, including interests in access to and egress from the property by Federal personnel and preservation of existing rights-of-way;

(B) establishes conditions for joint occupancy of buildings and other facilities on the property by the University and Federal agencies; and

(C) includes provisions that ensure—

(i) that there is no diminishment of existing National Oceanic and Atmospheric Administration programs and services at Virginia Key; and

(ii) the availability of the property for planning, development, and construction of future Federal buildings and facilities.

(3) TERMINATION OF AVAILABILITY.—The availability of property under this section shall terminate immediately upon use of the property by the University—

(A) for any purpose other than as described in paragraph (1); or

(B) in violation of the agreement under paragraph (2).

(d) USE OF FACILITIES BY SECRETARY.—The Secretary may—

(1) subject to the availability of funding, enter into an agreement to occupy facilities constructed by the University on property made available under this section; and

(2) participate with the University in collaborative research at, or administered through, such facilities.

(e) NO CONVEYANCE OF TITLE.—This section shall not be construed to convey or authorize conveyance of any interest of the United States in title to property made available under this section.

SEC. 202. CONVEYANCE OF NOAA VESSEL WHITING.

(a) IN GENERAL.—The Secretary of Commerce shall convey to the Government of Mexico, without consideration, all right, title, and interest of the United States in and to the National Oceanic and Atmospheric Administration vessel WHITING—

(1) for use as a hydrographic survey platform in support of activities of the United States-Mexico Charting Advisors Committee; and

(2) to enhance coordination and cooperation between the United States and Mexico regarding hydrographic surveying and nautical charting activities in the border waters of both countries in the Gulf of Mexico and in the Pacific Ocean.

(b) OPERATION AND MAINTENANCE.—The Government of the United States shall not be responsible or liable for any remediation, maintenance, or operation of a vessel conveyed under this section after the date of the delivery of the vessel to the Government of Mexico.

(c) DEADLINE.—The Secretary shall seek to complete the conveyance by as soon as practicable after the date of the enactment of this Act.

(d) DELIVERY OF VESSEL.—The Secretary shall deliver the vessel WHITING pursuant to this section at the vessel's homeport location of Norfolk, Virginia, at no additional cost to the United States.

TRAINING FOR REALTIME WRITERS ACT OF 2003

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 790, S. 480.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 480) to provide competitive grants for training court reporters and closed captioners to meet requirements of realtime writers under the Telecommunications Act of 1996, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. CRAIG. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 480) was read the third time and passed, as follows:

S. 480

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Training for Realtime Writers Act of 2003".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) As directed by Congress in section 723 of the Communications Act of 1934 (47 U.S.C. 613), as added by section 305 of the Telecommunications Act of 1996 (Public Law 104–104; 110 Stat. 126), the Federal Communications Commission adopted rules requiring closed captioning of most television programming, which gradually require new video programming to be fully captioned beginning in 2006.

(2) More than 28,000,000 Americans, or 8 percent of the population, are considered deaf or hard of hearing, and many require captioning services to participate in mainstream activities.

(3) More than 24,000 children are born in the United States each year with some form of hearing loss.

(4) According to the Department of Health and Human Services and a study done by the National Council on Aging—

(A) 25 percent of Americans over 65 years old are hearing impaired;

(B) 33 percent of Americans over 70 years old are hearing impaired; and

(C) 41 percent of Americans over 75 years old are hearing impaired.

(5) The National Council on Aging study also found that depression in older adults may be directly related to hearing loss and disconnection with the spoken word.

(6) Empirical research demonstrates that captions improve the performance of individuals learning to read English and, according to numerous Federal agency statistics, could benefit—

(A) 3,700,000 remedial readers;

(B) 12,000,000 young children learning to read;

(C) 27,000,000 illiterate adults; and

(D) 30,000,000 people for whom English is a second language.

(7) Over the past 5 years, student enrollment in programs that train court reporters to become realtime writers has decreased significantly, causing such programs to close on many campuses.

SEC. 3. AUTHORIZATION OF GRANT PROGRAM TO PROMOTE TRAINING AND JOB PLACEMENT OF REALTIME WRITERS.

(a) IN GENERAL.—The National Telecommunications and Information Administration shall make competitive grants to eligible entities under subsection (b) to promote training and placement of individuals, including individuals who have completed a court reporting training program, as realtime writers in order to meet the requirements for closed captioning of video programming set forth in section 723 of the Communications Act of 1934 (47 U.S.C. 613) and the rules prescribed thereunder.

(b) ELIGIBLE ENTITIES.—For purposes of this Act, an eligible entity is a court reporting program that—

(1) can document and demonstrate to the Secretary of Commerce that it meets minimum standards of educational and financial accountability, with a curriculum capable of training realtime writers qualified to provide captioning services;

(2) is accredited by an accrediting agency recognized by the Department of Education; and

(3) is participating in student aid programs under title IV of the Higher Education Act of 1965.

(c) PRIORITY IN GRANTS.—In determining whether to make grants under this section, the Secretary of Commerce shall give a priority to eligible entities that, as determined by the Secretary of Commerce—

(1) possess the most substantial capability to increase their capacity to train realtime writers;

(2) demonstrate the most promising collaboration with local educational institutions, businesses, labor organizations, or other community groups having the potential to train or provide job placement assistance to realtime writers; or

(3) propose the most promising and innovative approaches for initiating or expanding training and job placement assistance efforts with respect to realtime writers.

(d) DURATION OF GRANT.—A grant under this section shall be for a period of two years.

(e) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided under subsection (a) to an entity eligible may not exceed $1,500,000 for the two-year period of the grant under subsection (d).

SEC. 4. APPLICATION.

(a) IN GENERAL.—To receive a grant under section 3, an eligible entity shall submit an application to the National Telecommunications and Information Administration at such time and in such manner as the Administration may require. The application shall contain the information set forth under subsection (b).

(b) INFORMATION.—Information in the application of an eligible entity under subsection (a) for a grant under section 3 shall include the following:

(1) A description of the training and assistance to be funded using the grant amount, including how such training and assistance will increase the number of realtime writers.

(2) A description of performance measures to be utilized to evaluate the progress of individuals receiving such training and assistance in matters relating to enrollment, completion of training, and job placement and retention.

(3) A description of the manner in which the eligible entity will ensure that recipients of scholarships, if any, funded by the grant will be employed and retained as realtime writers.

(4) A description of the manner in which the eligible entity intends to continue providing the training and assistance to be funded by the grant after the end of the grant period, including any partnerships or arrangements established for that purpose.

(5) A description of how the eligible entity will work with local workforce investment boards to ensure that training and assistance to be funded with the grant will further local workforce goals, including the creation of educational opportunities for individuals who are from economically disadvantaged backgrounds or are displaced workers.

(6) Additional information, if any, of the eligibility of the eligible entity for priority in the making of grants under section 3(c).

(7) Such other information as the Administration may require.

SEC. 5. USE OF FUNDS.

(a) IN GENERAL.—An eligible entity receiving a grant under section 3 shall use the grant amount for purposes relating to the recruitment, training and assistance, and job placement of individuals, including individuals who have completed a court reporting training program, as realtime writers, including—

(1) recruitment;

(2) subject to subsection (b), the provision of scholarships;

(3) distance learning;

(4) development of curriculum to more effectively train realtime writing skills, and education in the knowledge necessary for the delivery of high-quality closed captioning services;

(5) assistance in job placement for upcoming and recent graduates with all types of captioning employers;

(6) encouragement of individuals with disabilities to pursue a career in realtime writing; and

(7) the employment and payment of personnel for such purposes.

(b) SCHOLARSHIPS.—

(1) AMOUNT.—The amount of a scholarship under subsection (a)(2) shall be based on the amount of need of the recipient of the scholarship for financial assistance, as determined in accordance with part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk).

(2) AGREEMENT.—Each recipient of a scholarship under subsection (a)(2) shall enter into an agreement with the National Telecommunications and Information Administration to provide realtime writing services for a period of time (as determined by the Administration) that is appropriate (as so determined) for the amount of the scholarship received.

(3) COURSEWORK AND EMPLOYMENT.—The Administration shall establish requirements for coursework and employment for recipients of scholarships under subsection (a)(2), including requirements for repayment of scholarship amounts in the event of failure to meet such requirements for coursework and employment. Requirements for repayment of scholarship amounts shall take into account the effect of economic conditions on the capacity of scholarship recipients to find work as realtime writers.

(c) ADMINISTRATIVE COSTS.—The recipient of a grant under section 3 may not use more than 5 percent of the grant amount to pay administrative costs associated with activities funded by the grant.

(d) SUPPLEMENT NOT SUPPLANT.—Grants amounts under this Act shall supplement and not supplant other Federal or non-Federal funds of the grant recipient for purposes of promoting the training and placement of individuals as realtime writers

SEC. 6. REPORTS.

(a) ANNUAL REPORTS.—Each eligible entity receiving a grant under section 3 shall submit to the National Telecommunications and Information Administration, at the end of each year of the grant period, a report on the activities of such entity with respect to the use of grant amounts during such year.

(b) REPORT INFORMATION.—

(1) IN GENERAL.—Each report of an entity for a year under subsection (a) shall include a description of the use of grant amounts by the entity during such year, including an assessment by the entity of the effectiveness of activities carried out using such funds in increasing the number of realtime writers. The assessment shall utilize the performance measures submitted by the entity in the application for the grant under section 4(b).

(2) FINAL REPORT.—The final report of an entity on a grant under subsection (a) shall include a description of the best practices identified by the entity as a result of the grant for increasing the number of individuals who are trained, employed, and retained in employment as realtime writers.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act, amounts as follows:

(1) $20,000,000 for each of fiscal years 2004, 2005, and 2006.

(2) Such sums as may be necessary for fiscal year 2007.

Mr. CRAIG. Mr. President, that concludes the unanimous consent requests at this time. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, briefly, I wish to thank the Senator from Idaho. The bill that was just passed is a bill that provides grants for training court reporters for closed caption reporting. In 1996, the Congress passed a bill that said by 2006 all television shows have to be closed captioned. By 2010, all Spanish-speaking shows have to be closed captioned. That is going to take about 3,000 people trained to do this. We have less than 500 trained right now. We are not going to meet that date, but we have to move ahead and try our best to get these people trained in our community colleges all over the country. That is what this bill does.

I especially want to thank Senator MCCAIN, the chairman of the Commerce Committee, for his expeditious handling of this bill and letting it go through. I am assured the House is going to pass it unanimously, so we can get on with the business of training our reporters so that they can do realtime closed captioning.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. FRIST. Mr. President, so our colleagues will know what our plans will be tonight and tomorrow—and I talked with the Democratic leader briefly earlier—the House will finish the omnibus tonight, midnight or 1 o'clock. Because I know many Senators have lots of other things to do, since we cannot say with definition when the House will complete the bill, I think it is best that we say there are no more rollcall votes tonight and that we will address the omnibus tomorrow.

In addition, we have IDEA, the Individuals with Disabilities Education Act, which we need to vote on tomorrow as well. We will talk back and forth as to what time we will be coming in tomorrow morning.

We have had a very busy day. It has been a very constructive day, a great day in terms of tributes on both sides of the aisle. So we have had a good day.

We will, unfortunately, not be able to complete our business until tomorrow.

There will be a lot of phone calls in terms of what time we will be voting. We cannot really say at this juncture—depending on how people view the omnibus coming over—whether or not a rollcall vote will be required on IDEA. My expectation is we will have one or two votes over the course of tomorrow. As soon as we get some sort of certainty in the schedules—it is a little bit out of our hands, depending on what action is taken in the House—we will be sure, through our respective conferences, to let everybody know tonight.

Before we leave tonight, we will set a time to come in tomorrow morning. I assume it is going to be around 9:30 or 10 o'clock. We will address that accordingly.

That is it in terms of information. I thank the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I will be happy to yield to the Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senator from Iowa be recognized upon the completion of the remarks of the Senator from Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO RETIRING SENATORS

Mr. NELSON of Florida. Mr. President, while the Senate is holding in abeyance for the final Omnibus appropriations bill that the House is getting ready to file sometime tonight, I want to take the opportunity to pay tribute to our retiring Senators: TOM DASCHLE, FRITZ HOLLINGS, DON NICKLES, JOHN BREAUX, BEN NIGHTHORSE CAMPBELL, JOHN EDWARDS, PETER FITZGERALD, ZELL MILLER, and BOB GRAHAM.

I wish to make a speech about each one of these Senators who has become a dear friend, in some cases, over the years, such as FRITZ and Peatsy Hollings, who took special interest in me as I came to the Senate and made sure I got on his Commerce Committee, which has been just an extraordinary experience with him as chairman, as well as with the present chairman, JOHN MCCAIN.

DON NICKLES, whom I have known over the 24 years he has been in the Senate, for I was in the House at the time, has been a regular in our Wednesday morning Senate prayer breakfast. He is a good friend.

JOHN BREAUX, the very mention of his name brings a twinkle to your eye as you recall the wonderful good times and the great sense of humor that JOHN BREAUX has. He is the most popular politician in the State of Louisiana. He is going to be sorely missed as the dealmaker of the Senate.

BEN NIGHTHORSE CAMPBELL has this wonderful new museum for Native Americans which would not have happened—just a stone's throw from this Capitol—had it not been for his leadership. There is, as you go through this museum, a special display on the artwork of BEN. I commend it to our colleagues.

PETER FITZGERALD is a very active member of our Commerce Committee, who, in the comments by his colleague from Illinois, Senator DURBIN, today said it very well, could work so well with Members of both sides.

A southern icon, Senator ZELL MILLER, will go down in southern history as one of the great progressive Governors of the new South. He is one who has always extended wonderful courtesies to me.

I wish to say a special word about JOHN EDWARDS, for he came to the Senate in a seat that was already held by an incumbent Senator, and they said it could not be done. They said a Democrat could not win in North Carolina. Of course, JOHN did and took the national stage by storm.

I spent several days with him over the course of the past several months in the campaign. I can tell you it was a wonderful inspiration to see the amount of energy, focus, discipline, and intelligence he brought not only as a Senator but as a candidate for Vice President of this great country.

And then, of course, we all know the story of how on the very day that JOHN had to concede the election, along with our colleague, the Senator from Massachusetts, his wife told him that she had breast cancer. I want Elizabeth and JOHN to know that our prayers are with them and that we are all sharing a great deal of optimism about her complete recovery.

I had the wonderful privilege of observing their three loving children on the campaign trail—their daughter Kate, and then, of course, the two young ones, Jack and Emma Claire, as they would bounce with such boundless enthusiasm on that campaign plane.

There is a special part in my heart for TOM DASCHLE. We came to the Congress together in 1978. Among the freshman class in the House of Representatives that year, we knew TOM as "Landslide" DASCHLE. He won his race for Congress by 14 votes. Of course, he says that was a big percentage of the total vote in South Dakota at that time.

We saw him grow over the years into a great Democratic leader, both minority and majority leader of the Senate, and we saw the pressure that TOM was under.

Who here would not remember exactly where you were and what you were doing on September 11, 2001. We were in a leadership meeting only a few feet from here on the West Front of the Capitol watching the television of the World Trade Center, and had tried to resume our meeting when someone burst through the door and said: The Pentagon's been hit.

We leapt to the window looking west across the Mall in the southwest direction of the Pentagon and saw the black smoke rising.

People went their separate ways. I leapt to a telephone to try to get word to my wife because we had just moved into an apartment overlooking the southwest corner of the Pentagon.

That day I remember so vividly seeing the Constitution at work, because as I came back into the room and saw the people pouring out of the majority leader's office, under the orders of the Capitol Police to get out of the building, evacuate immediately, I saw the security people of the Capitol Police take TOM in a different direction to an undisclosed location where he, along with the rest of the congressional leadership, was to be sequestered as a protection of this constitutional government and its continuity.

TOM grew a lot in those ensuing days. That was in the morning, sometime right after 10 on September 11. I remember that evening, as dark fell, Members of the House and the Senate of all parties on the east front steps of the U.S. Capitol holding hands and singing "God Bless America" to demonstrate in what little way we could that those who sought to strike us down were going to see the resolve and the unity of the Government of the United States.

I could keep going on about TOM, but we heard his comments today. Of course it is with a heavy heart that we see TOM leave this Chamber. It is under circumstances that I hope we never see replicated.

There has to be civility in this body. There has to be a mutual respect. There has to be a respect for the truth. There has to be respect for the dignity of individuals and their families. Have we lost our compass? Have we lost our anchor? Have we lost our sense of human beings?

This Senator can do something about that, as I have tried in the past, by the way I conduct myself with regard to my relationship to other Senators in wanting to treat others as I would like to be treated. Now that the fractiousness and the divisiveness of this highly partisan, highly ideological, rigid time of debate is behind us, it is my hope this Senate can start to come together for the good of the people, even as we approach another election time. It is for the sake of the Nation that we must do this.

BOB GRAHAM

I conclude my comments about my colleague from Florida, my mentor, my friend of many years. It is hard to believe BOB GRAHAM has been elected to serve almost 40 years—38 years to be exact. From when he was first elected to the State legislature in 1966, he has been in elected office ever since—two terms in the State house, two terms in the State senate, two terms as the Governor of Florida, where he had a magnificent record, where he has put his stamp as one of Florida's great Governors, starting programs to save the Florida Everglades, the River of Grass, the Kissimmee River, and the Everglades restoration that has now started that is an $8 million project shared half and half between the State and the Federal Government. That is a great legacy for BOB.

Then, of course, his three terms in the Senate, 10 years of which he served on the Senate Intelligence Committee, the last 2 of which he served as chairman of that committee. Of course, with that great knowledge and expertise, in the course of the debates here, BOB has given us great insight and wisdom.

Finally, some of his fellow Senators convinced him that he ought to sit down and write a book and that book is entitled "Intelligence Matters." It is my hope that with other Senators on this floor that we are going to be able to help BOB fulfill one of his dreams, which is that in an intelligence service that has been decimated from time to time as a result of the whims of appropriations, that a professional core of career intelligence officers can be enhanced by starting an ROTC for intelligence officers.

We are going to try to get the appropriations to start that and to do it at one of our Florida universities named for BOB GRAHAM. Let that little incubator show the way to see whether that is a system we can adopt around the country to give an ample supply of officers who are ready for service in the intelligence service.

So it is again with a heavy heart that I see my colleague, Senator GRAHAM, retire after a distinguished career. He will not be retiring as a public servant, because whether it be from the position of a university—and it is my understanding he will be going to Harvard for a year at the Kennedy School—or whether it be back in our State affiliated with several of our universities in Florida, BOB will be rendering public service to the people of this country for some period of time.

So for all of these names I have mentioned, in the great poem "Ulysses," he says, "I am a part of all that I have met," and I am a part of all these great Senators. I am much richer for it and for having been their friend.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

TOM DASCHLE

Mr. HARKIN. Mr. President, in these final working days of the 108th Congress, as so many speakers before me have said, we are saying farewell to a number of our retiring colleagues. I intend to speak about a couple of them this evening and will have more to say about some of the others tomorrow.

A most painful farewell will be to my good friend Senator TOM DASCHLE. I do not know that I have heard a more heartfelt, soul-searching, and inspirational speech about what a Senator should be, ought to be, and must be than the speech given by our great leader Senator DASCHLE earlier this evening.

As I sat and listened to that speech, especially when he talked about Dick Reiners, my mind went back to 1978 when I was just a second-term Congressman from the State of Iowa and I was asked to go campaign in South Dakota for this young guy running for the House whose name was TOM DASCHLE. His former employer, Senator Jim Abourezk, came to Iowa to campaign for me and asked me to reciprocate. Because I had been active in some farm issues and agricultural issues, he asked me to campaign in South Dakota, and I did.

I struck up a friendship with TOM DASCHLE at that point that endures to this day and will endure forever. So I would go out and campaign for him and then he would come and campaign for me and I would campaign and we would go back and forth from Iowa to South Dakota. Of course, we shared a common border up at Sioux City. Much of Sioux Falls's television comes into Iowa. Much of Sioux City's goes into South Dakota. So we have shared kind of a common area there of constituents, constituencies over all these years.

So it is a painful farewell to my good friend TOM DASCHLE. These days, there are fewer and fewer bipartisan agreements in this body. But I sense today that there was bipartisan agreement about TOM DASCHLE. We respect his decency, his fairness, his courage and leadership, his extraordinary capacity for hard work. I cannot imagine a more difficult job in the Senate than being leader of the Democratic caucus. We have all heard Will Rogers quip that he belonged to no organized party, he was a Democrat.

Those independent, hard-headed habits flourish within our caucus. For the last decade, TOM DASCHLE's amazing skills and unlimited patience have brought us together as a team. That is an accomplishment of which he can be very proud.

The President of the United States, it is said, has the persuasion of power. But the leader of our Senate Democratic caucus has only the power of persuasion. I cannot imagine anyone more persuasive than Senator TOM DASCHLE. He has always been willing to talk with us, accommodate us whenever possible, to do whatever it takes, however long it takes, to forge a consensus and move us ahead. We are grateful. I am grateful for his leadership, his diligence, for his grace that he has unfailingly brought to this job as our leader. I cannot emphasize enough this fairness and this underlying grace of this wonderful human being. Unfailingly fair to all.

When Democrats were in the majority, Majority Leader DASCHLE was respectful of the rights and the prerogatives of our Republican minority. Conversely, as our minority leader, he has steadfastly defended the rights and the prerogatives of the Democratic minority. In the heat of a partisan campaign, some have labeled this "obstructionism," but that characterization is incorrect. The duty of the opposition party is present compelling alternatives, and to do so fairly, forthrightly, and within the rules of the Senate. The duty of the leader of our opposition is to protect the rights of the minority so that our voice and our votes can be heard; so that we can speak out and offer a different way, a different path. That is our duty as opposition. Senator DASCHLE protected the rights of the minority, so important in our country, not just in the Senate, but important for us as a country.

If there is one thing that is pervasive in our Constitution and our Bill of Rights, it is just that; it is the protection of the minority so the minority can be heard. That is so the minority's voice and votes will be counted. That is exactly what Senator DASCHLE has done. There is not one hint of obstructionism. What he has done is to protect and enhance the rights of the minority, and he did it with skill and persistence, with fairness and with grace.

Over all these years of service with TOM DASCHLE in the House and in the Senate, I have always respected how he fought and advocated for his constituents in South Dakota. No one has fought harder in the House and in the Senate for the revitalization of rural America than TOM DASCHLE. No one has fought harder to bring health care and good schools and economic opportunity to Indian country. No one has fought harder to increase the income of family farmers and give them a fair shake in the marketplace.

Another jewel in the crown of TOM DASCHLE's legacy is the emerging ethanol industry in the United States. Since TOM arrived in Congress in 1978, he has been a relentless champion of ethanol. He mentioned that in his farewell speech today. I know he was a relentless champion because I was there, too, during those early years. People said those of us who were advocating the expanded use of ethanol didn't have a chance against big oil. But Senator DASCHLE persevered. He used the 1990 Clean Air Act to put in place policies that gave birth to the ethanol industry in our country. He continued to promote tax incentives and a renewable fuel standard to advance ethanol and to move our country towards energy independence.

No doubt about it, Senator DASCHLE's leadership on ethanol brought us to where we are today in the production of this renewable and clean fuel in America. His leadership on ethanol will be greatly missed in the future.

It has been a privilege to serve in this body with TOM DASCHLE. I will miss him as a colleague. I will miss his leadership, that fairness, that gentleness of nature, but that steely determination to make sure that our views and our votes were counted; that steely determination to make sure that people who live in small towns in rural America are not forgotten, that their interests are protected here. I will miss him as a friend. Oh, I am not going to lose contact with TOM and Linda. My wife and I will continue to count them as good friends. But I will miss him as a friend here in the Senate.

As TOM DASCHLE said today, he has always been an optimist. I have never known TOM DASCHLE to ever utter a pessimistic word. For him the sunrise was always better than the sunset. So the Sun rises on a new chapter in TOM DASCHLE's life. That Sun is going to be bright. It is going to be bright because of who TOM DASCHLE is, what he is. So there are going to be some new days and important chapters ahead written in the life of TOM DASCHLE. Both Ruth and I wish TOM and Linda and his family the very best in the years ahead.

We will continue to look forward to his input into the political life of America and into the common wheel that binds us as a country.

JOHN EDWARDS

Mr. HARKIN. Mr. President, I would also like to express my respect to and admiration for the retiring senior Senator from North Carolina, Senator JOHN EDWARDS, who also spoke earlier. We will miss his unique, skillful, and persuasive voice in the debates here on the Senate floor. Time and again we have seen his knack for taking complex arguments and making them accessible and persuasive to ordinary people. Time and again his skills have carried the day.

I fully understand the advice uttered by one of my Republican colleagues one time, when he said, "Never yield the floor to JOHN EDWARDS."

Over the last year and a half, people in my State of Iowa have gotten to know JOHN and his wonderful wife Elizabeth very well. As I have often said, JOHN EDWARDS was the only person to run for national office as a Vice Presidential candidate who visited each one of Iowa's 99 counties. He has been all over our State, in our schools, in our coffee shops, and in our living rooms. In fact, we have often said in Iowa if it weren't for that southern accent, you would think JOHN was born and raised in Iowa.

I can say that we on the Democratic side, we Democrats in Iowa and all over the country, are proud of his race to secure the nomination of our party, which he did not get, which went to another of our colleagues, Senator JOHN KERRY. But we were proud of how JOHN EDWARDS sought that nomination. And we are doubly proud of his conduct as our nominee for Vice President of the United States.

He always comes across as just folks, which is what you would expect from a person raised in very modest circumstances, the first in his family to go to college. That humble background was an enormous strength for JOHN EDWARDS. It is a strength we saw on that campaign trail that allowed him to understand people and to communicate powerfully with ordinary people. People responded in kind. All over this country, people just plainly liked JOHN EDWARDS. They trusted him because he spoke to them in a language they understood.

But if Iowans and other Americans see just plain folks in JOHN EDWARDS on the campaign trail, Senators here have been privileged to see a different side of him, hard at work in this Senate. He has only been here one term. He surely made his mark. He made his mark first by challenging an incumbent Senator, and took on the Jesse Helms machine in North Carolina, and he beat it. That is no small feat in North Carolina.

He made his mark here as lead cosponsor of the Patients' Bill of Rights, along with Senators KENNEDY and MCCAIN. He managed the bill on the floor. He was the lead negotiator in hammering out a bipartisan consensus on the bill.

He made his mark by sponsoring and passionately advocating for a bill to speed up the approval of generic drugs.

As I said in my State of Iowa, JOHN EDWARDS made his mark and won people's hearts with his big smile, his friendly manner, and his boundless optimism.

He won our respect with a campaign that was always positive. Even under provocation, even when stakes were the highest in the final weeks of the campaign leading up to the caucuses, JOHN never wavered from his positive message of hope and opportunity for ordinary Americans.

We are proud of our colleague Senator EDWARDS, and we know we will not hear the last of him as he leaves this body.

We say farewell to Senator JOHN EDWARDS. I know and I hope and I trust we will hear more from him in the future. We wish him the very best. Of course, we all hope—and our prayers are with him and with Elizabeth—for a full recovery for his wonderful wife Elizabeth. We will miss them both here. But our friendship endures, and I know that Senator EDWARDS, Elizabeth, and his family will be heavily involved in the course of our political life and our Democratic Party in the future.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

TOM DASCHLE

Mr. AKAKA. Mr. President, I rise to join my colleagues in saying thank you to a great senator, a great American, a wonderful leader, and a dear friend, Senator TOM DASCHLE of South Dakota. In Hawaiian we say, mahalo nui loa. "Mahalo" means thank you; "nui" means large; and "loa" means wide. It is used to convey profound and deep gratitude. I want to say mahalo nui loa to TOM DASCHLE for his great service to our country and to the Senate as an institution.

During his 26 years in the House and Senate, TOM DASCHLE has epitomized the ideal that we can disagree without being disagreeable. His prairie optimism and can-do attitude served his constituents well and served our Democratic caucus well.

I have always marveled at the fact that despite his responsibilities as majority leader and Democratic Leader, TOM DASCHLE always kept the needs and interests of South Dakotans as his top priority. He never lost sight of the people back home. Perhaps that is best reflected by his annual "unscheduled driving" tour, when he drives across his home state, visiting every county, with no staff and no schedule, just TOM, stopping to visit his constituents and hear what is on their minds.

As Senator DASCHLE has said, these visits remind him of where he came from, and why he came to Washington—to put the priorities of America first. For that, and for so much more, I say mahalo nui loa. TOM DASCHLE. Godspeed. God bless TOM and his wife Linda.

This comes from me and my wife Millie. Aloha.

Mr. LAUTENBERG. Mr. President, our colleague from Alabama was generous enough to step aside and permit me to make a few remarks. I deeply appreciate it.

I talked before about TOM DASCHLE. I also will discuss the rest of our colleagues who are leaving the Senate.

When the 109th Congress convenes in January, nine of our current colleagues will not be here. I take a few moments to pay tribute to them. Collectively, our colleagues have served in the Senate for 144 years. We will miss them.

FRITZ HOLLINGS

First of all, FRITZ HOLLINGS, the most senior Member leaving the Senate at this time, had a distinguished career in public service. It started in 1942, the same year I joined the Army. After he graduated from the Citadel and he received a commission from the U.S. Army, he served as an officer in the North African and European campaigns in World War II. He had a lot of time in combat. He got the Bronze Star and seven campaign ribbons.

In 1948 he was elected to the South Carolina House of Representatives. Ten years later, and still only 36, FRITZ HOLLINGS was elected Governor of South Carolina. As Governor, he showed his fearlessness and independence as a progressive southern Democrat, especially when he integrated Clemson University.

In 1966, FRITZ was elected to the Senate. I don't have time to list all of the things he has done in 30 years in the Senate or 56 years in public office, but early in his Senate career FRITZ focused on poverty and hunger that gripped the rural South and urban areas of the country. In 1968, he embarked on his now famous hunger tours. In 1970, he wrote about what he saw in a highly acclaimed book entitled "The Case Against Hunger: A Demand for a National Policy." What a wonderful program that was.

He followed up by coauthoring a bill that created the special supplemental food program for Women, Infants and Children. We call it WIC.

In 1972, continuing this very active campaign of writing legislation, he wrote the National Coastal Zone Management Act, the Nation's first land use law designed to protect coastal wetlands. He played a pivotal role in establishing the National Oceanic and Atmospheric Administration, the Marine Mammal Protection Act, the Ocean Dumping Act, and the Fishery Conservation Management Act.

Perhaps he is best known for his tireless fight for fair trade and being a true fiscal conservative. Who can forget Gramm-Rudman-Hollings. I served with him many years on the Committee on the Budget and I can attest to his determination to put our Nation on the pay-as-you-go path rather than burdening future generations with escalating Federal deficits and debt.

On a parochial note, I thank the Senator from South Carolina on behalf of the people of New Jersey. After September 11, he made our ports safer by helping to get security funding for our ports. FRITZ HOLLINGS gallantly laid out an inspiring vision for the future of passenger rail service in our country. Through it all, FRITZ HOLLINGS has always been a southern gentleman and a Senator's Senator.

FRITZ's remarks in committee and his speeches in the Senate have always been worth listening to even if some of us had difficulty deciphering them. He has been a true original and the Senate will be poorer for his departure.

I know he wants to spend more time with his beloved Peatsy, his four children, and his seven grandchildren.

FRITZ, we will miss you. I never stop being surprised when FRITZ HOLLINGS recalls things he did 20 or 40 years ago and recall them with fairly precise detail. He always has colorful language—except in places like the Senate—that attract attention and yet he completes his serious mission with humor, candor, and courage.

I ask unanimous consent a press release entitled "38 Years in the Senate, 38 of His Greatest Hits" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Tuesday, Nov. 16, 2004]

38 YEARS IN THE SENATE, 38 OF HIS GREATEST HITS

WASHINGTON, DC.—In 38 years in the U.S. Senate, Fritz Hollings has compiled one of the most remarkable legislative records of any Senator in the last century. From his first days in office to his last, he has written legislation that has changed America. Following are 38 ways the nation will remember him:

1. Started the Women Infants Children (WIC) program, one of the most successful government health care measures ever undertaken. It has reduced infant mortality, low birth rates, and premature births. Today, WIC provides nutritional counseling and access to health services for low-income women and children in 10,000 nationwide clinics. Impetus for the program came from Senator Hollings' 1970 book "The Case Against Hunger."

2. Championed the Community Health Center Program to bring medical care to low-income Americans. In 1969, South Carolina opened one of the first community health centers in the nation, and today the centers nationally provide primary and preventive health services for 10 million patients in under-served communities.

3. Initiated the nationwide breast and cervical cancer screening program. Begun in 1990 as a project in South Carolina and five other states, the program quickly expanded to a highly successful national effort. Through the years, Senator Hollings also has led efforts to significantly boost funds for cancer research and to double the National Institutes of Health's budget.

4. The father of the Corporate Average Fuel Economy (CAFÉ) Standards, Senator Hollings wrote the law in 1975 forcing automakers to build more fuel efficient cars. Thirty years later, CAFÉ standards save more than 3 million barrels of oil per day.

5. Authored the Aviation Security Act, immediately after September 11th. It created the Transportation Security Administration and set up the screening system now underway for airport passengers. Always a strong believer in the need for security, Senator Hollings knew the aviation system, and America's economy, would not recover without government's help. He authored the legislation at age 80.

6. Authored the Maritime Security Act, also immediately following September 11th. Concerned for many years that ports and borders were the weak link in America's security system, he pushed the legislation through—the first ever aimed at increasing security at America's ports.

7. The father of the National Oceanic and Atmospheric Administration (NOAA), he established the agency in just his fourth year in office. He did it at a time when the ocean was not the popular topic it is today. In 2000, he created the U.S. Commission on Ocean Policy, to help Congress determine the future of the nation's oceans.

8. Authored the National Coastal Zone Management Act of 1972, which established federal policy for protecting coastal areas. It also authorized grants to states to establish and operate coastal zone management programs.

9. A friend of marine mammals, he wrote the legislation in 1972 to protect whales, dolphins, sea otters, and other mammals. It became the model for other countries.

10. Authored the Ocean Dumping Act of 1976, which extended federal authority over previously unregulated dumping of pollutants in the ocean. It banned dumping by U.S. vessels, or vessels sailing from a U.S. port.

11. Wrote the Oil Spill Bill in 1990, following the disaster of the Exxon Valdez. Senator Hollings led the Senate investigation of the oil spill, and pushed the legislation requiring more effective clean-up, and forced oil companies to use double-hull ships, which are less likely to have a spill.

12. At the forefront of promoting American technology, he created the Advanced Technology Program in the Commerce Department, which invests in high-risk research projects that promise big payoffs and widespread benefits to the nation.

13. Co-authored Gramm-Rudman-Hollings, the landmark legislation that broke budget gridlock in the mid-'80s. By making automatic spending cuts, it reversed 20 years of increased federal spending and cut tens of billions from the budget deficit.

14. Was the first Senator to decry the practice of looting Social Security, and made truth in budget reporting a priority. In 1990, his legislation required that the President and Congress, when reporting a budget, do not count Social Security surpluses to mask the true size of the deficit.

15. Has been the voice for fiscal sanity on the Senate floor for three decades, but too often the lone voice. Twenty-two years ago, he was the first to offer a budget freeze, and has offered them many times since. He has slammed tax-cutting Republicans for voodoo economics. He promised he would jump off the Capitol Dome if ever there was a balanced budget, but because too few listened to the only original member of the Senate Budget Committee, the country has a $600 billion deficit, and Senator Hollings retires without jumping.

16. The Senate's loudest voice on trade issues, he opposed NAFTA, GATT, and trade deals with China and Africa—all of which have sent massive jobs overseas. Time has proven him right. He opposed giving the President fast-track negotiating authority, constantly reminding his colleagues of Article 1, Section 8 of the Constitution: "Congress shall have power to regulate commerce with Foreign Nations."

17. Textile's best friend in the Senate, he has pressured every President since Lyndon Johnson to protect the industry so important to South Carolina.

18. Created the Manufacturing Extension Partnership Centers, in 1988 to help small manufacturers survive and grow. Now with 350 locations around the country, they annually help almost 20,000 companies. In honor of the Senator, federal legislation was passed to rename them the Hollings Centers.

19. A friend of the consumer, he created a competitive telecommunications industry through the Telecommunications Act of 1996, the first major rewrite of the Communications Act of 1934. He fought to ensure it provided new services to consumers at affordable rates.

20. Strengthened on-line privacy and gave Internet users control over their own personal data with legislation he authored in 2000 and 2002.

21. Gave millions of Americans freedom from telemarketers, by co-authoring the do-not-call list law in 2002, and the law that banned computer voiced telephone calls and

restricted junk faxes in 1991. Calling it "telephone terrorism" Senator Hollings has given tens of millions of Americans quiet evenings at home.

22. Reined in the cable TV monopolies, as the driving force in the early 1990s for the Cable and Consumer Protections Act. Persistent service and rate abuses by TV cable companies around the country prompted Senator Hollings to lead the charge in giving the Federal Communications Commission authority to regulate basic cable TV rates and set minimum service standards.

23. Authored the 1990 Children's TV Act, requiring stations to carry educational programming for children and limiting the amount of commercials aired during children's programming.

24. Wrote laws to drug-test transportation employees and military enlistees. By requiring mandatory random drug and alcohol testing for safety-sensitive transportation employees, he has made America's roads safer. The law has allowed the military to confront drug abuse in uniform and has significantly increased overall readiness.

25. Was one of the first to re-build America's defense in the '80s, authoring amendments in the 1980 budget that provided the first significant increase in defense spending in the post-Vietnam era.

26. Saved the Department of Education through budget amendments, after Ronald Reagan took office with the express purpose of abolishing the Department. In the mid-1990s he stopped House Republicans from radically cutting student loan programs.

27. Authored energy conservation standards for federal buildings, during the 1970 energy crisis, resulting in millions of dollars of savings for taxpayers.

28. Led the efforts to fund innovative law enforcement programs, such as Community Oriented Policing Services (COPS) that put more than 100,000 police officers on the streets in 13,000 communities across the country.

29. To prevent crime that has hit American schools, he steered through the Senate his Safe Schools Initiative, putting police officers on patrol in schools nationwide.

30. Authored legislation to nail criminals involved in church burnings, by strengthening federal authority to prosecute them.

31. For the first time in American history, he got the full Congress to give its highest honor, the Congressional Gold Medal, to a farmer, gas attendant, maid, and preacher for the hardships they faced in desegregating South Carolina's schools. The medals were presented in 2004, the 50th anniversary of Brown v. Board of Education.

32. Champion for American Embassies across the world, he fought hard to ensure government preserves their historic significance.

33. The longest serving junior Senator in American history, he served 36 years as a junior Senator before becoming South Carolina's Senior Senator at age 81 in 2003.

34. As governor of South Carolina from 1959–1963, he was the first modern southern governor to bring about economic and social progress. He started South Carolina's technical education system that now trains 235,000 students annually; balanced the state's budget for the first time in 65 years; obtained the state's first AAA bond rating; traveled 200,000 miles around the world to bring industry to South Carolina; and peacefully integrated Clemson University while other southern governors resisted the civil rights movement.

35. Was the Senator with no poll in his pocket, He gave unforgettable floor speeches, where he spoke his mind and told the truth. No one dared debate him, because they'd lose.

36. He brought different points of view to complex situations and identified solutions long before others recognized there were even problems.

37. Though many of his favorite bills never passed, he never stopped pushing for what he believed, He is still calling for tax hikes to pay for the War on Terrorism; legislation to protect children from violence on television; and a constitutional amendment permitting limits on campaign expenditures, preventing wealthy candidates and their friends from buying elections.

38. He leaves at the top of his game, writing meaningful legislation for America and working for his constituents until his last day in office.

Mr. LAUTENBERG. It is amazing to see how many things FRITZ HOLLINGS has touched in his life. Once again, he will be sorely missed.

JOHN BREAUX

Another dear friend from the south, JOHN BREAUX, senior Senator from Louisiana, probably the Senate's consummate deal maker. I don't think anyone in this Chamber has ever worked harder to bring the two parties together on taxes, on health care, and especially our two biggest entitlement programs, Social Security and Medicare.

He is the logical choice to chair the National Bipartisan Commission on the Future of Medicare and the cochair of the National Commission on Retirement Policy. He has always been an effective champion for Louisiana's oil and gas, agriculture, and tourism industries, which is why his constituents have sent him to Washington with 60, 70, or even 80 percent of the vote. He was only 28 when he first won a seat in the House in 1972. With 14 years in the House and 18 years in the Senate, he spent more than half of his entire life as a Member of Congress doing the public's mission.

We will miss his Cajun humor, his legislative savvy, and his tireless dedication of bringing Republicans and Democrats together for the good of all America.

BOB GRAHAM

Another esteemed colleague from the South, Senator BOB GRAHAM, the senior Senator from Florida, is clearly one of the State's most popular elected officials. He won two terms as State representative, two terms as a State senator, two terms as a Governor, three terms as a U.S. Senator, with a 9–9 record. For a short time he put his hat in the ring in the recent Presidential race. He had a 9–9 record of elections dating back 38 years.

Like Senator BREAUX, BOB GRAHAM has worked diligently to forge bipartisan solutions to the most pressing problems. He is a fiscal conservative, dedicated to strengthening and improving Social Security and Medicare. Bob Graham is the author of a comprehensive, bipartisan plan to restore the Everglades, a plan that created an unprecedented partnership among Federal, State, and local governments and private industries to reverse the damage done by fragile "River of Grass" decades of dredging, dumping, and destruction. He has fought hard to protect Florida's coastline from oil and gas exploration.

One of the things that made BOB GRAHAM so popular has been his determination to spend time working side by side with people he represents. Over 30 years he has worked 400 workdays. On those workdays—and most have seen him in costume—he has worked as a police officer, railroad engineer, construction worker, fisherman, garbage man. I don't think I would have taken all the jobs he did, but he did them wonderfully and endeared himself to his constituents. He was a factory worker, busboy, teacher. If BOB does not want to retire, I am sure he will be able to find some kind of work. He is experienced in so many fields.

JOHN EDWARDS

The senior Senator from North Carolina, JOHN EDWARDS, has streaked across the political firmament like a shooting star. Six years ago, he was a trial lawyer who won a Senate seat in his first try at elected office and 2 weeks ago he was very nearly elected Vice President.

JOHN EDWARDS, like TOM DASCHLE, was the first person in his family to graduate from college. His father worked in the textile mills. His mother held several jobs, working in a post office, running a furniture refinishing business. After he graduated from the University of North Carolina Law School, he put his formidable legal skill to work for ordinary people as a trial attorney. He was good at it. In 1997, he won the largest personal injury verdict in North Carolina history, $25 million, for a 9-year old girl injured by a swimming pool drain the manufacturer knew was faulty.

JOHN proved if there is injury or damage, take it to a jury of your peers. Let them make the judgment regarding careless operation of a piece of machinery or automobile. The damage is incalculable in terms of a monetary value. So JOHN EDWARDS did what he ought to do. He protected those who had recourse for terrible damages that they incurred.

JOHN knew what it was like for that little girl's parents I just talked about because he and his wife lost their 16-year-old son. His name was Wade. He died in a car accident.

When he got to the Senate, JOHN continued to fight for working-class Americans, and despite being a freshman Member, he was a principal author of a Patients' Bill of Rights bill which passed the Senate in June of 2001.

He also fought hard for his constituents, securing more than $250 million in disaster funds following Hurricane Floyd in September 1999.

I don't know what the future holds for JOHN. One looks at that face, and sees such a young man. He is only 51 years old, and to me that is like a child. But somehow or other I do not think we have seen the last of him.

Of course, his first task is to help his wife Elizabeth get through her bout with breast cancer. We send our prayers to both of them, for her quick and complete recovery. He and Elizabeth have the good wishes and prayers of each and every one of us here in the Senate.

Mr. President, I will talk about a couple of my friends on the Republican side.

DON NICKLES

I have had my differences with DON NICKLES. We both have served on the Budget Committee, and it is hard to believe that he, at his tender age, has been here for 24 years. He is still so youthful looking. As a matter of fact, the two Senators from Oklahoma at one point in time did not equal the age of one of the Senators from South Carolina. They are both very young. But he was so young when he came here in 1981. He was barely 32.

On the subject of age, if I might digress, after 30 years of business I never dreamed I was going to be here 24 years, Lord willing. And for my friends on the Republican side, don't count me out at the end of 24 years.

I worked with DON NICKLES for many years on the Budget Committee. He has been a passionate, articulate spokesman for conservative causes, but he has always been a good opponent, a gracious opponent. The Senate is going to miss his energy and his knowledge.

BEN NIGHTHORSE CAMPBELL

Another friend from the other side of the aisle is BEN NIGHTHORSE CAMPBELL, the senior Senator from Colorado. He is one of the true originals in the Senate. He is one of 44 chiefs of the Northern Cheyenne Tribe. He served our country in Korea. He is a renowned jewelry designer, athlete, trainer of champion quarter horses. He participated in the 1964 Olympics as a member of the U.S. Olympic judo team.

He was elected to the Colorado State legislature in 1982, serving for 4 years before coming to Washington. He has livened up the place with his string ties, beautiful jewelry, and his Harley Davidson motorcycles. And he has been our conscience when it comes to meeting our treaty obligations to Native Americans.

PETER FITZGERALD

PETER FITZGERALD, the junior Senator from Illinois, like me, came to the Senate after a good business career. He has been here only for one term but in those 6 years he established a solid reputation as an independent Member, committed to doing what he thinks is right, even if it puts him at odds with other members of his party.

He and I serve on the Governmental Affairs Committee, and I have been impressed by his willingness to hold hearings on scandals and malfeasance in the mutual fund and insurance industries. Perhaps because of his business background, he understands the importance of effective oversight by the Federal Government.

I regret he is leaving. He has been a gentleman, and it is too bad that we do not have more like PETER FITZGERALD. He is a wonderful person to work with. He has got a ready smile, and he is a gentleman at all times.

I close my remarks by noting that these men have made remarkable contributions to our society, and all Americans should be grateful. I would tell those who are retiring, I retired 4 years ago, and I did not like it. So here I am. Perhaps there is hope for any of them who want to rejoin. If you want to come back, I am here to tell you it can be done. Just make sure that you get to keep your seniority.

Mr. President, I yield the floor and thank my colleagues for their indulgence while I made my remarks.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me say—this is probably the first and only time I have ever said this—I have been listening carefully to my friend from New Jersey, and I agree with everything he said.

I have had a chance to talk a little bit about some of these people who are retiring, and at some length about Senator NICKLES, and I certainly appreciate the Senator's remarks about him.

TRIBUTE TO AIR FORCE SECRETARY JAMES G. ROCHE

Mr. INHOFE. Mr. President, we have been paying a lot of tributes to retiring Members of the Senate, and I think it is appropriate to pay tribute to at least one of our retiring public servants, and I would like to do that right now for the Secretary of the Air Force, Dr. James G. Roche.

I know Secretary Roche has been attacked from time to time. That goes with the job. It is a tough job. He knew that when he came. I think we can put that aside and pay tribute for the things he has done that are not as controversial but have been good for the Air Force and for our country.

You have to keep in mind that Secretary Roche left a lucrative career in private life to take this job as Secretary of the Air Force. He brought a lot of savvy with him from his private business career. I remember so well when he was first confirmed, his first trip was to go with me to Tinker Air Force Base in Oklahoma. After visiting that base, he returned to Washington with Secretary Gibbs and immediately put in place a plan to revitalize the depots using the existing Air Force budget. This is something that previous administrations have never accomplished. They seemed to be more interested in letting the depots rust away.

Secretary Roche invested money, time, and industrial know-how into the depots, and he did it in a partnership arrangement where he actually stimulated the communities to pass very large bond issues to exercise the private participation. He started a program where depots were benchmarked off similar commercial enterprises and started informal competition that drove maintenance days down ever lower. He brought LEAN manufacturing processes to the depots and other similar commercial practices that revitalized the workforce, decreased the failure rates, raised readiness standards, and decreased overall costs at the depots.

I look at the record he had. In fiscal year 2003 alone, AMC reported that the mission-incapable aircraft part hours decreased by 37.6 percent, the percentage of hours grounded. It bettered the goal by 922,000 hours. The mission-incapable aircraft part incidents decreased by 23.4 percent, which bettered the goal by 4,400 incidents. Logistics response time was reduced 20.4 percent. Stockage effectiveness increased by 5.5 percent. It goes on and on.

His record is there. He has done a magnificent job at applying his business practices in making our scarce dollars in the military go a lot further.

I was very impressed with his focus on depots, but his ability to guide the Air Force through the troubled waters after 9/11 were equally impressive. He restructured the force and focused training to support new missions: homeland defense, renewed focus on Close Air Support, close partnering with the Army in joint operations and Space support to warfighters.

He expanded the role and support for special operations. He accelerated the delivery to the battlefield of Armed Predators and Global Hawks, bombers in support of close air support, tactics enabling engagement or the Time Sensitive Targets, networked Intelligence, Surveillance, and Reconnaissance, and advanced Combined Air Operations Center capabilities.

Secretary Roche and General Jumper have done a remarkable job. I remember, back in the late 1990s, after we downsized and downgraded and had done away with a lot of the modernization programs in our military under the previous administration, General Jumper had the courage to stand before our committee and say and admit we were going to have to do something about modernization, something about the F–22, something about the Joint Strike Fighter, because the Russians were making the SU series that was actually better than our best strike vehicles, which were the F–15s and F–16s. And this was done. This is the type of courage that came forth during Secretary Roche's administration.

The investigation into the tanker lease continues, and it will continue until all individuals who acted inappropriately are held accountable. That is appropriate. However, we must move forward on recapitalizing our tanker fleet, fighting the war on terrorism, and getting back to the business of supporting the warfighters, specifically, moving forward on confirmations of senior military leaders so our troops in the field have the leadership they deserve.

I think it is time to allow the investigations to find out who is guilty of wrongdoing. Yes, it was wrong to take the tanker deal to the Appropriations Committee and skip the authorizers. But that was fixed. We held hearings. We compromised, and it looks like we have killed the tanker deal. We have investigations underway, some complete, and those who committed crimes are going to pay for their crimes. So let's not overreach this subject and bring innocent men and women under public attack.

Let me say that Secretary Roche has been innovative. He has tirelessly pressed new ideas. I thank Secretary Roche for the very fine contributions he made to the U.S. Air Force and to the United States of America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

TRIBUTES TO RETIRING SENATORS

PETER FITZGERALD

Mr. SESSIONS. Mr. President, I want to share a few remarks about our friend and colleague PETER FITZGERALD. It has been a real honor for me to serve with him. We have had quite different backgrounds.

PETER grew up in suburban Chicago and attended very fine parochial schools. He attended Dartmouth College where he graduated cum laude with highest distinction majoring in Latin and Greek. He got his law degree from the University of Michigan and came from a very prominent family there.

He is a wonderful person, a person I got to know, although our backgrounds are different, I having grown up in south Alabama, the son of a country store owner, going barefoot and swimming in the creeks. We enjoyed talking with one another. He liked Bear Bryant, and we talked about a number of things.

One thing he shared with me on a number of occasions is his belief that there should be in government, in the business of the United States and the State governments, integrity. He talked with me about his recommendation to President Bush about a U.S. attorney appointment in Chicago. He wrestled with it and talked with me over a period of weeks about the fact he believed that even if he chose any of the very fine candidates who had been discussed in Chicago, he would be choosing somebody from that area that people would think was not the best, was not independent, that they might be influenced by someone.

He had a growing feeling that he should choose someone from outside the area. It is an usual thing to do, but that is what he did. He searched the country over and chose U.S. Attorney Fitzgerald, a nonrelative, I believe, who tried some of the biggest terrorist cases in New York. That is who he recommended and that is who he put there. Why? Because he wanted the best prosecutor with the best background, with the most integrity, and total independence to do the right thing there. That indicated to me just how serious he was about this issue.

When he ran for the Senate, he was in the banking business, an attorney in the banking business. He promised he would not involve himself and would recuse himself from decisions dealing with banking. People said that was not necessary. Others did not do that. He said he thought it was the appropriate thing to do, and he adhered to that the entire time he was here, recusing himself on a number of such issues.

He chose the higher standard, the road less traveled. He did not like fraud, corruption, and abuse. As a member of the Consumer Affairs Subcommittee of the Commerce Committee, he took a key role in the investigation of Enron and the abuses that occurred there.

He was a constant and strong opponent of no-bid contracts. He saw a lot of those in Illinois. He did not like it, and he spoke out against it in a very strong way. Particularly, there was a matter involving Springfield and a major construction contract. He feared the good old boys, those with influence and inside word, would be the beneficiaries of those contracts rather than the taxpayers. He thought it should be bid on a professional basis, and he battled very hard for that. He did not like and does not like cronyism, and he spoke out against it.

His commercial banking experience led him to study the behavior of the stock markets and brokerage firms in the Federal thrift plan, which he admired greatly, saying it was the most efficient and best plan for investors that he was aware of because the fees and costs were so low.

He, therefore, was a champion of integrity and full disclosure of fees in the brokerage business and spoke out aggressively in favor of that. Why did he say that? Because he thought insiders were taking too big a piece of the pie and if that money, instead of being paid out in fees, sometimes never seen by the investors, had been reinvested in the stocks or mutual funds, that the investor would have ended up with a lot more money over a lifetime, and he had charts to show it.

He spoke out against that special interest group because he believed it was the right thing to do. He believed in representing the consumers, and those are the people who make America go.

He has a wonderful wife Nina who attended Smith College, the London School of Economics, and Harvard Law School. They have one son, Jake. He has chosen to spend more time with them. We can certainly understand his decision to do that.

I also thank him for his service to the people of the United States. He did so in this single term with integrity, courage, decency, and a great spirit of cooperativeness. I have enjoyed serving with him, as did all of us in this body, and I wish him Godspeed.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. I thank the Chair.

(The remarks of Mr. DODD pertaining to the introduction of S. 3020 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

TRIBUTES TO RETIRING SENATORS

Mr. DODD. Mr. President, I know the hour is getting late and others want to be heard, but I briefly want to express some thoughts about our colleagues who are leaving this wonderful body. Today we have heard some very compelling speeches, particularly the one given by my good friend, TOM DASCHLE of South Dakota, our Democratic leader.

I was pleased to see so many of our colleagues remain on the floor to listen to the departing Democratic leader. The words he expressed about his State, his staff, his colleagues, his feelings about the country, and the future, are instructive. I know it can sound repetitive when people hear us talk about our colleagues this way, but I think it is important for the public to note that while they might hear only about the bickering, the part that you do not often see is the deep respect, affection, and caring that goes on among the Members of this body. This affection comes despite the differences that exist in red States and blue States, or being strongly conservative or strongly liberal.

There is this weaving of a common denominator through each and every one of us, particularly after years of common service in this remarkable institution we call the Senate. There is a deep and abiding respect for those who have come here, those who have served here, those who have tried to make a difference for our country.

It may seem like it is inside discussion, but I hope the public understands how deeply felt these comments are about colleagues who will no longer have the pleasure of spending each and every day in this Chamber, but whose friendship and collegiality will continue in the years ahead as we encounter each other in different walks of life.

ERNEST HOLLINGS

First, FRITZ HOLLINGS has now served with two generations of my family. He served with my father briefly, and over the last 24 years we have served together in this Chamber. I have not had the pleasure of serving with FRITZ HOLLINGS, except once on the Budget Committee for a few years.

We have become very good friends though. We have traveled together. We have spent a lot of time together. I have been to his State. I have gone to South Carolina at his invitation to speak to South Carolinians. Inviting this swamp Yankee from Connecticut to come south of the Mason-Dixon line was a source of tremendous joy and pleasure, especially to be with FRITZ HOLLINGS, his lovely wife Peatsy, and their constituents not too many months ago, on a St. Patrick's Day event in Charleston, SC.

FRITZ HOLLINGS has done a remarkable job for his State of South Carolina, as well as for his nation, beginning with his career in the military, serving in North Africa and in Europe during World War II. He was awarded the Bronze Star and seven campaign ribbons; elected to South Carolina's House of Representatives at the age of 26, the youngest Governor in that State in the 20th century; and during his 4 years as Governor, balanced the State budget, dramatically improving South Carolina's economy.

He was elected to the Senate in 1964. His resume included an incredible list of legislative accomplishments. Anyone who would have accomplished any one of these things could have considered their career a successful one. He was the author of the Women, Infants and Children Program, the WIC Program. During my early years in the Senate, I had the pleasure of working with him on the famous Gramm-Rudman-Hollings Act in 1985, which was called by the Brookings Institution one of the most significant pieces of legislation in the 20th century.

He wrote the first law designed to protect our coastal wetlands, and initiated a nationwide effort to encourage women to screen themselves for breast and cervical cancer.

Over the past few years he spoke forcefully about the dangers facing this country due to the outsourcing of jobs.

Senator HOLLINGS has always been a strong and loud voice against fiscal irresponsibility in our Government and in favor of creating American jobs.

FRITZ is an American original. The Senate is not likely to see his like here again. Whatever else you may have thought, he was direct and forceful, and spoke with great passion about the things he believed in. It is the kind of public service and the kind of stewardship in this body that others could duplicate in years to come. They would do well to follow the example of FRITZ HOLLINGS, a wonderful Senator, a delightful friend. I shall miss his service here, but I am very confident I will see him over and over again in years to come. And I wish, as my colleagues have, that he, Peatsy, and his family have many years of joyful retirement.

BOB GRAHAM

BOB GRAHAM is also leaving the Senate. I would like to recognize him and the State of Florida for sharing BOB GRAHAM with us. He served for 18 years in the Senate. Prior to his election to this body, he served as a Governor for 8 years in Florida, and served previously in both the Florida State Senate and the House of Representatives. He is without a doubt one of the most respected and popular public figures who have ever represented the State of Florida. He is well known in Florida for working over 400 days alongside his constituents, as others mentioned this afternoon, giving him a unique perspective on the issues and problems they deal with each and every day.

But not only was he doing it for Floridians, those 400 days he spent working along with others became a national symbol of someone who went out of his way to understand and learn how other people work and live every single day.

He has been a tireless advocate for priorities that affect Florida's citizens, including prescription drug coverage for seniors, and preservation of the Everglades and the Florida coastline. I have been privileged to work with him on several occasions. I particularly appreciate his work for the people of Haiti.

Since the attacks of September 11, Senator GRAHAM has shown an unyielding and passionate commitment to making our Nation stronger, safer, and far more secure. In particular, he has spoken out forcefully and candidly in favor of reforming our intelligence agencies.

As chairman of the Select Committee on Intelligence during the previous Congress, he was the primary author of sections of the USA Patriot Act that require greater information sharing among intelligence and law enforcement agencies. He has been outspoken about what our Nation could have done before 9/11 to protect itself, and how it is just as important that we do everything in our power to make this country safer in the 21st century.

BOB GRAHAM leaves this body as one of its most respected Members, and one of the most well liked public servants in his State and in this Chamber. We will miss him in this body and I wish BOB and his lovely wife Adele and the rest of their family all the best in the years to come.

JOHN BREAUX

Our colleague, JOHN BREAUX of Louisiana, follows a great tradition of some remarkable people who served that State in this body. For 35 years, JOHN has been, first a staff member, then a House Member for 14 years, and for the past 18 years a Member of the Senate. JOHN BREAUX was elected to the Senate to fill the seat of the late Russell Long, considered one of the most capable and effective men ever to serve in this body. In fact, my father, who served with Russell Long, as I did for some time, saw Russell Long as a great and dear friend.

I am proud to call JOHN BREAUX a friend as well. Without a doubt, Senator BREAUX has ably filled the imposing shoes of Russell Long during his service here.

JOHN BREAUX has won great respect on both sides of the aisle for his ability to reach across party lines and bring Senators together. He is a legislator's legislator. We don't often celebrate legislators. People often run to serve in this body by promising to be independent, to be their own person, to not compromise. It is an appealing political argument. But all of us who serve here know that our ability to get anything done requires our ability to compromise with one another.

We are 100 coequals serving in this great legislative body. The only way anything ever happens is if people are willing to compromise and work together. JOHN BREAUX understood that from the day he arrived here and never failed to seek out the means to achieve those goals during his 18 years of service.

He is a wonderful example of what Senators need to do if they are going to be successful. If I could offer any words of advice to the incoming class of Senators who will be arriving on January 4, it is to follow the model set by JOHN BREAUX. I don't care what your politics are, if you want to succeed, if you want to help your State, if you want to make a difference for your country, then find out ways to work with people across the political aisle. If you do not, you may enjoy your service here but you will accomplish very little.

JOHN BREAUX accomplished great things because he understood the importance of reaching out to people, people with whom he disagreed but he would constantly seek them out if there were some common ground about which they could agree. As a result, his accomplishments were significant. Many times the accomplishments don't bear his name. You might not find JOHN BREAUX's name on the bill, but ask anybody who was around when the bill became law, and they will tell you it happened because JOHN BREAUX brought people together.

I will miss him. This body will. He had some wonderful accomplishments here which made a huge difference, and I wish him and his family the best in the years to come.

JOHN EDWARDS

JOHN EDWARDS, as well, is leaving the Senate. What a remarkable 6 years. Short in some ways but rather significant considering what he was able to accomplish. He brought enthusiasm, optimism, and eloquence that won him voters and supporters in his first effort to seek election in the State of North Carolina. He was a powerful voice for the Democratic Party throughout the Democratic primaries. He was a powerful voice for our party this past year as a Vice Presidential candidate. That is a rather remarkable set of accomplishments in 6 short years.

He distinguished himself, of course, by exceeding expectations in many cases. He rose from a background of modest means. As we have heard said, he became the first in his family to go on to higher education, then law school, becoming one of the most successful attorneys in America, not only in his home State of North Carolina.

He won difficult cases motivated by trying to see to it that people who had little means to protect themselves would have an advocate when he represented them in a court of law.

Here in this body he took a leading role on the Patients' Bill of Rights. He brought a compelling and compassionate message to America. He talked about two Americas: the America of those who have, and those who lack the good things in life, who lack the essentials and basics. JOHN spoke of the real moral values shared by mainstream America. He is a young man whose voice will be heard, I will predict, in the coming months and years.

He spoke of our moral obligation to honor hard work, to lift Americans out of poverty, expand health care, break down racial and economic barriers, to enact fair tax policies to make sure that all Americans pay their fair share. He spoke honestly and directly about some of the widening gaps in our society. America listened, paid attention, and rewarded him their respect.

I certainly believe he would have been an asset to his country had he stayed in the Senate. I am sorry he is not going to be here. He made the decision when he sought the Presidency to leave the Senate. I believe JOHN EDWARDS would have made a tremendously fine Senator in the years ahead had he stayed here. He has decided to take another path. I am confident, as I said a moment ago, he will find a way to continue to be heard.

I also want to take a moment to express my best wishes and those of my wife Jackie to his wife Elizabeth. America knows and deeply appreciates Elizabeth. As we all heard a few weeks ago, the family now faces a very different kind of fight. I am certain I speak for everyone in this body, across the country, regardless of their political views and how they voted on election day, when they heard that Elizabeth Edwards had breast cancer, every single person in this country prayed to the dear Lord that Elizabeth Edwards will be rid of this dreadful disease, and that she and her young children will have years and years of good health ahead.

I am confident that will be the case knowing what a fighter she is and what a fighter her husband is.

We all wish them and their family nothing but the best during this difficult time.

BEN NIGHTHORSE CAMPBELL

Mr. President, I also want to take a few minutes to speak about another dear friend, BEN NIGHTHORSE CAMPBELL.

BEN and I have served together for a while on the same side of the aisle. BEN made a decision to move to the other side of the aisle a few years ago. We talked at great length about his decision. I recall how it was very difficult. In fact, we talked into the wee hours of the morning about his decision to go from the Democratic side of the aisle to the Republican side of the aisle.

Despite that change, we have continued our strong friendship over the years. I respected his decision. I was disappointed by it, obviously, but nonetheless, I respected the decision he made and the reasons for his arriving at that decision. I have great affection for him and wish nothing but the best in the years ahead.

He has a compelling story. He is the son of a Portuguese immigrant and a Northern Cheyenne Indian. He is 1 of 44 chiefs of the Northern Cheyenne Indian Tribe. He is the first American Indian to chair the Committee on Indian Affairs. Without a doubt, Senator CAMPBELL's heritage has enabled him to bring a unique perspective to this body, a perspective I know all of us have valued over the years.

Throughout his 12-year tenure in the Senate, Senator CAMPBELL has represented not only his constituents in Colorado but Native Americans all across our Nation. For some years, he, along with DAN INOUYE of Hawaii and others, have worked hard to establish the National Museum of the American Indian. Finally, this past September, the dream finally became reality. It never would have happened had it not been for BEN NIGHTHORSE CAMPBELL and DAN INOUYE.

As a result of their determination over the years to see that there would be adequate recognition for America's Native peoples, the museum would not have happened.

BEN NIGHTHORSE CAMPBELL has been involved in many other issues such as the Helsinki Commission. But his particular contribution, I think, will always be raising the profile and the interests of our Native Americans.

All of us, again, wish him and Linda and their family the very best in the years to come.

DON NICKLES

Mr. President, DON NICKLES and I arrived here on the same day in January of 1981. There were 16 Republicans and 2 Democrats. If you think we had a sweep one way or the other a week or two ago, in 1981 there was truly a sweep. There were 16 Republicans and 2 Democrats. The other Democrat was Alan Dixon of Illinois, my good friend. Of the 16 Republicans who were elected, there will now only be 2 left in the 109th Congress. Today there are three of the sixteen Republicans elected in 1980. DON NICKLES is the third, and he is leaving. I always say 50 percent of the Democrats are still here after 24 years.

It was an interesting class. DON NICKLES certainly was a remarkable public servant. Here he is after 24 years. I think DON is barely over 50. He was one of the youngest people ever elected to the Senate. He looks even younger. I think he ran the marathon just a few weeks ago, and is certainly in great health. He is truly a remarkable person.

We have disagreed on issues and have different points of view on many questions facing our country. But there has been no tougher, tenacious fighter for policies which he holds so dear, particularly in budgetary matters.

He has been a staunch supporter of lower taxes on business, of free markets, of limited government regulation. He is as tough a competitor as you are ever going to find.

I will tell you that when the battle is over—again, this is my advice to the new Members coming in, if you want a real role model to look to on how to serve—you could have one of the most fierce debates in your life out here on the floor with DON, but the minute that debate was over, you wouldn't have a better friend when you walked off the floor. He knew how to separate differences on public policy and not have it contaminate personal relationships.

Again, the new Members arriving here, as you get involved in debates, if you have disagreements with your colleagues on matters, don't let it become personal. That very colleague you are having the fight of your life with today, tomorrow may be your most significant ally on another issue. DON NICKLES is a wonderful example of that kind of stewardship in the Senate.

So to DON, Linda, and their family and children, we wish them the very best in the coming years. I am confident one way or the other that DON NICKLES is going to be directly and deeply involved in the public debate and discourse in our country in the coming years.

PETER FITZGERALD

Mr. DODD. Mr. President, PETER FITZGERALD is also a good friend. He has represented his State of Illinois and is leaving after only one term.

Again, as Senators from the opposite sides of the aisle, Senator FITZGERALD and I often disagreed. We found some common ground on some issues, including the Patients' Bill of Rights, the gun show loophole, and campaign finance reform. I wish him good luck when he returns to the private sector where he has been an extremely successful attorney in the banking industry. I caution him not to do too well. I am on the Senate committee responsible for overseeing that carefully. I say that, of course, with tongue in cheek.

I certainly wish he, Nina, and Jake all the best in the years to come.

TOM DASCHLE

Mr. DODD. Mr. President, I want to share a few thoughts about our Democratic leader.

I mentioned at the outset of these remarks that I was so deeply moved and impressed today by the words of TOM DASCHLE. I hope all of our colleagues, if they were not here, will read his remarks. It was about as good a speech as I have heard given in this body in a long time. It laid out some pretty important standards for all of us to keep in mind, particularly those of us serving here—the notion of hope that he talked about; the notion of not forgetting where you come from no matter how important you think you are at any given moment; to remember your staff; to remember the people who helped make us successful and who deserve great credit for their tireless contributions; remembering people who work in the Senate, arrive here in the wee hours of the morning to make these buildings operate; and remembering his constituents and his family. It was as eloquent a farewell address as you are ever going to hear in the Senate.

TOM DASCHLE, of course, has served with me in the Senate since 1987. He has served as Democratic leader for the past decade. He has been a very able leader and spokesman for our party and our beliefs on the Senate floor or on national news programs.

Anyone who has observed TOM DASCHLE over these past 18 years knows he is generally not one to raise his voice. But beneath his gentle demeanor and soft tone and human decency is a fierce determination to do what is right for both his constituents in South Dakota and the American people. His service to the people of South Dakota has been outstanding.

I noted earlier that Senator PAUL SARBANES of Maryland quoted some editorials from newspapers of South Dakota talking about his service to their State over these past 26 years in the House and the Senate.

As a Senator from our Nation's third smallest State in terms of area, I am somewhat spoiled by the ease with which I am able to meet with my constituents. TOM, on the other hand, has represented a State of over 77,000 square miles, smaller I might add than the State of the Presiding Officer of Montana, but nonetheless daunting if you come from a State such as Connecticut which is so much smaller. You have counties in your State of Montana which are larger, I think, than the State of Connecticut.

Each year TOM set aside time to drive to each of the 66 counties in the State alone in his car with no staff, just arriving in town, seeing people and talking to them regardless of the lofty position he held here on the Democrat side of the aisle. He always took that time out each year to go back to reconnect with the roots of South Dakota and to meet with his people at home is one of the reasons why he never was confused by the title of "leader." He was always very firmly planted on the ground and why he would fight as leader not only for our national issues but for State issues.

He was completely understanding of other Senators who would come to him and talk about the needs in their own States. Because he was so rooted in understanding of his own constituent needs, he was deeply sympathetic to other Senators as they lobbied on behalf of matters that were important to their constituencies.

He championed legislation to provide disaster relief for farmers, expand health care services in rural area, expand health care to Native Americans, and the list goes on.

In his role as Democratic leader TOM DASCHLE has stood for the values that are the bedrock of our Nation, such as a strong middle class, a foreign policy that keeps America strong by working with our allies, fiscally responsible economic policies that invest in critical national priorities such as jobs, education, and health care.

During President Clinton's term he helped advance the agenda that created over 22 million new jobs in our Nation, the longest period of economic expansion in American history.

Over the past 4 years, he has led our party's efforts to return to more responsible policies that can make our Nation stronger both at home and abroad.

On a personal level, I will miss TOM DASCHLE very much. I am the individual who lost to him by one vote 10 years ago. I remember that day very well as we competed to become Democratic leader. Many people assume when anyone goes through a battle like that, an intense battle of some 24 days, that it may cause a permanent divide in a relationship. We quickly got over that. I certainly did, and Tom did. He reached out to me directly, invited me to be part of a circle that would help shape positions within our party. He is a gracious human being. We have become very good friends, and we will retain that friendship.

I would be far less than candid with my colleagues or my constituents if I didn't tell you I will miss this man very much. He is as decent a human being as I have ever known in my life, in public or in private life. He is a good, good man. Whatever he does, he will bring great integrity, great honor, and great decency to any endeavor that he becomes involved in.

I look forward to many years of good friendship with him and Linda. I wish he and his family the very best in the years to come.

I apologize for taking this extra time. It is important that the public hear Members talk about each other, even those who disagreed on matters, that they understand why this institution works more than 230 years after the Founders created it.

I, as a Senator from Connecticut, take unique pride in the Senate because it was Roger Sherman and Oliver Ellsworth, both of Connecticut, who offered at the Constitutional Convention the idea of the Senate representing small and large States. Arguing over a unicameral system, Sherman and Ellsworth said, how about having a second body with equal representation, regardless of the size or the population of the State. As a result, this institution was created. It has been a great place that has served our Nation for so long and I am confident it will in the future.

We have been blessed by the participation of those who are leaving. All of us wish each and every one of them the very best in the years to come.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator DODD for his comments. My relationship and experience with TOM DASCHLE was a man who was a straight shooter. Every time I asked him something, I got a legitimate answer. If he committed to do something to help me, he did it. He was a gentleman at all times. We never had a harsh word. We may disagree—and we did disagree over policies, we all did—and debated and argued and fussed, as we do in this Senate, but there is something special about this body.

Senator DODD, a son of a Senator himself, has deep connections and many years here and understands it better than most. It is important that we recognize the humanity, the skill, the dedication of each Member of the body, whether we agree politically, whether we are in the same party, and we recognize that.

Senator DODD, thank you for the comments. It means a lot to the body, as does your leadership.

DON NICKLES

Mr. McCONNELL. Mr. president, the year was 1980. Inflation was 13 percent, mortgage rates were hitting 15 percent, unemployment was 7.1 percent, and the economy was suffering its fourth year of recession in 10 years.

The Soviet Union was on the march in Afghanistan, its puppets were leading insurgents in Central America and South Africa, and U.S. Embassy officials were being held as hostages in Iran.

"Stagflation" and "malaise" were the new words of the American lexicon.

Then the Reagan revolution swept across this Nation and into this town. And while Ronald Reagan was the leader, he was not alone. Across this broad Nation, ordinary people came to this city with similar vision and they helped President Reagan accomplish extraordinary things.

One of these ordinary people was a young businessman from Ponca City, OK. At the tender age of 31, DON NICKLES was the youngest Republican ever elected to the U.S. Senate.

But while he might have been young, it didn't take long for the Senate to discover that this young man—a former janitor who worked his way through college—was wise beyond his years and as solid as the Rock of Gibraltar.

Freedom has had no greater defender than DON NICKLES. He has been a strong proponent of the free enterprise system. On budget, tax, debt matters—in fact on almost every conceivable question of fiscal policy, DON NICKLES was dead on target.

He was absolutely committed to the bedrock Republican principles of cutting taxes, reducing the size of the Government, and slaying the budget deficit leviathan.

And to these seemingly insurmountable goals, he brought a relentless yet cheerful determination.

He has served this Nation and the people of Oklahoma so very well, with distinction and unwavering courage.

Too often, public servants come to Washington to drain the swamp until they see it as a hot tub. Not DON NICKLES. He changed Washington rather than letting Washington change him.

When he came to the Senate, he wanted to rein in Government so people could keep their hard-earned dollars, and when he leaves now, his belief is the same today as it was when he placed his hand on the Bible.

That is the way it was then and now, and every day of his almost quarter of a century of Senate service. And he still looks like he is 31.

Back then, he fought to eliminate the inheritance tax on spouses and now he works to eliminate the inheritance tax altogether.

Back then he fought natural gas price controls which contributed to our energy crisis and now he fights price controls on prescription drugs.

Back then he fought the windfall profits tax and now he fights to ease the tax on profits and wages of businesses and families alike.

Mr. President, there isn't a Member of this body who doesn't respect DON NICKLES as a man of strong conviction, character, and deep faith.

I think there is good reason why he is seen that way. When the Founding Fathers designed the Senate to be one of the central pillars of American democracy, I think DON NICKLES is exactly the sort of citizen legislator they envisioned.

He has been a strong but happy warrior, and used the rules of this body to bring honor to the Senate and good service to our country. He loves the Senate and it showed every time he spoke. And we grew to love him in that process.

Through it all, he has never forgotten where he came from, or the people who put him here 24 years ago, or those who supported him, especially his wonderful wife, Linda and his four children.

He will be remembered as the "keeper of the conservative flame," and like Ronald Reagan, should enjoy the legacy of freedom and economic prosperity he has created for all Americans in the years to come.

PETER FITZGERALD

Mr. President, I rise today to bid farewell to the Senator from Illinois.

PETER FITZGERALD came to the Senate 6 years ago already a champion. He was the first Republican to win a Senate seat in Illinois in 20 years. He was the only Republican challenger to defeat an incumbent nationwide that year. And upon his arrival 6 years ago, he was the youngest member of the U.S. Senate. So expectations for this new Senator were high.

Senator FITZGERALD exceeded those expectations. From the beginning, he fought to cut wasteful Government spending, fraud at the public till, and mismanagement of the people's money. He led the fight against the recent corporate scandals that damaged our economy.

Senator FITZGERALD has been a leader in bringing government into cyberspace by sponsoring successful bills to allow farmers to work with the Agriculture Department online. He has also been a champion for improving child nutrition, by making it possible for consumers to use food stamps to make purchases online. He has focused on consumer safety by requiring stricter standards for child car seats and car safety features.

Illinois, where Senator FITZGERALD was born and raised, is the State that sent Abraham Lincoln to the White House. Abraham Lincoln was one of America's greatest Presidents, and the first President of the Republican Party. The great State of Illinois is known as "The Land of Lincoln."

But I am a little jealous of Illinois's claim on this great American. Abraham Lincoln was born in a log cabin in Hodgenville, KY, my home State, and we Kentuckians like to think of him as one of our own.

I have welcomed Senator FITZGERALD to my home State before, and he is welcome again in the Bluegrass State anytime, especially Hodgenville.

Senator FITZGERALD had a long career of public service even before joining this body, and I have no doubt he will continue to serve the people of Illinois when he returns to the Prairie State. Most of all, he will enjoy the company of his wife, Nina, and their young son, Jake.

Because Senator FITZGERALD is a passionate Chicago Cubs fan, I suspect Jake will be going to a lot more games. The Senate's loss is Jake's gain, and a gain for the Fitzgerald family and the people of Illinois. I thank the Senator from Illinois for his service to his State, the Land of Lincoln, and to the Nation.

BEN NIGHTHORSE CAMPBELL

Mr. President, I rise today to bid farewell to the Olympian from Colorado.

Forty years ago, Senator BEN NIGHTHORSE CAMPBELL carried the American flag in the opening ceremonies of the Olympic Games in Tokyo, Japan. He was the captain of the U.S. judo team and already a Gold Medalist in the 1963 Pan-American Games. For most men, that would be accomplishment enough for a lifetime. But for BEN NIGHTHORSE CAMPBELL, it was only the beginning.

Every one of us who has been privileged to serve in the Senate knows that we will never again see anyone quite like BEN NIGHTHORSE CAMPBELL. He is probably the only Senator equally comfortable driving a truck or a Harley-Davidson motorcycle. He has been both a Democrat and a Republican, although he is now a Republican, and I remind the President that wisdom blooms with age.

In 1995, Senator CAMPBELL heroically subdued and handcuffed a man who had assaulted the late Senator Strom Thurmond in the Capitol subway. I suspect many Senators became a little more inclined to vote for his amendments after that.

Senator CAMPBELL has consistently fought to reduce the burden the Federal Government places on American families by cutting taxes and spending. Hailing from the home of the Rocky Mountains, he has led the Republican Party in preserving our environment. He was instrumental in establishing the National Museum of the American Indian on the National Mall, which opened this fall. He is the only Native-American Indian Senator currently serving, and only the eighth in the history of Congress.

And the Senate is not the only exclusive club in which he claims membership. He also is on the Council of 44 Chiefs for the Northern Cheyenne Tribe of Lame Deer, Montana.

Senator CAMPBELL is an honest, straightforward man who likes simple pleasures. He served his country with the U.S. Air Force in the Korean War. He and his wife of over 35 years, Linda, have two children and three grandchildren.

He has designed award-winning jewelry and trained champion quarter horses. And being from Kentucky, the horse capital of the world, he has my special appreciation for that. I have welcomed him to my home State before, and he is welcome again in the Bluegrass State anytime.

In 2001, Senator CAMPBELL rode a motorcycle specially designed in red, white, and blue in the Inaugural Parade. I, for one, would not be surprised to see him ride that bike all the way from here to his hometown of Ignacio, CO, now that his 12 years with us draws to a close. It has been an honor to share this Chamber with him, and I salute his service, tenacity, and integrity.

But most of all I salute his courage. He stood tall as one of 100, and he stood just as tall alone.

ERNEST HOLLINGS

Mr. CONRAD. Mr. President, for the past 38 years, Senator HOLLINGS has served the state of South Carolina in the U.S. Senate with honor, grace, and, most famously, a fiery wit. It is an understatement to say that the Senate will not be the same without him. During his 38-year career, he has been an outspoken champion of fiscal discipline, an early proponent of maintaining Social Security solvency, and a fighter against trade agreements that put the domestic textile industry at an unfair disadvantage.

I will particularly miss Senator HOLLINGS whenever I attend meetings of the Budget Committee. Senator HOLLINGS is the only serving Senator who has served on the Senate Budget Committee since it was created in 1974. As the last of the original members of the, committee, his institutional knowledge and passion for fiscal discipline will be missed.

Budget issues have always been a passion of Senator HOLLINGS, and he shares my penchant for using charts to prove a point. Senator HOLLINGS' favorite chart shows gross debt, and I am sure he will be taking it with him when he leaves. Senator HOLLINGS was tireless in his efforts to educate his Senate colleagues and the public on the dangers of gross Federal debt and the need to use honest numbers in describing our budget outlook. His dedication to bringing truth to budgeting was unsurpassed.

Senator HOLLINGS also relentlessly defended Section 13301 of the Omnibus Budget Reconciliation Act of 1990—requiring official budget numbers to exclude Social Security. As a number of OMB and CBO Directors came to discover, Senator HOLLINGS was not one to sit quietly through a Budget Committee hearing while they attempted to obscure deficit figures by including Social Security revenues in their budget calculations.

Perhaps most of all, Senator HOLLINGS will be remembered for his efforts to protect Social Security, long before protection of this entitlement became fashionable. As we move into a new debate over the future of this vital program, the Nation will surely regret that we did not earlier pay heed to his warnings to prepare for the baby boom retirement by paying down Federal debt. Senator HOLLINGS will be missed in the coming discussion over Social Security, but I am sure he'll make his views well known with his uncanny ability to describe complex issues in simple and straightforward terms.

Finally, I will remember Senator HOLLINGS for his fierce criticism of trade agreements that threatened the textile and agricultural sectors of South Carolina. He spoke out against GATT and NAFTA, and continued to fight for fair trade throughout his service. His strong opposition to unfair trade agreements will be sorely missed by the workers and farmers for whom he fought.

Given his long history in the Senate, and his penchant for speaking out with a cutting wit on important issues, I know that Senator HOLLINGS will continue to fight for the causes in which he believes. However, his individuality, his respect for learning the complexities of issues, and his dedication to South Carolina and the U.S. will be missed in the Senate. I wish him well as he heads home to Charleston, and thank him for his many years of hard work.

JOHN BREAUX

Mr. President, the State of Louisiana has grown accustomed to sending its Senators to Washington and keeping them there for a long time. By the standards of his illustrious State colleagues like Allen Ellender, Russell Long, and Bennett Johnston, some might think Senator BREAUX is making an early exit after only three terms. However, add in the 14 years that he represented his States's 7th Congressional district in the House of Representatives and that comes to 32 years of Congressional service for the people of Louisiana.

During a period when it has become increasingly difficult to work across party lines, I admire Senator BREAUX's determination to continue pursuing bipartisan efforts. He has a genuine respect for the Senatorial traditions that can still help this body reach consensus, even on difficult issues.

Since I became a member of the Finance Committee in 1993, the gentleman seated to my left has been JOHN BREAUX. I know firsthand his commitment to the Social Security and Medicare programs and how deeply he cares about their long-term stability. He also made effective use of his position as chairman and ranking member of the Special Committee on Aging to highlight the importance of these programs to seniors both today and in the years to come.

Just over a decade ago, Senator BREAUX was one of a handful of moderates who came together to seek a bipartisan approach to health care reform. When the budget process stalemated a few years later, Senator BREAUX went to our late colleague, Senator JOHN CHAFEE, to develop a centrist approach to fiscal discipline. As a founding member of what came to be called the Chafee-Breaux group, I saw how Senator BREAUX worked to expand participation and come up with compromises on the key sticking points of tax and entitlement policies. In 1996, we put forward an alternative budget that got 46 votes despite the active opposition of both the Democratic and Republican leadership. This effort directly laid the groundwork for the 1997 Balanced Budget Act, which put us on the track to balance the moral budget in fiscal year 1998 for the first time since fiscal year 1969.

Senator BREAUX put the same energy into Medicare reform. He refused to be discouraged by the slings and arrows of partisans on both sides who complained that his approach did not sufficiently adhere to either side's vision of ideological purity. His tireless efforts paid off last year when Congress adopted the most far-reaching changes to the Medicare since its inception. Due in large part to the efforts of Senator BREAUX, Medicare for the first time will provide prescription drug coverage to our seniors.

I also had the privilege of working closely with Senator BREAUX on the Finance Committee to protect the interests of our highly efficient sugar industry. As co-chair of the Senate sweetener caucus, Senator BREAUX was a zealous advocate for the Louisiana sugar cane industry. We joined together to fight misguided provisions of the NAFTA that would have threatened the U.S. sugar industry and succeeded in getting the Clinton administration to renegotiate this part of the agreement. More recently, Senator BREAUX has taken a lead role in opposing the Bush administration's efforts to trade away the future of our sugar industry in ongoing trade negotiations with Central America, Australia, and other countries.

Senator BREAUX already has one lasting legacy firmly in place as one of the creators of the Wallop-Breaux Aquatic Resources Trust Fund. This far-sighted and innovative idea resulted in a funding mechanism for programs to promote recreational boating safety and sport fish restoration by using proceeds from the excise taxes on motorboat fuel and fishing equipment, along with duties on related imported goods. The beneficiaries are the more than 70 million recreational boaters and sport fishing enthusiasts across the country.

I doubt that Senator BREAUX will be out of the public policy business for long. Someone with his experience and ideas will be a valuable asset wherever he decides to go after leaving the Senate. We will miss him as a colleague, but I would not be surprised to see our friend JOHN BREAUX back here often.

BEN NIGHTHORSE CAMPBELL

Mr. President, I rise today to pay tribute to my colleague and friend Senator Ben Nighthorse CAMPBELL.

Since his election to the Senate in 1992, Senator CAMPBELL has been the only Native American in this body and only the eighth to serve in Congress. Senator CAMPBELL's road to the Congress took many interesting turns—a truck driver, veteran, athlete, jewelry designer, and trainer. He served honorably in the Air Force during the Korean War. He represented the United States as captain of the 1964 U.S. Olympic Judo Team. Later, he built a successful jewelry business as well as bred and trained quarter horses.

During our time in the Senate, I have come to know Senator CAMPBELL best as a fellow member of the Committee on Indian Affairs. Senator CAMPBELL has served as Chairman and Ranking Member of that committee since 1997. In that capacity, he proved to be an outspoken leader and tireless advocate for all Native Americans. He invested the time to learn about the diverse interests impacting tribes across the country and worked across party lines to develop workable solutions to those problems.

Senator CAMPBELL often focused on developing and refining Federal programs that would provide a hand-up and build reservation economies to help make sure all Native Americans share in the prosperity other Americans have seen. He was also instrumental in securing a National Museum for American Indians, an effort that started more than 15 years ago and culminated with a museum opening this September along the National Mall.

I particularly appreciated Senator CAMPBELL's role in helping the tribes in North Dakota make sure the Federal Government fulfilled its longstanding commitment to compensate them for the infrastructure lost due to the construction of the Missouri River dams. Senator CAMPBELL has helped me shepherd legislation through Congress that would fulfill one of these vital promises to the Three Affiliated Tribes, the replacement of its hospital. I truly appreciated his support.

Senator CAMPBELL has been a true champion for Native Americans. His compassion and conviction will be missed in the U.S. Senate.

BOB GRAHAM

Mr. FEINGOLD. Mr. President, today I want to pay tribute to Senator BOB GRAHAM, a man who has served in the U.S. Senate with great distinction for the last 18 years. The people of Florida have been fortunate to be represented by a man who is as thoughtful, as tough-minded and as independent as BOB GRAHAM.

When I first came to the Senate, I was proud to work with Senator GRAHAM to bring the deficit under control. Senator GRAHAM was a leader for fiscal responsibility in the Senate, and he helped to focus our efforts to cut wasteful spending and institute budget reforms that brought the deficit under control, and ultimately created a budget surplus. His leadership will certainly be missed in this area in the next Congress, as we must come to terms with the largest deficit in our Nation's history.

Senator GRAHAM was also a voice for fiscal sanity on the Finance Committee, a committee that in recent years has too often promoted policies that have deepened our fiscal problems. It isn't easy to go against your colleagues, whether in a committee or in a caucus, to stand up for what you believe is right. But that's exactly what BOB GRAHAM has done throughout his time in the Senate, and I greatly admire him for it.

His independence has also extended to his work in the fight against terrorism, where he has been an unyielding voice for a stronger, more focused war on terror, and I thank him for his outspoken leadership on this critically important issue.

Here in the Senate, we will miss BOB GRAHAM's thoughtful leadership, his unfailing civility, and his unstinting friendship. I thank him for his service to the State of Florida and to this country, and wish him all the best in his retirement.

DON NICKLES

Mr. COCHRAN. Mr. President, the decision of the distinguished Senator from Oklahoma, Mr. NICKLES, to retire from the Senate will deprive this body of one of our most trusted and insightful leaders. I will miss very much the pleasure of serving with such an honest, forthright, and diligent colleague.

He brought to the Senate the valuable experience of running a family business which was translated through the use of his legislative skills into public policies that strengthened our economy by improving our tax and labor relations laws.

As chairman of the Budget Committee he was successful in his efforts to curb unnecessary spending. He was fairminded in his dealings with Senators on both sides of the aisle.

He was a true friend to me in the Senate and a great help as a coach on the golf course. I wish him and his wife, Linda, much happiness and success in the years ahead.

BEN NIGHTHORSE CAMPBELL

Mr. President, I regret that my friend from Colorado, Mr. CAMPBELL, is retiring from the Senate. He and his wife, Linda, have become good friends who will be truly missed.

I enjoyed serving for a few years on the Committee on Indian Affairs with him, and I have had the pleasure of traveling with him on official business of the Appropriations Committee.

His service in the Senate has been exemplary. He has taken his responsibilities seriously, and he has reflected credit on his State.

I did worry about his motorcycle riding. But it was an asset when the new King of Jordan visited the Senate and asked to go for a ride.

I hope we will continue to look to Senator CAMPBELL for advice and counsel in the years ahead, especially on the finer points of self defense as an Olympic Gold Medal winner in judo.

ZELL MILLER

Mr. President, as I think about the retirement of our colleague from Georgia, Mr. MILLER I am reminded of the song, "Johnny, I Hardly Knew You."

It doesn't seem very long ago since I heard his maiden speech. He said in a strong voice that he had not come to the Senate to represent a political party but rather he was here to represent the interests of the people of Georgia. He has proven to be a man of his word. He has demonstrated great courage and much conviction as he has carried out his promise to the Senate and to the people he has represented and voted for here in the Senate.

I have observed closely his work in the Agriculture Committee where he has been a very thoughtful and effective voice for his State and our Nation.

His well-reasoned and well-informed method of approaching all the issues that come before the Senate is very impressive. He is serious minded about his responsibilities, and he works very hard to be an effective force for solving the problems that face our country.

If more public servants had the character and the commitment to doing the right thing, whatever the consequences as ZELL MILLER does, our destiny would be assured.

JOHN BREAUX

Mr. President, it is hard to believe that my good friend from Louisiana, JOHN BREAUX, is retiring from the Senate. We served in the other body together when we were very young, and we have been friends ever since, even though he almost always beat me on the tennis court.

JOHN BREAUX always took his responsibilities in the House and in the Senate very seriously but he was always humble and courteous to his colleagues. His pleasant manner, his quick wit, and his diligence were great assets which he has used over the years to fashion an impressive legislative record.

His service in the Senate has been truly outstanding. I will miss him greatly. I wish for him and his wife, Lois, much happiness and satisfaction in the years ahead.

FRITZ HOLLINGS

Mr. President, the retirement of our colleague from South Carolina, Mr. HOLLINGS signals the end of an era in Southern politics. He succeeded as few in our section of the country did in leading us through a troubled time of transition. From segregation to integration in our public schools, and from an agrarian economy to a more modern and diversified industrial economy, he led with political courage and keen insight about what was right and what was wrong, and what was hopeless and what was possible.

I have always admired FRITZ HOLLINGS because he acted on his convictions. But, he was not a gadfly. His efforts to enact new budget rules under the Gramm-Rudman-Hollings bill were an example of his effective leadership to impose restraints on Federal spending.

He was an effective leader on the Budget Committee, the Appropriations Committee, and the Commerce Committee in a wide range of issues including national defense, trade, communications, ocean policy, budget policy, education, and foreign relations.

I always enjoyed hearing FRITZ tell stories about his fellow Southern Governors. He will be missed for many reasons, but especially for always being himself, without pretense or apology.

TOM DASCHLE

Mr. President, I congratulate the distinguished Senator from South Dakota, Mr. DASCHLE, on his remarkable career in the U.S. Senate.

Soon after he was elected to the Senate, in 1986, my wife, Rose, and I had the pleasure of taking a trip to Russia with Tom and his wife, Linda. We thoroughly enjoyed their company; and, in spite of the difference in party affiliation, I have had a feeling of respect and appreciation for the Democratic leader ever since.

We have served together on the Agriculture Committee and worked to help farmers solve their problems. I have admired his dedication to the Senate and his intensity of motivation as the opposition leader. He has been a very effective leader, and I wish him and Linda much happiness and satisfaction in the years ahead.

PETER FITZGERALD

Mrs. DOLE. Mr. President, It truly has been a privilege to serve in the Senate with my good friend PETER FITZGERALD. As many Illinois newspapers wrote when PETER announced he would not seek re-election, his decision to retire from the U.S. Senate is a true loss for the people of Illinois. I could not agree more.

In the 1998 race for his Senate seat, PETER proved himself to be an exceptional campaigner, defeating a well-known incumbent in a State that had not elected a Republican in 20 years. And in that year, he was the only Republican challenger in the country to defeat an incumbent Democratic Senator. But PETER's vision, message and leadership resonated with Illinoisans, and they elected him by a 6 point margin.

Arriving in Washington as the youngest member of the Senate, PETER hit the ground running as a strong voice for Illinois. He has been a steadfast advocate for taxpayers, consistently backing efforts to cut wasteful spending and reduce taxes. And he has been a proponent for consumer safety issues, focusing on areas such as improving car safety and child booster seats.

I have the utmost respect for PETER. His courage and determination, even when faced with a daunting challenge, are remarkable. He has gone up against unscrupulous corporations and political corruption. He has had significant roles in investigating corporate accounting fraud, and PETER also has fought political corruption across party lines, leading the Chicago Tribune conclude that "no one person has done more for political reform in Illinois than PETER FITZGERALD."

I have been privileged to serve alongside PETER on the Senate Agriculture committee, working together on issues important to our strong agriculture States. As an advocate for increasing hunger awareness myself, I admire his work to make food stamp benefits for low-income families more easily accessible, including making program benefits available over the Internet.

PETER and I share many similar views, but what is not widely known is that we look for the same qualities in our extraordinary staff members. In fact, managing the Fitzgerald office is chief of staff Greg Gross. Greg is a very talented member of his team, and I can attest to this because Greg also did such good work with me at the American Red Cross. I thank Greg for all his counsel during my first 2 years in the Senate.

It is widely known that PETER FITZGERALD is a principled and independent leader. He has time after time proven that he will go against the flow, go against what is popular, because he is loyal to his own ideals and doing what he believes is right for the people and families he represents. PETER is a refreshing elected official; a devoted family man to his wife Nina and son Jake; and a diligent public servant. It goes without saying, people in Washington and people in Illinois will sorely miss Senator PETER FITZGERALD.

TOM DASCHLE

Mr. FEINGOLD. Mr. President, I am pleased to pay tribute to Senator TOM DASCHLE, who has served South Dakota, and the Senate, with dignity and devotion during his tenure in this body.

I am proud to have worked with him on a wide range of issues over the years, but perhaps most of all I thank him for his work and leadership to reform the U.S. Army Corps of Engineers. This is a fight that will go forward in the next Congress, where we will build on Senator DASCHLE's hard work and commitment to this important issue.

I also want to take a moment to recognize Senator DASCHLE's leadership, as both majority and minority leader, here in the Senate. He has led the Democratic caucus, and the Senate as a whole, through a time of great change and many difficult challenges: through a closely divided Senate, through the tragedy of 9/11, and through the anthrax attack on the Senate, which so personally affected both of our offices. Through all of this, Senator DASCHLE has inspired us with his dedication and ability to work through tough problems, to guide the policies of our party, and to provide steady leadership when we needed it most.

Finally, I also want to extend my thanks to many of Senator DASCHLE's staff, who were especially helpful to my office over the past 12 years, and in particular, were so thoughtful and generous with their time in the wake of the anthrax attack on our offices. It is often the case that a Senator's staff reflect the personality of the Senator for whom they work, and I believe that is certainly the case with Senator DASCHLE and his staff.

I thank TOM DASCHLE for his leadership and his service to South Dakota and our country, and I wish him all the best as he moves on to begin a new chapter in his distinguished career.

PETER FITZGERALD

Mr. President, today I take a moment to recognize the contributions that Senator PETER FITZGERALD has made to this Senate, to the State of Illinois, and to the Nation.

As a fellow Midwesterner, I have always appreciated Senator FITZGERALD's honest and fair-minded approach to the issues. From the moment he arrived here in the Senate, it was clear that he would keep his own counsel, doing what he thought was best for the people Illinois without regard to powerful interests on either side of the aisle.

Above all else, I appreciate Senator FITZGERALD's unfailing commitment to reforming our campaign finance system. He was among that steadfast group of Republican senators who stood firm in their support of the McCain-Feingold bill, despite enormous pressure to do otherwise. His support of our bill took a great deal of personal and political courage, and it is something that I truly admire, and for which I will always been grateful.

As he moves on from the Senate, Senator FITZGERALD can be assured that his friends and colleagues here will long remember the contributions he made, and the dignity with which he served. I wish him all the best as he moves on to a new phase of his career.

DON NICKLES

Mr. SMITH. Mr. President, I am reminded of the words of Will Rogers, that great Oklahoman whose statue is a few steps removed from the old Senate chamber, who once said, "The income tax system is the only thing that has made a liar out of more of the American people than golf has."

Coincidentally, the tax system and golf are passions of another great Oklahoman who I am proud to honor at the end of this Congress—our friend and colleague DON NICKLES.

DON has accomplished a great deal during his 24 years in the Senate. Chief among them is the fact that he somehow has managed to look almost exactly like he did when he first entered the Senate at the ripe old age of 32 in 1981.

But the accomplishment of DON that I admire the most is remarkable record of success he has achieved in putting more money in the pockets of America's families by reducing their taxes and by restoring some fairness to the system.

To paraphrase Will Rogers, DON never met a tax he liked. And from reducing and then repealing the death tax to equalizing the tax system for the self-employed to being the guiding force behind the child tax credit, lowering the capital gains tax, and reducing tax rates for all Americans, no Senator has done more in the past 20 years to earn the enduring respect of our hard working taxpayers than DON NICKLES.

DON will be greatly missed as a legislator, but he will also be greatly missed as a friend. I have long believed that you can learn a lot about someone by playing golf with them, and I've been privileged during my 8 years in the Senate to play a little bit of golf with DON.

And it should come as no surprise that his actions on the golf course are very much like his actions in the Senate.

He is good, very good, at both.

And yes, there are times on the golf course like here in the Senate where he can be found on the right, the far right, but for the most part he plays it straight down the middle.

It is on the golf course where DON and I became more than colleagues, we became friends. And I know I am not alone in saying that I will miss DON's friendship, and the friendship of his wife Linda, on a day-to-day basis. When tragedy befell my family last year, DON was at my house within the hour. DON and Linda have been incredibly kind and supportive to Sharon and me.

DON, as a taxpayer I thank you for your service, as a golfer I thank you for more good memories than I can count, and as a friend, I thank you for being there when I needed you most.

I know your contributions to your state and your country are far from complete, and all your colleagues join with me in wishing you and Linda Godspeed as you begin this new chapter in your life.

TOM DASCHLE

Mr. KOHL. Mr. President, I honor the long and dedicated service that TOM DASCHLE has given to our country. He has been a true leader throughout his life in public service, and South Dakota and the entire Nation are better off because of his efforts.

For 29 years, South Dakota has been fortunate to have TOM DASCHLE represent their interests—first as a Senate staffer, then as a Member of the House of Representatives, and finally as a United States Senator. He has worked tirelessly to make sure that the people of South Dakota have a strong economy, access to quality, affordable health care, and the highest quality education system. He has worked with unfailing determination to enchance the quality of life in rural communities across South Dakota and the Nation. Throughout his service, TOM has always kept the interests of his State and his constituents as his top priority.

TOM DASCHLE has been a wonderful leader for South Dakota, for the Democratic party, and for all Americans. I deeply respect and applaud his lifelong commitment to public service, and his leadership and his friendship will be missed by many in the Senate. I know he moves on to the next phase of his career as a happy and wise man who will continue to make important contributions to our country long after he leaves the Senate. He is a true patriot who has always served and will always serve his country. I want to thank TOM for his dedication and his service, and I wish him the very best in his future endeavors.

TOM DASCHLE

Mr. HARKIN. Mr. President, in these final working days of the 108th Congress, we are saying farewell to a number of retiring colleagues. A most painful farewell will be to my friend Senator TOM DASCHLE.

These days, there are fewer and fewer bipartisan agreements in this body. But there is bipartisan agreement about the senior Senator from South Dakota. We respect his decency, his fairness, his courage, his leadership, and, of course, his extraordinary capacity for hard work.

I cannot imagine a more difficult job in the Senate than being leader of the Democratic caucus. We've all heard Will Rogers's quip that he belonged to no organized party, he was a Democrat. Well, those independent, hardheaded habits flourish within our caucus. But, for the last decade, TOM DASCHLE's amazing skills and unlimited patience have brought us together as a team. And that is an accomplishment he can be very proud of.

The President of the United States has the persuasion of power. The leader of the Senate's Democratic caucus has only the power of persuasion. And I can't imagine anyone more persuasive than TOM DASCHLE. He has always been willing to talk with us, to accommodate us whenever possible, and to do whatever it takes to forge a consensus and move us forward. I am grateful for his leadership, and for the diligence and race that he has unfailingly brought to his job as leader.

I cannot emphasize too much TOM DASCHLE's sense of fairness as leader. He has been unfailingly fair to others. And he has demanded fair treatment in return. When Democrats were in the majority, majority leader DASCHLE was respectful of the rights and prerogatives of the Republican minority. Conversely, as minority leader, he has steadfastly defended the rights and prerogatives of the Democratic minority.

In the heat of a partisan campaign, some have tried to label this obstructionism. But that characterization is incorrect. The duty of the opposition party is to oppose, and to do so fairly, forthrightly, and within the rules of the Senate—to protect the rights of the minority. That is exactly what Senator DASCHLE has done—with great skill and persistence.

I also have enormous respect for the way Senator DASCHLE has advocated for his constituents back home in South Dakota. No one has fought harder for the revitalization of rural America than TOM DASCHLE. No one has fought harder to bring health care, good schools, and economic opportunity to Indian County. No one has fought harder to increase the income level of family farmers, and to give them a fair shake in the marketplace.

Another jewel in the crown of TOM DASCHLE's legacy is the emerging ethanol industry in the United States. Since TOM arrived in Congress in 1978, he has been a relentless champion of ethanol. I know because I was there, too, during those early years. People said that those of us who were advocating the expanded use of ethanol didn't have a chance against big oil. But Senator DASCHLE used the 1990 Clean Air Act to put in place policies that spurred the ethanol industry. And he has continued to promote tax incentives and a renewable fuel standard to advance ethanol and to move our country in the direction of energy independence. So, no doubt about it, Senator DASCHLE's leadership on ethanol will be greatly missed.

It has been a privilege to serve in this body with Senator TOM DASCHLE. I will miss him as a colleague. Most of all, I will miss him as a friend. The good news is that there are important chapters yet to be written in the life of TOM DASCHLE. I wish TOM and his wonderful wife Linda the very best in the years ahead.

JOHN EDWARDS

Mr. President, I rise to express my respect and admiration for the retiring senior Senator from North Carolina, JOHN EDWARDS.

We will miss his uniquely skillful and persuasive voice in debates here on the Senate floor. Time and again, we have seen his knack for taking complex arguments and making them accessible and persuasive to ordinary people. Time and again, his skills have carried the day. So I fully understand the advice of one of our Republican colleagues: "Never yield the floor to JOHN EDWARDS."

Over the last year and a half, people in my state of Iowa have gotten to know JOHN and his wonderful wife Elizabeth very, very well. JOHN has been in every one of Iowa's 99 counties. He's been in our schools, in our coffee shops, in our living rooms. In fact, if it weren't for that Southern accent, Iowans would think JOHN was one of us. We Democrats are proud of his race for the nomination and his conduct as VP nominee.

He always comes across as "just folks"—which is what you'd expect from a person raised in very modest circumstances, the first in his family to go to college. This humble background is an enormous strength for JOHN EDWARDS. It's a strength we saw last night. It allows him to understand people. It also allows him to communicate powerfully with ordinary people. And people respond in kind. They just plain like JOHN EDWARDS. People trust him.

But if Iowans and other Americans see a "just folks" JOHN EDWARDS on the campaign trail, Senators have been privileged to see a different side of him, hard at work in this body. JOHN has been in the Senate for only one term. But he has made his mark.

He made his mark by challenging an incumbent Senator and single-handedly taking on the Jesse Helms machine in North Carolina—and beating it.

He made his mark as a lead cosponsor of the Patients' Bill of Rights in the Senate, along with Senators KENNEDY and MCCAIN. JOHN managed the bill on the floor. And he was the lead negotiator in hammering out a bipartisan consensus on the bill.

He made his mark by sponsoring—and passionately advocating for—a bill to speed up approval of generic drugs.

And, in my State of Iowa, JOHN EDWARDS made his mark—and won people's hearts—with his big smile, his friendly manner, and his boundless optimism. At the same time, he won our respect with a campaign that was always positive. Even under provocation, even when the stakes were highest in the final weeks of the campaign leading up to the caucuses, JOHN never wavered from his positive message of hope and opportunity for "ordinary" Americans.

So here at the end of this 108th Congress, we say farewell to Senator JOHN EDWARDS. But, clearly, we have not seen the last of this remarkably able person. I wish JOHN the very best. And, of course, we all pray for the full recovery of Elizabeth. We will miss them both here in Washington, but our friendship will continue.

Ms. STABENOW. Mr. President, I rise to pay tribute to some of my colleagues who will be leaving the Senate at the end of this session.

TOM DASCHLE

I particularly want to pay tribute to a great Senator, someone who I am proud to call a friend, our leader, TOM DASCHLE.

Senator DASCHLE is truly one of the giants in the history of the United States Senate and it has been a privilege to serve with him for the last 4 years.

TOM DASCHLE has given his entire life to public service. After serving in the Air Force, he came to Washington to work for South Dakota Senator James Abourezk. A few years later, he won election to the House and later won three terms in the Senate.

Senator DASCHLE has been through some tough elections and tough battles on the floor of this Senate. But he has always conducted himself with grace, integrity and respect for his opponents. He has been a leader in the Senate on health care, veterans' benefits, ethanol, agriculture and rural development and has fought hard for the people of South Dakota.

He is known all over South Dakota for his down-to-earth manner and the personal relationships he has with his constituents.

Every year, TOM DASCHLE would go on a driving tour of all 66 counties in South Dakota, stopping in at diners, bowling allies, Elks clubs and feed stores. He would talk to his constituents on a one-on-one basis and really feel the pulse of different communities.

Therefore, when he debated an issue here on the Senate floor, he knew first-hand what his constituents thought. He represented them so well, the way our founding fathers would have envisioned a model Senator.

He was also a great leader. He worked with all members of our caucus and did the hard work to develop a consensus on many difficult issues. And he was always willing to listen.

TOM DASCHLE would work across the aisle to get things done for his State and the country. I remember how he rose to the occasion after September 11th and worked hand-in-hand with President Bush to protect our country, rebuild New York and keep the airlines from going bankrupt.

If you were trying to get something done here in the Senate, you always wanted TOM DASCHLE on your side.

FRITZ HOLLINGS

The Senate is also losing a legend with the retirement of Senator FRITZ HOLLINGS. For 38 years, he has fought for South Carolina, bringing home jobs and economic development, and he has made a lasting impression on the lives of Americans across this country.

Senator HOLLINGS helped start the Women Infants Children-WIC program, one of the most successful Government health care measures ever undertaken, helping reduce infant mortality, low birth weights, and premature births nationwide.

He is the father of the National Oceanic and Atmospheric Administration—NOAA. Senator HOLLINGS pushed through the legislation that created NOAA during his very first term as a Senator.

And he co-authored Gramm-Rudman-Hollings, the landmark legislation that broke budget gridlock in the mid-80s. By making automatic spending cuts, it reversed 20 years of increased Federal spending and cut tens of billions from the budget deficit.

Senator HOLLINGS strong leadership and sense of humor will be deeply missed in this chamber.

BOB GRAHAM

We will also miss the leadership and service of Senator BOB GRAHAM.

Senator GRAHAM has dedicated his life to public service, serving in the Florida State house and State senate, and as Governor of Florida before his 18 years here in the U.S. Senate.

Senator GRAHAM and I share a passion for healthcare. And he has been a tireless advocate and leader on the need for a prescription drug benefit for America's seniors.

As founder of the New Senate Democrats, Senator GRAHAM has worked to bring together coalitions on issues ranging from education to the national debt and fiscal responsibility.

JOHN BREAUX

The Senate will be saying goodbye to another great centrist, Senator JOHN BREAUX. Senator BREAUX has a well-earned reputation on the Hill of being able to bring both sides together and forge bipartisan compromises.

In a time of blue States and red States, Senator BREAUX has been a leader in bringing Americans together in the mainstream middle, instead of dividing Americans with the ideological extremism.

JOHN EDWARDS

And finally, Mr. President, the Senate is also losing a champion for America's working families with the retirement of Senator JOHN EDWARDS. Senator EDWARDS is the embodiment of the American dream.

Raised in a small town in North Carolina by hard-working parents—his father was textile mill worker for 36 years—Senator EDWARDS learned the real American values of getting a good education, of hard work, fairness and playing by rules.

He was the first member of his family to go to college. And after graduating from law school, he fought for the values his parents taught him and by working for justice on behalf of those who couldn't fight for themselves—working families and their children who were seriously injured by irresponsible corporate actions.

I was proud to work with Senator EDWARDS on the Patients' Bill of Rights where he brought that same passion to help working families by ensuring that doctors and not HMOs make our medical decisions.

I know Senator EDWARDS will continue to fight for working families and be a national leader on these important issues.

I also want to wish his wife Elizabeth the best at this difficult time. She is a strong, amazing woman and a fighter like her husband, and the entire Edwards family is in my thoughts and prayers.

I am proud to have served with these great Senators and I know that they will be remembered long after the tribute speeches are given and the farewell parties end, because of their leadership, their compassion, and their hard work on behalf of all Americans.

I yield the floor.

Mr. DOMENICI. Mr. President, I rise today to take this opportunity to honor our departing colleagues who are leaving the Senate. Almost each new Congress a different group of 100 men and women come together from different backgrounds and political philosophies, representing different interests and constituencies, but through all our differences, we develop respect and admiration for each other. Many times we step across the aisle and work together on legislation and often times genuine friendships are created. As I pay tribute to these departing Senators, whether they have been here 1 term or 7, they are a remarkable group and we thank them for their honorable service.

BEN CAMPBELL

BEN NIGHTHORSE CAMPBELL has been more than just a neighbor Senator from out west, but a close friend and colleague.

I have worked with Senator CAMPBELL on the Senate Appropriations Committee, the Energy and Natural Resources Committee and the Indian Affairs Committee. During his 18 years in the United States Congress, Senator CAMPBELL has earned the respect of members on both sides of the aisle as being a statesman and staunch advocate for the State of Colorado. In addition, he is the sole American Indian serving in the Senate, and he is also a Northern Cheyenne tribal chief. His work on behalf of tribes is legendary, and I know he will be sorely missed by the American Indian people.

Senator CAMPBELL has been a recognized leader on public land and natural resource policy. Since New Mexico and Colorado face similar challenges, we have worked closely on these matters, and it has been a privilege to work with someone so passionate about improving land management policies.

Senator CAMPBELL is a veteran, Olympian, and public servant, and he has selflessly devoted himself to serving his State and country for over half a century. Senator CAMPBELL is a unique individual who I call a friend. His love of nature, his family and his roots is continually evident. As a father, grandfather, and Senator, I know that Senator NIGHTHORSE CAMPBELL and his loved ones will be glad to have more time for family activities.

He proudly represented Colorado and its people. His leadership and presence will be greatly missed by all. I wish him the best of luck in all of his future endeavors.

JOHN BREAUX

JOHN BREAUX is retiring after serving 3 terms in the Senate. I would like to take this time to acknowledge a friend, colleague, and dedicated public servant.

Senator BREAUX was elected to the House of Representatives in 1972 at the age of 28, and at that time, he was the youngest member of Congress. After serving 14 years in the House, the people of Louisiana elected JOHN BREAUX to the Senate in 1986.

I have had the pleasure of working closely with Senator BREAUX on many energy matters over the years. During this time, I have admired his ability to find common ground between those who hold disparate views. His uncanny ability to bring industry leaders, policy makers, and administration leaders together is unique, and I will always appreciate his candor in resolving energy policy differences. JOHN was always someone I could reach across the aisle to work with on the Budget Resolutions.

It is well known that Senator BREAUX is passionate about improving health care for all Americans. He worked tirelessly on welfare and health care issues, and took an active interest in the elderly as a member of the Finance Committee and a leader of the Special Committee on Aging, just last year he played an integral part in drafting the Medicare Prescription Drug and Modernization Act of 2003. This historic legislation will provide relief to the millions of people struggling to pay for prescription drugs and he should be honored for his dedication to this bill.

Senator BREAUX's work has touched the lives of a great many Americans, and his talents and unrivaled sense of humor will be sorely missed in the Senate. Just as importantly, he has been a great advocate for his home State of Louisiana, and his State has been lucky to have his service for so many years.

In the course of working together for so many years, I have developed genuine respect for Senator BREAUX. I thank him for years of distinguished service, and wish him the very best in all his future undertakings. I will miss Senator JOHN BREAUX.

ZELL MILLER

I wish to take this time to honor a great senator and a true American patriot, ZELL MILLER. He is a man who has served Georgia with dignity and honor these past 4 years in the United States Senate.

ZELL MILLER embraced public service early on in his life. His mother served as one of Georgia's first female mayors. She taught him early on about public service and a strong work ethic, which he has exemplified throughout his career.

In the late 1950s, ZELL MILLER served as mayor of his hometown of Young Harris, GA. He then went on to serve as a State Senator, Lieutenant Governor, and eventually served in the highest power in the state of Georgia as Governor. Not surprisingly, ZELL MILLER was named by the Washington Post in 1998 as the most popular governor in America and the Governing Magazine named him Governor of the Year in 1998. These career paths finally led him to the United States Senate in 2000.

While ZELL MILLER was invested in politics, he was also dedicated to education and students. Throughout his career, ZELL MILLER was a professor of political science and history at the Emory University, University of Georgia, and Young Harris College.

Senator MILLER has continuously reached across the aisle to work with Republicans, but it is probably best stated in his own words when he pointed out that while he is a lifelong Democrat, he pledged to serve all 8.5 million Georgians and no single party in the Senate. Through this approach, ZELL MILLER has been a supporter of a broad range of issues such as tax cuts, improving education, strengthening national security, and fighting the global war on terrorism. While in the Senate, he dutifully served on the Agriculture, Nutrition, and Forestry Committee, the Banking, Housing, and Urban Development Committee, and the Veterans' Affairs Committee.

His time here has been all too brief, but Senator MILLER has made a difference and I will miss him. While he may be leaving the U.S. Senate, I do not doubt that we have not heard the last of ZELL. I bid him farewell and extend my best wishes to him and his family.

TOM DASCHLE

I would like to pay tribute to a respected colleague who is leaving the

Senate after a long and distinguished career. Senator TOM DASCHLE worked hard, for 8 years as a Member of the House of Representatives and for 18 years as a United States Senator, to represent the interests of voters across the State of South Dakota.

As the leader of his party for the past 10 years, Senator DASCHLE has proven himself to be a capable legislator and moreover, an advocate for his State's and party's interests. During the 108th Congress, Senator DASCHLE served on four committees: Agriculture, Nutrition, and Forestry, Finance, and Rules and Administration; and today he serves as the Senior Senator and the Democratic Leader of the Senate.

Influenced by his formative experiences during the Vietnam War as an intelligence officer in the Air Force, Senator DASCHLE worked hard to serve the interests of veterans across this great country. His most notable achievement in this field was the enactment of legislation securing benefits for those soldiers exposed to Agent Orange.

During his tenure, Senator DASCHLE also developed a reputation for being a shrewd legislator on issues related to agriculture and South Dakota's farming community. He was always apprised of even the most minute issues at stake and thus ensured that all of his constituents were represented at the negotiating table.

Senator DASCHLE fought tirelessly for his beliefs throughout his time in the Senate. I wish Senator DASCHLE and his family the very best in the years ahead.

BOB GRAHAM

I have a great affection for the departing Senator from Florida BOB GRAHAM. After 18 years of dedicated service to his country and to the people of Florida, all of us in this Chamber will certainly miss the Senator as he retires from elected office.

I had the pleasure of serving on the Energy and Natural Resources Committee with Senator GRAHAM during the past 9 years. During that time, I had the opportunity to work with Senator GRAHAM on a number of important issues. He proved to be a sound leader for his party and a member committed to bipartisan solutions.

Senator GRAHAM's brief tenure as Chairman of the Select Intelligence Committee came during one of the most trying times our Nation has faced, the attack on our country by terrorists on September 11, 2001. Senator GRAHAM worked closely with his House counterpart, and current Director of Central Intelligence, Porter Goss to lead a joint Senate-House inquiry into the attacks on our nation.

Although he was first elected to the Senate in 1986, Senator GRAHAM has been serving the people of Florida since 1966 when he was first elected to that State's House of Representatives. After serving in the House for 4 years and in the State Senate for 8 years, Senator GRAHAM was elected the 38th Governor of the State of Florida.

In spite of these accomplishments, it is fair to say that Senator GRAHAM will perhaps be most memorable for instituting the "Workdays" he began in 1974 and continued during his time in the Senate. Senator GRAHAM began the "Workdays" by teaching a semester of civics courses at a Miami area high school.

I wish Senator GRAHAM, his wife Adele, and his children and grandchildren the very best in the coming years.

ERNEST HOLLINGS

ERNEST "FRITZ" HOLLINGS devoted his entire adult life to public service. He admirably served 7 terms as a U.S. Senator and today he is the fourth most senior member of the Senate, and he also hold the distinction of being the longest serving junior Senator in history.

His service to our country began immediately after he graduated from The Citadel in 1942 when he received a commission from the U.S. Army. Throughout his honorable military service Senator HOLLINGS received the Bronze Star and seven campaign ribbons. He served as an officer in the North African and European campaigns during World War II.

After returning from the war, FRITZ attended the University of South Carolina School of Law where he completed his Juris Doctorate in less than 3 years. At the age of 26, FRITZ HOLLINGS launched his public service career when he was elected to the South Carolina House of Representatives. He went on to become Speaker Pro Tempore, Lieutenant Governor, and at the age of 36 Governor of South Carolina becoming the youngest man in the 20th century to be elected Governor of South Carolina.

It has been a great honor to work with FRITZ HOLLINGS over these many years. We were able to work together while serving on the Senate Budget Committee and the Senate Appropriations Committee together. He consistently fought for fiscal responsibility and a reliable Government for the people.

As a principal author of the 1996 Telecommunications Act, Senator HOLLINGS was a perfect candidate to serve as the ranking member on the Commerce, Science, and Transportation Committee during the 108th Congress. Through this position, Senator HOLLINGS developed legislation to strengthen national security for our nation's port, railroad, and aviation systems.

Senator HOLLINGS has served the Senate in so many ways over the past 42 years it is impossible to know where to begin showcasing his contributions. Therefore, I would just like to say that he has continued over the years to work to better not only the lives of South Carolinians, but all the people of our nation.

Senator HOLLINGS will certainly be missed around here. I bid him farewell and extend my best wishes to him and his family.

PETER FITZGERALD

Senator PETER FITZGERALD is retiring from the Senate after 6 years of service to his home State of Illinois.

Prior to joining the Senate, Senator FITZGERALD was a commercial banking attorney and in this position played a significant role in investigations of corporate accounting fraud, mutual fund industry abuses, chronic underfunding of employee pensions, and waste, fraud and mismanagement in various Federal agencies. In 1993, he embarked upon his public service work when he began serving as an Illinois State Senator until his election to the U.S. Senate in 1998 at the young age of 38.

PETER was the first Republican in Illinois to win a Senate race in 20 years. Even though his time here was brief, he has been able to establish himself as a fiscally responsible Senator. He has consistently backed efforts to control spending and reduce taxes. Through these actions, Senator FITZGERALD has received many awards from taxpayer watchdog groups such as the Americans for Tax Reform, who has repeatedly named him a "Hero of the American Taxpayer."

While serving as chairman of the Commerce Subcommittee on Consumer Affairs and Product Safety, PETER has also led a successful fight to improve outdated consumer safety regulations. These regulations brought about higher testing and safety standards for child car seats and improved car safety features that benefit all Americans.

Senator FITZGERALD will be missed, though I'm sure he is now looking forward to spending more time with his wife Nina and their son Jake. I wish him the best of luck in his future endeavors.

JOHN EDWARDS

Finally, I would like to acknowledge my retiring colleague from North Carolina, Senator JOHN EDWARDS.

Senator EDWARDS was the first in his family to attend college, working his way through North Carolina State University and later earning his law degree from the University of North Carolina. Afterward, JOHN EDWARDS established himself as a distinguished and successful lawyer. These accomplishments alone are quite striking and aptly demonstrate the intelligence and determination of Senator EDWARDS.

During his time in the Senate, Senator EDWARDS served on four committees: Health, Education, Labor & Pensions, the Judiciary, the Small Business & Entrepreneurship, and the Select Intelligence. He continually championed for issues affecting the daily lives of regular people in North Carolina and the nation.

I am sure Senator EDWARDS will find success in any endeavor he now chooses to undertake and I join with my colleagues in wishing him the best.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent there now be a period of morning business, with Senators speaking up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

A PRAYER FOR THANKSGIVING

Mr. BYRD. Mr. President, in a matter of days, families across this Nation will gather around the table to celebrate Thanksgiving, that quintessential American holiday on which we pause to give thanks for our many blessings as a Nation and to celebrate that most precious gift of all, the love and fellowship of our families and friends.

There will be many empty chairs at the table this year as America observes the second Thanksgiving holiday since the invasion of Iraq. As many as 140,000 U.S. military personnel are currently serving in Iraq and another 20,000 in Afghanistan.

What that means in human terms is that tens of thousands of American families will be sitting down to a somber Thanksgiving dinner, their prayers of thanksgiving tempered by their fears for the safety of their loved ones.

Others, the families and loved ones of the more than 1,200 American troops who have been killed in Iraq, will sit down to a dinner seasoned with sorrow, the empty chair at the table a wrenching reminder of the terrible cost of war.

Whatever one believes about the justification of the war in Iraq, it is an indisputable fact that the troops on the ground, and their families and friends here at home, are bearing the heaviest burden of the President's decision to go to war. And on holidays like Thanksgiving, when family and friends are held especially close to the heart, the weight of that burden becomes especially hard to bear.

It is easy to talk about war in the abstract. It is easy for the President and his military advisers to point to the steady progression of U.S. victories against the insurgents in places like Falluja and Mosel as evidence that we are winning the war in Iraq. It is easy to be armchair quarterbacks in a bloody battle raging halfway across the world. But as anyone knows who has visited wounded troops at Walter Reed Army Hospital, who has gazed into the eyes of young widows or grieving parents, or who has read the poignant stories of the fallen, there is no such thing as war fought in the abstract or battles waged in statistics. War, to those who must fight it and to their loved ones who must endure it, is painfully real and painfully present at the table, on Thanksgiving and on every other day of the week for the duration of the conflict—and sometimes for long after the fighting has ceased. These are the men and women on the front lines of the battle, and it is they whom we must salute and thank for their sacrifice.

I was struck by an article in the November 14 edition of the Los Angeles Times on the psychological toll that the war in Iraq is taking on U.S. soldiers and Marines. According to the newspaper, the Walter Reed Army Institute of Research has found that 15.6 percent of marines and 17.1 percent of soldiers surveyed after returning from Iraq reported suffering from major depression, generalized anxiety, or post-traumatic stress disorder.

Even more disturbing, the article predicted that the reported statistics were only the tip of the iceberg. According to the Times article:

> Army and Veterans Administration mental health experts say there is reason to believe the war's ultimate psychological fallout will worsen. The Army survey of 6,200 soldiers and Marines involved only troops willing to report their problems. The study did not look at reservists, who tend to suffer a higher rate of psychological injury than career Marines and soldiers. And the soldiers in the study served in the early months of the war, when tours were shorter and before the Iraqi insurgence took shape.

The Los Angeles Times went on to quote Dr. Matthew J. Friedman, a professor of psychiatry and pharmacology at Dartmouth Medical School and the executive director of the VA's National Center for Post Traumatic Stress Disorder: "The bad news is that the study underestimated the prevalence of what we are going to see down the road," he said.

What a chilling forecast. One has only to look at the video footage of the house-to-house, mosque-to-mosque combat in Falluja to understand the tremendous psychological stresses on the young servicemen who form the vanguard of our assault against the insurgents in Iraq. One has only to read of the wary convoys of soldiers and Marines who are tasked to traverse the treacherous stretches of deadly Iraqi highways day after day after day, or to edge their way into labyrinthine alleys of Baghdad's most dangerous neighborhoods, to understand the sheer psychological hell of the war in Iraq.

The Pentagon keeps a daily log of U.S. military troops killed or wounded in Iraq. As of this morning, November 19, the Pentagon reports that 1,214 American troops have been killed in Iraq and another 8,956 wounded, more than half of them so severely injured that they could not be directly returned to duty. Barely more than halfway through the month, November 2004 has already turned into the second deadliest month for American military forces since the United States invaded Iraq in March of 2003. Where and when will the carnage end?

The casualty statistics are heartbreaking enough, especially on the cusp of what is supposed to be one of the most joyful seasons of the year. But they do not represent the whole story. The Defense Department does not tally the walking wounded, those soldiers and Marines who return home from duty physically fit but emotionally scarred, sometimes for life. These men and women are also casualties of the war in Iraq, and they and their families may suffer just as deeply as those whose wounds are plain to see. Modern medicine has come a long way in mending the broken bodies of soldiers wounded in combat, but I fear the military still has a long way to go in identifying and mending the broken psyches of otherwise healthy veterans.

And so on this Thanksgiving, I hope that all Americans will take a moment to pray for the safety of our troops in Iraq and Afghanistan, for the eternal salvation of those who have died in service to their country, and for the speedy recovery of all who have been wounded, including those who are suffering from the invisible ravages of emotional wounds. I also hope that Americans will take a moment to pray for the families and loved ones of all those who have been called to duty in the battle zones of Iraq and Afghanistan. We cannot fill the empty chair at the table, but we can offer an abundance of love and support for our neighbors and friends whose lives have been upended by the war, and we can pray most fervently that our troops will be returned home quickly, and that their families will not have to endure another Thanksgiving without them.

Praise Almighty God for His kindness, His love, His mercy. Thank Him.

I yield the floor.

CONGRATULATING THE CENTER FOR EXCELLENCE IN EDUCATION

Mr. FRIST. Mr. President, Senator LIEBERMAN and I extend congratulations to the Center for Excellence in Education, and its president, Joann DiGennaro, for the achievements of its educational programs to nurture young scholars of careers of excellence and leadership in science and technology.

The Center's Research Science Institute, held on the campuses of the Massachusetts Institute of Technology and the California Institute of Technology, are nationally recognized for promoting this nation's competitive future in math, science, engineering and technology and for encouraging international understanding among future leaders. To date, over 1,500 U.S. students, including students from the U.S. Department of Defense Overseas

Schools and student representatives from 46 nations have benefited from the Center's programs. They remain the only U.S. programs sponsored at no cost to students, who are competitively chosen to attend. The Center boasts of more winners and honorees of the Intel Talent Search competition than any other U.S. organization.

The USA Biology Olympiad has been sponsored in this Nation by the Center for 2 years. Over 5,000 students competed in the Center's USABO this past summer, from which four outstanding high school students represented the U.S. in the International Biology Olympiad in Australia. For the first time in the 15-year history of the IBO, a four-member team was awarded four gold medals.

We are proud that the Center for Excellence in Education has encouraged talented U.S. high school students to succeed in one of the premier world scientific competitions, and would like to take this opportunity to congratulate each one of the Gold Medalists:

Kay Aull, Thomas Jefferson High School for Science and Technology, Alexandria, VA

ZeNan Chang, Santa Monica High School, Santa Monica, CA

Clinton Hansen, Oneida High School, Oneida, NY

Brad Hargreaves, Caddo Parish Magnet High School, Shreveport, LA

We also congratulate the two coaches of the USABO:

Dr. Alan Christensen of George Mason University, and

Dr. William Stuart of the University of Maryland.

We appreciate this opportunity to recognize the Center for Excellence in Education for its 22 years as an outstanding nonprofit educational organization. The late Admiral H.G. Rickover, father of the nuclear powered submarine, can be proud of the organization which he established in 1983.

NATIONAL AMERICAN INDIAN HERITAGE MONTH

Mr. REID. Mr. President, I rise today to recognize National American Indian Heritage Month, an important celebration that acknowledges the tremendous contributions of native peoples to our Nation.

In 1990, President George H. W. Bush approved a joint resolution designating November 1990 "National American Indian Heritage Month." The origins of this celebration, however, can be traced back to 1915, when the Annual Congress of the American Indian Association directed its president to call upon the Nation to observe a day honoring Native Americans. In 1916, New York became the first State to declare an official American Indian Day.

Over the years, our Nation has moved toward a greater appreciation of the role of native peoples in American cultural, social, political, and economic life. This is reflected not only in the celebrations around the country associated with National American Indian Heritage Month, but also by the opening of the Museum of the American Indian as part of the Smithsonian Institution earlier this year.

As we celebrate the rich heritage and continuing contributions of native peoples this month, it is also important to acknowledge the challenges that many native communities face today. As a member of the Indian Affairs Committee, I am all too familiar with these challenges, and I believe we must empower native communities so every member can reach his or her full potential. That means respecting the sovereignty of tribes, strengthening education, improving health care, and enhancing economic opportunities for native peoples.

I look forward to working on these issues in the 109th Congress, and I hope my colleagues will join me in celebrating National American Indian Heritage Month.

JUAN GABRIEL

Mr. REID. Mr. President, I rise today to recognize Juan Gabriel as one of Mexico's leading vocalists and songwriters. He is well known internationally for his musical talent and as a leader of philanthropic causes.

Born Alberto Aguilera Valadez, Juan Gabriel is a six-time Grammy nominee, twice inducted into the Billboard Latin Music Hall of Fame. He has entertained sold-out audiences throughout the world, and last Sunday—November 14, 2004—he played to an energetic and enthusiastic crowd at Mandalay Bay Events Center in Las Vegas.

Juan has sold more than 30 million copies of his own albums. He is also a successful producer who has worked with artists such as Rocio Durcal, Lucha Villa, Lola Beltran, and Paul Anka.

Mr. Gabriel has reflected that "My hope for a better world and my love for music are my inspiration." And he has lived by those words, using his fame and success to establish SEMJASE, an organization that provides living assistance and schooling for orphaned and underserved children in Ciudad Juarez, Mexico.

I hope my colleagues will join me in thanking Juan Gabriel for sharing his tremendous musical talents with the citizens of Las Vegas this past week, and for his passion and commitment to help the less fortunate through charitable programs such as SEMJASE.

HONORING OUR ARMED SERVICES

SPECIALIST ALAN J. BURGESS

Mr. GREGG. Mr. President, the United States of America was founded on a passion for freedom, personal liberties, and equality for all its citizens. In a fierce battle for freedom and independence, the citizens of this new world cast off the shackles of tyranny and built for themselves a land of hope and promise. So fervently held were the beliefs and ideals of this country, that a son of New Hampshire, GEN John Stark, reminded us of the price of our liberties with his admonishment to "Live free or die." The heroes and Founding Fathers of that long ago time have been joined by another noble son of New Hampshire, SP Alan J. Burgess of Landaff. It is in his memory that I rise today to honor Alan for his service and supreme sacrifice in the continuing defense of this country and for his relentless defense of freedom.

Specialist Burgess demonstrated a willingness and dedication to serve and defend his country by joining the National Guard after this country was attacked in September 2001, and we had begun the task of destroying the enemies of our country. Just as many of America's heroes have taken up arms in the face of dire threats, Alan too dedicated himself to the defense of our ideals, values, freedoms, and way of life. His valor and service cost him his life but earned him a place on the rollcall of honor within the pantheon of heroes this country has produced.

Following basic training, Alan joined his comrades in 2nd Battalion, 197th Field Artillery Brigade, Army National Guard as a Military Policeman and began training for his deployment to Iraq in support of Operation Iraqi Freedom. From this unit's home base in Woodsville, NH, he would deploy in March 2004 to Iraq in pursuit of those who would threaten our way of life.

During his all too brief career, Alan accumulated a significant list of accolades and experiences which testify to the dedication and devotion he held for the Army, his fellow soldiers, and his country. Alan's expertise contributed greatly to his unit's successes and cemented his place as a participant in the great endeavor known as America. Alan was recognized for his service by the Bronze Star Medal, the Purple Heart Medal, the Good Conduct Medal, the National Defense Service Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, and the Army Reserve Overseas Service Ribbon.

I offer Alan's family my deepest sympathies and most heartfelt thanks for the service, sacrifice, and example of their soldier, SP Alan Burgess. Alan exemplified the words of Daniel Webster who said, "God grants liberty only to those who love it, and are always ready to guard and defend it." Because of his efforts, the liberty of this country is made more secure.

CORPORAL KEVIN DEMPSEY

Mr. DODD. Mr. President, I rise to speak in memory of Cpl Kevin J. Dempsey, of Monroe, CT, who was killed in Iraq this past Saturday, November 13, 2004 at the age of 23.

Corporal Dempsey served with the 2nd Reconnaissance Battalion, 2nd Marine Expeditionary Force, based out of Camp Lejeune, NC. He died in an explosion in the Al-Anbar province in Western Iraq. He had been in Iraq for only 3 months, and was sent there shortly after finishing a tour of duty in Haiti.

Although Corporal Dempsey's given name was Kevin, he was known to his family and friends as Jack Dempsey, after the famous boxing champion. Kevin Dempsey truly was a fighter. At New Canaan High School, he wrestled and played for the football team, and was known for playing through injuries. Kevin was also a young man who would stand up for his fellow students, and help them out when they were in need.

According to Corporal Dempsey's friends, he and the Marines were a perfect match. An individual known for his toughness and steadfast dedication found a branch of the Armed Forces with a reputation for those same traits. Corporal Dempsey brought to the battlefields of Iraq the same determination that he took to the wrestling mat. He loved his country, and he loved the U.S. Marines.

Kevin Dempsey had considered enlisting in the Marines since he graduated from high school. But his decision became final after the attacks of September 11, 2001. Like so many others across this Nation, he resolved on that day to do what he could to defend our Nation. He called his recruiter at noon on that day and said he was ready to sign up.

With each passing day we hear news out of Iraq about brave American men and women who have lost their lives fighting there. As the toll rises, it is critical for us to remember that our soldiers overseas are each individual young men and women, each with their own families, their own reasons for serving, and their own stories. I have told one story today, but there are many others. Let us do our best to keep those stories in mind, and let us keep heroes like Kevin Dempsey and his family in our thoughts and prayers, particularly as we approach the holiday season.

I offer my deepest sympathies to Corporal Dempsey's mother, Barbara, to his sister Jennifer, and to all who knew and loved him.

CHIEF WARRANT OFFICER WILLIAM BRENNAN

Mr. President, I rise to pay tribute to CWO Brennan, a native of Bethlehem, CT, who was killed in Iraq last month. CWO Brennan died at the age of 36 when his Bell helicopter went down over Baghdad on October 16, 2004.

William Brennan came from a family and community steeped in military tradition. His father Nicholas was a Navy commander during the Second World War. His uncle was a bomber pilot during World War II and the Korean War. And his godfather was a pilot who served in Vietnam.

With those influences, it comes as no surprise that William Brennan, known to his friends and family as Will, dreamed from a young age of flying a plane. It wasn't an easy career path for William; in fact, the first time he applied to Army flight school, his application was tossed in the garbage after an Army official accidentally spilled coffee on it. But through persistence and perseverance, William Brennan realized his dream.

William Brennan's military resume is one of which any soldier would be proud. His career in the Army spanned 15 years. In addition to his service in Iraq, he served as part of the peacekeeping mission led by the United States in Bosnia. And shortly after the attacks of September 11th, he flew surveillance flights over New York City.

Chief Warrant Officer Brennan was proud of his service, and was proud of his family as well. He and his wife Kathy, who met while they were both stationed at Fort Drum, New York, were the parents of two girls, Kaitlin and Cassidy. In fact, William's greatest concerns leaving for Iraq were not about the danger he would face, but about the wife and daughters he was leaving behind.

Next week we will be celebrating the holiday of Thanksgiving, and in another month, we will encounter the traditional winter holidays. Most of us will be gathering together with our families and giving thanks for all that we have. On these occasions, let us also remember families like William Brennan's, who have lost loved ones over this past year in places like Iraq and Afghanistan. Let us remember them, and do what we can to offer them a helping hand, or a shoulder to cry on, during what is surely a difficult time of year.

I offer my deepest sympathies to Kathy Brennan, to Kaitlin and Cassidy, to William's brothers and sisters, and their entire family.

LANCE CORPORAL JAMES SWAIN

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Kokomo, IN. LCpl James Swain, 20 years old, died on November 15th. When his unit was faced with determining who among them would go to Iraq, James volunteered—a selfless choice that would cost him his life. James was shot while conducting combat operations in the Al Anbar province of Iraq. With his entire life before him, James risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

After graduating from Kokomo High School in 2002, James followed a longstanding family tradition by joining the Armed Forces. His father Dan told the Kokomo Tribune that James had always enjoyed hearing stories of his days as an Army medic. However, James chose the path of his grandfather, who had also been a marine. According to friends and loved ones, James was born to serve and had touched many lives with his service and his generous spirit. He had dreams of continuing to help his country by becoming a criminal profiler for the CIA or FBI.

James was the 39th Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. He was assigned to the Headquarters Battalion, 1st Marines, Regimental Combat Team-1, 1st Marine Division, Camp Pendleton, CA. This brave young soldier leaves behind his parents, Dan and Mona Swain; his grandfather, Edward Swain; his brother, Benjamin Swain; and his sisters, Mary Ann and Melissa Swain.

Today, I join James' family, his friends, and the entire Hoosier community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of James, a memory that will burn brightly during these continuing days of conflict and grief.

James was known for his dedication to serving others and his love of family and country. When looking back on James' life, Charlie Hall, a former coach at Kokomo High School, told the Kokomo Tribune, "Anything he tried, he did to the fullest. He did well. I think it says a lot about the quality of our service people if there are people like James serving." His high school principal Harold Canady remembered him by saying, "James was an outstanding young man . . . The best way I can describe him is that he is the all-American boy. He chose to serve his country and was willing to make that sacrifice." Today and always, James will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring James' sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of James' actions will live on far longer than any record of these words.

It is my sad duty to enter the name of James Swain in the official record of the Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like James' can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with James.

TRUTH IN TRIALS ACT

Mr. GRASSLEY. Mr. President, the Federal Government has a long-standing obligation to monitor the purity, safety, and effectiveness of the medicines that are available to the public. For this reason, I would like to express my opposition to S. 2989, the Truth in Trials Act. This legislation reverses almost 100 years of progress that we have made by undermining any scientific evidence about medicine and replacing it with popular referendums passed by slick ad campaigns.

There was a time in this country when individuals and businesses could market anything as a medicine and make any claim for its effectiveness. Because of this, a flood of narcotics and stimulants were freely marketed as nostrums sold over the counter and through the mail. Often these "miracle cures" were miscellaneous concoctions made from unknown ingredients. In addition, these nostrums were often accompanied by endless testimonials from satisfied customers on how well these products performed.

Thankfully, our grandparents and great-grandparents, who had to deal with these practices, woke up to the fraud that was being perpetrated on the public by these "snake-oil salesmen." These dangerous drugs were creating a major addiction problem, and the unknown ingredients in these cures were actually doing a great deal of harm. In response to demands from the public, truth in labeling was born.

Consumers in the early 1900s took steps to ban dangerous drugs to determine what drugs had medical uses that could be demonstrated to be safe and effective. Based on this experience, the Pure Food, Drug, and Cosmetic Act, FDCA, of 1906 was passed, which required food and medicines be pure, and the contents of medicines be labeled. In 1938, the FDCA was amended to add the requirement that all medicines be safe, and the Food and Drug Administration was created to regulate this. In 1962, the FDCA was further amended by the Harris-Kefauver amendment, which added an additional requirement that any medicine must also be effective, and further required the FDA to establish efficacy standards.

Furthermore, a variety of laws were passed to deal with the distribution of dangerous drugs. The first of these was the Harrison Narcotics Control Act of 1914. The next major piece of legislation on drug control was the Marijuana Tax Act of 1937. These and other laws covering various types of drugs were replaced in 1970 when the Controlled Substances Act was signed into law. This Act further defined the process that a substance had to go through to become an acceptable medicine. In addition, a five-tier scheduling system for all pharmacological substances was established, allowing for the categorizing of all medicines and other pharmacological substances based on their abuse potential and accepted use as a medicine.

Unfortunately, this does not mean that we will no longer have unscrupulous business enterprises that promise salvation through snake-oil products. Over the past 60 years, the FDA has developed a careful, proven method for testing and approving drugs. This process is the standard by which the rest of the world measures the safety and effectiveness of their drug approval system.

Americans today have the world's safest, most effective system of medical practice, built on a process of scientific research, testing, and oversight that is unequaled. Every drug prescribed as medicine in this country must be tested according to scientifically rigorous protocols to ensure that it is safe and effective before it can be sold.

To this date, over 15,000 scientific, peer-reviewed studies into the medicinal value of marijuana have been published, and not one demonstrates that smoking marijuana has any medicinal value for any condition. In fact, there is medical evidence to suggest that marijuana may actually aggravate some of the conditions it is supposed treat.

On top of all that, there are legal, effective medicines that are already currently available and meet all of the guidelines that have been established by the FDA. This includes Marinol, which is a legally available, FDA-approved form of a marijuana extract that is currently being used as a treatment for nausea and AIDS wasting syndrome. In addition, there are many other medicines that have been developed and received FDA approval that do not have the hallucinogenic side effects that come with smoking marijuana. These are medicines that meet scientific standards and do not rely on anecdotes and testimony for validation.

Certainly, we all want to provide relief for people who are sick and dying, but smoking marijuana has not been scientifically proven to have any medicinal value. By allowing patients and caregivers to use and provide marijuana through the political process, we clearly bypass the safeguards established by the FDA to protect the public from dangerous or ineffective drugs.

I urge my colleagues to join me in opposing this bill and other efforts to legalize marijuana.

JUSTICE FOR ALL ACT

Mr. LEAHY. Mr. President, last month, the House and Senate overwhelmingly approved H.R. 5107, the Justice for All Act of 2004. This important criminal justice package includes the Innocence Protection Act, a modest and practical set of reforms aimed at reducing the risk of error in capital cases. I first introduced the IPA in February 2000, and as time passed, the bipartisan coalition in support of this pioneering bill grew. Capping these years of effort, the President has now signed the bill into law.

As enacted, the Innocence Protection Act contains several key reforms. First, it ensures access to post-conviction DNA testing for those serving time in prison or on death row for crimes they did not commit. Second, it establishes a grant program to help defray the costs of post-conviction DNA testing. This program is named in honor of Kirk Bloodsworth, the first death row inmate exonerated as a result of DNA testing. Third, the IPA establishes rules for preserving biological evidence secured in the investigation or prosecution of a Federal offense. Fourth, it authorizes grants to States to improve the quality of legal representation in capital cases. Finally, it substantially increases the maximum compensation that may be awarded in Federal cases of wrongful conviction.

Three weeks before the Senate approved H.R. 5107, the Senate Judiciary Committee wrapped up weeks of work on the Senate version of the bill, S. 1700, the Advancing Justice Through DNA Technology Act of 2003. The Committee voted to approve S. 1700 by a bipartisan vote of 11 to 7, but given time constraints and continuing negotiations, the Committee did not issue a report. Nor was there a conference report on the final legislation, as the Senate's acceptance of H.R. 5107 in substantially the form that it passed the House made a House-Senate conference unnecessary.

The upshot of all of this is that there is a substantial gap in the legislative history of this landmark legislation. As the principal author of the Innocence Protection Act, I offer the following remarks to fill that gap and guide those who will be implementing and enforcing these important provisions in the future.

I introduced S. 1700 on October 1, 2003, together with the Chairman of the Judiciary Committee, Senator ORRIN

HATCH, and 16 additional co-sponsors. On the same day, the Chairman of the House Judiciary Committee, Representative JAMES SENSENBRENNER, and 99 cosponsors introduced an identical measure, H.R. 3214.

The bill moved swiftly through the House. On October 16, 2003, the House Judiciary Committee reported an amended version of the bill by a vote of 28 to 1. The few changes to the bill were largely technical, clarifying, or stylistic in nature, and are described in the report accompanying the bill to the full House. None of these changes affected title III of the bill, which contained the Innocence Protection Act. On November 5, 2003, the House passed a further amended version of the bill by a vote of 357 to 67. This version did include a significant change to the counsel provisions in title III, which I will address shortly.

In the Senate, the bill progressed more slowly. The Senate Judiciary Committee met in executive session on three occasions to consider S. 1700. At the first of these meetings, on July 22, 2004, the committee adopted an amendment in the nature of a substitute which replaced the text of S. 1700 with a modified version of H.R. 3214, as passed by the House.

The committee continued its markup of S. 1700 on September 9, 2004. The only amendment offered during this session sought to expand on a title I provision regarding the national DNA database, and did not affect any provision of the Innocence Protection Act. The committee rejected this amendment after lengthy debate and then adjourned.

The committee completed its consideration of S. 1700 on September 21, 2004. During this session, the committee rejected a total 21 amendments, 17 of which pertained to the Innocence Protection Act.

Senator CORNYN offered two of the IPA-related amendments. The first proposed to replace the text of S. 1700 with that of S. 1828—a pared down version of S. 1700 that stripped out the Innocence Protection Act in its entirety. The second Cornyn amendment proposed to strike an entire subtitle of S. 1700 dealing with competent counsel and substituting a different program that failed to require any accountability on the part of States accepting Federal money. The committee rejected both of these amendments by votes of 7 to 11.

Senator KYL offered nine amendments to the IPA provisions regarding post-conviction DNA testing. Six of the amendments sought to restrict access to post-conviction DNA testing in the Federal system, as by requiring that any motions for such testing be filed within 5 years of the bill's enactment. One amendment proposed to raise the standard for obtaining a new Federal trial based on exculpatory DNA evidence—instead of proving that a new trial would probably result in an acquittal, a defendant would be put to the virtually impossible burden of proving that he did not commit the offense. Two of the amendments would have reduced the incentive for States to adopt post-conviction DNA testing procedures comparable to the Federal procedures. The committee rejected all nine amendments by a vote of 7 to 10 or 7 to 11.

The other six IPA amendments, also offered by Senator KYL, pertained to the IPA's requirement that Federal authorities preserve any biological evidence secured in the investigation or prosecution of a Federal offense for as long as a defendant remained incarcerated for that offense, subject to a number of practical and straightforward exceptions. All six amendments would have relaxed this requirement to some degree, allowing for the premature destruction of biological evidence that could clear the innocent and identify the guilty. The committee rejected all six amendments, most by a vote of 7 to 11.

Having voted down all amendments to the substitute amendment, the committee approved the bill by a final vote of 11 to 7. Those voting in the affirmative were myself, Chairman HATCH, and Senators SPECTER, DEWINE, KENNEDY, BIDEN, KOHL, FEINSTEIN, FEINGOLD, SCHUMER, and DURBIN. Those voting in the negative were Senators GRASSLEY, KYL, SESSIONS, GRAHAM, CRAIG, CHAMBLISS, and CORNYN.

The committee vote on September 21, 2004, was the last action taken on S. 1700. As I discussed in a floor statement on October 7, 2004, no sooner had the bill been reported favorably to the full Senate than it was blocked by the same Senators who had held it up in Committee, buttressed by opposition from President Bush and Attorney General John Ashcroft. As a result, the full Senate was never afforded an opportunity to consider S. 1700 as a freestanding bill.

With time running out before the congressional adjournment, the House acted again. On September 22, 2004, the House Judiciary Committee approved the text of S. 1700 as part of H.R. 5107, a larger criminal justice package known as the Justice For All Act of 2004. There followed several weeks of intense negotiations involving House and Senate sponsors of the legislation, the handful of hold-out Senators, and the Department of Justice. While no agreement was reached, and the Department continued to oppose the bill, the House made a number of changes to the legislation to address concerns that had been raised. On October 6, 2004, the House passed a modified version of H.R. 5107 by a vote of 393 to 14 and sent it to the Senate. The Senate passed the bill three days later by voice vote, the House made a number of enrollment corrections the same day, and on October 30, 2004, President Bush signed the bill into law.

The Justice For All Act of 2004 enhances protections for victims of Federal crimes, increases Federal resources available to State and local governments to combat crimes with DNA technology, and provides safeguards to prevent wrongful convictions and executions.

Title I of the bill is the Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act. The provisions of this title establish enhanced and enforceable rights for crime victims in the Federal criminal justice system, and authorize grants to help States implement and enforce their own victims' rights laws.

Titles II and III of the bill establish the Debbie Smith DNA Backlog Grant Program, which authorizes $755 million over five years to address the DNA backlog crisis in the nation's crime labs, and also creates other new grant programs to reduce forensic science backlogs, train criminal justice and medical personnel in the use of DNA evidence, and promote the use of DNA technology to identify missing persons.

Title IV of the bill, the Innocence Protection Act, increases access to post-conviction DNA testing that may prove innocence; establishes the Kirk Bloodsworth program to help defray the cost of post-conviction DNA testing; sets rules for preserving biological evidence secured in Federal criminal cases; authorizes grants to improve the quality of legal representation in State capital cases; and increases compensation in Federal cases of wrongful conviction.

The Innocence Protection Act reflects years of work and intense negotiation. I will now discuss its key provisions in greater detail.

Subtitle A of title IV enacts a new chapter in the Federal Criminal Code dealing with DNA testing. In little over a decade, some 153 people across the country have been exonerated by this remarkable technology. That number includes more than a dozen individuals who had been sentenced to death, some of whom came within days of being executed.

Post-conviction DNA testing does not merely exonerate the innocent it can also solve crimes and lead to the incarceration of very dangerous criminals. In case after case, DNA testing that exculpates a wrongfully convicted individual also inculpates the real criminal. Just this year, for example, the exoneration of Arthur Lee Whitfield in Virginia led to the identification of another inmate, already serving a life sentence, as the true perpetrator of two rapes for which Whitfield had served 22 years in prison. Last year, DNA evidence in the case of Kirk Bloodsworth was matched to another man, a convicted sex offender who has now pleaded guilty to the horrendous rape-murder that sent Mr. Bloodsworth to Maryland's death row.

There are still numerous prisoners throughout the country whose trials preceded modern DNA testing, or who did not receive pretrial testing for other reasons. If history is any guide, some of these individuals are innocent of any crime.

The new chapter 228A of title 18 is designed to ensure that Federal prisoners with real claims of innocence can get DNA testing of evidence that could support such claims. It does this by establishing rules for when a court shall order post-conviction DNA testing—to be codified at 18 U.S.C. § 3600—and rules for when the government may dispose of biological evidence—to be codified at 18 U.S.C. § 3600A.

Under section 3600, a court shall order DNA testing if it may produce new material evidence that would raise a reasonable probability that the applicant did not commit the offense. This standard was the subject of intense negotiations, as members recognized that setting the standard too low could invite frivolous applications, while setting it too high could defeat the purpose of the legislation and result in grave injustice. I argued that in balancing these concerns, Congress should be guided by the principle that the criminal justice system should err on the side of permitting testing, in light of the low cost of DNA testing and the high cost of keeping the wrong person locked up. I am pleased that this view ultimately prevailed.

During the final round of negotiations on H.R. 5107—after the House Judiciary Committee reported the bill, and before final passage by the full House—the standard for ordering a DNA test was modified in two respects. First, as introduced in both the House and the Senate, section 3600(a)(8) appeared to impose on applicants the virtually impossible burden of showing that a DNA test "would" produce new material evidence of innocence. Under section 3600(a)(8) as enacted, applicants need only show that a test "may" produce such evidence.

Second, the same provision was stripped of unnecessary language to the effect that courts must "assume the DNA test result excludes the applicant" when considering whether DNA testing would raise a reasonable probability that the applicant did not commit the offense. Such an assumption is already implicit, since a court could not reasonably assess the probability that a convicted offender was wrongly convicted without weighing some new evidence of innocence, such as a DNA exclusion. With or without the assumption language, the question for a court boils down to this: Would a DNA exclusion make it more likely than not that the applicant was innocent? If so, the court should order DNA testing, provided that the various technical requirements set forth in section 3600(a) are met.

These requirements are simply stated. First, the applicant must assert his or her innocence under penalty of perjury. Second, the evidence to be tested must have been secured in relation to the investigation or prosecution of the offense. Third, the evidence must not have been previously subjected to DNA testing or, if it was, the applicant must be requesting DNA testing using a new method or technology that is substantially more probative than the prior DNA testing. If the evidence was not previously tested, the applicant must also show that he did not waive the right to request DNA testing of that evidence in a court proceeding after the date of enactment of the IPA, or knowingly fail to request DNA testing of that evidence in a prior motion for post-conviction DNA testing. A waiver of the right to request DNA testing must be knowing and voluntary, and will ideally be made on the record and inquired into by the court before it is accepted.

Fourth, the evidence to be tested must be in the possession of the Government, subject to a chain of custody, and retained under conditions sufficient to ensure that it was not substituted, contaminated, tampered with, replaced, or altered in any material respect. Fifth, the proposed DNA testing must be reasonable in scope, use scientifically sound methods, and be consistent with accepted forensic practices. Sixth, the applicant must identify a theory of defense that is not inconsistent with an affirmative defense presented at trial, and that would establish the applicant's innocence. Seventh, the applicant must certify that he will provide a DNA sample for purposes of comparison.

Eighth, if the applicant was convicted following a trial, the identity of the perpetrator must have been at issue in the trial. If the applicant was convicted following a guilty plea, this requirement does not apply. Congress rightly rejected the Justice Department's position that inmates who pleaded guilty should be ineligible for DNA testing in light of the many documented cases in which defendants pleaded guilty to crimes they did not commit. Indeed, the Senate Judiciary Committee report in the 107th Congress on the Innocence Protection Act of 2002 describes four cases in which defendants pleaded guilty to crimes they did not commit and were later exonerated by DNA tests.

The final requirement established by section 3600 is that motions for post-conviction DNA testing be made "in a timely fashion." Motions are entitled to a rebuttable presumption of timeliness if filed within five years of enactment of the IPA, or three years after the applicant's conviction, whichever is later. Thereafter, it is presumed that a motion is untimely, except upon good cause shown. As I explained in an earlier floor statement, the Justice Department has complained that the "good cause" exception is so broad you could drive a truck through it, and its stubborn opposition to the IPA turned in large part on the inclusion of this language. But while I agree that the language is broad, it is intentionally so; I would not agree to a presumption of untimeliness that could not be rebutted in most cases. At the same time, this provision should allow courts to deal summarily with the Department's hypothetical bogeyman—the guilty prisoner who "games the system" by waiting until the witnesses against him are dead and retrial is no longer possible, and only then seeking DNA testing.

As may be apparent from the awkwardness of the legislative language, the rebuttable presumption language in section 3600 was a late and hastily-drafted addition to the legislation. It replaced a relatively generic requirement that motions be filed for the purpose of demonstrating innocence, and not to delay the execution of the sentence of the administration of justice. The intention was to provide courts with more specific guidance on how to weed out frivolous motions.

Significantly, this provision is far from the rigid three-year time limit urged by the Justice Department. In rejecting a time limit, Congress recognized that the need for a DNA testing law is not temporary. That need will likely diminish over time as pre-trial DNA testing becomes more prevalent, but there will always be cases that fall through the cracks due to a defense lawyer's incompetence, a defendant's mental illness or mental retardation, or other reasons that we in Congress cannot and should not attempt to anticipate. Many of the individuals who have been exonerated by post-conviction DNA testing did not win freedom until many years after they were convicted and could still be in prison, or executed, if an arbitrary limitations period had been applied to their requests for DNA testing.

In addition to the requirements I have just described, section 3600 provides additional disincentives to filing false claims or trying to "game the system". Test results must be disclosed simultaneously to the applicant and the government. DNA submitted by the applicant will be run through the national DNA database, which could conceivably produce a match linking the applicant to an unsolved crime. Penalties are established in the event that testing inculpates the applicant. Further, because an applicant's assertion of innocence must be made under penalty of perjury, an applicant may be subject to prosecution for perjury, as well as for making a false statement, if his assertion is later disproved. If convicted, the applicant is subject to a 3-year prison sentence, which shall run consecutively to any other term of imprisonment he is serving.

Section 3600 also establishes procedures to be followed when DNA testing exculpates the applicant. A court shall grant relief if the test results, when considered with all the other evidence in the case, establish by compelling evidence that a new trial would result in an acquittal. The "compelling evidence" standard was another late addition; earlier versions of the IPA set the applicant's burden at "a preponderance of the evidence." The point of the change, which I proposed, was to require courts to focus on the quality of the evidence supporting an applicant's new trial motion rather than trying to calculate the odds of a different verdict.

In setting the new trial standard in section 3600, Congress rejected the Justice Department's proposal, under which an applicant would have to prove, by clear and convincing evidence, that he did not commit the crime. That standard is substantially more demanding than the standard established for second or successive motions filed under 28 U.S.C. § 2255 based on newly discovered evidence—a remedy that is already open to Federal inmates with new evidence of a DNA exclusion. It would have made no sense for Congress to establish a more demanding new trial standard for cases involving a new DNA test result than for other cases involving newly discovered evidence. To the contrary, because DNA testing conducted years and even decades after a conviction can provide a more reliable basis for establishing a correct verdict than any evidence proffered at the original trial, the standard should be and has appropriately been set a notch lower. This is consistent with Congress' decision, in section 204 of the Justice For All Act, to toll the statute of limitations in cases involving DNA evidence; both provisions recognize the unique ability of DNA testing to produce scientifically precise and highly probative evidence long after a crime has been committed.

Let me turn now to the new evidence-retention rules enacted by the IPA. As a general matter, section 3600A requires the preservation of all biological evidence secured in relation to a Federal criminal case for as long as any person remains incarcerated in connection with that case. But biological evidence may be destroyed—assuming that no other law requires its preservation—under certain limited circumstances, including, first, if a previous motion by the defendant for testing pursuant to section 3600 was denied and no appeal is pending; second, if the defendant knowingly and voluntarily waived the right to request DNA testing of the evidence in a court proceeding conducted after the date of enactment of the IPA; and third, if the evidence has already been tested pursuant to section 3600 and the results included the defendant as the source. If the evidence is unusually large or bulky, or if it must be returned to its rightful owner, the government may remove and retain representative portions of the evidence sufficient to preserve the defendant's rights under section 3600.

Biological evidence may also be destroyed if the government notifies everyone who remains incarcerated in the case that the evidence may be destroyed and no one requests DNA testing within 180 days of receiving such notice. It bears emphasis that this is a limited exception to the general rule favoring preservation of biological evidence. It is not anticipated, nor is it anyone's intention, that prosecutors simply hand out standardized notices pursuant to section 3600A every time a defendant is convicted. Indeed, one of the final changes made to H.R. 5107 clarified that the defendant's conviction must be final, and the defendant must have exhausted all opportunities for direct review of the conviction, before a section 3600A notice may be served. Even then, the better practice would be for the government to wait a number of years, until the destruction of the evidence is truly imminent, before providing notice.

In this regard, it should be noted that section 3600A does not preempt or supersede any law that may require evidence, including biological evidence, to be preserved. Thus, if another law requires evidence to be retained for 10 years after conviction, the government should wait at least that long before notifying the defendant that the evidence may be destroyed.

If the notice exception becomes the rule—if notices are routinely served as soon as convictions become final, and evidence is routinely destroyed six months later—Congress will need to revisit section 3600A. Having rejected any time limit on motions for post-conviction DNA testing, Congress should not allow the government to impose a de facto time limit of six months by rushing to destroy any evidence that could be the subject of a motion for post-conviction DNA testing. In implementing section 3600A, the government should never lose sight of its intended purpose, which is to ensure that biological evidence is available to permit future DNA testing that may help clear the innocent and catch the guilty.

The provisions I have discussed to this point will be codified in the Federal Criminal Code and will have direct application to Federal cases and Federal defendants only. Earlier versions of the IPA recognized a constitutional right of State prisoners to access biological evidence held by the State for the purpose of DNA testing; as enacted, however, the IPA contains no such provision. This is regrettable. As Fourth Circuit Judge Michael Luttig concluded in a 2002 opinion, "A right of access to evidence for tests which could prove beyond any doubt that the individual in fact did not commit the crime, is constitutionally required as a matter of basic fairness." An inmate's interest in pursuing his freedom—and possibly saving his life—is surely sufficient to outweigh any governmental interest in withholding access to potentially exculpatory evidence.

While taking no position on the constitutional question addressed by Judge Luttig, the IPA does encourage States that have not already done so to enact provisions similar to sections 3600 and 3600A. It does this in section 413 of subtitle A of title IV, by reserving the total amount of funds appropriated to carry out certain grant programs authorized in the Act for States that have adopted reasonable procedures for providing post-conviction DNA testing and preserving biological evidence.

It is never easy to attach strings to money that our States so desperately need, but it is necessary in this instance. Ten years after New York passed the nation's first post-conviction DNA testing statute, many States have yet to establish a right to post-conviction DNA testing, and others have erected unjustifiably high procedural hurdles to testing. For example, some States provide for post-conviction DNA testing only if the inmate is under sentence of death, and some rely on arbitrary and unnecessary time limits. To quote New York Attorney General Eliot Spitzer, who testified in support of the Innocence Protection Act in June 2000, "DNA testing is too important to allow some States to offer no remedy to those incarcerated who may be innocent of the crimes for which they were convicted."

The IPA affords States that accept the conditioned Federal funding some flexibility in crafting their DNA laws. State procedures for providing post-conviction DNA testing and preserving biological evidence need only be "comparable," not identical, to the Federal procedures in sections 3600 and 3600A. This means that the procedures adopted by a State must, at a minimum, incorporate the core elements of the Federal procedures. For example, a State post-conviction DNA statute that covers only death row inmates and not inmates serving terms of incarceration would not be comparable to the Federal procedures. Similarly, a State statute that included a time limit or any other provision that would systematically deny testing to whole categories of prisoners who would receive testing under the Federal procedures would not be comparable to those procedures and, so, would not satisfy the Act.

When I first introduced the Innocence Protection Act in February 2000, only a handful of States had enacted post-conviction DNA testing laws. Today, a sizeable majority of States have enacted such laws, although as I already noted, the scope of these laws varies considerably. States that have already established a meaningful right to post-conviction DNA testing and reasonable rules for preserving biological evidence should not be required to change their laws as a condition of receiving Federal funds, and the IPA does not require this. Section 413 includes a "grandfather clause" that should cover many of the States that enacted DNA laws before enactment of the IPA, making them immediately eligible for the conditioned grant money. Not every State DNA law meets the terms of the grandfather clause, however, and the Justice Department should take great care in scrutinizing the laws of any State claiming its protection.

Post-conviction DNA testing is an essential safeguard that can save innocent lives when the trial process has failed to uncover the truth. But it would be neither just nor sensible to enact a law that merely expanded access to DNA testing. It would not be just because innocent people should not have to wait for years after trial to be exonerated and freed. It would not be sensible because society should not have to wait for years to know the truth. When innocent people are convicted and the guilty are permitted to walk free, any meaningful reform effort must consider the root causes of these wrongful convictions and take steps to address them. That is why subtitle B of title IV addresses what all the statistics and evidence show is the single most frequent cause of wrongful convictions inadequate defense representation at trial.

Subtitle B was enacted against the backdrop of a shameful record of failure by many States to provide competent lawyers to indigent defendants facing the death penalty. Testimony in both the Senate and House Judiciary Committees revealed that of the 38 States that authorize capital punishment, very few have established effective statewide systems for identifying, appointing and compensating competent lawyers in capital cases.

Too often individuals facing the ultimate punishment are represented by lawyers who are drunk, sleeping, soon-to-be disbarred or just plain ineffective. Even the best lawyers in these systems are hampered by inadequate compensation and insufficient resources to investigate and develop a meaningful defense.

The Congress acted to remedy several major problems with the capital counsel appointment process. First, in many States the appointment of indigent counsel in criminal cases is a county-by-county responsibility. Unless a State legislature or court system adopts standards, each county is left to decide who is competent to represent criminal defendants and how much they should be paid. In smaller and less affluent counties where there is not a professional public defender system, the compensation rate for this service can be shockingly low and the quality of lawyers abysmal. This problem afflicts the indigent defense system in general, but is more acute in capital cases which are more complex and time consuming, and where the stakes are higher.

Second, in addition to the fiscal constraints on individual counties there are political pressures that make it difficult for well-meaning administrators to pay appointed lawyers a reasonable rate for their services. Criminal defendants are highly unpopular recipients of government largess, and accused murderers even less so. The Sixth Amendment to the U.S. Constitution requires that defendants be afforded effective representation at State expense, but efforts to invoke the Sixth Amendment to generate systemic change in State indigent defense systems have been largely unavailing.

A third major problem is that in almost all States, the appointment of capital defense lawyers is made by the trial judge rather than by an independent appointing authority. State trial judges, who are often elected officeholders, find themselves under political and administrative pressure to appoint lawyers unlikely to mount a vigorous, time-consuming or expensive defense.

Several States—including North Carolina and New York have—acted in recent years to establish statewide systems to deliver effective representation. North Carolina, for example, has established a centralized, independent appointing authority known as the Indigent Defense Services Commission. The Commission appoints a statewide Capital Defender who is accountable to the Commission but not accountable to the judiciary or to the political branches of government. The Capital Defender compiles and maintains a roster of private lawyers and public defenders who are qualified to try capital cases. The Capital Defender appoints two defense lawyers for each capital defendant. He may appoint himself and his staff, or he may appoint lawyers from the roster. The trial judge has no role whatsoever in the appointment of counsel. Congress viewed the North Carolina system as a national model for establishing an effective capital counsel system.

Section 421 of the new law authorizes a grant program, to be administered by the Attorney General, to improve the quality of legal representation provided to indigent defendants in State capital cases. Grants shall be used to establish, implement, or improve an effective system for providing competent legal representation in capital cases, but may not be used to fund representation in specific cases.

In earlier versions of the Innocence Protection Act, I had proposed to condition certain State defenses in habeas corpus actions on the State's establishment of an effective system for appointing capital counsel. In this manner, all capital States would have a strong incentive to improve their appointment systems, not merely those States that choose to apply for Federal funds. While this more ambitious proposal was not adopted, it is my intention that the grant program be administered in a manner that ensures meaningful improvements in this vital State function. Congress did not create this program to support existing death penalty systems in the States but rather to leverage needed improvements.

Under the new law, an effective system is one in which a public defender program or other entity establishes qualifications for attorneys who may be appointed to represent indigents in capital cases: establishes and maintains a roster of qualified attorneys and assigns attorneys from the roster; trains and monitors the performance of such attorneys; and ensures funding for the full cost of competent legal representation by the defense team and any outside experts.

The Act's definition of an effective system evolved from standards developed by the American Bar Association and adopted by other standard-setting bodies and commissions, such as the Constitution Project's blue-ribbon commission on capital punishment. Ideally, the entity that identifies and appoints defense lawyers will be independent of the political branches of State government, as are the authorities in North Carolina and New York. For example, the Act explicitly states that sitting prosecutors may not serve on the appointing entity. The underlying purpose of the scheme is to help insulate the appointment process from the political pressures that make it difficult for individual trial judges to appoint competent lawyers in individual cases.

In the course of negotiations to pass the bill in the House last year, I and other sponsors of the bill reluctantly agreed to accept an amendment, now section 421(e)(1)(C) of the Act, that has come to be described as "the Texas carve-out." Under this provision, a State may qualify for a capital representation improvement grant if it has adopted and substantially complies with a State statutory procedure enacted before this Act under which the trial judge is required to appoint qualified attorneys from a roster maintained by a State or regional selection committee or similar entity.

In fact, the "Texas carve-out" is not a carve-out at all. It simply acknowledges that Texas is in the process of implementing a recent statewide reform law, the Fair Defense Act of 2001, and should be permitted to continue that process. If Texas is awarded a Federal grant it will still be required to improve its capital counsel appointment system, but Federal authorities will measure those improvements against standards in the 2001 Texas law.

Texas is not yet living up to the promise of the Fair Defense Act. A November 2003 report by the Equal Justice Center and the Texas Defender Service demonstrates that many Texas counties have failed to establish effective roster systems for identifying qualified lawyers and fail to provide reasonable compensation to capital counsel. If Texas accepts Federal funds under this new program, it will be required to live up to its own State standards, including the all-important requirement of reasonable compensation. The TDS report should be a guidepost for needed improvements.

It is conceivable that other States will qualify for consideration under section 421(e)(1)(C) but the provision should be strictly interpreted by grant administrators. The State law must have been enacted prior to enactment of the Innocence Protection Act, the trial judge must be required to make appointments from a roster of qualified lawyers, and the roster must be maintained by the State, a regional selection committee or a similar agency that is independent of the trial court. Congress was aware that the trial courts in many States maintain rosters from which lawyers may be chosen, but that is not the sort of rigorous quality control mechanism that section 421(e)(1)(C) requires.

States that establish an effective system under section 421(e)(1)(A) or (B) must compensate lawyers in accordance with section 421(e)(2)(F)(ii). That provision requires, among other things, that public defenders be compensated according to a salary scale commensurate with the salary scale of the prosecutor's office in the jurisdiction. This requirement parallels the requirement that capital representation improvement grants are to be divided evenly between the defense and prosecution functions. In enacting the IPA, Congress generally approved of the concept of resource parity between the defense and the prosecution, a concept that is essential to ensuring fair trials in our adversarial system of justice.

Another important requirement concerning attorney compensation appears in section 421(e)(2)(F)(ii)(II) which states that appointed attorneys be compensated "for actual time and service, computed on an hourly basis and at a reasonable hourly rate in light of the qualifications and experience of the attorney and the local market for legal representation in cases reflecting the complexity and responsibility of capital cases." Again, this concept is drawn from the American Bar Association standards, which should be consulted by grant administrators in implementing the program. This new statutory requirement would clearly preclude a participating State from compensating attorneys under a flat fee or capped fee system, because such a system would not compensate the attorney for "actual time and services, computed on an hourly basis."

Moreover, the term "reasonable hourly rate" must be taken seriously by those who administer the new program. For example, there is general agreement among experts that the Federal compensation rate of $125 per hour is reasonable in most parts of the country.

In my view, a State rate comparable to the Federal rate should be considered "reasonable," taking into account differences in the cost of living in various parts of the country. Capital cases are among the most complex, high stakes cases tried in any courthouse, and the lawyers who represent defendants in such cases should be paid at a rate comparable to that earned by other lawyers engaged in similarly important litigation.

One recent modification of section 421 would make clear that sitting prosecutors may not be members of the appointing authority established under section 421(e)(1)(B), although others with expertise in capital cases may participate. I agree that under this new language members of the judiciary may be members of the authority. On the other hand it would be impermissible for the appointing authority to delegate its authority to trial judges or to a group of trial judges. Such a delegation would defeat one of the central goals of the Act, which was to insulate the appointment power from the political and administrative pressures on trial judges.

As part of the same program established in section 421, section 422 authorizes grants to improve the representation of the public in State capital cases. Grants shall be used to design and implement training programs for capital prosecutors; develop, implement, and enforce appropriate standards and qualifications for such prosecutors and assess their performance; establish programs under which prosecutors conduct a systematic review of cases in which a defendant is sentenced to death in order to identify cases in which post-conviction DNA testing is appropriate; and assist the families of murder victims.

A key limitation on these prosecution grants is that they may not be used "to fund, directly or indirectly, the prosecution of specific capital cases." Consistent with the IPA's overarching goal of ensuring that capital punishment is carried out in a fair and reliable manner, these grants should be used to establish and improve systems within prosecutor offices to minimize errors and abuses that may lead to wrongful convictions. They may not be used to hire additional capital prosecutors.

Section 423 establishes requirements for States applying for grants under this subtitle, including a long-term strategy and detailed implementation plan that reflects consultation with the judiciary, the organized bar, and State and local prosecutor and defender organizations, and establishes as a priority improvement in the quality of trial-level representation of indigents charged with capital crimes and trial-level prosecution of capital crimes in order to enhance the reliability of capital trial verdicts.

In the case of a State that relies on a statutory procedure described in section 421(e)(1)(C), the Texas-related provision I have previously discussed, a State officer must certify that the State is in compliance with State law. But such a certification should not be considered dispositive—Federal grant administrators must still assess the State's compliance with State law. Thus, the certification does not obviate the need for the Inspector General to carry out an independent assessment of the State's compliance under section 425(a)(3).

Section 424 requires States receiving funds under this subtitle to submit an annual report to the Attorney General identifying the activities carried out with the funds and explaining how each activity complies with the terms and conditions of the grant.

Section 425 directs the Inspector General of the Department of Justice to submit periodic reports to the Attorney General evaluating the compliance of each State receiving funds under this subtitle with the terms and conditions of the grant. In conducting such evaluations, the Inspector General shall give priority to States at the highest risk of noncompliance. If, after receiving a report from the Inspector General, the Attorney General finds that a State is not in compliance, the Attorney General shall take a series of steps to bring the State into compliance and report to Congress on the results.

Section 425(a)(4) provides an opportunity for public comment during the Inspector General's review. This provision is not intended to preclude a member of the public from seeking any other available legal remedy after the Attorney General has made a final determination of whether a State is in compliance with the requirements of the statute.

A special rule is provided in section 425(f) to ensure that any State relying on the Texas-related provision in section 421 is, in fact, complying with its own State law. Under the special rule, if the Inspector General determines that the State is not in compliance, Federal funds that would have otherwise been available to the prosecution function shall be used solely for the defense function. A separate determination by the Attorney General is not required to trigger this special rule.

Section 426 authorizes $75 million a year for 5years to carry out this subtitle. States receiving grants under this subtitle shall allocate the funds equally between the programs established in sections 421 and 422, subject to the special rule in section 425(f) that I just described.

The Justice For All Act is the most significant step we have taken in many years to improve the quality of justice in this country. The reforms it enacts will create a fairer system of justice, where the problems that have sent innocent people to death row are less likely to occur, where the American people can be more certain that violent criminals are caught and convicted instead of the innocent people who have been wrongly put behind bars for their crimes, and where victims and their families can be more certain of the accuracy, and finality, of the results. Once again, I thank my colleagues in both bodies who worked hard to resolve conflicts and congratulate them on this legislative achievement.

MORTGAGE INTEREST DEDUCTION

Mr. SMITH. Mr. President, I rise today to address a topic we have all been contemplating lately, one important to the American people, and one that I hope we will address in the 109th Congress, tax simplification and reform.

As we begin to put our ideas together to simplify Federal income taxes for American individuals, families and small businesses, we should be careful not to remove incentives for investment. While many investment opportunities exist today, perhaps none provides more benefits for individuals, families and communities than the purchase of a home. That is why we must continue to allow taxpayers to deduct the interest paid on home loans from their Federal income taxes.

The mortgage interest deduction is a vital component of our Tax Code. After State taxes, it is the most common deduction. The tax savings individuals and families receive from financing a home factor strongly into the economic decision people make to buy a house or apartment. In fact, studies have shown that the deduction is critical to young families trying to become homeowners.

According to the Mortgage Bankers Association, the average homeowner has $121,000 in net equity in their home, which represents half of their net worth. Equity in a home is not only a major source of household wealth, but it can also be leveraged to finance goals such as higher education or start-up costs for a small business. Children of homeowners are better educated, less likely to drop out of school, and less likely to be arrested. For these reasons and more, people often tell me that buying their house or apartment is the best investment they have ever made for themselves and their family.

Benefits also extend beyond the homeowner. Due to positive social effects, promoting homeownership has been a bipartisan public policy objective in this country since the 1930s. Regardless of income or other factors, homeowners are more likely to vote, a critical activity to the health of democracy. Studies have shown that municipalities with higher homeownership rates spend more on schools and streets and less on social welfare. Homeowners have a direct stake in the quality of their neighborhoods, work harder to make their community a good place to live, driving out crime, drugs and blight, and attracting investment in cultural, retail and commercial development.

Our Nation's homeownership rate reached a record 69.2 percent in the second quarter of this year. The number of homeowners reached 73.4 million, the most ever. And for the first time, minority homeownership rose above 50 percent. Despite this success, however, homeownership opportunities are not equally available to everyone. For example, while minority homeownership rates have increased, Hispanics and African-Americans still lag significantly behind non-Hispanic whites and Asian-Americans.

As we bring the 108th Congress to a close, I urge my colleagues to give careful thought to America's longstanding tradition of encouraging homeownership. With prudent tax polices we can continue to help citizens on the path to homeownership and in pursuit of the American Dream.

TRAVEL TO THE UNITED KINGDOM, SERBIA AND MONTENEGRO, AND ITALY

Mr. VOINOVICH. Mr. President, earlier this week, I returned from travel to England, Serbia and Montenegro, and Italy, where I joined Senator GORDON SMITH, Senator MIKE DEWINE, Senator CHUCK GRASSLEY and Senator MIKE ENZI as members of the Senate delegation to the fall session of the NATO Parliamentary Assembly.

We first spent time in London to discuss our bilateral relationship and issues impacting transatlantic relations. We met with Prime Minister Tony Blair and his Chief of Staff, Jonathan Powell. We also visited with Secretary of State for Foreign Affairs Jack Straw, as well as Shadow Secretary of State for Foreign Affairs Michael Ancram and Shadow Secretary for International Development Alan Duncan.

I was glad to have the opportunity to meet with the Atlantic Partnership. The Atlantic Partnership is a network of experts from both Europe and the United States who are willing to use their influence to further European-American relations. The Atlantic Partnership's role is to argue for setting major policy decisions in the context of their impact on transatlantic relations, within the context of strengthening the transatlantic relationship.

Fresh off the heels of the elections in the United States, British officials and representatives of nongovernmental organizations were interested in discussing the election results and the President's relationship with the United Kingdom and the European Union. Some expressed concern about the state of these relationships, and they also discussed some of the unhappiness in Great Britain with the war in Iraq. They stressed the need to work in greater cooperation, and indicated that the United States and Europe should look for areas where we share a common cause to tackle issues of concern, such as the promotion of democracy and peace in the Middle East, consolidating gains in Afghanistan, and peace and security and a viable self-government in Iraq.

With the rapidly declining health of Palestinian leader Yasser Arafat, we also spent a great deal of time discussing the Middle East peace process and prospects for moving forward with a settlement between Israelis and Palestinians. There was general consensus that it is important to make progress in the Middle East in order to help stabilize the region. In my view, success in Iraq is critical to this process.

Our time in London underscored the critical work that our diplomatic corps is doing as we move forward with efforts to promote stability and security in Iraq and Afghanistan, and as we continue to fight the global war on terror. We must continue to place a great deal of emphasis on efforts to strengthen our transatlantic relationships. Several British officials made it clear that the country must extend the olive branch and put a new face on diplomacy.

Great Britain is, and will continue to be, a vital ally in the war against terror, and the United States must continue to maintain strong relations with the country. An important aspect of this relationship is a strong representative of the United States Government in London. I am hopeful that the President will soon appoint a new U.S. ambassador to the United Kingdom, who will be a strong advocate for U.S. policy and help convey to the British people the important work that their country is doing as a key ally in Iraq, Afghanistan and other parts of the world.

I now have a better understanding of the United States' perception in the world and our need to continue to engage with our European allies in our diplomatic process. As the Scottish poet Robert Burns wrote, "Oh, that God would give us the very smallest of gifts, to be able to see ourselves as others see us."

Following our time in London, we traveled to Kosovo and Serbia and Montenegro. We stopped in Pristina, where we were greeted by Phil Goldberg, who is Chief of Mission of the U.S. Office in Pristina. We were also welcomed by Brigadier General Tod Carmony of Ohio, who serves as the Commander of Task Force Falcon, the American contingent of one of four brigades in the NATO Kosovo mission. I was glad to have the chance to spend time at Camp Bondsteel visiting with the nearly 1,000 members of the Ohio National Guard who are serving as part of KFOR under General Carmony's command. Their work is critical to the security in the region. As former Governor of the State of Ohio, I am pleased that the Department of Defense has so much faith in the Ohio National Guard that they have put them in charge of the U.S. contingent of the KFOR mission.

This was my fourth visit to Kosovo since the end of the military campaign in 1999. I was particularly anxious to assess the situation on the ground following the violence that erupted on March 17, 2004, which claimed 20 lives, displaced more than 4,000 people, including Kosovo Serbs, Ashkalia and others, and resulted in the destruction of more than 900 homes and 30 churches and monasteries belonging to the Serbian Orthodox Church—adding to the more than 100 churches that had already been destroyed during the previous five years.

After the violence broke out, I was on the phone with the State Department, particularly Under Secretary of State for Political Affairs Marc Grossman, demanding that the United States step up its efforts to stabilize the region. During the last several years, I have continued to call on U.S. officials and members of the international community to enhance efforts in Kosovo. As the events in mid-March demonstrated, significant challenges remain. The death and destruction that took place was a tragic and urgent reminder of the work that remains to be done.

Following the violence in March, I urged the United States and members of the international community to redouble efforts to provide a stable and secure environment for all people in Kosovo, and I called for the resignation of the head of the U.N. Interim Administration Mission in Kosovo, UNMIK, Harri Holkeri. We now have a new team in place. Soren Jessen-Petersen replaced Mr. Holkeri as the Head of UNMIK and the Special Representative of the U.N. Secretary General, SRSG, and U.S. Ambassador Larry Rossin serves as his deputy.

It has been my conclusion that things have not gone well in Kosovo because members of the international community, including the United States, the United Nations, the European Union, and others, have not made it a high priority to stabilize the long-term situation. This has influenced the performance of UNMIK and KFOR.

As the events in March demonstrated, we must do a better job ensuring that KFOR has troops with the necessary training, equipment and authority to carry out its mission. For instance, at present, only 33 of the 55 units in Kosovo are trained to provide crowd and riot control, the most likely type of violence to occur. Of those 33 units, only 22 have the necessary equipment to use their crowd and riot control capabilities. This must be fixed.

It is also important that NATO work to remove national caveats or restrictions, which determine how soldiers from certain countries are able to respond in times of crisis. Brigadier General Carmony assured me that efforts are being made to remove these caveats. I have requested information on this matter, which I will continue to follow-up on in my capacity as a member of the Senate Foreign Relations Committee.

Later in the week, after we arrived in Venice for the NATO Parliamentary Assembly meeting, I also raised the removal of caveats with Ambassador Nick Burns, who serves as our Permanent Representative at NATO headquarters in Brussels, and with NATO Secretary General Jaap de Hoop Schaeffer. It is my understanding that this is not only a problem in Kosovo, but also in Afghanistan and Iraq. If NATO is serious, restrictions must be removed and troops given the equipment they need to provide the needed security.

In addition to making changes within KFOR, I believe it is essential that UNMIK work with Kosovo's political leaders to ensure that the necessary steps are taken to secure an environment where respect for human rights and the rule of law are protected. When I met with UNMIK representatives, I made it clear that things must improve with regard to the enforcement of U.N. Security Council Resolution 1244. Unless we do a better job, minorities will continue to leave Kosovo, and the international community will be a witness as Kosovo moves further away from becoming the free, multi-ethnic and democratic society that we hope will become a reality.

This is not an easy process, but we must take a close look at how we can more effectively move forward in Kosovo. Following the March violence, U.N. Secretary General Kofi Annan asked Norwegian Ambasador Kai Eide to conduct a comprehensive review of the policies and practices of all actors in Kosovo and prepare recommendations to move forward. Ambassador Eide prepared this report, which includes several points of consideration for UNMIK and members of the international community.

In his report, Ambassador Eide recommends prosecuting those responsible for the atrocities in March and completing reconstruction of homes and churches. He also suggests streamlining the standards process, and transferring more authority to Kosovars. Further, Ambassador Eide recommends granting greater control over local areas to the Serbian minority, and he suggests restructuring UNMIK to ensure concentration on key priorities. Ambassador Eide also calls on the European Union to develop an economic development strategy, and he suggests that the international community open a more comprehensive dialogue with Belgrade. Finally, Ambassador Eide recommends that NATO maintain the KFOR presence to ensure a safe and secure environment.

In our meetings, I asked UNMIK officials and Kosovo's political leaders for their reaction to the Eide report. Generally, the responses that I received were positive. As we consider ways to move ahead, U.S. officials and members of the international community should take a close look at the report prepared by Ambassador Eide and consider implementing a number of his recommendations.

While in Pristina, we met with leaders from both the Kosovo Albanian and Kosovo Serb communities. We visited with President Ibrahim Rugova and Bajram Rexhepi, who served as prime minister until parliamentary elections were held in late October. It seems increasingly likely Mr. Rexhepi will lose this position as a new government is formed.

I have met with Mr. Rugova and Mr. Rexhepi on several other occasions, including a visit to Kosovo in May 2002. At that time, I reiterated a plea that I made in February 2000, urging Kosovo's leaders to start a new paradigm of peace and stability for all people in Kosovo. I continue to believe it is essential that minorities in Kosovo, including Serbs, Roma, Egyptians, Bosniaks, Croats, Turks, Ashkalia and others, are able to move about as they wish and live lives free from fear. As such, though it has been more than five years since the end of the NATO military campaign, I was very disappointed that President Rugova did not decry the destruction that took place on March 17th of this year. Until Kosovo's minorities are protected, there cannot be consideration of final status for Kosovo.

We also had the opportunity to visit with Kosovo Serb leader Oliver Ivanovic. Part of our conversation focused on the results of the October parliamentary elections, in which less than one percent of Kosovo Serbs chose to cast ballots. Mr. Ivanovic attributed the poor turnout in part to mixed messages from Belgrade, as well as calls for a boycott from the Serbian Orthodox Church. Many Kosovo Serbs chose to boycott the elections because they feel their lives have not improved by participating in the political process. However, I believe it is crucial that they re-engage, and I encouraged them to get back into the government, take the two seats promised in cabinet, and work to improve the situation for Kosovo's minorities.

I also encouraged Kosovo Serbs to work with Kosovo Albanian leaders and members of the international community to move forward with the reconstruction of churches and monasteries damaged or destroyed in March. The Provisional Institutions of Self-Government have committed 4.2 million for this purpose. However, the Serbian Orthodox Church has withdrawn from the commission charged with the reconstruction of religious sites.

I believe it is important that the Serbian Orthodox Church work with political leaders in Kosovo to find a way forward that is acceptable to all parties to repair and rebuild cultural and religious sites. If this does not happen, it will seriously undermine efforts to move toward a lasting, sustainable peace in Kosovo.

In summary, from all of our discussions in Kosovo, as well as our conversations in Belgrade, it was clear that the question of Kosovo's final status is on everyone's mind. Kosovo Albanian leaders call for immediate independence, while Kosovo Serb leaders argue that this is impossible given the current situation for minorities in the province. Political leaders in Belgrade maintain that Kosovo remains a part of Serbia and Montenegro, while varied opinions exist among members of the international community. Despite different points of view, it is evident that there is a long road ahead as we look to guarantee security and stability for all people in Kosovo. Until minorities are protected, I believe it is very difficult to answer questions about Kosovo's final status.

Following our time in Kosovo, we traveled to Belgrade, where we met with U.S. Ambassador Michael Polt, Serbian President Boris Tadic, Serbian Prime Minister Vojislav Kostunica, President of Serbia and Montenegro Svetozar Marovic, Foreign Minister of Serbia and Montenegro Vuk Draskovic, Serbia and Montenegro's Minister of Defense Prvoslav Davinic, and Serbia and Montenegro's Minister for Human and Minority Rights Rasim Ljajic.

We had good conversations regarding positive developments in Serbia and Montenegro that have taken place during the more than four years since Serbian voters went to the polls and removed Slobodan Milosevic from power in October 2000. Since that time, there has been considerable progress. We have worked with the Paris Club to negotiate favorable terms on debt relief for Serbia and Montenegro. The United States has extended normal trade relations (NTR), and we have continued to cultivate relations between Washington and Belgrade.

Additionally, along with my colleagues, I was thrilled to see Boris Tadic's clear victory on June 27, 2004 to serve as the next President of Serbia. The significance of this development cannot be overstated. Voters in Serbia embraced democratic reform and European integration and rejected nationalism that has for too long marred the past. It remains my sincere hope that this is a sign of things to come in Serbia and Montenegro.

However, it is clear that challenges remain. Perhaps highest among them is cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY). We made clear to Prime Minister Kostunica that he must take a leadership role to ensure that indicted war criminal Ratko Mladic and others are behind bars at The Hague. This is essential if Serbia and Montenegro hopes to move toward Europe's democratic institutions, including the European Union. It is also critical if Serbia and Montenegro chooses to join NATO's Partnership for Peace.

I have been urging Vojislav Kostunica to further cooperation with the War Crimes Tribunal since he became President of Serbia in October 2000, and I continue to call on him to take action on this matter in his capacity as Serbia's Prime Minister. Thankfully, there are those in Serbia, including President Tadic, Foreign Minister Draskovic and others, who understand the importance of ICTY cooperation and are trying to make the case to the Serbian people. I am hopeful that they will prevail in the end, and Serbia and Montenegro will move toward European integration.

On a more positive note, I was glad to hear that economy is slowly improving. This was underscored by the President of the American Chamber of Commerce of Serbia and Montenegro. This is important to the Serbian people, and it will also help to further democratic reforms in the country.

I was also inspired by the good work of nongovernmental organizations, such as the German Marshall Fund's Balkan Trust for Democracy, as well as the charitable work that is being done by Crown Prince Alexander and Crown Princess Katherine.

During my time in Belgrade, I continued to be encouraged by the forward thinking of President Boris Tadic and his advisors, who ran on a platform of democratic reform and European integration. This is the type of agenda that will help to ensure a stable, secure and prosperous future for the people of Serbia and Montenegro.

We concluded our travel in Venice, Italy for the fall session of the NATO Parliamentary Assembly. In my view, this is an important forum where legislators and parliamentarians from NATO member and partner countries gather to discuss transatlantic issues. I have regularly attended these meetings, and I serve as Vice Chairman of the Assembly's Political Committee.

Our participation in the session was limited to the first two days, as we had to return to Washington for work in the Senate for the conclusion of the 108th Congress. However, we had two solid days of work, including meetings with our Permanent Representative to NATO, Ambassador Nick Burns, and NATO Secretary General Jaap de Hoop Schaeffer. We discussed a number of issues impacting the NATO Alliance, including NATO's role in Afghanistan and Iraq, the capabilities and contributions of NATO allies, and the NATO Response Force, among other things.

In celebration of its 50th anniversary, the NATO Parliamentary Assembly convened a special plenary session with the North Atlantic Council. NATO Secretary General de Hoop Schaeffer delivered an impressive speech, in which he challenged delegates to the meeting to encourage their respective constituencies to enhance participation in NATO as the Alliance looks to meet new challenges in Afghanistan, Iraq and the war against terrorism.

As our meeting demonstrated, the NATO Alliance remains strong. NATO is playing a critical role in efforts to promote stability and security in Afghanistan. Many soldiers from our NATO allies are standing alongside American forces in Iraq, and other NATO members are providing training for Iraqi security forces. Moreover, NATO remains integral to peacekeeping missions in the Balkans.

That being said, it is clear that challenges remain as the Alliance reviews its role in Afghanistan and Iraq and the broader war against terrorism, and it is important that we remain engaged and active to help meet these challenges.

THE NISEI INTELLIGENCE WAR AGAINST JAPAN

Mr. AKAKA. Mr. President, the World War II war against Japan has been described in John Dower's book "War Without Mercy" as the most savage, bitterly fought racial war in history. Caught in between this epic struggle as innocent victims were the Nisei, American citizens of Japanese ancestry, who were neither accepted nor trusted by both America and Japan. The widespread question and doubt as to their loyalty to America extended to grave uncertainty of whether the Nisei would be willing to fight against an enemy of their same ancestry. This calls for the telling of the little-known story that there were over 6,000 Nisei who more than willingly and resolutely fought against the Japanese enemy during World War II as military intelligence linguists serving in the American and Allied forces. Briefly, this is that story.

As the probability of war against Japan mounted in the summer of 1941, the U.S. War Department realized its deficiencies in the intelligence operations against Japan. The Military Intelligence Service Language School, MISLS, was hastily authorized and created to train linguists skilled in interpretation, translation and interrogation in the Japanese language, established at the Fourth Army Intelligence School located at Crissey Field, Presidio of San Francisco. With a meager budget of $2,000 and an initial enrollment of 60 students, the first classes commenced their studies of military Japanese on November 1, 1941, a scant 5 weeks before the Pearl Harbor attack by Japan. After a grueling 6 months of training, only 45 of the initial enrollment of 60 students survived to graduate in May 1942, 35 of whom were immediately assigned and deployed out to the Alaskan and Guadalcanal campaigns.

From the outset the Army recognized that the American Nisei possessed the best qualifications, competence and potential for Japanese intelligence specialist training, yet harbored grave doubts about the Nisei's loyalty to America. Soon news came back from the field of vast sources of new Japanese intelligence uncovered by a pioneer linguist team lead by Captain John Burden of Hawaii in the battle of Guadalcanal, and field commanders began flooding the MISLS with demands for more Nisei linguists. The need to meet this surging demand for Japanese language linguists led the MISLS in December 1942 to recruit 58 Nisei from the 100th Battalion then training at Camp McCoy, Wisconsin, to secure the transfer of 250 Nisei from the 442nd Regimental Combat Team, RCT, at Camp Shelby, Mississippi, to scour the 10 relocation camps to recruit MIS students from behind their barbed wire enclosures, and to conduct two recruiting trips to Hawaii in June 1943 and February 1944 to enlist over 500 Hawaii Nisei for intelligence training at MISLS.

With the forced evacuation of 110,000 Japanese from the West Coast under Executive Order 9066 in the spring of 1942, the MISLS was transferred to Camp Savage, Minnesota where it continued to recruit, train and graduate successive classes of Japanese linguist specialists at roughly six month intervals totaling some 1,600 graduates. The ever-increasing enrollment overtaxed the facilities at Camp Savage forcing the MISLS to move to larger facilities at nearby Fort Snelling in the spring of 1944. Here, classes training WAC students, oral language training and occupation civil affairs administration were added to the curriculum. By V-J Day in August 1945, 10 classes had been trained and graduated from MISLS at Camp Savage and Fort Snelling and another 3,000 students were enrolled and learning Japanese at the Snelling facilities at that time. In all, during its history MISLS trained and graduated 6,000 students for combat and occupational duty against Japan in World War II. In June 1946, MISLS was then moved to the Presidio at Monterey, California and was renamed the Defense Language Institute where it teaches over 25 languages in the military intelligence field.

MISLS graduates served in every combat theater and engaged in every major battle fought against Japan during World War II. Nisei linguists were assigned to and served with the United States Army, Navy, Marine Corps and Air Force, as well as with British, Australian, New Zealand, Canadian, Chinese, and Indian combat units fighting on all fronts against the Japanese. Trained for duties as interrogators, interpreters and translators, cave flushers, radio interceptors, radio announcers and propaganda writers, the MIS graduates served as "the intelligence eyes and ears" of American and Allied Forces in the war against Japan. The Nisei linguists were sent out to serve in every battle front where war was being waged against the Japanese enemy.

South Pacific Command: Commencing in May 1942 Nisei linguist teams were sent out from Admiral Halsey's command headquarters in New Caledonia to participate in the battle for Guadalcanal where Japan suffered its first defeat, in the invasion of New Georgia and Bougainville and in the encirclement and cut off of Rabaul, New Britain to neutralize Japan's main Pacific stronghold. In April 1943, linguist Harold Fudenna intercepted and translated a Japanese radio message which outlined the schedule of Admiral Isoroku Yamamoto's inspection trip to Bougainville. American P-38 fighters flown out of Guadalcanal intercepted and shot down Yamamoto's plane over Bougainville. General McArthur described this incident as "one of the singularly most significant actions of the Pacific War."

Southwest Pacific Command: In July 1942 General McArthur established the Allied Translator and Interpreter Section, ATIS, of his Intelligence Division in Melbourne, Australia to become the largest military intelligence center to wage the tactical war against Japan. Throughout its history over 3,000 Nisei linguists served with ATIS, translating over 350,000 captured Japanese documents and interrogating more than 10,000 Japanese POWs. Nisei language teams were assigned to and participated in the two-year campaign of jungle warfare along the east and northern coast of New Guinea and Borneo, invading and defeating Japanese defenses along the way. The Nisei were part of the invasion of the Philippines in October 1944 where General McArthur made his triumphal "I have returned" landing at Leyte. In March 1944, the "Z" Plan containing Japan's total defense strategy for the Western Pacific fell into American hands following the fatal crash of Admiral Koga in the Philippines. The document was rushed to ATIS in Australia where two Nisei, Yoshikazu Yamada and George "Sankey" Yamashiro, translated the "Z" Plan, and copies were distributed to every command in the U.S. Navy.

When the invasion of the Marianas Islands began in June 1944, the counterattacking Japanese aircraft were virtually wiped out by U.S. Navy carrier planes in "The Great Marianas Turkey Shoot" by virtue of the prior knowledge of Japanese strategy contained in the "Z" Plan.

Southeast Asia Command. (CBI Theater): Nisei linguists joined British, Indian, Chinese and U.S. forces in the China-Burma-India Theater to drive Japanese invaders out of Burma and to reestablish the Burma Road supply lines to China. They were part of the two ground forces in Burma, the Merrill's Marauders and Mars Task Force, performed guerrilla tactics behind the enemy lines with the OSS Detachment 101, provided radio intercept work for the 10th Army Air force, manned the Southeast Asia Translator & Interrogation Center, SEATIC, in New Delhi, India, made propaganda broadcasts for the Office of War Information, and were leased out to the British forces fighting in southern Burma. In China, Nisei MIS performed intelligence services for the "Dixie Mission" to Communist China Headquarters at Yenan and OSS Detachment 202 in Kunming, and fought with Chiang Kai Shek's Forces against the Japanese in southwestern China.

Central Pacific Command: Admiral Nimitz organized the "Joint Intelligence Center Pacific Ocean Area (JICPOA) operating out of Pearl Harbor, staffed by hundreds of Nisei translator/interrogators who were assigned out to serve with the U.S. Army, Navy, Marine and Air Force units waging the Pacific War against Japan. Nisei participated in the amphibious landings and land battles of the Marine Corps to capture Tarawa, Makin, Kwajalein and Eniwetok and were part of Marine and Army attacking units invading and capturing Saipan, Iwo Jima and Okinawa. Nisei radio interceptors flew as crews on U.S. Air Force bombing missions over the Japanese mainland. With their language skills they called into caves at Saipan, Iwo Jima and Okinawa to persuade hundreds of Japanese soldiers and civilian natives to surrender and save their lives without needless mortality. T/Sgt Hoichi Kubo assigned to the U.S. 27th Division entered a cliffside cave alone at Saipan to face 9 armed Japanese soldiers to successfully persuade them not only to release the 120 civilians held captive there but for the soldiers themselves to surrender. Kubo was awarded the Distinguished Service Cross, the highest decoration received by any Nisei in the Pacific War. Nisei linguists attached to the front line of American invading forces not only assumed the normal hazards of combat but also faced the additional danger of being mistaken for an enemy Jap and shot at by their own troops, so they were assigned personal bodyguards at their sides at all times!

Japan's Surrender and Occupation: With the atomic bombing of Hiroshima and Nagasaki, Japan accepted the terms of the Potsdam Declaration and surrendered on August 15, 1945. OSS Nisei like Fumio Kido, Dick Hamada and Ralph Yempuku parachuted down into Japanese POW prison camps at Hankow, Mukden, Peiping and Hainan as interpreters on mercy missions to liberate American and Allied prisoners.

Over 5,000 Nisei served as the vital link between General MacArthur's Occupational headquarters and the Japanese people during the seven year occupation of Japan, contributing to the promotion of peaceful and harmonious relationships between occupation forces and Japanese citizens. Nisei were part of military government offices established all over Japan to ensure proper implementation of occupational policies, interpreting the directives and verifying that local governments carried them out. Nisei buttressed U.S. Army Counter Intelligence Corps efforts to detect and prevent subversive activities against Occupation Forces, screened hundreds of thousands of Japanese soldiers repatriating back to Japan against communist influences, helped design the Land Reform Law, and provided vital translator/interpreter services at the War Crimes Trials against Japanese war criminals. Nisei participated in every major assignment covering military government, disarmament, civil affairs and intelligence and helped to frame the new Japanese Constitution which pledged that Japan would "forever renounce war as a sovereign right of the nation." A personal assessment of the Nisei's role in the occupation is stated by Harry Fukuhara, a combat veteran of the Southwest Pacific campaign and himself a member of the occupation forces, thusly: "The role of the Military Intelligence Personnel during the Occupation of Japan also was very important in assisting the rapid recovery that helped Japan to be accepted back into the family of nations. Nisei soldiers, with their language fluency and knowledge of Japanese culture and customs, bridged the gap between U.S. forces and the Japanese government. This was one of the key elements contributing to the recovery of war-torn Japan, its people and economy. Nisei efforts also laid the groundwork for the bilateral relationships that exists today between the United States and Japan."

Summary: Such in brief is the story of the Nisei MIS linguist, America's little known "secret weapon" against Japan during World War II. Their story is little known because their identity and their work was conducted under the strictest security and secrecy and their vital role in waging the successful intelligence war against Japan remained classified for until over 30 years after the War. Their role was considered indispensable because they possessed and employed the most effective weapon knowledge to be able to comprehend and pierce the enemy's complex, difficult language and their services contributed tremendously to the Allied victory. General MacArthur stated that "Never in military history did any army know so much about the enemy prior to actual engagement." On April 1, 2000, the President of the United States bestowed upon the Nisei MIS the Presidential Unit Citation, the highest honor that can be awarded to any military unit. The major part of the citations reads:

> The key contributions made by the members of the Military Intelligence Service in providing valuable intelligence on military targets helped advance the United States and Allied cause during World War II and undoubtedly saved countless lives and hastened the end of the war. The significant achievements accomplished by the faithful and dedicated service of the linguistic-intelligence specialist graduates of the Military Intelligence Service will never be forgotten by our grateful nation. Their unconquerable sprit and gallant deeds under fire in the face of superior odds, and their self-sacrificing devotion to duty are worthy of the highest emulation.

The Nisei served with distinction and honor; not a single case of subversion or disloyalty was ever charged against them. Little is known that nineteen Nisei gave up their lives in the line of duty in the Pacific War. They convincingly proved that Japanese Americans were more than willing and able to fight against an enemy of their own race, and validated the truism "Americanism is not, and never was, a matter of race or ancestry. Americanism is a matter of the mind and heart."

MULTIVITAMIN USE

Mr. HATCH. Mr. President, over the last several years, a significant and growing body of scientific research has emerged detailing the important role micronutrients play in the prevention of many types of chronic disease.

While the science supporting optimal nutrition for disease prevention has grown, the average American's diet has progressively gotten worse. As we have heard so often, a large percentage of Americans do not eat the right mix of foods to meet the Government's RDIs—or recommended daily intakes.

Our top nutrition priority should be getting people to eat a more varied, balanced diet. However, there is a simple and inexpensive way to help Americans get many of the micronutrients they need—encourage the use of a daily multivitamin. Multivitamins—as a complement to a healthy diet—are a simple, safe and cost-effective preventive measure.

Indeed, several recent studies have shown their efficacy. For example, in June 2002, an article published in the Journal of the American Medical Association recommended that all Americans take a multivitamin daily to help prevent chronic diseases such as heart disease, cancer and osteoporosis. A year late, the Journal of Nutrition published the results of the Stockholm Heart Study, which showed that the use of multivitamins may aid in the prevention of heart attacks.

In March, a study published in the Annals of Internal Medicine found that multivitamin use decreased the risk of infection for people with diabetes. And the science continues to mount demonstrating the potential of daily multivitamin use which can have a whole range of benefits. These include reducing the incidence of neural tube defects by 50 percent or more, decreasing the number of sick days in the elderly due to infectious illnesses by up to 50 percent, delaying or avoiding more than 20 percent of hip fractures caused by osteoporosis, delaying the onset of cataracts and age-related macular degeneration, reducing the incidence of heart disease, stroke and possibly Alzheimer's, and protecting against some types of cancer.

Additionally, I would like to recognize a study that was commissioned by Wyeth Consumer Healthcare and conducted by The Lewin Group. The study examined the potential cost savings—within the Medicare health care model—that could occur if more of our aging population took a daily multivitamin. This study also served as a means for evaluating the impact daily multivitamin use can have on preventive health, particularly in the areas of cardiovascular disease and immune function. The results of the study indicate that increased multivitamin use by adults over 65 could result in an estimated savings to Medicare of more than $1.6 billion over a 5-year period.

Research shows that a significant number of elderly in our country do not receive proper amounts of essential vitamins, minerals and other nutrients, making them more vulnerable to disease and infection. By adding a multivitamin to their diets, seniors—and all Americans—can help ensure they get the nutrients they need to stay healthy.

While it is always prudent for an individual to take supplements in close consultation with his or her health care advisers, it is obvious from the research that dietary supplements continue to have important health care benefits for consumers and policymakers alike.

I ask unanimous consent that the attached release outlining the Lewin study printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEW STUDY FINDS INCREASED MULTIVITAMIN USE BY THE ELDERLY COULD SAVE MEDICARE $1.6 BILLION

WASHINGTON, Oct. 2, 2003.—The results of a new study released today show that the daily use of a multivitamin by older adults could lead to more than $1.6 billion in Medicare savings over the next five years. The study, funded by Wyeth Consumer Healthcare and conducted by The Lewin Group, was presented at "Multivitamins and Public Health: Exploring the Evidence," a meeting which brought together leading experts from government agencies, top research universities and health advocacy organizations to examine the current science supporting daily multivitamin use and help chart the course for future research.

The study, the first of its kind, included a systematic literature review of the most rigorous research available and examined the health effects of multivitamin use among adults over 65 years old. The researchers used an analysis of Medicare claims files and widely accepted Congressional Budget Office (CBO) cost accounting methods to determine the costs and potential savings, monetizing the potential preventive health benefits of multivitamin supplementation.

"We were able to identify significant cost savings based on improved immune functioning and a reduction in the relative risk of coronary artery disease through providing a daily multivitamin to the 65 and over population," said Allen Dobson, Ph.D., senior vice president and director of Healthcare Finance at The Lewin Group. "In my experience, finding any cost savings for preventive measures is unusual and finding cost savings of this magnitude is very rare.

Over the five-year period from 2004–2008, the study results show potential savings from a reduction in hospitalizations for heart attacks, as well as from a reduction in hospitalizations, Medicare nursing home stays and home healthcare associated with infection.

While the evidence most strongly supports the beneficial effects of multivitamins in improved immune functioning and a reduction in the relative risk of heart disease, researchers also reviewed literature that examined the preventive benefits of multivitamin supplementation as it relates to colorectal cancer, prostate cancer, diabetes and osteoporosis. These other conditions were not included in the cost estimation, however, because the research currently available in these areas did not support a direct translation from health effect to reduced heath care utilization within a health insurance framework.

These disease states, along with a wide range of additional topics, were among the themes at the Multivitamins and Public Health: Exploring the Evidence meeting yesterday. The invited panel of multidisciplinary thought leaders reviewed the current state of the science and discussed the role multivitamins play in reducing the risk of developing chronic disease, as well as their role in immunity and public health. They came to the following conclusions:

Most Americans do not get optimal amounts of key micronutrients through diet alone, despite the evidence that poor nutritional status increases the risk of birth defects, and infectious and chronic disease;

Daily multivitamins should be recommended to help close this nutritional gap;

Multivitamins are safe, affordable, cost-effective and accessible;

There is promising evidence supporting multivitamin use for the prevention of some chronic diseases such as cardiovascular disease, making it prudent to recommend that all adults take a daily multivitamin.

"Despite our efforts to maintain a healthy diet, research indicates most of us fall short of getting the vitamins and minerals we need," said David Heber, M.D., Ph.D., director of the UCLA Center for Human Nutrition and a co-chair of Multivitamins and Public Health. "A daily multivitamin is a simple and cost-effective way to help ensure good health."

"The current research indicates that multivitamins can help protect against the cell damage that makes us vulnerable to the development of many diseases common among older adults," said meeting co-chair Jeffrey Blumberg, Ph.D., a professor in the Friedman School of Nutrition Science and Policy at Tufts University. "Multivitamins are a safe and effective tool for the promotion of health and prevention of chronic disease."

Multivitamins and Public Health: Exploring the Evidence, a two-day meeting held October 1–2, 2003, in Washington, D.C., brought together leading health and nutrition experts from government agencies, top research universities and health advocacy organizations to examine the state of the science supporting daily multivitamin use and help chart the course for future research. The meeting was co-sponsored by the Gerald J. and Dorothy R. Friedman School of Nutrition Science and Policy at Tufts University and the UCLA Center for Human Nutrition and was supported by a grant from Wyeth Consumer Healthcare.

The Lewin Group, a wholly owned subsidiary of Quintiles Transnational, is a nationally recognized health care and human services consulting firm in Falls Church, Va. The firm specializes in helping public and private sector clients solve complex problems in healthcare and human services with policy analysis, research and consulting.

MISSED OPPORTUNITIES

Mr. LEVIN. Mr. President, as we near the end of the 108th Congress, I must express my disappointment that this Congress has failed to pass sensible gun safety legislation. By ignoring these bills we are missing opportunities to increase the security of our families, communities, and particularly our police officers.

The greatest of these missed opportunities has been the failure to reauthorize the 1994 Assault Weapons Ban. On September 13, 2004 this legislation expired, allowing 19 previously banned assault weapons, as well as firearms that can accept detachable magazines and have more than one of several specific military features, such as a folding/telescoping stock, protruding pistol grip, bayonet mount, threaded muzzle or flash suppressor, barrel shroud or grenade launcher to be legally sold again. Common sense tells us that there is no reason for civilians to have easy access to guns with these features.

Earlier this year, I joined with the majority of my Senate colleagues in passing an amendment to reauthorize the assault weapons ban for another 10 years. However, the bill to which it was attached was later derailed. Despite the overwhelming support of the law enforcement community, the ongoing threat of terrorism, bipartisan support in the Senate, and the pleas of Americans who have already lost loved ones to assault weapons tragedies, the ban was allowed to expire, as the President and the Republican congressional leadership were unwilling to act.

We also missed the opportunity to close the gun show loophole. Under current law, when an individual buys a handgun from a licensed dealer, there are Federal requirements for a background check to insure that the purchaser is not prohibited by law from purchasing or possessing a firearm. However, this is not the case for all gun purchases. For example, when an individual wants to buy a handgun from another private citizen who is not a licensed gun dealer, there is no requirement that the seller ensure the purchaser is not in a prohibited category. This creates a loophole in the law, making it easy for criminals, terrorists, and other prohibited buyers to evade background checks and buy guns from private citizens. This loophole creates a gateway to the illegal market because criminals know they will not be subject to a background check when purchasing from another private citizen even at a gun show.

I cosponsored an amendment offered by Senators REED and MCCAIN which would have closed the gun show loophole because I believe it is a critical change needed to prevent guns from getting into the hands of criminals and other ineligible buyers. This amendment would have simply applied existing law governing background checks to individuals buying firearms at gun shows. Like the amendment to reauthorize the assault weapons ban, the bill to which the amendment was attached was later defeated, and despite the fact that a bipartisan majority of Senators voted in support of closing the gun show loophole, Republican leadership has refused to schedule another vote on the issue.

This Congress has also failed to consider several other pieces of sensible gun safety legislation which would make it more difficult for convicted criminals to gain access to firearms. One such bill, the Military Sniper Regulation Act, would change the way .50

caliber guns are regulated by placing them under the requirements of the National Firearms Act. This would subject these weapons to the same regimen of registration and background checks as those weapons regulated under the National Firearms Act. These powerful weapons can accurately hit targets a mile away and tighter regulation is needed to prevent them from falling into the wrong hands.

Another bill not considered in the 108th Congress, the National Instant Criminal Background Check Improvement Act, would have provided funding to fix the hole in the current NICS background check system caused by the failure of many states to computerize and update their criminal history records. This failure can result in delays for some who lawfully seek to purchase a gun as well as an inability to block gun sales to some unlawful purchasers. To fix this problem, States need adequate funding to input and update criminal history data. This bill would have authorized $1 billion to help states do just that.

Unfortunately, the 108th Congress has retreated from the goal of creating a safer nation by keeping dangerous guns off of our streets. Instead of strengthening laws that would help prevent future gun crimes and terrorist attacks, Congress has allowed legislation like the assault weapons ban to expire, giving potential criminals and terrorists easier access to powerful weapons. The 108th Congress's record on gun safety is not one of which to be proud. I will continue to work toward passing sensible gun safety legislation to help make our communities more safe. I hope that next year in the 109th Congress, the Republican congressional leadership and the President will begin to work with the bipartisan majority who want to enact sensible gun safety legislation.

WHERE TO NEXT?

Mr. BENNETT. Mr. President, in the next several weeks I will be visiting Europe to meet with government and business leaders in London, Paris, and Brussels. I believe the United States' relationship with the European Union and the states of Europe is of supreme importance. America's economic, security, political, and institutional links with Europe are stronger and deeper than with any other region of the world. Recently, the importance of this relationship was explained very well in an article written by the Honorable James Elles, who is a Member of the European Parliament.

I ask unanimous consent that Mr. Elles's article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ON EU/US RELATIONS: WHERE TO NEXT?

Once the race for the US Presidency is finally over, the new President and his advisors will move from reflecting on the results of a successful campaign and will look for the conduct of policy in the months ahead.

What are the immediate priorities with which to deal on both the domestic and foreign fronts? How, for example, should economic growth best be fostered? How are priorities to be handled in far away places such as Iraq, Afghanistan and Palestine? What is to be the real objective of the four-year mandate by which he would like to be judged as being a truly successful President?

As these questions are being mulled over between now and the Inaugural address early next year, he might reflect that thinking is taking place across the other side of the Atlantic on many of the same issues. Although the incoming Commission President has not yet got the approval of the European Parliament for his new team, he will be also considering how to answer a similar set of questions.

How similar are the policy challenges for the incoming EU and US administrations? Is it correct that Europe is swamped, as many would have us believe, by a huge anti-American wave generated by hostility to the Iraq War? Or is there an extensive common agenda which could be drawn up in the next few weeks and serve as a basis for joint action over the period 2005–2008?

Certainly, there is no shortage of potential flash points in external policy which the pessimists can draw attention to and which are already on the transatlantic agenda. The war against terrorism will certainly be at the top of the US agenda, in its continued search for ensuring domestic security.

In this context, the run-up to elections in IRAQ will require steel nerves. So will their aftermath, in particular, determining what role European Governments will wish to play in a military and financial capacity. Hot on the heels of this dilemma will be the question of IRAN. How will the new US administration wish to address this issue? Will it be happy to let the Europeans take the lead or will it wish to take a more active approach as some suggest should be done?

Linked to both these questions is the overall pursuit of peace in the MIDDLE EAST. What has become of the initiative to bring European and American involvement together to make progress in the Broader Middle East? Should for example the roadmap be resuscitated?

Last but not least is the question of ECONOMIC ASSISTANCE to both Afghanistan and Africa (a potential priority for the G8 next year). How should this best be coordinated by the two major global donors—the EU and the US—who contribute about 80% of the world's assistance programmes?

This is all enough to cause indigestion. Certainly more questions are posed than answers are available. Even if cooperation is seen to be highly desirable, with the aim of moving from a transatlantic community of values to a community of action, how can it be done?

The best chance available to the incoming administrations is, as they say, not to start from here. These problems have been around for many months and will be around for many more.

A recently released document published by the Transatlantic Policy Network (TPN) lays the groundwork for a potentially successful approach to deepening joint cooperation between the EU and the US.

At the outset, it recommends a strategy which articulates a common purpose, building on strengths and reinforcing linkages while accommodating differences. This is based on the recognition of growing linkage between the partners' economic, defence and security, and political interests.

In short, should strengthened partnership be a shared goal, if so a bold new agenda for economic collaboration needs to be linked with a commitment to enhanced joint action on the highest shared political priorities.

What does this mean? Avoid well known areas of dispute such as a free trade area (FTA) and focus instead on what already exists to a large degree—the transatlantic market. The TPN document recommends deepening and broadening the transatlantic market, with a view to its completion by 2015.

An accelerated 2010 target date should be set for financial services and capital markets; civil aviation; the digital economy; competition policy and regulatory cooperation.

Furthermore, there should also be provision for a broad security partnership between the EU and the US, together with a mutually reinforcing interface between the EU and NATO.

Last, but not least, there should be put in place, by 2007, an enhanced basis for cooperation between the two partners—a transatlantic partnership agreement—building on the 1995 New Transatlantic Agenda and reflecting the strategy proposed.

Is this approach realistic and practical? Maybe surprisingly, the broad outlines of this approach have already been approved by the European Parliament in May 2004.

The economic option has the great advantage that most of the elements are already in place: the administrations are jointly consulting stakeholders as to how to remove the remaining barriers to trade and investment. Given the more than quadrupling of cross investment over the past 10 years, the process of interdependence between the EU and the US is not likely to slacken.

The vital ingredient for the success of this proposal is the factor of political will. Will transatlantic leaders take a fresh look at how to bring the EU and the US together before getting sucked into the daily grind of politics?

Perhaps the best advice for the incoming Commission President would be to pay a short informal visit in early January to Washington. This should be not just to compare notes but also to put forward a joint plan which will allow Europeans and Americans to work as closely as possible in the interests of their peoples in the years ahead.

H.R. 5365

Mr. GRAHAM of Florida. Mr. President, I urge my colleagues to support H.R. 5365, a bill that will ensure the continuation of YMCA pension plan that has provided participants retirement security for more than 80 years. The Senate passed a bill, S. 2589, that Senator BUNNING and I worked to move earlier this year. The House of Representatives has now sent over a bill introduced by Representatives ENGLISH and POMEROY that closely follows the intent of the Senate bill. I am pleased that this effort has been a bipartisan one in both bodies of Congress. I hope this legislation will be enacted promptly.

I also thank Finance Committee Chairman GRASSLEY and Ranking

Member BAUCUS for their assistance in bringing this bill to the floor today. The YMCA pension plan is an excellent example of how retirement security can be provided through employer-sponsored plans.

This is a bill about protecting the retirement security for thousands of YMCA employees and retirees. There are 27 YMCA's in Florida, over 977,843 members and over 4,400 plan participants and retirees. The retirement security provided by the YMCA pension plan is critical to these people and their families, as well as over 80,000 plan participants across the country.

This country could learn much from the retirement security provided by the YMCA pension plan. As I have stated, the YMCA pension plan is a very significant part of each YMCA employee's compensation package, most of who are modestly paid. The YMCA pension plan exemplifies how our Nation should think about providing solid, substantial retirement security.

I also want to extend my thanks to the Treasury Department and IRS, for their patience while the Congress worked through finding a solution to ensure the YMCA pension plan could continue to offer the benefits to its participants and retirees.

In closing, I encourage all of my colleagues in the Senate to support this bill, and I am pleased that we are moving forward with this legislation today and look forward to its enactment soon.

REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT

Mr. BIDEN. Mr. President, much of the Senate's attention this week was consumed with completing lingering business, be it, appropriations bills or debt extension. In contrast, I rise today to ask my colleagues to cast their eyes forward to a new matter that we must focus on when Congress reconvenes in January—the reauthorization of the Violence Against Women Act. As most know, I consider the Violence Against Women Act the single most important legislation I've championed during my 30-year tenure in the Senate. I care deeply about this law, and take seriously my responsibility to ensure it is funded and renewed.

After more than 5 years of hearings, and legislative drafts and redrafts, in September 1994, the Congress passed and President Clinton signed into law the Violence Against Women Act. The Violence Against Women Act created new Federal criminal laws addressing domestic violence and rape, and established discretionary grant programs within the Department of Justice and the Department of Health and Human Services for State, local, and Indian tribal governments and non-profit service organizations. The Violence Against Women Act of 2000 renewed these programs, made targeted improvements to certain provisions and introduced new initiatives.

Since the bill was enacted, we've witnessed an incredible transformation in State and Federal criminal and civil law enforcement, communities' victim services, and societal attitudes towards domestic violence and sexual assault. In 2004 alone, Congress spent $520 million for Violence Against Women programs. Over the past decade, nearly $3.8 billion has been appropriated to make women's homes and communities safer.

We've made extraordinary progress in ending violence against women and its devastating impact on families. With the passage of the Violence Against Women Act we started talking about that dirty little secret that no one wanted to say out loud. A rape victim or battered wife can now turn to a trained police officer, an emergency room nurse, or a 1-800 Hotline operator. We transformed private "family matters" into public crimes with true accountability and meaningful victim services.

The Violence Against Women Act is working. Since its enactment, domestic violence has dropped by almost 50 percent. Incidents of rape are down by 60 percent. The number of women killed by an abusive husband or boyfriend is down by 22 percent. More than half of all rape victims are stepping forward to report the crime. Over a million women have found justice in our courtrooms and obtained domestic violence protective orders. The signs of success abound.

But progress is not enough. Sadly, domestic violence and sexual assault persist. As more and more brave women are stepping forward to report a rape or seek a restraining order against an abusive husband, more demands are placed on women's shelters, state prosecutors, courtroom victim advocates, and other resources. We cannot let the Violence Against Women Act become a victim of its own success. Instead, it must be soundly and quickly reauthorized next year.

Despite best efforts, a complete bill reauthorizing the Act is not yet ready for introduction today. However, a draft is near completion. I am listening closely to those on the front lines—police, trial judges, emergency room nurses and many others—and making targeted improvements to existing grant programs and tightening up criminal laws. We are learning about the new challenges and the persistent problems of old. A wide variety of groups are working with me to put together the next iteration of the Violence Against Women Act, including the National Coalition Against Domestic Violence, the National Network to End Domestic Violence, the Family Violence and Prevention Fund, the Pennsylvania Coalition Against Rape, Legal Momentum, the National Alliance to End Sexual Violence, the American Bar Association's Commission on Domestic Violence, the National Association of Attorneys General, the National Center for Victims of Crime, National District Attorneys Association, the National Council on Family and Juvenile Court Judges, the National Association of Chiefs of Police, the National Sheriffs' Association and the American Medical Association.

The Violence Against Women Act of 2005 that I intend to introduce at the commencement of the next Congressional session is a comprehensive and ambitious bill that will move our country forward in our fight to end family violence. The reauthorization will include at least nine titles. Major components of title I on the courts and crime include provisions to: 1. renew existing foundational programs for law enforcement, lawyers, judges and advocates; 2. stiffen existing criminal penalties for repeat federal domestic violence offenders; 3. appropriately update the stalking criminal law to incorporate new surveillance technology like Global Positioning Systems (GPS); and 4. ensure that offender re-entry programs develop procedures and resources for prisoners with a history of family violence. Title II on victim services would, among other items: 1. create a new dedicated program for rape crisis centers; 2. reinvigorate programs to help older and disabled victims of domestic violence; and 3. strengthen existing programs for rural victims and victims in underserved areas.

I am particularly heartened by new titles that deal with children and teenagers. Reports indicate that from three to ten million children are experiencing domestic violence in their homes each year. Treating children who witness domestic violence, dealing quickly with violent teenage relationships and teaching prevention to children and teenagers are keys to ending the violence.

In some instances, women face the untenable choice of returning to their abuser or becoming homeless. Indeed, 44 percent of the Nation's mayors identified domestic violence as a primary cause of homelessness. In response, efforts to ease the housing problems for battered women are contained in my draft bill.

Doctors and nurses, like police officers on the beat, are often the first witnesses of the devastating aftermath of abuse. As first responders, they must be fully engaged in the effort to end the violence and have the tools they need to faithfully screen, treat and study family violence. My bill would strengthen the health care system's response to family violence with programs to train and educate health care professionals on domestic and sexual violence, foster family violence screening for patients, and more studies on the health ramifications of family violence.

Leaving a violent partner often requires battered women to achieve a level of economic security. The next iteration of the Violence Against Women Act should seek to help abused women maintain secure employment, insurance coverage, and child support resources.

In addition, my bill would improve and expand the immigration protections for battered women. I am very appreciative of Senator KENNEDY's leadership and expertise on this issue. In addition, it would ensure that victims of trafficking are supported with measures such as permitting their families to join them in certain circumstances, expanding the duration of a T-visa, and providing resources to victims who assist in investigations or prosecutions of trafficking cases brought by State or Federal authorities. Finally, my bill will focus more closely on violence against Indian women and suggest ways to better coordinate services to Indian women.

I am pleased to be working on such a thorough effort to renew the Violence Against Women Act. I believe this bill raises important issues, and pushes local and federal policymakers to ask what more should be done for battered women and their children. In the coming weeks, I look forward to working with my colleagues on both sides of the aisle to craft a compromise measure. Senator HATCH and the Judiciary Committee's new Chairman, Senator SPECTER and Ranking Member Senator LEAHY, have long supported the Violence Against Women Act and I am confident that we will work together to create an effective reauthorization bill. I also appreciate the efforts in the House of Representatives including those of a long-standing champion of the Violence Against Women, Representative CONYERS.

ACCOUNTABILITY FOR THE ABUSE OF FOREIGN DETAINEES

Mr. LEAHY. Mr. President, nearly 7 months after the world learned of the atrocities at Abu Ghraib, those of us in the Congress who strongly believe that oversight and accountability are paramount to restoring America's reputation as a human rights leader remain stymied in our efforts to learn the truth about how this administration's policies trickled down from offices in Washington to cellblocks in Abu Ghraib.

The Bush administration circled the wagons long ago and has continually maintained that the abuses were the work of "a few bad apples." I have long said that somewhere in the upper reaches of the Executive branch a process was set in motion that rolled forward until it produced this scandal. To put this matter behind us, first we need to understand what happened at all levels of government. It is the responsibility of the Senate to investigate the facts, from genesis to approval to implementation and abuse. However, this Senate, and in particular the Judiciary Committee, continues to fall short in its oversight responsibilities.

Several of the investigations into U.S. detention policies are now complete. They provide additional insight into how the prison abuses occurred, but their narrow mandates prevented them from addressing critical issues. Overall, these investigations collectively suffered from a lack of scope and authority, leaving key inquiries into issues like contractor abuses and "ghost detainees" unexplored.

Ultimately, what emerges from the reports is a striking contradiction. The reports state that there was no official policy of abuse and they do not recommend punishment for high-ranking officials. And yet, the reports show that decisions made by top officials, including the President himself, led to the abuses that occurred in the fields of battle.

Recently, a Federal judge, recognizing the importance of government accountability, ordered the Bush administration to comply with a Freedom of Information Act—FOIA—request and release all documents related to the detentions at Abu Ghraib prison. Many of the documents released by the Administration are heavily redacted, yet reveal enough information to raise serious concerns.

One of the released documents, an FBI report dated May 19, 2004, illustrates a troubling pattern in this scandal. The redacted version of this document states that FBI employees at Abu Ghraib reported witnessing incidents such as "military personnel retraining a detainee who was 'spread eagle' on a mattress on the floor yelling and flailing . . . a detainee, either naked or wearing boxer shorts, lying prone on the wet floor . . . [and] detainees who were ordered to strip and then placed in isolation with no clothes." These practices potentially violate the Geneva Conventions and clearly violate the FBI's own interrogation rules, yet the agents did not believe they "rose to the level of misconduct or mistreatment."

On May 20, 2004, I asked Director Mueller at a Judiciary Committee hearing whether any of his agents had encountered objectionable practices involving the treatment of prisoners in Iraq, Afghanistan or Guantanamo Bay. He limited his answer to Abu Ghraib, stating that none of his agents had witnessed abuses in that facility. I wrote to Director Mueller on October 29, 2004, asking him to clarify the discrepancy between his congressional testimony and the information contained in the FBI memo. I also requested unredacted versions of all of the FBI documents released in response to the FOIA request. I have not received a response.

I remain concerned about reports of prisoner abuses that have occurred since the Abu Ghraib scandal was publicly disclosed. Attorneys working on behalf of a group of abused prisoners sent letters to members of the Senate Armed Services Committee on September 8, 2004, and to Vice Admiral Albert Church on October 13, 2004, notifying them that torture may have continued after the Abu Ghraib abuses were uncovered. I sent a letter to Secretary Rumsfeld on October 29, 2004, asking him for assurances that the abuse of detainees has not continued and that all interrogation techniques now being used in U.S. detention facilities comply with international treaty obligations and U.S. laws. Again, I have not received a response. I hope that we do not learn of continuing abuses, yet given all that we have seen and all that we have yet to learn, I am still not confident that the problems have been solved. I ask unanimous consent to have printed in the RECORD these three letters.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. LEAHY. Allowing senior officials to avoid accountability sets a dangerous precedent. It is time for Congress, even this Republican led Congress, to do its job and take action. We must send a message that no one in the chain of command—from an enlisted private stationed in Iraq to the commander-in-chief—is above the laws of our Nation.

Soon, the Senate will consider the nomination of Alberto Gonzales for the position of Attorney General. The Judiciary Committee, which has jurisdiction over the Department of Justice, will consider this nomination first. As I have said many times, and as I deeply regret, the Committee has all but abdicated its oversight role with regard to the issue of foreign detainee abuse. Last June, on a party-line vote, Republicans defeated an effort to obtain documents regarding the development of interrogation policies that we believed to be in the possession of the Department of Justice.

Some of us had also asked Judge Gonzales, in his role as White House counsel, to release documents that we believed relevant to our investigations. It is true that the White House and Department of Justice released a small number of documents last summer, but that self-serving subset of the memoranda offered a mere glimpse into the genesis of the scandal. All of those documents should have been provided earlier to Congress, and still much more remains hidden away from public view.

Judge Gonzales's role in formulating the administration's policies on the detention and treatment of prisoners in U.S. custody overseas is an issue of significant concern. His January 25, 2002, memo to the President argues for a radical shift in our longstanding policy to apply the Geneva Conventions to foreign prisoners. He later defended this memo, stating that it only applied to al Qaeda and Taliban. As he stated in a June 22, 2004, news conference, "in Iraq, it has always been U.S. position that Geneva applies . . . [B]oth the White House and Department of Defense have been very public and clear about that."

Unfortunately, we have to ask Judge Gonzales if the Geneva Conventions are actually being applied in Iraq. An October 24, 2004, story in The Washington Post reveals yet another Justice Department memo that relied upon questionable legal reasoning in order to authorize actions that potentially violated the Geneva Conventions. The draft memo, dated March 19, 2004, was written at the request of Judge Gonzales, apparently in order to authorize the CIA to transfer detainees out of Iraq for interrogation—a practice expressly prohibited by the Geneva Conventions. I look forward to discussing these memoranda, as well as other policy decisions, in more detail with Judge Gonzales as we consider his nomination.

With the consideration of this nomination, the Judiciary Committee has the opportunity to redeem itself. In my conversations with Judge Gonzales earlier this week, I have expressed to him the need for our questions to be answered. I believe that other members of the committee, on both sides of the aisle, are troubled by certain Administration policies and are disturbed by the evidence of prisoner abuse. I hope that the Committee will fulfill its oversight responsibility now.

U.S. SENATE,
Washington, DC, October 29, 2004.

Hon. DONALD RUMSFELD,
Secretary of Defense,
Washington, DC.

DEAR SECRETARY RUMSFELD: As you know, I have closely monitored the numerous ongoing and completed prisoner abuse investigations instigated by the Pentagon, but remain skeptical that these investigations will uncover the full truth. Each of these probes is limited in scope or authority and, therefore, none will comprehensively investigate the abuse of detainees.

I am particularly concerned about the status of the ongoing Pentagon investigations. In a Defense Department press briefing on August 25, 2004, General Paul J. Kern said the release of Admiral Albert T. Church's report was expected by September 20, and would "fill the gaps and seams." That same day, in a separate Pentagon briefing, a senior Army official said the Church report should be complete by mid-September and the Formica report "should be out soon." As of October 29, 2004, neither investigation has been released. In addition, Lt. Gen. David W. Barno stated in a Pentagon briefing on October 19, 2004, that the report by Brigadier General Charles Jacoby is complete, but it has not been released.

The delay in the completion and public release of these investigations raises two significant concerns. The first is whether the investigations were extended due to the discovery of abuses that previous investigations failed to uncover, or the discovery of abuses that may have occurred since this scandal was revealed in April. I recently received a copy of a letter submitted to Vice Admiral Church suggesting that abuses by soldiers and/or contractors continued even after the abuses at Abu Ghraib were reported by the press in late April. That letter is attached. My second concern is whether the release of the reports is being delayed for political reasons. I would like to believe this is unlikely, but previous experience suggests otherwise. The Schlesinger and Fay-Jones reports were released in the middle of a month-long congressional recess, the Army Inspector General's report received little attention because it was released on the same day as the 9-11 Commission Report. Without any additional information, I am forced to wonder whether the remaining reports are being withheld until a politically expedient time.

In order to better understand the current status of the ongoing Pentagon investigations, I ask that you provide the requested information and respond to the following questions by November 15, 2004. I have not received a response to the letter I sent you on October 1, 2004. I remain concerned about the issues raised in that letter, which still awaits your reply.

1. Please provide the current status and expected completion and release dates for all ongoing investigations into the abuse of detainees.

2. Please explain why the investigations conducted by Vice Admiral Church, Brigadier General Jacoby, and Brigadier General Formica are delayed beyond their expected completion and release dates.

3. Has any ongoing investigation discovered incidents of abuse that were not previously reported by the completed investigations?

4. Has any ongoing or completed investigation discovered incidents of abuse that have occurred since the Abu Ghraib prison abuse scandal was reported by the press on April 28, 2004?

5. Can you assure me that all interrogation techniques now being used in U.S. detention facilities comply with international treaty obligations and U.S. laws?

As stated above, I request that you answer these questions by November 15, 2004. Thank you for your prompt attention to this matter.

Sincerely,

PATRICK LEAHY,
U.S. Senator.

SEPTEMBER 8, 2004.

Senator JOHN WARNER,
Chair, U.S. Senate Armed Services Committee, Russell Senate Office Building, Washington, DC.

Senator CARL LEVIN,
Ranking Member, U.S. Senate Armed Services Committee, Russell Senate Office Building, Washington, DC.

DEAR SENATORS WARNER, LEVIN, AND MEMBERS OF THE COMMITTEE: On behalf of the hundreds of thousands of people in Iraq, thank you very much for holding these hearings on the torture and abuse of prisoners in Iraq. It is a great public service.

We represent the class of persons tortured in Iraq in a civil lawsuit brought against the two government contractors who participated in the torture, CACI International, Inc. and Titan Corporation.

We have learned from direct interviews conducted in Iraq in August 2004 that the torture CONTINUES despite the publicity surrounding the revelations of the Abu Ghraib torture. We are enclosing for your information a detailed summary of facts relating to the recent torture. As you will see from reviewing the summary, it is clear that torture HAS and IS transpiring at multiple, previously undisclosed, locations in addition to Abu Ghraib.

We respectfully request that you place this letter and attachment into the hearing record.

We also respectfully request that the investigation into the detainee abuses continue and be expanded to include locations other than Abu Ghraib. We ask that you hold additional hearings and permit us or our clients, the victims, to testify about what has and is transpiring. We suggest that those hearings include questioning of representatives from CACI International, Inc. and Titan Corporation, the two corporations shown by the military's investigation to be complicit in the torture.

Please do not hesitate to contact either of us if you have any questions about the incidents described in the attachment.

SUSAN L. BURKE,
Montgomery, McCracken, Walker & Rhoads, LLC.
SHEREEF H. AKEEL,
Melamed, Dailey & Akeel, P.C.

MONTGOMERY, MCCRACKEN,
WALKER & RHOADS, LLP,
Philadelphia, PA, October 13, 2004.

Re Incidents of Torture and Abuse.

VICE ADMIRAL ALBERT T. CHURCH, III,
Naval Inspector General, Office of the Naval Inspector General, Washington DC.

DEAR ADMIRAL CHURCH: We are part of the legal team prosecuting a class action seeking to hold government contractors CACI and Titan Corporation accountable for their role in the Iraqi prison scandal. As part of that effort, we have been interviewing detainees who have been tortured or abused. We have learned of many instances of torture by Americans (both military and civilian) that do not appear to be the subject of any ongoing military investigation.

We are attaching for your information a report that summarizes eleven such incidents. We would very much appreciate learning when investigations have been commenced with respect to the incidents described in the attached report. We also have additional incidents to report to whomever you designate as the appropriate person to receive the information.

Based on the information we have learned, it is clear that Abu Ghraib prison was not the only prison where detainees have been and are being tortured. It is also clear that the publicity surrounding the Abu Ghraub photographs did not prevent torture from continuing to occur.

As I trust you know and as explained in the enclosed affidavits signed by two experienced military interrogators, using torture during interrogation harms not only the victims but also places American troops in grave danger. We are very concerned that not enough action has been taken to halt past practices. Given that the conduct at issue clearly violates the Geneva Conventions and United States law, we find the insufficient oversight troubling.

We look forward to hearing from you or your staff.

Sincerely,

SUSAN L. BURKE.

UNIVERSITY OF SOUTH DAKOTA SCHOOL OF NURSING DESIGNATED AS A NATIONAL LEAGUE FOR NURSING CENTERS OF EXCELLENCE PROGRAM

• Mr. JOHNSON. Mr. President, I acknowledge a recent accomplishment in my home State of South Dakota. I am pleased to share with this body that the University of South Dakota, Department of Nursing has recently been awarded the prestigious honor of being designated as one of three National League for Nursing, Centers for Excellence in the United States for 2004–2007.

The National League for Nursing, Centers of Excellence is designed to distinguish those schools that demonstrate innovation in nursing research and education. The award requires that beneficiaries be committed to continuous quality improvement in their programs. Being acknowledged by the National League in this regard indicates a firm commitment by the school as a whole to pursue and sustain excellence in student learning, faculty development, and nursing education research. I am pleased that the USD Department of Nursing has earned such a high honor, which is clearly the result of the hard work and dedication of the faculty, staff, and students.

The associate degree nursing program at the University of South Dakota is a State-funded program that is available at the main campus in Vermillion, SD and campuses in Sioux Falls, Rapid City, Pierre and Watertown. In addition, the program has a distance education partnership with the Good Samaritan Society in Nebraska, Kansas, Iowa, Minnesota, North Dakota and South Dakota. There are over 525 students enrolled in the nursing program, and 400 of those students are in communities away from the main campus in Vermillion. Such out of state partnerships coincides with the NLN mission to continually advance quality nursing education throughout the three years the school carry the NLN Center of Excellence designation.

I am pleased with the USD Nursing School's excellent work in training and mentoring future health care providers. Nurses are an essential component of the health care team and the work of the school will ensure that in the years to come South Dakota will have access to these important health professionals. I look forward to the progress and outcomes that will result from this 3-year designation, and once again commend the hard work of the faculty, staff, and student body who continuously strive towards improving the health and well being of their communities.•

VETERANS DAY, 2004

Mr. GRAHAM of Florida. Mr. President, it is vital that we pause to remember Veterans Day, which was observed by this Nation last week. While our brave troops are protecting our freedom around the world, it is especially important that we honor those who have served before them. We owe our 25 million living veterans our heartfelt appreciation for answering the call to duty and serving this Nation in the United States Armed Forces. And, this Nation must never forget the ultimate sacrifice paid by so many of our soldiers, sailors, airmen and marines.

Today, as it should be, military service is being held in high regard. The ongoing events in Afghanistan and Iraq have renewed America's sense of gratitude toward the men and women of the Armed Forces for the great sacrifices they make everyday on behalf of our Nation. I personally want to thank all of our veterans and members of the Armed Forces for their selfless service to this country.

As we observe Veterans Day, let us remember that we owe our veterans our honor and respect year around. It would be truly shameful if veterans felt forgotten except for this one day per year. There must be no wavering in our commitment toward those who served in the United States Armed Forces.

I am proud to represent the State of Florida. Florida has one of the highest veteran populations in the country. I am fortunate to represent not only the almost 2 million veterans of Florida, but veterans all over this Nation. It has been my sincere pleasure and honor to serve as ranking member of the Committee on Veterans' Affairs for these past 2 years, and it is my hope that my term on the Committee has benefited those men and women who have sacrificed and served on behalf of this grateful Nation.

Throughout my tenure on this committee, I have fought very hard for improvements in benefits and services to veterans. I constantly think of Abraham Lincoln's pledge, "to care for him who shall have borne the battle and for his widow and his orphans." It is especially fitting that in the shadow of Veterans Day comes the passage of important veterans health and benefits legislation by both Chambers of Congress. We must continue to advance benefits and health care for our Nation's bravest individuals and their families. This recently passed legislation will improve and expand a host of veterans benefits, including: survivors benefits for spouses with dependent children; housing benefits; and educational benefits for Guard and Reserve members, veterans, and spouses of veterans killed on active duty. I am proud of this legislation and hope that future Congresses continue to provide veterans with a wide array of necessary benefits and services and strive to meet their evolving needs. Our veterans deserve no less.

On Veterans Day, and everyday, we should honor those who have worn the uniforms of our Nation. They are the best of the best.

NEW WAKE UP CALLS ON GLOBAL WARMING

Mr. LEAHY. Mr. President, over the last few weeks, we have all gotten a loud wake up call about the changes taking place around the world due to global warming. Unfortunately, the Bush administration is still turning a deaf ear to these alarms.

It baffles me that anyone can still deride or ignore the signs of global warming. It's even more astonishing that some people are even touting the benefits of global warming. Better access to oil and gas resources does not make up for flooded coastlines and the loss of entire species.

Yet the administration is still burying its head and hiding behind claims of insufficient research. Despite the overwhelming scientific evidence put forward in two reports released by the Arctic Council and the Pew Center, the President is still running away from his original campaign pledge to cut greenhouse gas emissions.

In fact, the administration's top climate official reacted to these two new assessments of global warming by saying caps on greenhouse gases would not happen during this administration. Period.

These two reports clearly show that we cannot wait any longer. We cannot spend another four years hiding from the truth and delaying solutions. According to the Arctic Council report, temperatures have risen by up to 7 degrees in the last 50 years and the snow cover has declined 10 percent over the last 30 years.

These changes not only have a dramatic effect on Arctic communities, but they also threaten the economy and environment of the rest of the world.

In my corner of the globe, climate models predict that New England's temperatures could rise by ten degrees over the next century.

In its practical effects on us and on our daily lives, that is even greater than it sounds. That is greater than any climate change experienced in our region in the last 10,000 years. In New England, our economy and environment are directly linked. Tourism is one of the top economic drivers in Vermont. Global warming threatens the revenues generated by the leaf-peepers who visit our communities in the fall, the skiers who arrive in the winter, and the anglers and boaters who come in the summer.

Climate models predict that New England forests will become populated mostly by oak and hickory. We will lose the brilliant red, orange and yellows of maple and birch trees.

Ski areas will have shorter seasons and will have to invest much more of their revenues in snowmaking. As our lakes and streams become more acidic and polluted, the attraction for anglers will decline.

Climate changes will also affect the heart of Vermont's working landscape—the thousands of family-run farms, maple sugar operations and small woodlots. Milder winter temperatures will bring more exotic pests that threaten our forests, worse air quality will degrade our soils, and more severe weather—such as flooding and ice storms—will damage farms and forests.

The maple sugar industry supports a $100 million annual economy in our state and 4000 seasonal jobs. If climate models play out, this industry could be wiped out as sugar maples recede from all U.S. regions but the northern tip of Maine by 2100.

But even before that, sugarmakers are going to see their operations affected by warming. As every Vermonter knows, you need cold nights and warm days to get the sap to run. Climate changes have already shortened the tapping season by almost a month.

Although the changes predicted for New England are still several years—and, I dearly, dearly hope, decades away—we must act now if we are to prevent them.

I applaud the actions taken by New England states to control greenhouse emissions, but our states cannot do it alone. We are all in this together. The Bush administration must act. Congress must act.

I hope that the two recent reports from the Arctic Council and the Pew Center will prompt the White House and the Congress to recognize the responsibility we all have to future generations as well as to our own generation to start now.

Passage of the Climate Stewardship Act is a first step, and it is one that I hope we can take next year.

Mr. DORGAN. Mr. President, one area in which the Department of the Treasury should increase their activities is in supporting U.S. financial service firms in opening up markets for our products in other countries. In some of the most important financial markets in the world the Department of the Treasury does not have personnel whose principal responsibility is to assist American financial service firms expand their presence in those markets. The Department should establish Financial Attaches in the following important capital markets:

Brussels: The expected pace of change in the EU financial markets in the next few years and the complexity of capital markets legislation now in formation justifies a focused U.S. presence at the center of the newly expanded EU.

London: London's capital markets play a critical role in the global economy and foreign exchange markets.

Shanghai: The rapidly growing Chinese economy might present significant opportunities for U.S. firms, but recent experience has shown that such opportunities will not materialize without vigorous insistence that China abide by its commitments. It is critical that the U.S Treasury Department have an on-the-ground presence in China.

I look forward to working with my colleagues and the Department of Treasury to establish financial attaché positions in Brussels, London and Shanghai and to expand opportunities for U.S. firms.

PRIVATIZATION OF AVIATION SECURITY SCREENERS

Mr. AKAKA. Mr. President, today the Transportation Security Administration, TSA, will begin receiving applications from U.S. airports that wish to participate in the Screener Partnership Program. This program will allow airports to hire security screeners employed by private-sector companies to provide baggage and passenger security screening at their facilities for the first time since September 11, 2001.

In the aftermath of the attacks of 9/11, security screening at U.S. airports was federalized because commercial airplanes were turned into guided missiles. Those attacks demonstrated that the then current airport security system was not working. Less than two weeks later, the Government Accountability Office, GAO, testified before the Senate Commerce Committee that screeners were deficient at detecting threatening objects and were not given sufficient training by employers and access controls to secure areas in airports were weak.

The congressional conferees of the Aviation and Transportation Security Act, ATSA, also concluded that "a fundamental change (is required) in the way (the U.S.) approaches the task of ensuring the safety and security of the civil air transportation system."

It is the responsibility of the administration and the Congress to ensure that aviation security does not fall back to the pre-9/11 status quo. Congress understood the need to evaluate how well a federalized workforce would compare to a privately employed workforce prior to allowing privatization which is why the ATSA included a 3-year screener pilot program involving five U.S. airports.

Despite this pilot program, the Department of Homeland Security Inspector General testified at a House Transportation and Infrastructure Committee hearing on April 22, 2004, that there was not sufficient basis to determine conclusively whether the pilot airport screeners performed at a level equal to or greater than that of the federal screeners. GAO, also testifying at the hearing, said, "Little performance data is currently available to compare the performance of private screeners and federal screeners in detecting threat objects." Before the Nation's airports return to commercially hired and trained screening workforces, we must make sure there has truly been adequate analysis of the performance of private airport screeners prior to allowing privatization.

In a November 16, 2004, press release announcing the commencement of its Screener Partnership Program, TSA stated, "An evaluation earlier this year concluded there was little difference in the performance or cost of the private and federal screening forces."

TSA is relying on a study that both the DHS IG and GAO found to be inconclusive. Given the high stakes involved in airport security, I am concerned that the decision to begin this program is being made without sufficient data.

In addition, I have concerns about TSA's ability to award and administer contracts with private screening companies based on a September 2004 DHS IG report that found TSA mismanaged a contract with Boeing to install Explosive Detection Systems, EDS, and overpaid Boeing by approximately $49 million. According to the IG report, contractor performance was not evaluated for each year of the contract until approximately a full calendar year later. Most troubling is that TSA rejected some of the IG's key criticisms, which makes me question the manner in which it will manage future contracts. Moreover, I believe we must also consider whether contractual mismanagement could lead to lapses in security. Are the right standards and policies in place to ensure that private screeners will provide the same security as federalized screeners, and is TSA equipped to enforce them?

As the ranking member of the Financial Management Subcommittee and the Armed Services Readiness Subcommittee, I have long worked on the challenges of Federal acquisitions. I want to make sure that DHS, which is a composite of 22 legacy agencies, has the people and tools needed to solicit and manage the Screener Partnership Program. Just this week I contacted Secretary Ridge to express my concern about the $49 million overrun of the Boeing EDS installation contract. That wasted money could have gone a long way towards helping Honolulu International Airport in my home State of Hawaii install inline EDS machines.

My interest is to improve the management of contracts and the collection of timely and accurate information and to stop erroneous and improper payments to contractors. For that reason I was pleased to work with my good friend, Senator FITZGERALD, in passing legislation to bring the Department of Homeland Security under the Chief Financial Officers Act, CFO.

The Department runs the risk of becoming a morass of hidden contract costs and poorly managed programs without a strong CFO to ensure accountability and transparency.

I would, however, like to commend TSA for honoring a commitment made by Admiral Stone at his confirmation hearing before the Governmental Affairs Committee that Federal screeners at airports which chose to use a private workforce give TSA screeners the right of first refusal for jobs. It is important that the substantial investment made by the Federal Government in the hiring, the training, and the deployment of Federal screeners not go to waste.

I plan to monitor very carefully how this plan develops, both in terms of the level of security provided to the traveling public and the level of transparency and accountability of the contracts.

PROPOSED CONSOLIDATION OF FLIGHT SERVICE STATIONS

Mr. JOHNSON. Mr. President, today I express my concerns regarding Federal Aviation Administration proposals to consolidate and outsource the actions currently executed by our Nation's Flight Service Stations.

Flight Service Stations are staffed by highly trained specialists and play an important role in providing pilots with valuable weather briefings and enroute communications, as well as facilitating search and rescue services. Each air traffic specialist is trained to understand the rapidly changing weather and geographic patterns of their area. Their expertise has kept flights running smoothly and has literally saved lives.

In 1997, the Federal Aviation Administration completed a 16-year effort to consolidate Flight Service Stations, reducing their total number from 318 sites to 61 sites. Since July 2002, the FAA has been developing studies regarding the outsourcing and further consolidation of 58 of the remaining 61 stations, excluding the three stations in Alaska. The FAA has announced that a final decision regarding the fate of these 58 Flight Service Stations will be made before March 17, 2005, possibly as soon as January.

I have received letters, phone calls, e-mails, and visits from South Dakotans concerned about the FAA's proposed actions. After the first consolidation in 1997, Flight Service Station sites in Aberdeen, Rapid City, Watertown, and Pierre, SD, were closed. Closure of the Flight Service Station in Huron, the last in South Dakota, would leave pilots isolated from weather updates, emergency assistance, and other vital notices. Weather is the leading cause of aviation accidents and the greatest contributor to fatalities. South Dakota cannot afford the loss of this crucial site.

My concerns and the concerns of South Dakotans are echoed in our State's legislature. In February 2004, the South Dakota Legislature approved a concurrent resolution supporting the Flight Service Station in Huron, SD, and encouraging efforts to preserve its functions. Additionally, our Governor has publicly expressed his opposition to the possible outsourcing of operations conducted at the Flight Service Station.

Flight safety is paramount and must be the most important factor in any decision that is made. However, it is the concern of many in my State that the proposed action will be detrimental to flight safety. I strongly urge the FAA to reevaluate their plans to allow for the continued effectiveness of Flight Service Stations.

HOUSE PASSAGE OF THE INTERNET TAX NON-DISCRIMINATION ACT

Mr. LEAHY. Mr. President, I am pleased that the House of Representatives passed today the Internet Tax Non-Discrimination, Act, S. 150, clearing this bipartisan bill for its signature into law by the President. This bipartisan legislation will continue to support electronic commerce by keeping it free from discriminatory and multiple State and local taxes and from Internet access taxes.

I am proud to be a cosponsor and strong supporter of this compromise legislation to extend for the next 3 years the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce. In addition, our bipartisan bill will safeguard fees for universal service and 911 or E-911 services and does not affect the emerging technology of Voice Over Internet Protocol, VOIP. I thank Senator WYDEN, Senator ALLEN, Senator MCCAIN, Representative COX, Representative SENSENBRENNER, Representative CONYERS, and others for their leadership on this legislation.

The Internet has changed the way we do business. Today businesses can sell their goods and services all over the world in the blink of an eye. E-commerce has created new markets, new efficiencies and new products.

The growth of electronic commerce is everywhere, and it has been important to the businesses and the economy of my home State of Vermont. For example, the Vermont Teddy Bear Company, which employs more than 300 Vermonters, sells online 60 percent of its bears during its two busiest times of the year for Valentine's Day and Mother's Day. That is 60 percent of all Vermont Teddy Bears sold online during this busy time.

Hundreds of Vermont businesses are selling online, ranging from Al's Snowmobile Parts Warehouse to Ben & Jerry's Homemade Ice Cream. These Vermont cybersellers are of all sizes and customer bases, from Main Street merchants to boutique entrepreneurs to a couple of famous ex-hippies who make great ice cream.

What Vermont online sellers have in common is that Internet commerce allows them to erase the geographic barriers that historically limited our access to major markets. With the power of the Internet, Vermonters can sell their products and services anywhere and at any time.

Although electronic commerce is beginning to blossom, it is still in its infancy. Stability is the key to reaching its full potential, and carving out new tax categories for the Internet is exactly the wrong thing to do.

E-commerce should not be subject to new taxes that do not apply to other commerce. Indeed, without a moratorium, there are 30,000 different jurisdictions around the country that could levy discriminatory or multiple Internet taxes on E-commerce.

Let's not allow the future of electronic commerce—with its great potential to expand the markets of Main Street businesses—to be crushed by the weight of discriminatory or multiple taxes.

Extending the bar on Internet access taxes will help Vermonters end the digital divide and help Vermonters compete for better jobs. Earlier this year, the University of Vermont released a study that found only 39 percent of Vermonters who earn less than $20,000 a year have personal computers, while 67 percent of Vermonters who earn more than $35,000 a year own personal computers. And 92 percent of Vermonters who do own a computer are connected to the Internet. We have to close this digital divide for Vermonters to have the skills for the good-paying jobs of the 21st century.

The Internet Tax Nondiscrimination Act will bar Internet access taxes and multiple or discriminatory taxes on goods and services sold over the Internet to provide the stability necessary for electronic commerce to flourish, and to help close the digital divide for all Americans.

PERMANENT NORMAL TRADE RELATIONS FOR ARMENIA

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for the Miscellaneous Tariff bill, in particular a provision granting Permanent Normal Trade Relations to Armenia.

Armenia is a critical U.S. ally in the Caucus region and PNTR will significantly strengthen bilateral relations and spur economic growth and prosperity in Armenia. It allows Armenian products continued access to the U.S. market at low tariff rates and will go a long ways towards offsetting the impact of Turkish and Azeri blockades that cost Armenia as much as $720 million annually.

Simply put, this means jobs and rising living standards for Armenians who want to stay in their country and create a better tomorrow for their children. Armenians have worked so hard to overcome the horrors of the past to build a country based on values Americans and Armenians both share: freedom, democracy, open markets, respect for human rights and the rule of law. We should stand behind those efforts.

I am proud to represent over a half million Armenian Americans in California. They are a strong, vibrant community who have enriched the culture of our State and participated in every aspect of its civic life.

I urge my colleagues to join me in supporting PNTR for Armenia.

RETIREMENT OF CLARE COTTON

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to the outstanding contributions made to the Commonwealth of Massachusetts by Clare Cotton, president of the Association of Independent Colleges and Universities in Massachusetts. Next month, Clare will retire after 17 years of impressive service and advocacy on behalf of 55 Massachusetts colleges and universities, their students, and faculty.

In fact, Clare's contributions to higher education reach far beyond our State. His dedication, knowledge, and passion for education have improved the lives of countless students in communities across America. It is difficult to consider any aspect of policy in higher education without thinking of Clare and calling upon his expertise. All of us who know him will miss him greatly.

Clare's leadership in higher education is based on his brilliant intellect, his love of learning, and his sound political instincts. In conversation, he could call up specifics of accounting regulations governing private colleges and universities, refer to undergraduate enrollment trends in science and math, and discuss the impact of both on a pending piece of legislation.

His work in 1997 as a member of the National Commission on the Cost of Higher Education is still cited by leaders of all sectors in the field. Need-based aid never had a better advocate than Clare, when he served first as a member and then as chairman of the congressionally authorized Advisory Committee on Student Financial Assistance during 2002 and 2003.

Whatever the issue, Clare is adept at assessing its political and economic cost to students and institutions, and he has championed colleges and universities and their students for nearly all of his professional life.

His impressive contributions have earned him distinguished status in the national associations of Colleges and Universities, and he has served in leadership positions in two of these organizations. Almost no policy decision could be made without Clare's wise counsel and support.

Clare's brilliant career was very much honed at the local level. From 1977 to 1987, he was president of the Boston-Fenway Program, an urban planning group of 12 non-profit educational, cultural and medical institutions. Long before it became fashionable, Clare helped build an educational consortium that was able to maximize scarce financial resources and enhance both the quality and depth of these landmark institutions in Boston. Community policing in Boston was born through Clare's work with the Fenway consortium.

Earlier in his career, Clare had also been a writer and a journalist. He was director of European Securities Publications in London during the 1960s, and he also served as a correspondent for The Wall Street Journal.

Anyone in our nation who hopes for a better life and sees college education as the means for achieving it owes Clare Cotton a tremendous debt of gratitude. Our colleges and universities and Congress alike have benefited from his wise counsel, gentle humor, tireless dedication, and skillful advocacy. I wish him a long and happy retirement with his wonderful wife Helen, their four remarkable children, and their nine grandchildren, and I salute him for all he has done so well for Massachusetts and our country.

INTERNET ACCESS TAX MORATORIUM

Mr. ENZI. Mr. President, the Internet plays a critical role in today's global economy. It allows us to work harder, faster, and more efficiently. With the click of a mouse, we can seal business deals, send birthday cards, and buy cars. We have come to rely on its ability to connect us with people and places around the world. Today Congress cleared an important piece of legislation that will help keep the internet affordable and accessible for all Americans.

Today's passage in the House of S. Con. Res. 146, which amends S. 150, signals the end of months of long and difficult negotiations. I would like to commend my colleagues, Senators ALLEN, WYDEN, ALEXANDER, CARPER, VOINOVICH and MCCAIN for their commitment to this issue. Their hard work has allowed us to pass a fair and reasonable moratorium on internet access taxes. The moratorium will protect all Internet users, regardless of connection platform, while ensuring that states and localities do not lose billions in tax revenue.

The moratorium on internet access taxes is necessary now because broadband technology is still in its infancy in many parts of the country. In Wyoming, we have a number of small towns where Internet service is limited to 14.4 Kbps dial-up service. At that speed, it takes all day to download one song—a song that was legally obtained, of course. The only way we are going to improve the availability of broadband services in places like rural Wyoming is by eliminating unnecessary and burdensome taxation and regulation. Consumers in every part of the country want and deserve internet access. The internet access tax moratorium will make sure they can afford to subscribe to whatever service is available. I am confident that as more consumers spend their hard-earned money on Internet services, the cable companies, telephone carriers, satellite providers and other Internet service providers, ISPs, will invest more of their money in deploying high-speed broadband services.

Renewing the Internet tax moratorium is important for consumers, but it is also a major issue for states and local communities that rely on certain tax revenue from telecommunications. These state and local governments have made the decision to tax certain services and, as a former mayor and State legislator, I respect their ability to do so. However, I agree with my colleagues that Internet access is a special service that should be tax free. The difficult part is trying to define what "Internet access" actually is. We have spent months listening to telecommunications providers, consumers, and local officials define what telecommunications services are and when and where telecommunications taxes should start and stop. Not surprisingly, the groups have disagreed more often than not. Despite the struggle, I believe we came up with a reasonable compromise on the definition and the grandfather clauses, which will give our state and local governments the time they need to phase out taxes imposed prior to the moratorium.

Now that we have passed the moratorium on Internet access taxes, I am anxious to refocus some of our energy on a bill I introduced in both the 107th and 108th Congresses. The Streamlined Sales and Use Tax Act would simplify the extremely cumbersome network of State sales and use taxes and help States begin to recover from years of budgetary shortfalls. The bill would authorize States that have signed the Streamlined Sales and Use Tax Agreement and have passed legislation simplifying their tax system to require all sellers to collect and remit sales taxes.

My streamlined bill, which has 20 cosponsors this year, is a critical bill that many of my colleagues are learning more about and recognizing its growing importance as Internet usage explodes. Two years ago the revenue loss attributed to the Internet sales tax loophole was fairly minimal. Today, the revenue loss has ballooned as online and other remote sales have increased. The States have responded to this budget crisis by signing the Streamlined Sales and Use Tax Agreement and implementing legislation that drastically simplifies their sales and use tax systems. In fact, 21 States have already signed into law the necessary implementing legislation, while 8 others are currently in the process of doing so.

As the States continue to make progress on reforming their sales tax systems, I would urge Congress to make progress on a bill that will provide to the states the authority they need to collect their own taxes. I intend to introduce the Streamlined Sales and Use Tax Act again next year and hope to work with the Finance Committee Chair and other members of the Senate to pass it into law.

In the meantime, I am pleased we will have in place a moratorium that recognizes the importance of the Internet and will allow it to grow and prosper in the coming years.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

HONORING DR. RICHARD AXEL

• Mrs. CLINTON. Mr. President, I rise today to honor Dr. Richard Axel, the co-recipient of the 2004 Nobel Prize for Physiology or Medicine. Dr. Axel received this prize for research that he and his co-recipient Dr. Linda Buck conducted on the ways in which our brains process smells. Drs. Axel and Buck are pioneers in the field of sensory biology, and have contributed much to our knowledge of how humans comprehend olfactory information. Their prize-winning research was conducted at Columbia University Medical Center, where Dr. Axel is a University Professor of Biochemistry and Molecular Biophysics and Pathology.

Dr. Axel grew up in Brooklyn and received his earliest training at Manhattan's Stuyvesant High School. Because of his interest in science, he found a job as a glassware washer at a Columbia medical research facility, where he was soon promoted to a research position. By the time he graduated from Columbia College, his work had already been published in scientific journals. Dr. Axel has spent the majority of his subsequent career performing neuroscience research at Columbia University.

I would like to note that Dr. Axel's prize is the latest in a series of distinguished scientific honors earned by residents of New York. The 2003 Nobel Prize for Chemistry was awarded to Dr. Roderick MacKinnon of Rockefeller University, and in 2000, Dr. Eric Kandel of Columbia University was one of the recipients of the Nobel Prize for Physiology or Medicine.

Next month, Dr. Axel will travel to Stockholm to accept the 2004 Nobel Prize for Physiology or Medicine. I ask that all of my colleagues join me in congratulating Dr. Axel for receiving this tremendous honor. I look forward to learning of the future discoveries that will result from Dr. Axel's groundbreaking research.

I ask that an article about Dr. Axel from In Vivo, the Columbia University Medical Center campus newspaper, be printed in the RECORD following my remarks.

A LIFE IN SCIENCE REWARDED

(By Susan Conova)

Discoveries made at CUMC about the sense of smell go beyond providing a description of what most people think is merely an aesthetic sense. Instead, understanding how the brain distinguishes among a bewildering array of different odors gives scientists a much greater understanding of how the brain works.

"Odors generate specific behaviors and specific thoughts and how that happens is still an unsolved and fascinating mystery in brain science," says Richard Axel, M.D., University Professor of Biochemistry and Molecular Biophysics and Pathology and recipient of the Nobel Prize in Physiology or Medicine on Oct. 4. "Knowing how our perceptions of the external world, including smell, impact our emotions and our behavior will be extremely important in thinking about diseases like schizophrenia to understand how the brain works."

When Dr. Axel and his former postdoctoral researcher Linda Buck, Ph.D., of the Fred Hutchinson Cancer Research Center and a professor at the University of Washington in Seattle, began their work in the late 1980s, very little was known about the sense of smell.

In 1985, Dr. Buck came across a paper describing the unsolved question of how odors are detected in the nose and was immediately hooked by "the monumental problem and a wonderful puzzle."

"This paper opened up a fascinating new world for me," she wrote earlier this year in the journal Cell. "It was estimated that humans could perceive 10,000 or more chemicals as having distinct odors. How could the olfactory system detect such an enormous diversity of chemicals? And how could the nervous system translate this complexity of chemical structures into a multitude of different odor perceptions?"

The questions would remain unanswered unless the receptors responsible for picking up odorants in the air were identified. In 1988, Dr. Buck, working in Dr. Axel's lab at P&S, started tracking them down.

Several initial attempts failed. "Linda was an extremely creative and tenacious Fellow," Dr. Axel says. "The solution to this problem took quite a long time, but the thoughtfulness of her approach made me think she would eventually succeed."

In 1991 Drs. Axel and Buck broke the field open when they published a paper describing an enormous family of genes in mice that coded for 1,000 different receptors. The study was reported in newspapers and other news media worldwide. Later work revealed about 350 functional receptor genes in humans.

"We were quite surprised that up to 5 percent of the genome was taken up by odor receptors," says Dr. Axel, also a member of Columbia's Center for Neurobiology and Behavior. "That's a sharp distinction to the three genes that the visual system uses to discriminate several hundred different hues. It shows that a system like the visual system would be inadequate to distinguish among the rich variety of odors in the environment."

Gerald Fischbach, M.D., executive vice president and dean, says the finding ranks among the most important discoveries of the past 50 years: "The discovery of the genes opened up a field of sensory biology that didn't exist before."

Once the receptor genes were identified, both researchers independently moved to the more complex question of how the brain knows what the nose smells, with the support of the NIH and the Howard Hughes Medical Institute, where the two are investigators. Their labs and others have revealed that part of the answer is that each odor produces a unique spatial pattern, or map, of neuronal activity in the brain's olfactory center. If the olfactory center was laid out like a map of the United States, it would be as if the aroma from a rose would light up Boston, New York, and San Francisco, while rotting food would light up Los Angeles and Denver.

The question now, Dr. Axel says, is figuring out how an organism uses these odor maps. We can look down at the maps of activity in an organism's brain and see what it's smelling, but how does the process actually work within an organism? "To know that the world is interested in our work will, I think, intensify our efforts toward reaching an answer," Dr. Axel says.•

ADDITIONAL STATEMENTS

CONGRATULATING DR. RHONA CAMPBELL FREE

• Mr. DODD. Mr. President, today, congratulate Dr. Rhona Campbell Free, an economics professor at Eastern Connecticut State University. Yesterday, Dr. Free was honored by the Council for Advancement and Support of Education and the Carnegie Foundation for the Advancement of Teaching as one of four recipients of the U.S. Professors of the Year Award. I would like to congratulate Dr. Free, as well as Dr. Douglas Cooper, a professor of chemical engineering at the University of Connecticut, the winner of the Professor of the Year award for the State of Connecticut.

This award is the only national honor that specifically recognizes excellence in teaching and mentoring at the undergraduate level. Over 300 nominees for the award were evaluated on their impact and involvement with students, their scholarly approach to teaching, their contributions to undergraduate education, and support from their colleagues and students.

Dr. Free, who received her doctorate from the University of Notre Dame, has taught economics at ECSU since 1983. During that time, she has distinguished herself among her peers through her commitment to her students and to teaching. She helped found the Connecticut Consortium for Learning and Teaching, a statewide organization devoted to promoting excellence in teaching. She is also a member of the Connecticut Campus Compact, which focuses on service learning.

Dr. Free's students know her as a professor who brings ideas from different academic fields into her classroom, and who creates new and innovative courses such as Economics of Professional Sports. She has also devoted her time and energy to improve academic advising and freshman orientation at ECSU. Her methods, techniques, and enthusiasm have won praise from fellow professors and students alike. In 2001, she was awarded the university's Distinguished Faculty Award.

Dr. Rhona Free is truly an inspiration, not only to students and teachers, but to all of us who strive to make this country a better place for our children and grandchildren. In a demanding profession, she has gone above and beyond her duties and responsibilities to truly make a difference in the lives of not only her own students, but students and professors throughout the State of Connecticut. I congratulate her on her accomplishments, and I wish her continued success in the years to come.●

TRIBUTE TO MS. JUDITH MAYNARD

● Mr. LEAHY. Mr. President, I wish to pay tribute to an extraordinary Vermonter, Ms. Judith Maynard, who was recently named a National Distinguished Principal. As one of 65 principals chosen nationwide, this award places Ms. Maynard in an elite class of educators.

Ms. Maynard has dedicated her life to the education and well-being of Vermont children. After working her way through an undergraduate and two masters' degrees at the University of Vermont, she launched her career as an educator. For the past 26 years, Vermont students have benefited from her extraordinary leadership. She has served as the principal of Chamberlin School in South Burlington, Vermont for the last eleven years and headed the Folsom School in South Hero for 10 years before that.

At Chamberlin, Ms. Maynard sought out grant money to hire the district's first school social worker—helping prevent problems at home from damaging students' performance at school. She has reworked the school's curriculum to provide focused, cohesive instruction across grade levels. She has made a priority of spending as much time as possible with her students, personally tutoring them in math and never saying no to those students who want to read a book with her or discuss losing a tooth. And she has fought to ensure that her young students have access to a nutritious breakfast at school, providing them with the fuel they need to successfully get through the school day.

The impact of her efforts is clear. Standardized test results on mathematics problem solving for fourth-graders at her school have jumped in the last 2 years from 48 percent achieving the benchmark of success in 2002 to 70 percent in 2004. These are impressive gains by any measure.

Ms. Maynard's leadership demonstrates the importance of having strong, dedicated principals in each of our schools. Providing vision, direction and support to all who work under the schoolhouse roof ensures that our children receive the best possible education. Together they provide our children with the skills and confidence needed to achieve their goals and lead happy, meaningful lives. America's future depends on the efforts of exceptional educational leaders like Judith Maynard. I congratulate her for her success and salute her for her tireless dedication to the children of Vermont.●

TRIBUTE TO SPECIALIST JEREMY F. REGNIER, LITTLETON, NH

● Mr. GREGG. Mr. President, I rise today to remember and honor SP Jeremy F. Regnier of Littleton, NH for his service and supreme sacrifice in the service of his country.

Specialist Regnier demonstrated a willingness and dedication to serve and defend his country by joining the National Guard soon after this country was attacked in September 2001. Just as many of America's heroes have taken up arms in the face of dire threats, Jeremy too, dedicated himself to the defense of our ideals, values, freedoms, and way of life. His valor and service cost him his life, but earned him a place on the roll call of honor within the pantheon of heroes this country has produced.

Following basic training and a tour in the National Guard, Jeremy joined the regular Army as a Bradley Vehicle Crewman and was assigned to various units, eventually joining his comrades in 4th Battalion, 5th Air Defense Artillery Regiment, 1st Cavalry Division. From this unit's home base in Fort Hood, TX, he would deploy in March 2004 to Iraq in pursuit of those who would threaten our way of life.

Throughout his short career, Jeremy developed a long list of accolades and experiences which testify to the dedication and devotion he held for the Army, his fellow soldiers, and his country. With tours in New Hampshire, Korea, Texas, and Iraq, Jeremy's expertise contributed greatly to his unit's successes and cemented his place as a participant in the great endeavor known as America. Jeremy was recognized for his service by the Bronze Star Medal, the Purple Heart Medal, the Army Achievement Medal, the Good Conduct Medal, the National Defense Service Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Korean Defense Service Medal, the Army Service Ribbon, and the Overseas Service Ribbon.

My condolences and prayers go out to Jeremy's family, and I offer them my deepest sympathies and most heartfelt thanks for the service, sacrifice, and example of their soldier, SP Jeremy Regnier. Jeremy exemplified the words of Daniel Webster who said, "God grants liberty only to those who love it, and are always ready to guard and defend it." Because of his efforts, the liberty of this country is made more secure.●

TRIBUTE TO JIMMY RAY LOYLESS

● Mr. JOHNSON. Mr. President, I rise today to pay tribute to Jimmy Loyless, who has worked as a congressional fellow in my office since January of 2004. On behalf of my staff and the people of South Dakota, I would like to thank Jimmy for his hard work, his dedication, and his considerable contributions to my State and to this great Nation.

Jimmy chose a Presidential election year to join our staff to work on banking and tax issues, and he has spent the past year learning about what can and can't happen in the United States Senate in a politically charged atmosphere. Jimmy left the Federal Deposit Insurance Corporation, his home for the past 24 years, to spend a year learning about the legislative process. And what a year it has been.

Jimmy came on board around the time that a series of scandals rocked the mutual fund industry, and almost immediately Jimmy was called upon to sit through a long series of hearings and witnesses. While learning the nitty-gritty of an industry may not be the most glamorous of duties, I am hopeful that at the very least, Jimmy learned a thing or two that may help him manage his own finances as well. In the end, Congress chose to let the Securities and Exchange Commission work through a series of regulatory changes to clean up the industry, but I am confident that the Committee's thorough investigation played a key role in forcing both the SEC and the industry itself to adopt critical changes to protect small investors.

Jimmy also got a close-up view of how Congress crafts tax legislation. For the better part of a year, the Senate crafted and debated the Jumpstart our Business Strength Act, S. 1637. Jimmy played a key role for our office, and helped to ensure that key provisions regarding tribal bonding authority were drafted and inserted into the bill. Unfortunately, those provisions, which would have provided critical economic development tools to Native Americans, were stripped out by the Republican majority in the House of Representatives as part of election year politics. This was a particularly demoralizing moment for those of us who care so deeply about South Dakota and Native American communities throughout the United States, yet Jimmy managed to remain optimistic and cheerful about what we can accomplish in the next round.

Having a financial services expert on board was indispensable when a large foreign conglomerate, Rabobank, announced its proposed takeover of South Dakota's local Farm Credit Service lender. Jimmy took the lead on analyzing the possible impact on South Dakota farmers, ranchers and lenders, and displayed a deep understanding of the needs of rural America.

Jimmy got a bit more than he bargained for when our lead banking staffer went out on maternity leave. Jimmy rose to the occasion, however, and performed admirably on such issues as reauthorization of the National Flood Insurance Program, tracking progress on the Basel II capital accords, evaluating the merits of a controversial preemption ruling by the Office of the Comptroller of the Currency, and developing proposals to reduce, in a responsible manner, the regulatory burden on our nation's financial institutions. In addition, Jimmy has provided key insights into the development of a South Dakota program to develop cybersecurity programs for financial institutions.

Finally, I would be remiss if I did not mention Jimmy's role in our continued efforts to pass comprehensive deposit insurance reform. Although we were hopeful that Jimmy would be the Johnny Damon of deposit insurance reform, the Boston Red Sox managed to win the World Series while our reform bill will live to see yet another Congress.

It is my pleasure and honor to stand before the Senate today to thank Jimmy Loyless publicly for his service to the United States Senate. I am pleased he will continue to serve our country by returning to the FDIC, which is lucky to have him.●

GRAND MA'S STORY

● Mr. DEWINE. Mr. President, I recently received a letter from Iva D. Fesler Johnson. In it, she recalls what her grandmother, whom she called "Grand Ma," told her about slavery. I would like to thank her for sharing this with me. Grand Ma's story is one of strength and perseverance—a story that took place during one of the darkest points in our Nation's history. The following is the story contained in the letter:

> On January 1, 1863, President Abraham Lincoln signed the Emancipation Proclamation declaring "All Slaves Free."
>
> I, Iva D. Jones, was born the daughter of Richard and Lottie Foster Jones. My father's mother was Cicly Belle Graham, the daughter of Henry and Fanny Graham. She was my grandmother. She was a slave.
>
> "Grand Ma," as we called her, was brought to this country from Africa by ship. Grand Ma was sold three times by auction on the auction block at Washington, Kentucky. She was sold to the highest bidder. She was given the name of her slave master. So, she was Cicly Marshall at one time, another time, Cicly Smith.
>
> Grand Ma plowed the fields with oxen. She was the mother of nine children. She birthed some of the children in the field that she was plowing. Her slave master did not allow her to return to the cabin in which she lived until the day's work was done. She worked from sun up to dark. She was not paid any money for this work.
>
> She was married three times by jumping across a broomstick.
>
> The slaves would sometimes try to escape from the "Life of Slavery" to Canada. Grand Ma tried to escape. She was caught by "Blood Hounds" and "Slave Catchers." She was punished by being whipped, and salt and pepper was put on the cuts made by the whip to help healing.
>
> Grand Ma developed the gift of mid-wife. She delivered two sets of twins for her daughter, Margaret O'Banion, and her husband, Lucian O'Banion.
>
> The slaves could not read or write. No one in the slave owner's family was allowed to teach the slaves because it was against the law. Some taught the slaves to read and write in secret. There were no schools for the slaves until after they were free.
>
> Grand Ma said she saw President George Washington and President Abraham Lincoln.
>
> Grand Ma lived through the Civil War. She said she prayed we would one day have a place to worship God under our own vine and fig tree and the slave master's whip would no longer be stained with African blood. God has answered her prayers. God has given us places to worship.
>
> One writer states, slavery lasted 250 years in the United States. Millions of people were sold into bondage so that their owners could grow rich, selling sugar, tobacco, rice, and cotton grown by their slave laborers. The slaves loved to sing as they worked—such songs as "Steal Away to Jesus," "Go Down Moses," and "Swing Low, Sweet Chariot."
>
> At dawn, the slaves would awake every morning except Sunday to the sound of the overseer's horn. Men, women, and children would scramble out of a pile of straw, piled high on the mud floor of their hut, with hoe in hand to the field. Mid-morning, they were told to fix their breakfast, which was cornmeal put in a pot of boiling water to make hoe-cakes. The hoe-cakes were cooked on the blade of their hoe over the fire. Once a week, they were given a little piece of salt pork and fish.
>
> Sometimes the slaves would drop little pieces of grains in the boiling water.
>
> The slaves did not have shoes to wear and their clothes were ragged.
>
> The slave master would ride a horse to the slave auction. The slaves were chained together, barefoot and raggedy. They were taken to the auction block.
>
> As they worked in the field, the overseer would ride a horse to watch the slaves work. If he thought the slaves were not working hard enough, he would flog them with a cowhide whip.
>
> After slavery, Grand Ma worked for pay because she had to find a home. The master's wife told Grand Ma to leave Grand Ma's daughter, whose name was Ellen, with her while she looked for a home. Grad Ma said on Sunday morning a man riding a horse told Grand Ma, Ellen is dead and buried. Little Ellen was nine years of age. The man told Grand Ma that the missus said Ellen wasn't washing the hearth right. So the missus hit Ellen in the head with a sick of wood and Ellen died.
>
> Other slaves were sold at auction, and members of a family were separated. Husbands and wives, brothers and sisters, and children did not know the whereabouts of others.
>
> Grand Ma was finally able to get a home of three rooms on a one acre lot in Lewisburg, Kentucky. She lived there many years and died in her home on June 26, 1926. The House has been modernized. It stands there today. I was 15 years of age when Grand Ma died.
>
> Amazing Grace, how sweet the sound, that saved a wretch like me. I once was lost, but now I'm found. I was blind, but now I see.
>
> Written by Mrs. Iva Johnson
>
> These are things my grandmother told me about slavery.●

CELEBRATING THE OPENING OF THE COLUMBIA SPORTSWEAR DISTRIBUTION CENTER IN HENDERSON COUNTY, KY

● Mr. BUNNING. Mr. President, I want to celebrate the dedication of the Columbia Sportswear 4 Star Distribution Center in Robards, Kentucky.

Columbia Sportswear is a family-owned company that was founded in Portland, OR, in 1938. You may be familiar with this corporation's amusing advertisements featuring Gert Boyle, the matriarch and chairwoman of the company, testing her products under various extreme conditions.

This is a $40 million dollar facility occupying 428,000 square feet. It could add up 400 new jobs to the area, not including any other indirect employment. This site will enable Columbia to have better access to its markets in the Midwest and on the East Coast. The industrial park that the center is built on was the result of cooperation between Henderson, McLean, Union, and Webster Counties. I was very impressed by how the region pulled together to make this project happen.

I believe that this distribution plant will bring jobs and other economic benefits to this area. Columbia Sportswear is good company and I am excited to welcome them to Western Kentucky. I look forward to the positive impact they will have on the community.●

AMERICAN LEGION SENIOR BASEBALL TEAM PADUCAH POST 31

● Mr. BUNNING. Mr. President, today I honor Paducah Post 31 American Legion Senior Baseball Team, of Paducah, Kentucky for making it to the American Legion World Series. In December 19, 2004 this team will be gathering to award each team member the World Series Ring to Commemorate their accomplishments. I congratulate the Paducah post 31 American Legion Senior Baseball Team on their accomplishments and look forward to seeing their continued success in the future.

This band of gifted athletes and team players has consistently fielded team after team in their region. Their competition was intense and they have distinguished themselves just as much by their own skill, as by the skill of those they defeated. They began their season as just one team among 5,400 others from all over the United States and Puerto Rico competing to be in the American Legion World Series. They ended it as one of eight teams from all over the United States and Puerto Rico, that actually did compete in the American Legion World Series.

As a baseball player I am especially proud of the accomplishments of this team from my own State of Kentucky. I know what it means to have played the good game, fought the good fight and won. The feeling that you have done the right thing by trying your hardest is payback enough. But Post 31's baseball team did that and much more, they not only tried their hardest, they also made it to the American Legion World Series.

I am proud of a team that when it does its best, makes it all the way to the World Series Eight. That is a great accomplishment of which they too should be proud.•

IN RECOGNITION OF ADMIRAL RICHARD TRULY

• Mr. ALLARD. Mr. President, in January the National Renewable Energy Laboratory in Golden, CO, will have to say goodbye to the man who has been their director since 1997. Admiral Richard Truly has brought a great deal to NREL and I would like to take a moment to recognize him for his many impressive achievements, and to thank him for his service to NREL, to Colorado, and to the Nation.

Admiral Truly has a biography that is as diverse as it is interesting. For many being the director of a national lab, and managing an annual research budget of about $200 million, would be the crowning highlight of a career. And such may be the case for Admiral Truly. But with all of the other experiences he has had, there would be tough competition.

If you ask the Admiral how he first became interested in the issue of energy and technology development the story would probably start something like, "when I was orbiting Earth in the space shuttle . . ." Few people have had the experience of orbiting the Earth, and that experience has obviously widened the field of how he views problems. One often hears him relate the fact that seeing the Earth from space helped him to see that issues that may seem isolated to a distinct region, are really the results of a larger global challenge.

Admiral Truly piloted the Space Shuttle *Columbia* in 1981 and commanded the *Challenger* in August and September, 1983. He left to become the first commander of Naval Space Command in 1983, and served as the Administrator of NASA from 1989 to 1992, under the first President Bush. After the tragic *Challenger* accident, he led the accident investigation and was vital in rebuilding the Space Shuttle program. He also won the approval of President Reagan and Congress to build *Endeavor*, which replaced the *Challenger*. Under his direction NASA finalized plans for building the Space Station and implemented a number of streamlining reforms.

During Admiral Truly's tenure at NREL there have been many strides and innovations in the research done there. In the last 7 years the scientists at NREL have been able to improve wind technology, the fastest growing source of electric energy; increase the efficiency, and decrease the cost of solar energy; and advance the technology of bio-energy, which converts plant and animal waste to energy. These technological advancements provide great benefits to our economy, while also benefiting the environment.

However, the economy and the environment are not the only beneficiaries of Truly's work. Because he has helped NREL to become one of the premier research laboratories in the world, Colorado is the home to world-class scientists and researchers. Coloradans have a direct exposure to the newest, most up-to-date technology in the renewable industry. Numerous individuals, businesses and communities have benefited from partnerships with NREL which have produced new technological processes. Admiral Truly was instrumental in leading the lab down the path of success.

He has been the recipient of numerous awards, including the Presidential Citizen's Medal which was awarded by President Reagan in 1989. But one can see the personal side of Admiral Truly when he is around his staff, and others in the community. He is an unassuming and sincere person, with a ready smile for everyone he sees. He has a real instinct for what is best for the institution, but seems to balance that with what is best for the individuals. He also gives much of his time to community activities. In Colorado he has been an active advocate for the scientific and academic communities, and is a member of the Colorado Governor's Commission on Science and Technology, The Regis University Board of Trustees, and the Advisory Board to the Colorado School of Mines Board of Trustees. He has also served on the Princeton Plasma Physics Laboratory Advisory Council, the Board of Visitors to the U.S. Naval Academy, the Defense Policy Board and the Army Science Board.

As I close, I wish to extend my thanks, but also the thanks of the people of Colorado and the Nation. Admiral Truly has given a large part of his life to public service and helping to better the world around him. I congratulate him on his retirement after a long and prosperous career, and wish him luck and happiness as he embarks on the next phase of his life.•

HONORING THE LIFE OF MILTON D. STEWART

• Mr. KERRY. Mr. President, I would like to take a moment to pay tribute to a champion of this Nation's small businesses and to honor the work, dedication and life of Milton D. Stewart, the first Chief Counsel for the Office of Advocacy at the U.S. Small Business Administration. Mr. Stewart passed away at the age of 82, following an extensive and diverse career that included entrepreneurship, government, service to small businesses, law, journalism, and academia.

One of the most highly successful innovations of the House and Senate Small Business Committees came with the creation of the Office of Advocacy within the Small Business Administration. This office was established to represent and advance small business interests before other Federal agencies and the Congress. Congress recognized the importance of small business to the competitiveness of the American economy and understood that government sometimes can get in the way of small businesses doing what they do best—creating jobs.

Over the years, the Office of Advocacy has had a great deal of success and its hand has been strengthened by further congressional action, such as the Regulatory Flexibility Act in 1980 and the Small Business Regulatory Enforcement Fairness Act in 1996. The actions of the office have resulted in billions of dollars in regulatory cost savings for small entities, reducing barriers to market entry and promoting entrepreneurship.

This success is due in no small part to the solid beginnings of the Office of Advocacy under the leadership and through the vision of the very first Chief Counsel for Advocacy, Milton D. Stewart. Milt, in his tenure as Chief Counsel from 1978 to 1981, laid the groundwork for the Regulatory Flexibility Act, the first White House Conference on Small Business, the Small Business Innovation Development Act, and many other initiatives that are now considered part of the core small business policies within this country.

Formerly a small business owner and financier, Milt brought a level of commitment and passion for fostering the entrepreneurial spirit. Early in his life, in a family-owned small business begun and managed by his parents, he acquired great respect for the skill and courage of small business entrepreneurs. During his tenure in service to small businesses, Milt served as President of the National Small Business Association, the National Association of Small Business Investment Companies and the Small Business High Technology Institute.

Milt also had significant government service beginning with the Office of War Information during World War II. He also served as special counsel to Governor Harriman of New York and to the New York State Thruway Authority, a Presidential delegate to the second White House Conference in 1986 and Special Counsel to the third White House Conference Commission in 1995. While he was Chief Counsel, his charisma and vision inspired many of those who worked with him and helped develop sound small business policy for our Nation.

His involvement in and dedication to the small business community has made a difference in the lives of millions of entrepreneurs. Thanks to him, small firms now have a greater voice in the creation and implementation of the regulations that govern the way they do business. His family and friends can take pride in that legacy and in Milt's tremendous public service.

My condolences go out to his wife, Joan, and to his children, grandchildren and great grandchildren on their loss. Together, we mourn the departure of a great man who embodied the American entrepreneurial spirit. He will be greatly missed.•

NATIONAL ADOPTION DAY

• Mr. BROWNBACK. Mr. President, I wish to recognize National Adoption Day which is this Saturday, November 20. National Adoption Day is a collaborative effort to raise awareness about the thousands of children in foster care waiting to be adopted. There are an estimated 542,000 children in foster care in the United States, and over 126,000 of them are waiting to be adopted.

This day is meant to celebrate and honor all those loving parents who adopt children and to bring attention to the children in foster care waiting to be adopted. On Saturday, an unprecedented number of courts throughout the nation will finalize the adoption of thousands of children from foster care. For the last 4 years, local adoption agencies, courts, and advocacy organizations have come together on National Adoption Day to help children in need of a permanent home.

The number of children in foster care has nearly doubled since 1987, and the average time a child remains in foster care is 3 years. Sadly, almost 20,000 children in foster care age out of the system each year without ever being placed with a permanent family. If only one out of every 500 Americans adopted, all foster children would be placed in homes.

As a father of two adopted children, I know the love and joy that comes from adoption. I commend the National Adoption Day partners for their efforts and their dedication in working toward a day when all children will have a permanent, loving family to call their own.•

WHRI-AM AND WRHM-FM

• Mr. GRAHAM of South Carolina. Mr. President, I would like to take this opportunity to recognize WHRI-AM and WRHM-FM for their combined 100 years of service to Rock Hill, York County, and the State of South Carolina.

WHRI first signed on the air in the Rock Hill community in December 1944. During its 60-year history, the station has remained dedicated to providing quality programming and has been a committed partner in community development.

WHRI operates under a principle established by its founder, Jim Beaty: "Never underestimate the audience." In doing so, the station provides coverage of local and national news, sports, and events.

WHRI remains an active participant in the community, the station and its staff contribute time and talent to numerous service projects. One of WHRI's greatest success stories has been their involvement with the Shrine Bowl. When this all-star football game featuring high school athletes from North and South Carolina came to Rock Hill in 2001 there were only a handful of stations that carried the game. Three years later the network has been expanded to 50 stations. This increased exposure has also helped bring greater awareness to the cause of the Shriners and helped them raise additional funds for their hospitals.

WHRI has remained dedicated to serving the community in which they live. In keeping with their commitment to service, WHRI purchased WRHM in 1987. WRHM signed on the air in Lancaster more than 40 years ago in July 1964. After a 3-year station upgrade in the late 1980's, WRHM grew to serve a large region of South Carolina. Today, WRHM is broadcast to more than 15 counties in North and South Carolina, and continues the same tradition of excellence and regional service inspired by the success of their sister station.

I wish WHRI and WRHM continued success for years to come.•

TRIBUTE TO BOB AND BETH KENNETT

• Mr. LEAHY. Mr. President, I would like to commend the work of Bob and Beth Kennett. The Kennett's own the Liberty Hill Farm in Rochester, VT, where Beth runs a bed and breakfast on the farm, and Bob oversees the dairy operation of 70 cows. The Kennett's demonstrate to their guests that dairy farming in Vermont is more than a job or an industry; it's a way of life. Vermont's landscape is defined by the green pastures and silos that dot the hills. Our agricultural economy depends on the hundreds of millions of dollars dairy farmers bring to the State every year. Through the Kennett's combination of agri-tourism and dairying they are helping to ensure farming is not only a part of Vermont's past, but a vital part of Vermont's future.

I ask that a recent article about the Kennett's be printed in the RECORD.

The article follows:

[From the Burlington Free Press]

JUST ASKING TO SURVIVE

(By Erin Kelly)

Twenty-five years after they bought their small dairy farm in Vermont's picturesque White River valley, Bob and Beth Kennett find themselves alone.

"When we moved here, there were 11 farms shipping milk," said Beth Kennett, who helps her husband run a farm of 70 milk cows in Rochester, VT. "We are now the last dairy farm in our valley."

Small dairy farms like the Kennetts' are disappearing throughout America. In the last half-century, the percentage of U.S. farms with milk cows has plunged from nearly 62 percent in 1954 to 4 percent in 2002, according to the Department of Agriculture.

Farmers say that number will keep dropping if a federal dairy subsidy expires as scheduled in October 2005.

At stake for the farmers is a way of life that in many cases dates back generations. Suburbanites and urban dwellers also have something to lose, farmers warn.

If the farms go, their green pastures will be replaced with shopping malls and housing tracts. Fresh milk produced locally could be replaced by milk shipped by tanker truck thousands of miles from mega-dairy farms in the West.

"The consumer is not going to benefit if all the milk is produced in just a few places," Beth Kennett said. "Why not have local milk for local markets?"

Small dairy farmers won a victory last month when the Senate Appropriations Committee approved a plan to extend the federal dairy subsidy to at least 2007, when it could be renewed again as part of a new farm bill. The plan, pushed by Sens. Patrick Leahy, D-Vt.; Herb Kohl, D-Wis.; and Arlen Specter, R-Pa., still must be approved by the full Congress.

An effort to attach the subsidy to a Homeland Security bill failed this past weekend, but lawmakers vowed to try again this year.

The subsidy, which has cost taxpayers about $2 billion since its passage in 2002, sends payments to dairy farmers whenever the price of milk drops below a certain level, basically guaranteeing farmers a minimum price. Small farmers, those with about 130 cows or fewer, benefit most.

While some are pushing for the short-term extension of a tax subsidy for dairy farmers, other dairy state lawmakers want a different, long-term solution one that could raise the price of a gallon of milk for consumers.

Instead of a taxpayer subsidy, the National Dairy Equity Act would require milk processors to pay farmers a minimum price for their milk.

If the proposal becomes law, consumers could pay as much as 20 cents more per gallon of whole milk, warns the International Dairy Foods Association, which represents processors. Sen. Jim Jeffords, I-Vt., says the group is grossly exaggerating the cost as a scare tactic.

Ken Bailey, associate professor of dairy markets at Pennsylvania State University, said even an increase of a few cents could hurt sales of milk, which has dropped in popularity. The percentage of raw milk being turned into milk to drink declined from 40 percent in 1980 to 28 percent in 2000, with the rest used to make cheese or other dairy products.

When the retail price of milk went up in May and June, sales fell 3 percent, Bailey said.

"It doesn't make sense to design a whole federal policy around a small and declining segment of the dairy market," Bailey said. "What the federal government should be doing is getting out the way and encouraging innovation and the creation of new dairy products. In Europe, liquid yogurt beverages are very popular. Our thinking is still stuck back in the 1950s when everybody had a glass of milk with dinner."

Carl Greene, a sixth generation dairy farmer in Berlin, N.Y., said that with a little help from Washington, he is optimistic that the farm he works with his brother and father will survive for a long time to come.

"Any help we get will make us more competitive," he said. "We'll reinvest it back into the farm."

Beth Kennett, who runs a bed and breakfast out of her Rochester farmhouse to help make ends meet, said the city folks who visit seem willing to help once they see what's at stake. People need to realize that retail milk prices which have stayed fairly steady at $2.62 to $2.76 a gallon over the last eight years are a bargain and don't reflect the farmers' true cost, Kennett said.

"Our guests, once they see the hard work that goes into it, say they'd be more than happy to pay an extra nickel for milk to keep Farmer Bob going," Kennett said. "We're not asking to make huge profits. We're just asking to survive."●

DAVID DIETZ

● Mr. BIDEN. Mr. President, I rise today to honor a great Delawarean and a great American, David Dietz. David is a stellar example of an individual whose remarkable success in business has not diminished his commitment to the betterment of his community and those in need.

If you traveled around Delaware asking folks about David Dietz, you would quickly learn the extent of his impact. In the business world, David has served on numerous committees, won an abundance of awards, and his restaurant, the Brandywine Brewing Company, in Greenville, has been named the Best of Delaware several times over. Yet I believe that it is when David steps out of his role as businessman and entrepreneur he truly shines.

David is a man with many causes—juvenile diabetes, child abuse prevention—but it is his involvement with women's health that moves me to recognize him today.

In 1993, as a response to Delaware's high breast cancer mortality rate, my wife Jill was driven to form the Biden Breast Health Initiative. BBHI is a nonprofit organization devoted to educating young women on breast health and the importance of early detection in fighting breast cancer. Two years ago, BBHI introduced the Educate For Life scholarship program, which offers three grants to Delaware high school seniors—one student from each of Delaware's counties—who will pursue educational opportunities in the fields of health care or education. This year, as well as the year of its inception, the Educate for Life benefit has been sponsored by David's restaurant, and it has been a resounding success.

David not only generously donates his time and expertise to the planning and implementation of the event, but also a portion of the evening's proceeds. We could not do it without him and his staff.

For his deeply felt responsibility to the community, for his dedication to being a man of action and not just words, and for his ability to reach out to others in need, I am pleased to acknowledge David Dietz.●

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

Under authority of the order of the Senate of January 7, 2003, the Secretary of the Senate, on November 18, 2004, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 2986. An act to amend title 31 of the United States Code to increase the public debt limit.

The message also announced that the Speaker has signed the following enrolled bill:

S. 2986. An act to amend title 31 of the United States Code to increase the public debt limit.

Under the authority of the order of January 7, 2003, the enrolled bill was signed by the President pro tempore (Mr. STEVENS) on November 18, 2004.

MESSAGES FROM THE HOUSE

At 10:06 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3204. An act to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 434. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes.

S. 1146. An act to implement the recommendations of the Garrison Unit Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota.

S. 1241. An act to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes.

S. 1727. An act to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978.

S. 2042. An act for the relief of Rocco A. Trecosta of Fort Lauderdale, Florida.

S. 2214. An act to designate the facility of the United States Postal Service located at 3150 Great Northern Avenue in Missoula, Montana, as the "Mike Mansfield Post Office".

S. 2302. An act to improve access to physicians in medically underserved areas.

S. 2484. An act to amend title 38, United States Code, to simplify and improve pay provisions for physicians and dentists and to authorize alternate work schedules and executive pay for nurses, and for other purposes.

S. 2640. An act to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the "Guardians of Freedom Memorial Post Office Building" and to authorize the installation of a plague at such site, and for other purposes.

S. 2693. An act to designate the facility of the United States Postal Service located at 1475 Western Avenue, Suite 45, in Albany, New York, as the "Lieutenant John F. Finn Post Office".

S. 2965. An act to amend the Livestock Mandatory Price Reporting Act of 1999 to modify the termination date for mandatory price reporting.

H.R. 1284. An act to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project.

H.R. 4794. An act to amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 to extend the authorization of appropriations, and for other purposes.

H.R. 5163. An act to amend title 49, United States Code, to provide the Department of Transportation a more focused research organization with an emphasis on innovative technology, and for other purposes.

H.R. 5213. An act to expand research information regarding multidisciplinary research projects and epidemiological studies.

H.R. 5245. An act to extend the liability indemnification regime for the commercial space transportation industry.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

At 1:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 146. Concurrent resolution to direct the Secretary of the Senate to make corrections in the enrollment of the bill S. 150.

The message also announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

At 3:10 p.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the House has passed the bill (S. 150) to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act, without amendment.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5360. An act to authorize grants to establish academics for teachers and students of American history and civics, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 524. Concurrent Resolution directing the Clerk of the House of Representatives to make certain corrections to the enrollment of H.R. 1350.

At 5:24 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4324. An act to amend chapter 84 of title 5, United States Code, to provide for Federal employees to make elections to make, modify, and terminate contributions to the Thrift Savings Fund at any time, and for other purposes.

H.R. 5365. An act to treat certain arrangements maintained by the YMCA Retirement Fund as church plans for the purposes of certain provisions of the Internal Revenue Code of 1986, and for other purposes.

The message also announced that the House has passed the following bill, with an amendment:

S. 2781. An act to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes.

ENROLLED BILL PRESENTED DURING ADJOURNMENT

The Secretary of the Senate reported that on November 18, 2004, she had presented to the President of the United States the following enrolled bill:

S. 2986. An act to amend title 31 of the United States Code to increase the public debt limit.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–9902. A communication from the Acting Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nutrition Labeling: Nutrient Content Claims on Multi-serve, Meal-type Meat and Poultry Products" (RIN0583–AD07) received on November 16, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9903. A communication from the Acting Under Secretary of Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Reinvention of the Section 514, 515, 516, and 521 Multi-Family Housing Programs" (RIN0575–AC13) received on November 4, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9904. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Glyphosate; Pesticide Tolerance" (FRL#7683–9) received on November 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9905. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hexythiazonx; Pesticide Tolerances for Emergency Exemptions" (FRL#7684–2) received on November 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9906. A communication from the Acting Under Secretary for Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Business and Industry and Loans; Revision to Definition of Rural Areas" (RIN0570–AA39) received on November 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9907. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Fruits and Vegetables" (Doc. No. 02–106–2) received on November 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9908. A communication from the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Official Brucellosis Tests" (Doc. No. 02–070–3) received on November 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9909. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Walnuts Grown in California; Decreased Assessment Rate" (FV04–984–2) received on November 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9910. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 2004–2005 Marketing Year" (Doc. No. FV04–985–2) received on November 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9911. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Domestic Dates Produced or Packed in Riverside County, California, Increased Assessment Rate" (Doc. No. FV04–987–2) received on November 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9912. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report entitled "Long-Term Strategy to Reduce Corrosion and the Effects of Corrosion on the Military Equipment and Infrastructure of the Department of Defense"; to the Committee on Armed Services.

EC–9913. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the Department's Fiscal Year 2003 purchases from foreign entities; to the Committee on Armed Services.

EC–9914. A communication from the Director of Research and Engineering, Department of Defense, transmitting, pursuant to law, a report relative to the Foreign Comparative Testing Program; to the Committee on Armed Services.

EC–9915. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the Environmental Technology Program; to the Committee on Armed Services.

EC–9916. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment to the International Traffic in Arms Regulations: Registration Fee Change" (RIN1400–AB97) received on November 9, 2004; to the Committee on Armed Services.

EC–9917. A communication from the Alternate OSD FRLO, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE; NDAA–02 and a Technical Correction Included in the NDAA–03" (RIN0720–AA89) received on November 6, 2004; to the Committee on Armed Services.

EC–9918. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Department of Defense's Fiscal Year 2004 Performance and Accountability Report; to the Committee on Armed Services.

EC–9919. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the Department's contractors' commercial and industrial type functions; to the Committee on Armed Services.

EC–9920. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 69 FR 61445" (44 CFR 67) received on November 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9921. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility; 69 FR 60309" (44 CFR 64) received on November 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9922. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility; 69 FR 6144" (44 CFR 64) received on November 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9923. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a report relative to the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–9924. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a report relative to the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9925. A communication from the Assistant General Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Participation in HUD's Native American Programs by Religious Organizations. Providing for Equal Treatment of All Program Participants" (RIN2577–AC56) received on November 16, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9926. A communication from the General Counsel, Office of General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Section 701.14—Change in Official or Senior Executive Officer in Credit Unions That Are Newly Chartered or Are in Troubled Condition" received on November 16, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9927. A communication from the Regulatory Specialist, Legislative and Regulatory Activities Division, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice and Procedure; Civil Money Penalty Inflation Adjustments" (RIN1557–AC82) received on November 16, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9928. A communication from the Regulatory Specialist, Legislative and Regulatory Activities Division, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled "Rules, Policies, and Procedures for Corporate Activities; Annual Report on Operating Subsidiaries" (RIN1557–AC81) received on November 16, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9929. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice and Procedure" (RIN3064–AC76) received on November 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9930. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department of Housing and Urban Development's Fiscal Year 2004 Performance and Accountability Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–9931. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, the report of a transaction involving U.S. exports to the United Arab Emirates; to the Committee on Banking, Housing, and Urban Affairs.

EC–9932. A communication from the Assistant to the Board, Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Regulation J—Collection of Checks and Other Items by Federal Reserve Banks and Funds Transfers through Fedwire" received on October 26, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9933. A communication from the Deputy Chief Acquisition Officer for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Government Property and Miscellaneous Editorial Changes" (RIN2700–AD05) received on November 14, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9934. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications; Pacific Mackerel" (RIN0648–AR97) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9935. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Reallocation of Projected Unused Amount of Pacific Cod from Vessels Using Trawl and Jig Gear to Vessels Using Hook-and-Line and Pot Gear in the BSAI" received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9936. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of 'Other Species' in the Bering Sea and Aleutian Islands" received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9937. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Notice of Closure of the 2004 King Mackerel Commercial Fishery, Western Zone of the Gulf of Mexico" received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9938. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Microprocessor Technology Eligible for Export Under License Exception" (RIN0694–AD04) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9939. A communication from the Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "List of Nonconforming Vehicles Decided to be Eligible for Importation" (RIN2127–AJ35) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9940. A communication from the Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Schedule of Fees Authorized by 49 U.S.C. 30141" (RIN2127–AJ34) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9941. A communication from the Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Purpose Vehicles" (RIN2127–AH75) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9942. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney Canada PT6B-36A and PT6B-36B Turboshaft Engines Doc. No. 2004–NE–18" (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9943. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Correction: Establishment of Restricted Areas 5802C, D, and E; Fort Indiantown Gap, PA Doc. No. 02–AEA–19" (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9944. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727, 727C, 727 100, 100 C, and 200 Series Airplanes Doc. No. 2003–NM–131" (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9945. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems Limited Model BAe 146 and Avro 146 RJ Series Airplanes Doc. No. 2002–NM–90" (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9946. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Hartzell Propeller Inc Model HC B5MP 3( )/M10282A( )+6 Propellers Doc. No. 86–ANE–7" (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9947. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: CFM International CFM56–5C Series Turbofan Engines Doc. No. 95–ANE–64" (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9948. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Correction—Rolls Royce plc RB211–22B, –524, and –53 Series Turbofan Engines Doc. No. 2003–NE–57" (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9949. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL 600 2C10 and CL 600 2D24 Series Airplanes Doc. No. 2004–NM–125" (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9950. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Valentin GmbH and Co. Taifun 17E Sailplanes; Doc. No. 2003-CE-56" (RIN2120-AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9951. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: MD Helicopters Inc Model 500N and 600N Helicopters Doc. No. 2004–SW–20" (RIN2120-AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9952. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–600, 700, 700C, 800, and 900 Series Airplanes Doc. No. 2002–NM–327" (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9953. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dassault Model Fan Jet Falcon Series Airplanes; and Model Mystere-Falcon 20 Series Airplanes Doc. No. 2002-NM-227" (RIN2120-AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9954. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Robinson Helicopter Company Model R22 Series Helicopters; Doc. No. 2004–SW–15" (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9955. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Correction—Boeing Model 727 Series airplanes Modified in Accordance with Supplemental Type Certificate, Doc. No. 07-NM-235" (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9956. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cessna Aircraft Company 120, 140, 150, F150, 170, 172, F172, FR172, P172D, 175, 177, 180, 182, 185, A185E, 190, 195, 206, P206, U206, TP206, TU206, 207, T207, 210, T210, 336, 337, and T337 Series Airplanes Doc. No. 2003–CE–40" (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9957. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–200, 200C, 300, 400, and 500 Series Airplanes Doc. No. 2991–NM–246" (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9958. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cessna Aircraft Company 120, 140, 150, F150, 170, 172, FR172, P172D, 175, 177, 180, 182, 185, A185E, 190, 195, 206, P206, U206, TP206, TU206, 207, T207, 210, T210, 336, 337, and T337 Airplanes Doc. No. 2003-CE-40" (RIN2120-AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9959. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: DG Flugzeugbau GmbH, Model Sailplanes, Spindle Drive; Doc. No. 2004-CE-06" (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9960. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC 8 101, 102, 103, 106, 201, 202, 301, 311, and 315 Airplanes Doc. No. 2002–NM–126" (RIN2120-AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9961. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 707 and 720 Series Airplanes; Doc. No. 2003-NM-44" (RIN2120-AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9962. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes Doc. No. 2004-NM-159" (RIN2120-AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9963. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A218, 319, 320, and 321 Series Airplanes Doc. No. 2004-NM-158" (RIN2120-AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9964. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL 600 2B19 Airplanes Doc. No. 2004-NM-195" (RIN2120-AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9965. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Office, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Framework Adjustment 5" (RIN0648–AR50) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9966. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Computer Technology and Software Eligible for Export Under License Exception; and Establishment of 'Foreign National Review' Requirement and Procedure" (RIN0694–AD18) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9967. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report entitled "Report to Congress—Part 135 Air Taxi Operators Study"; to the Committee on Commerce, Science, and Transportation.

EC–9968. A communication from the Chairman, Surfaces Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing Fees for Services Performed in Connection With Licensing and Related Services—2004 Update" (Stb Ex Parte No. 542) received on November 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9969. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's Fiscal Year 2004 Performance and Accountability Report; to the Committee on Commerce, Science, and Transportation.

EC–9970. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, the Board's 2004 FAIR Act Inventory; to the Committee on Commerce, Science, and Transportation.

EC–9971. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the Commission's Cigarette Report for 2002; to the Committee on Commerce, Science, and Transportation.

EC–9972. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Lake Roosevelt National Recreation Area Personal Watercraft Use" (RIN1024–AD01) received on November 16, 2004; to the Committee on Energy and Natural Resources.

EC–9973. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Lake Meredith National Recreation Area Personal Watercraft Use" (RIN1024–AC97) received on November 16, 2004; to the Committee on Energy and Natural Resources.

EC–9974. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Amistad National Recreation Area Personal Watercraft Use" (RIN1024–AD00) received on November 16, 2004; to the Committee on Energy and Natural Resources.

EC–9975. A communication from the Administrator, Energy Information Administration, transmitting, pursuant to law, the Administration's Annual Energy Review 2003; to the Committee on Energy and Natural Resources.

EC–9976. A communication from the Assistant General Counsel for Legislative and Regulatory Law, Office of Energy Efficiency and Renewable Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Efficiency for Certain Commercial and Industrial Equipment: Test Procedures and Efficiency Standards for Commercial Water Heaters, Hot Water Supply Boilers, and Unfired Hot Water Storage Tanks" (RIN1094-

AA95) received on November 3, 2004; to the Committee on Energy and Natural Resources.

EC-9977. A communication from the Assistant General Counsel for Legislative and Regulatory Law, Office of Energy Efficiency and Renewable Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Efficiency Program for Certain Commercial and Industrial Equipment: Test Procedures and Efficiency Standards for Commercial Warm Air Furnaces; General Provisions for Commercial Heating, Air Conditioning, and Water Heating Equipment; Energy Efficiency Provisions for Electric Motors" (RIN1094-AA96) received on November 3, 2004; to the Committee on Energy and Natural Resources.

EC-9978. A communication from the Assistant General Counsel for Legislative and Regulatory Law, Office of Energy Efficiency and Renewable Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Efficiency Program for Certain Commercial and Industrial Equipment: Test Procedures and Efficiency Standards for Commercial Air Conditioners and Heat Pumps" (RIN1094-AA97) received on November 3, 2004; to the Committee on Energy and Natural Resources.

EC-9979. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2004 Performance and Accountability Report; to the Committee on Environment and Public Works.

EC-9980. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plan; Wisconsin" (FRL#7829-4) received on November 16, 2004; to the Committee on Environment and Public Works.

EC-9981. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Determination of Attainment and Redesignation of the City of Weirton PM10 Nonattainment Area to Attainment and Approval of the Maintenance Plan, Correction" (FRL#7836-5) received on November 16, 2004; to the Committee on Environment and Public Works.

EC-9982. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Iowa" (FRL#7833-7) received on November 16, 2004; to the Committee on Environment and Public Works.

EC-9983. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Commonwealth of Virginia; Control of Municipal Waste Combustor Emissions from Large Existing Municipal Solid Waste Combustor Units" (FRL#7831-5) received on November 16, 2004; to the Committee on Environment and Public Works.

EC-9984. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; State of Iowa" (FRL#7836-4) received on November 16, 2004; to the Committee on Environment and Public Works.

EC-9985. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Section 112(1) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry; State of Georgia" (FRL#783207) received on November 16, 2004; to the Committee on Environment and Public Works.

EC-9986. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Maine: Final Authorization of State Hazardous Waste Management Program Revision" (FRL#7835-9) received on November 16, 2004; to the Committee on Environment and Public Works.

EC-9987. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plan; Pennsylvania; Control of Volatile Organic Compound Emissions from AIM Coatings" (FRL#7835-4) received on November 16, 2004; to the Committee on Environment and Public Works.

EC-9988. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans: Oregon" (FRL#7835-2) received on November 16, 2004; to the Committee on Environment and Public Works.

EC-9989. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Corrections to the California State Implementation Plan" (FRL#7837-9) received on November 16, 2004; to the Committee on Environment and Public Works.

EC-9990. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination to Stay Sanctions, Imperial County Air Pollution Control District" (FRL#7834-5) received on November 16, 2004; to the Committee on Environment and Public Works.

EC-9991. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Water Quality Standards for Coastal and Great Lakes Recreation Waters" (FRL#7837-5) received on November 16, 2004; to the Committee on Environment and Public Works.

EC-9992. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Great Basin and Ventura County Air Pollution Control District" (FRL#7834-2) received on November 16, 2004; to the Committee on Environment and Public Works.

EC-9993. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District" (FRL#7834-3) received on November 16, 2004; to the Committee on Environment and Public Works.

EC-9994. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Risk-Informed Categorization and Treatment of Structures, Systems, and Components for Nuclear Power Reactors" (RIN3150-AG42) received on November 18, 2004; to the Committee on Environment and Public Works.

EC-9995. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice—Pension Funding Equity Act of 2004" (Notice 2004-77) received on November 16, 2004; to the Committee on Finance.

EC-9996. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Annual Pension Plan, etc., Cost-of-Living Adjustments for 2005" (Notice 2004-72) received on November 16, 2004; to the Committee on Finance.

EC-9997. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "2005 Annual Covered Compensation Tables" (Rev. Rul. 2004-104) received on November 16, 2004; to the Committee on Finance.

EC-9998. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Payments Under or to an Annuity Contract Described in Section 403(b)" (RIN1545-BD50) received on November 16, 2004; to the Committee on Finance.

EC-9999. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Actuarial Assumptions Under Section 101 of Pension Funding Equity Act" (Notice 2004-78) received on November 16, 2004; to the Committee on Finance.

EC-10000. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—September 2004" (Rev. Rul. 2004-105) received on November 16, 2004; to the Committee on Finance.

EC-10001. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "CPI Adjustment for Section 1274A for 2005" (Rev. Rul. 2004-107) received on November 16, 2004; to the Committee on Finance.

EC-10002. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Capitalization of Costs to Obtain Management Contracts" (UIL: 162.05-00) received on November 16, 2004; to the Committee on Finance.

EC-10003. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—December 2004" (Rev. Rul. 2004-106) received on November 16, 2004; to the Committee on Finance.

EC-10004. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Standard Mileage Rates—2005" (Rev. Proc. 2004-64) received on November 16, 2004; to the Committee on Finance.

EC–10005. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: IRC 461(f) Contested Liabilities" (UIL 9300.30–00) received on November 16, 2004; to the Committee on Finance.

EC–10006. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: S Corporation Tax Shelter" (UIL9300.36–00) received on November 16, 2004; to the Committee on Finance.

EC–10007. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration's Fiscal Year 2004 Performance and Accountability Report; to the Committee on Finance.

EC–10008. A communication from the Regulations Coordinator, Centers for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Coverage and Payment of Ambulance Services; Recalibration of Conversion Factor; Inflation Update for CY 2005" (RIN0938–AN20) received on November 5, 2004; to the Committee on Finance.

EC–10009. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements other than treaties; to the Committee on Foreign Relations.

EC–10010. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report an agreement between the United States and Taiwan; to the Committee on Foreign Relations.

EC–10011. A communication from the Assistant Legal Adviser for Legislative Affairs, Department of State, transmitting, pursuant to law, the report relative to the United States-Cuba September 1994 "Joint Communique"; to the Committee on Foreign Relations.

EC–10012. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the participation of Taiwan in the World Health Organization; to the Committee on Foreign Relations.

EC–10013. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements other than treaties; to the Committee on Foreign Relations.

EC–10014. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad; to the Committee on Foreign Relations.

EC–10015. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad; to the Committee on Foreign Relations.

EC–10016. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense services in the amount of $100,000,000 or more to the United Kingdom and Italy; to the Committee on Foreign Relations.

EC–10017. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms to be sold commercially under a contract in the amount of $1,000,000 or more to Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Italy, Ireland, Luxembourg, Netherlands, Norway, Portugal, Poland, Spain, Sweden, Switzerland, and United Kingdom; to the Committee on Foreign Relations.

EC–10018. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license the manufacture of major defense equipment and defense articles in the amount of $50,000,000 or more to France, Russia, Spain, Sweden, and Kazhakztan; to the Committee on Foreign Relations.

EC–10019. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 to Israel; to the Committee on Foreign Relations.

EC–10020. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 to the United Kingdom and France; to the Committee on Foreign Relations.

EC–10021. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of major defense equipment valued at $25,000,000 or more to the Netherlands and Romania; to the Committee on Foreign Relations.

EC–10022. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–563, "Pedestrian Protection Right-of-Way at Crosswalks Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC–10023. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–564, "Miscellaneous Vehicles Helmet Safety Act of 2004"; to the Committee on Governmental Affairs.

EC–10024. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–565, "District of Columbia Statehood Delegation Fund Commission Establishment and Tax Check-Off Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC–10025. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–566, "Prevention of Premature Release of Mentally Incompetent Defendants Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC–10026. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–567, "Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004"; to the Committee on Governmental Affairs.

EC–10027. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–568, "Historic Preservation Process for Public Safety Facilities Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC–10028. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–587, "Property Management Reform Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC–10029. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–569, "Public Assistance Confidentiality of Information Temporary Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC–10030. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–570, "Low-Income Housing Tax Credit Fund Temporary Act of 2004"; to the Committee on Governmental Affairs.

EC–10031. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–571, "Contract No. DCFJ–2004–B–0031 (Delivery of Electrical Power and Ancillary Services) Exemption Temporary Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC–10032. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–572, "Distracted Driving Safety Revised Temporary Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC–10033. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–573, "Unclaimed Property Demutualization Proceeds Technical Correction Amendment Temporary Act of 2004"; to the Committee on Governmental Affairs.

EC–10034. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–574, "Fiscal Year-End State Aid Re-Allocation Temporary Act of 2004"; to the Committee on Governmental Affairs.

EC–10035. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–575, "Unemployment Compensation Funds Appropriation Authorization Temporary Act of 2004"; to the Committee on Governmental Affairs.

EC–10036. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–576, "Housing and Community Development Reform Advisory Commission Extension Temporary Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC–10037. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–577, "Anesthesiologist Assistant Licensure Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC–10038. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 846 Discount Factor for 2004" (Rev. Proc. 2004–69) received on November 18, 2004; to the Committee on Finance.

EC–10039. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 832 Discount Factors for 2004" (Rev. Proc. 2004–70) received on November 18, 2004; to the Committee on Finance.

EC–10040. A communication from the Commandant, United States Coast Guard, transmitting, pursuant to law, a report relative to the life cycle costs and benefits of creating a Center for Coastal and Maritime Security; to the Committee on Commerce, Science, and Transportation.

EC–10041. A communication from the Secretary of Education, transmitting, pursuant to law, the Department of Education's Fiscal Year 2004 Performance and Accountability Report; to the Committee on Governmental Affairs.

EC–10042. A communication from the Deputy Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2004 Performance and Accountability Report; to the Committee on Governmental Affairs.

EC–10043. A communication from the Director, U.S. Trade and Development Agency, transmitting, pursuant to law, the Agency's annual financial audit for Fiscal Year 2004; to the Committee on Governmental Affairs.

EC–10044. A communication from the Executive Director, United States-Mexico Border Health Commission, transmitting, pursuant to law, the Commission's 2004 Annual Report; to the Committee on Foreign Relations.

EC–10045. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's financial statements for Fiscal Year 2004; to the Committee on Governmental Affairs.

EC–10046. A communication from the Acting Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Certificates of Divestiture Regulation" (RIN3209–AA00) received on November 16, 2004; to the Committee on Governmental Affairs.

EC–10047. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Identifying Talent Through Automated Hiring Systems in Federal Agencies"; to the Committee on Governmental Affairs.

EC–10048. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of the Office of Inspector General for the six-month period ending September 30, 2004; to the Committee on Governmental Affairs.

EC–10049. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, the Board's Fiscal Year 2004 Performance and Accountability Report; to the Committee on Governmental Affairs.

EC–10050. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's Performance and Accountability Report for Fiscal Year 2004; to the Committee on Governmental Affairs.

EC–10051. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Interim Regulations on Notification of Post-Employment Restrictions" received on November 3, 2004; to the Committee on Governmental Affairs.

EC–10052. A communication from the Director of the Selective Service System, transmitting, pursuant to law, the System's Performance and Accountability Report for Fiscal Year 2004; to the Committee on Governmental Affairs.

EC–10053. A communication from the Counsel to the Inspector General, General Services Administration, transmitting, pursuant to law, the report of a nomination for the position of Inspector General, General Services Administration, received on November 15, 2004; to the Committee on Governmental Affairs.

EC–10054. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Revised Final Annual Performance Plan for Fiscal Year 2005; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2393. A bill to improve aviation security (Rept. No. 108–417).

S. 2541. A bill to reauthorize and restructure the National Aeronautics and Space Administration, and for other purposes (Rept. No. 108–418).

By Mr. SPECTER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 1153. A bill to amend title 38, United States Code, to permit medicare-eligible veterans to receive an out-patient medication benefit, to provide that certain veterans who receive such benefit are not otherwise eligible for medical care and services from the Department of Veterans Affairs, and for other purposes (Rept. No. 108–419).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1380. A bill to distribute universal service support equitably throughout rural America, and for other purposes.

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1963. A bill to amend the Communications Act of 1934 to protect the privacy right of subscribers to wireless communication services.

S. 2145. A bill to regulate the unauthorized installation of computer software, to require clear disclosure to computer users of certain computer software features that may pose a threat to user privacy, and for other purposes.

S. 2281. A bill to provide a clear and unambiguous structure for the jurisdictional and regulatory treatment for the offering or provision of voice-over-Internet-protocol applications, and for other purposes.

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 2505. A bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low power FM service.

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2644. A bill to amend the Communications Act of 1934 with respect to the carriage of direct broadcast satellite television signals by satellite carriers to consumers in rural areas, and for other purposes.

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2820. A bill to ensure the availability of certain spectrum for public safety entities by amending the Communications Act of 1934 to establish January 1, 2009, as the date by which the transition to digital television shall be completed, and for other puropses.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Air Force nomination of Col. Guy K. Dahlbeck.

Air Force nomination of Col. Brent E. Winget.

Army nomination of Maj. Gen. Robert L. Van Antwerp, Jr.

Army nomination of Brig. Gen. Jason K. Kamiya.

Army nomination of Col. Keith L. Thurgood.

Army nomination of Colonel Michael J. Lally III.

By Mr. McCAIN for the Committee on Commerce, Science, and Transportation.

*Gay Hart Gaines, of Florida, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2010.

*Claudia Puig, of Florida, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2008.

*Ernest J. Wilson III, of Maryland, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2010.

*James S. Simpson, of New York, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

*Harold Jennings Creel, Jr., of South Carolina, to be a Federal Maritime Commissioner for the term expiring June 30, 2009.

*Jonathan Steven Adelstein, of South Dakota, to be a Member of the Federal Communications Commission for a term expiring June 30, 2008.

Mr. McCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent to save the expense of reprinting on the the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nominations beginning Gerard P. Achenbach and ending Elizabeth D Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 23, 2004.

Coast Guard nominations beginning Joel A. Amundson and ending Joseph M. Zwack, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 16, 2004.

*Nomination was reported with recommendation that it be confirmed subject to the nominees's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY:

S. 12. A bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; to the Committee on the Judiciary.

By Mrs. LINCOLN:

S. 3008. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating the Wolf House, located in Norfolk, Arkansas, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOND (for himself, Ms. MIKULSKI, Mr. BENNETT, and Mr. HARKIN):

S. 3009. A bill to establish a Division of Food and Agricultural Science within the National Science Foundation and to authorize funding for the support of fundamental agricultural research of the highest quality, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER:

S. 3010. A bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Administrator of the United States Fire Administration to provide assistance to firefighting task forces, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DAYTON (for himself and Mr. LOTT):

S. 3011. A bill to amend title XVIII of the Social Security Act to provide payments to Medicare ambulance suppliers ,of the full cost or furnishing such services, to provide payments to rural ambulance providers, and suppliers to account for the cost of serving areas with low population density, and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 3012. A bill to ensure a balanced survey of taxpayers in any system of precertification for the earned income tax credit; to the Committee on Finance.

By Mr. SESSIONS (for himself, Mr. DURBIN, and Mr. KENNEDY):

S. 3013. A bill to provide for the establishment of a controlled substance monitoring program in each State; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mr. BREAUX, Mr. VOINOVICH, Mr. LEVIN, and Mr. DEWINE):

S. 3014. A bill to reauthorize the Harmful Algal Bloorm and Hypoxia Research and Control Act of 1998, and for other purposes; considered and passed.

By Mr. BAYH:

S. 3015. A bill for the relief of Fatuka Kaikumba Flake; to the Committee on the Judiciary.

By Mr. McCONNELL (for himself and Mr. LUGAR):

S. 3016. A bill to promote freedom, economic growth, and security in Asia, and for other purposes; to the Committee on Foreign Relations.

By Mr. EDWARDS:

S. 3017. A bill to provide for the settlement of the claims of Swain County, North Carolina, against the United States under the agreement dated July 30, 1943; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY:

S. 3018. A bill to direct the Inspector General of the Department of Justice to submit semi-annual reports regarding settlements relating to false claims and fraud against the Federal Government; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 3019. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Finance.

By Mr. DODD:

S. 3020. A bill to establish protections against compelled disclosure of sources, and news or information, by persons providing services for the news media; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself, Mr. CRAIG, Mr. BOND, Mr. DEWINE, Mr. FITZGERALD, Mr. LEVIN, Mr. SANTORUM, Ms. STABENOW, Ms. MURKOWSKI, Mr. JOHNSON, Mr. BROWNBACK, Mr. NICKLES, Mr. INHOFE, Mr. JEFFORDS, and Ms. SNOWE):

S. Res. 474. A resolution to express support for the goals of National Adoption Month by promoting national awareness of adoption, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well being for all children; considered and agreed to.

By Mr. COLEMAN (for himself, Mr. FEINGOLD, Mr. KOHL, and Mr. DAYTON):

S. Res. 475. A resolution to condemn human rights abuses in Laos; considered and agreed to.

By Mr. ALEXANDER (for himself and Mr. DODD):

S. Res. 476. A resolution supporting the goals, activities, and ideals of National Prematurity Awareness Month; considered and agreed to.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 477. A resolution expressing the sense of the Senate in support of a reinvigorated United States vision of freedom, peace, and democracy in the Middle East; considered and agreed to.

By Mr. FRIST:

S. Res. 478. A resolution relating to displaced staff members of Senators and Senate leaders; considered and agreed to.

By Mr. SCHUMER (for himself and Mr. TALENT):

S. Con. Res. 150. A concurrent resolution expressing the sense of Congress with respect to the murder of Emmett Till; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. Con. Res. 151. A concurrent resolution recognizing the essential role that the Atomic Energy Act of 1954 has played in development of peaceful uses of atomic energy; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 585

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 585, a bill to amend title 10, United States Code, to repeal the requirement for reduction of SBP survivor annuities by dependency and indemnity compensation.

S. 983

At the request of Mr. CHAFEE, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 983, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1813

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1813, a bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq, and for other purposes.

S. 1889

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1889, a bill to amend titles XIX and XXI of the Social Security Act to permit States to cover low-income youth up to age 23 with an enhanced matching rate.

S. 1968

At the request of Mr. ENZI, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 1968, a bill to amend the Higher Education Act of 1965 to enhance literacy in finance and economics, and for other purposes.

S. 2338

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 2338, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 2382

At the request of Mr. INOUYE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2382, a bill to establish grant programs for the development of telecommunications capacities in Indian country.

S. 2395

At the request of Mr. CONRAD, the name of the Senator from Wyoming

(Mr. THOMAS) was added as a cosponsor of S. 2395, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 2468

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2468, a bill to reform the postal laws of the United States.

S. 2553

At the request of Mr. DODD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2553, a bill to amend title XVIII of the Social Security Act to provide for coverage of screening ultrasound for abdominal aortic aneurysms under part B of the medicare program.

S. 2568

At the request of Mr. BIDEN, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Alaska (Ms. MURKOWSKI), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

S. 2713

At the request of Mr. DOMENICI, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 2713, a bill to amend the Public Health Service Act to revise the amount of minimum allotments under the Projects for Assistance in Transition from Homelessness program.

S. 2722

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2722, a bill to maintain and expand the steel import licensing and monitoring program.

S. 2779

At the request of Mr. DOMENICI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2779, a bill to improve protections for children and to hold States accountable for the orderly and timely placement of children across State lines, and for other purposes.

S. 2873

At the request of Mr. LEAHY, the names of the Senator from Utah (Mr. HATCH), the Senator from Mississippi (Mr. LOTT), the Senator from New York (Mr. SCHUMER) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 2873, a bill to extend the authority of the United States District Court for the Southern District of Iowa to hold court in Rock Island, Illinois.

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2873, supra.

S. 2889

At the request of Mr. ALEXANDER, the names of the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. BOND), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. HATCH), the Senator from North Carolina (Mr. EDWARDS), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Ohio (Mr. DEWINE), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Missouri (Mr. TALENT), the Senator from Wyoming (Mr. THOMAS), the Senator from Minnesota (Mr. DAYTON), the Senator from Indiana (Mr. BAYH), the Senator from New Hampshire (Mr. GREGG), the Senator from Oregon (Mr. SMITH) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 2889, a bill to require the Secretary of the Treasury to mint coins celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States, to America's lands, waterways, and skies and the great importance of the designation of the American bald eagle as an endangered species under the Endangered Species Act of 1973, and for other purposes.

S. 2966

At the request of Mr. CRAIG, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2966, a bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit against income tax for individuals who purchase a residential safe storage device for the safe storage of firearms.

S. 2994

At the request of Ms. SNOWE, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Kansas (Mr. BROWNBACK) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2994, a bill to provide that funds received as universal service contributions under section 254 of the Communications Act of 1934 and the universal service support programs established pursuant thereto are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act, for a period of time.

S. 3000

At the request of Mr. KOHL, his name was added as a cosponsor of S. 3000, a bill to postpone the extension of normal trade relations to the products of Laos.

At the request of Mr. COLEMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 3000, supra.

S. CON. RES. 141

At the request of Mr. DOMENICI, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. Con. Res. 141, a concurrent resolution recognizing the essential role of nuclear power in the national energy policy of the United States and supporting the increased use of nuclear power and the construction and development of new and improved nuclear power generating plants.

S. CON. RES. 148

At the request of Mr. BINGAMAN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. Con. Res. 148, a concurrent resolution honoring the life and contribution of Yogi Bhajan, a leader of the Sikhs, and expressing condolences to the Sikh community on his passing.

S. RES. 436

At the request of Mr. REID, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Res. 436, a resolution designating the second Sunday in the month of December 2004 as "National Children's Memorial Day".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND (for himself, Ms. MIKULSKI, Mr. BENNETT, and Mr. HARKIN):

S. 3009. A bill to establish a Division of Food and Agricultural Science within the National Science Foundation and to authorize funding for the support of fundamental agricultural research of the highest quality, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BOND. I rise today to introduce legislation with Senator MIKULSKI, Senator BENNETT, and Senator HARKIN to establish a division of food and agricultural science within the National Science Foundation to support fundamental agricultural research of the highest quality. I present this to begin a critical discussion that I believe we must have over the next several months and perhaps over the next year or so about how we are going to ensure we capitalize on the technology to maximize the benefits and minimize the costs of our agricultural production.

We remain the world leader in food and fiber production. We do it safely and through technology and the hard work of the American farmer. In the past half century, the number of people fed by a single U.S. farm has grown from 19 to 129. We have a tremendously innovative agricultural research program. Our farmers, our farm leaders are on the cutting edge of developing new technology. And we have seen the innovations continue to come down the pike. This has made it possible for one farmer to feed 129 people.

In addition, we export $60 billion worth of agricultural products, and we do so at less cost and at less harm to the environment than any of our competitors around the world, again, because of new practices, diligence on the part of farmers, and new technology.

In a world that has a decreasing amount of soil available for cultivation, we have a growing population and we still have 800 million children who are hungry or malnourished throughout the world. As some have said: A person who is well fed can have many problems. A person who is hungry has but one problem. Unless we maximize technology and new practices, production will continue to overtax the world's natural resources.

Many people legitimately have raised concerns regarding new diseases and pests and related food safety issues. And they are growing. The leading competitiveness of our U.S. producers is only as solid as our willingness to invest in forward-looking investments and build upon our historic successes.

Now, we also know from past experience that with new technology the doors are being opened to novel new uses of renewable agricultural products in the fields of energy, medicine, and industrial products. In the future, we can make our farm fields and farm animals factories for everyday products, fuels, and medicines in a way that is efficient and better preserves our natural resources. Advances in the life sciences have come about, such as genetics, proteomics, and cell and molecular biology. They are providing the base for new and continuing agricultural innovations.

It was only about a dozen years ago that farmers in Missouri came to me to tell me about the potential that genetic engineering and plant biotechnology had for improving the production of food, and doing so with less impact on the environment, providing more nutritious food. Since that time, I have had a wonderful, continuing education, not in how it works but what it can do.

We know now, for example, that in hungry areas of the world as many as half a million children go blind from vitamin A deficiency, and maybe a million die from vitamin A deficiency. Well, through plant biotechnology, the International Rice Research Institute in the Philippines has developed Golden Rice, taking a gene from the sunflower, a beta-carotene gene, and they enrich the rice. The Golden Rice now has that vitamin A, and that is going to make a significant difference in dealing with malnutrition.

We also know that in many areas of the world, where agricultural production has overtaxed the land, where drought has cut the production, where virus has plagued production, the way we can make farmers self-sufficient, where we can restore the farm economy in many of these countries, is through plant biotechnology.

But this is just the beginning. This legislation I am introducing today is a discussion draft which I hope is going to lay the foundation for tremendous advances in the future.

This legislation stems from findings and recommendations produced by a distinguished group of scientists working on the Agricultural Research, Economics and Education Task Force, which I was honored to be able to include in the 2002 farm bill. The distinguished task force was led by Dr. William H. Danforth, of St. Louis, the brother of our former distinguished colleague, Senator Jack Danforth. Dr. Bill Danforth has a tremendous reputation in science and in education, with a commitment to human welfare and is known worldwide. He was joined by Dr. Nancy Betts, the University of Nebraska; Mr. Michael Bryan, president of BBI International; Dr. Richard Coombe, the Watershed Agricultural Council; Dr. Victor Lechtenbert, Purdue University; Dr. Luis Sequeira, the University of Wisconsin; Dr. Robert Wideman, the University of Arkansas; and Dr. H. Alan Wood, Mississippi State University.

I extend my congratulations and my sincere gratitude to Dr. Danforth and his team for providing the basis and the roadmap to ensure we have the mechanisms in place to solve the problems and capitalize on the opportunities in agricultural research. The full report of the task force can be found at www.ars.usda.gov/research.htm.

In summary, that study concludes that it is absolutely necessary we reinvigorate and forward focus our technology to meet the responsibilities of our time. New investment is critical for the world's consumers, the protection of our natural resources, the standard of living for Americans who labor in rural America, and for the well-being of the hungry people and the needy people throughout the world.

I look forward to pursuing this vision in the 109th Congress. I invite my colleagues who are interested in science and research to review this report, to look at this measure, to join with me and my cosponsors in the next session of Congress to talk about moving forward on what I think will be a tremendous opportunity to improve agriculture and its benefits to all our populations.

Now, I cannot speak for all agricultural groups, but I talked to agricultural leaders of the various commodities, the farm organizations in my State of Missouri. They are very excited about it because these are the people who have been on the leading edge, who have pushed for the new technology, who have pushed for the new research that has enabled them to go from feeding 19 people per farmer a half century ago to feeding 129 people per farmer.

Madam President, this, I hope, will be the start of something really big. So, with that, I send the draft of the legislation to the desk.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "National Food and Agricultural Science Act of 2004".

SEC. 2. DEFINITIONS.

In this Act:

(1) COUNCIL.—The term "Council" means the Standing Council of Advisors established under section 4(c).

(2) DIRECTOR.—Except as otherwise provided in this Act, the term "Director" means the Director of Food and Agricultural Science.

(3) DIVISION.—The term "Division" means the Division of Food and Agricultural Science established under section 4(a).

(4) FOUNDATION.—The term "Foundation" means the National Science Foundation.

(5) FUNDAMENTAL AGRICULTURAL RESEARCH; FUNDAMENTAL SCIENCE.—The terms "fundamental agricultural research" and "fundamental science" mean fundamental research or science that—

(A) advances the frontiers of knowledge so as to lead to practical results or to further scientific discovery; and

(B) has an effect on agriculture, food, human health, or another purpose of this Act, as described in section 3(b).

(6) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(7) UNITED STATES.—The term "United States" when used in a geographical sense means the States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Agricultural Research, Economics, and Education Task Force established under section 7404 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3101 note) conducted an exhaustive review of agricultural research in the United States and evaluated the merits of establishing 1 or more national institutes focused on disciplines important to the progress of food and agricultural science. Consistent with the findings and recommendations of the Agricultural Research, Economics, and Education Task Force, Congress finds the following:

(1) Agriculture in the United States faces critical challenges, including an impending crisis in the food, agricultural, and natural resource systems of the United States. Exotic diseases and pests threaten crops and livestock, obesity has reached epidemic proportions, agriculturally-related environmental degradation is a serious problem for the United States and other parts of the world, certain animal diseases threaten human health, and United States producers of some major crops are no longer the world's lowest cost producers.

(2) In order to meet these critical challenges, it is essential that the Nation ensure that the agricultural innovation that has been so successful in the past continues in the future. Agricultural innovation has resulted in hybrid and higher yielding varieties of basic crops and enhanced the world's food supply by increasing yields on existing acres.

Since 1960, the world's population has tripled with no net increase in the amount of land under cultivation. Currently, only 1.5 percent of the population of the United States provides the food and fiber to supply the Nation's needs. Agriculture and agriculture sciences play a major role in maintaining the health and welfare of all people of the United States and in husbanding our land and water, and that role must be expanded.

(3) Fundamental scientific research that leads to understandings of how cells and organisms work is critical to continued innovation in agriculture in the United States. Such future innovations are dependent on fundamental scientific research, and will be enhanced by ideas and technologies from other fields of science and research.

(4) Opportunities to advance fundamental knowledge of benefit to agriculture in the United States have never been greater. Many of these new opportunities are the result of amazing progress in the life sciences over recent decades, attributable in large part to the provision made by the Federal Government through the National Institutes of Health and the National Science Foundation. New technologies and new concepts have speeded advances in the fields of genetics, cell and molecular biology, and proteomics. Much of this scientific knowledge is ready to be mined for agriculture and food sciences, through a sustained, disciplined research effort at an institute dedicated to this research.

(5) Publicly sponsored research is essential to continued agricultural innovation to mitigate or harmonize the long-term effects of agriculture on the environment, to enhance the long-term sustainability of agriculture, and to improve the public health and welfare.

(6) Competitive, peer-reviewed fundamental agricultural research is best suited to promoting the fundamental research from which breakthrough innovations that agriculture and society require will come.

(7) It is in the national interest to dedicate additional funds on a long-term, ongoing basis to an institute dedicated to funding competitive peer-reviewed grant programs that support and promote the highest caliber of fundamental agricultural research.

(8) The Nation's capacity to be internationally competitive in agriculture is threatened by inadequate investment in research.

(9) To be successful over the long term, grant-receiving institutions must be adequately reimbursed for their costs if they are to pursue the necessary agricultural research.

(10) To meet these challenges, address these needs, and provide for vitally needed agricultural innovation, it is in the national interest to provide sufficient Federal funds over the long term to fund a significant program of fundamental agricultural research through an independent institute.

(b) Purposes.—The purposes of the Division established under section 4(a) shall be to ensure that the technological superiority of agriculture in the United States effectively serves the people of the United States in the coming decades, and to support and promote fundamental agricultural research of the highest caliber in order to achieve goals, including the following goals:

(1) Increase the international competitiveness of United States agriculture.

(2) Develop foods that improve health and combat obesity.

(3) Create new and more useful food, fiber, health, medicinal, energy, environmental, and industrial products from plants and animals.

(4) Improve food safety and food security by protecting plants and animals in the United States from insects, diseases, and the threat of bioterrorism.

(5) Enhance agricultural sustainability and improve the environment.

(6) Strengthen the economies of the Nation's rural communities.

(7) Decrease United States dependence on foreign sources of petroleum by developing bio-based fuels and materials from plants.

(8) Strengthen national security by improving the agricultural productivity of subsistence farmers in developing countries to combat hunger and the political instability that it produces.

(9) Assist in modernizing and revitalizing the Nation's agricultural research facilities at institutions of higher education, independent non-profit research institutions, and consortia of such institutions, through capital investment.

(10) Achieve such other goals and meet such other needs as determined appropriate by the Foundation, the Director, or the Secretary.

SEC. 4. ESTABLISHMENT OF DIVISION.

(a) Establishment.—There is established within the National Science Foundation a Division of Food and Agricultural Science. The Division shall consist of the Council and be administered by a Director of Food and Agricultural Science.

(b) Reporting and Consultation.—The Director shall coordinate the research agenda of the Division with the Secretary.

(c) Standing Council of Advisors.—

(1) Establishment.—

(A) In general.—There is established in the Division a Standing Council of Advisors composed of 12 highly qualified scientists who are not employed by the Federal Government and 12 stakeholders.

(B) Scientists.—

(i) Appointment.—The 12 scientist members of the Council shall be appointed to 4-year staggered terms by the Director of the National Science Foundation, with the consent of the Director of Food and Agricultural Science.

(ii) Qualifications.—The persons nominated for appointment as scientist members of the Council shall be—

(I) eminent in the fields of agricultural research, science, or related appropriate fields; and

(II) selected for appointment solely on the basis of established records of distinguished service and to provide representation of the views of agricultural research and scientific leaders in all areas of the Nation.

(C) Stakeholders.—

(i) Appointment.—The 12 stakeholder members of the Council shall be appointed to 4-year staggered terms by the Secretary, with the consent of the Director.

(ii) Qualifications.—The persons nominated for appointment as stakeholder members of the Council shall—

(I) include distinguished members of the public of the United States, including representatives of farm organizations and industry, and persons knowledgeable about the environment, subsistence agriculture, energy, and human health and disease; and

(II) be selected for appointment so as to provide representation of the views of stakeholder leaders in all areas of the Nation.

(2) Duties.—The Council shall assist the Director in establishing the Division's research priorities, and in reviewing, judging, and maintaining the relevance of the programs funded by the Division. The Council shall review all proposals approved by the scientific committees of the Division to ensure that the purposes of this Act and the needs of the Nation are being met.

(3) Meetings.—

(A) In general.—The Council shall hold periodic meetings in order to—

(i) provide an interface between scientists and stakeholders; and

(ii) ensure that the Division is linking national goals with realistic scientific opportunities.

(B) Timing.—The meetings shall be held at the call of the Director, or at the call of the Secretary, but not less frequently than annually.

SEC. 5. FUNCTIONS OF DIVISION.

(a) Competitive Research.—

(1) In general.—The Director shall carry out the purposes of this Act by awarding competitive peer-reviewed grants to support and promote the very highest quality of fundamental agricultural research.

(2) Grant recipients.—The Director shall make grants to fund research proposals submitted by—

(A) individual scientists;

(B) single and multi-institutional research centers; and

(C) entities from the private and public sectors, including researchers in the Department of Agriculture, the Foundation, or other Federal agencies.

(b) Complementary Research.—The research funded by the Division shall—

(1) supplement and enhance, not supplant, the existing research programs of, or funded by, the Department of Agriculture, the Foundation, and the National Institutes of Health; and

(2) seek to make existing research programs more relevant to United States agriculture, consistent with the purposes of this Act.

(c) Grant-Awarding Only.—The Division's sole duty shall be to award grants. The Division may not conduct fundamental agricultural research or fundamental science, or operate any laboratories or pilot plants.

(d) Procedures.—The Director shall establish procedures for the peer review, awarding, and administration of grants under this Act, consistent with sound management and the findings and purposes described in section 3.

By Mr. SESSIONS (for himself, Mr. Durbin, and Mr. Kennedy):

S. 3013. A bill to provide for the establishment of a controlled substance monitoring program in each State; to the Committee on Health, Education, Labor, and Pensions.

INTRODUCTION OF THE NATIONAL ALL SCHEDULES PRESCRIPTION ELECTRONIC REPORTING ACT OF 2004

Mr. KENNEDY. Mr. President, it is a privilege to join Senator Sessions, Senator Durbin and Senator Dodd in introducing the "National All Schedules Prescription Electronic Reporting Act." Our goal is to assist States in establishing in electronic databases to monitor the administration of prescription drugs and deal more effectively with the growing national problem of prescription drug abuse.

Our Health Committee listened carefully to the thoughtful concerns and comments of the expert witnesses who testified at our recent hearing on this issue, and we have sought to meet these concerns in our bill.

Over 6 million Americans currently use prescription drugs for non-medical purposes. 31 million adults and adolescents have reported abusing prescription drugs at least once. Since 1992, the number of young adults who abuse prescription pain relievers and other potentially addictive drugs has more than tripled. Prescription drug abuse among youths of age 12 to 17 has increased tenfold.

State efforts to monitor the prescribing of potentially addictive medications can help curb this abuse. Currently, 19 States have such monitoring programs in place, including Massachusetts, and they vary widely in the collection and storage of data and the methods used for protecting privacy, while using the information in the databases to encourage the non-medical use of prescription drugs and reduce their diversion for illegal purposes.

This bill authorizes the Secretary of HHS to award grants to states to establish prescription drug monitoring programs. For States with existing programs, the Secretary can award grants to upgrade their systems, standardize the data collected, and allow its sharing among States. The legislation includes an important provision allowing States with existing programs to receive funding, even if it is not feasible for the States to meet all the conditions required for new programs. The legislation recognizes that existing programs have been designed with the specific needs of each state in mind, and we should not block funding, even if particular programs do not match exactly the template in the bill.

Any such program, however, must include strong safeguards for medical privacy, and must make certain that the database cannot be used to bring improper pressure on physicians to avoid prescribing essential medication for patients in need. The proper treatment of patients in pain, for example, is an enormous medical challenge, and this essential medical mission will be more difficult if patients fear that the privacy of their prescription histories will not be protected, or if physicians begin to look over their shoulders whenever they prescribe needed pain medication. The legislation permits state programs to release data under controlled and limited conditions. It is important to note, however, that States are free to impose even more stringent restrictions on the release of data than those required under our legislation.

We all share the goal of reaching the right balance between the interests of patients, physicians, and law enforcement. Our bill requires that in their grant applications, each State must propose security standards for the electronic databases, including appropriate encryption or other information technology. In their applications, States must also set standards for use of the database, including a description of a process to certify that requests for information are legitimate. The bill also requires the Secretary to provide an analysis of the privacy protections within two years after enactment.

Prescription drug abuse has been increasing every year. Physicians want to treat pain, and law enforcement officials want to stop the flow of prescription drugs from the pharmacies to the streets. A national prescription drug monitoring program will be a valuable resource to achieve both goals. I commend Senator SESSIONS for his leadership on this important health issue, and I look forward to early action by Congress to deal with this serious national problem.

By Mr. McCONNELL (for himself and Mr. LUGAR):

S. 3016. A bill to promote freedom, economic growth, and security in Asia, and for other purposes; to the Committee on Foreign Relations.

Mr. McCONNELL. Mr. President, today I introduce, along with my good friend from Indiana, the "Asia Freedom Act of 2004".

We offer this bill with the full knowledge that it will neither be considered nor voted upon by the Senate Committee on Foreign Relations before the 108th Congress ends. Rather, we intend today's introduction to mark what we hope is the start of broader discussion between our respective offices and the Administration on America's foreign policy toward Asia.

The Act is based on the Freedom Support Act for the Former Soviet Union and provides an integrated and coherent framework for U.S. policy toward North and Southeast Asia. It creates 10 broad development activities for the region—ranging from democracy to security and the environment—and endorses the establishment of a coordinator of assistance to the region at the State Department, and a deputy coordinator at USAID.

The Act defines eligibility requirements for U.S. foreign assistance for central governments in the region based on their respective commitments to, among other things, the advancement of freedom and justice and efforts to crack down on international terrorism. It requires the State Department to judge central governments of countries in the region not by what they say, but rather by the concrete actions they undertake to further democracy, security and stability in the region.

The Act requires a number of annual reports, including a description of democracy building activities conducted by the United States, the European Union, the United Nations and other countries and institutions, and a listing on a country-by-country basis of known political prisoners.

Taking a cue from President Bush's January 12, 2004 proclamation denying current and former corrupt public officials entry into the United States, the Act provides authority for the Secretary of Homeland Security to deny visas to those officials in the region whose actions have had an adverse impact on the advancement of democracy, human rights, the rule of law and economic freedom in the region.

The Act is necessary to ensure that appropriate and continuous attention is paid by the U.S. Congress and the Administration to the march of political and economic freedom across Asia. Much ground has been gained over the past year, particularly with successful presidential and parliamentary elections in Indonesia, but more must be done, whether in Burma, Cambodia or Thailand.

In short, the Asia Freedom Act guarantees America's focus, foreign policy and foreign assistance are targeted toward an increasingly important region of the world.

Mr President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Asia Freedom Act of 2004".

SEC. 2. STATEMENT OF POLICY.

Liberty is a universal and inalienable right, and, in light of the progress of the people of North and South East Asia in achieving political, economic, and legal reforms, the advancement of democracy, human rights, the rule of law, and economic freedom in North and South East Asia is and will remain a central objective of United States foreign policy.

SEC. 3. DEFINITION OF NORTH AND SOUTH EAST ASIA.

In this Act, the term "North and South East Asia" means Burma, Cambodia, the Democratic Republic of Timor-Leste, Hong Kong, Indonesia, Laos, Macau, Malaysia, Mongolia, the People's Republic of China, the Philippines, the Republic of Korea, Singapore, Brunei, Papua New Guinea, the Socialist Republic of Vietnam, Thailand, Taiwan, the Republic of the Fiji Islands, the Independent State of Samoa, the Solomon Islands, the Kingdom of Tonga, Tuvalu, the Republic of Nauru, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Vanuatu, and Tibet.

SEC. 4. PURPOSE.

The purpose of this Act is to promote regional peace and stability in North and South East Asia and enhance the security of the United States by—

(1) fostering improved living conditions for, and the economic well-being of, the people of North and South East Asia;

(2) supporting freedom, human rights, and justice in North and South East Asia;

(3) countering international terrorism and regional narcotics trafficking in North and South East Asia; and

(4) expanding free markets in North and South East Asia.

SEC. 5. ASSISTANCE FOR NORTH AND SOUTH EAST ASIA.

The President is authorized to provide assistance to North and South East Asia for the following purposes:

(1) Humanitarian needs.—Meeting humanitarian needs arising from manmade or natural disasters and crises.

(2) Democracy, human rights, and the rule of law.—Establishing and facilitating democratic and free societies, including by—

(A) fostering political, social, and economic pluralism;

(B) fostering respect for internationally recognized human rights and the rule of law, including the rights of people with disabilities;

(C) encouraging the development of institutions of democratic governance, including electoral, legislative, and judicial processes;

(D) fostering the institution and improvement of public administration at the national, intergovernmental, regional, and local levels;

(E) assisting in the development of, and providing ongoing support to, grassroots and nongovernmental organizations that promote democracy, the rule of law, human rights, and accountability and transparency in the political process;

(F) encouraging international exchanges, other forms of public diplomacy, and the use of the Internet to promote greater understanding and appreciation of democracy, the rule of law, human rights, the public policy process, market institutions, and the role of an independent judiciary in democratic societies;

(G) supporting political parties and coalitions that are committed to promoting democracy, human rights, the rule of law, and economic reforms;

(H) fostering the growth of civic organizations that are committed to promoting and defending human rights;

(I) promoting respect for human rights and civil liberties in military and security forces;

(J) promoting the development of effective control by elected civilian officials over, and the development of, a nonpolitical officer corps in military and security forces;

(K) fostering strengthened administration of justice through programs and activities carried out by nongovernmental organizations, civic organizations, and political parties; and

(L) supporting the development and promulgation of laws and regulations that increase accountability and transparency in governance, including asset disclosure for senior public officials and candidates for political office.

(3) Free and independent media.—Developing free and independent media, including—

(A) supporting all forms of independent media reporting, including print, radio, and television;

(B) providing special support for, and public access to, nongovernmental Internet-based sources of information, dissemination, and reporting, including the provision of technical and other support for web-based radio services and the provision of computers and other necessary resources and training related to the Internet;

(C) providing training in journalism, including investigative journalism techniques that educate the public on the costs of corruption; and

(D) establishing exchange programs for journalists, including journalists affiliated with democratic political parties.

(4) Free market systems.—Creating and supporting private enterprise and free market systems based on the principles of private ownership of property, including through support for—

(A) the development of private cooperatives, credit unions, labor unions, and microfinance lending institutions;

(B) the improvement of the collection and analysis of statistical information;

(C) the reform and restructuring of banking and financial systems;

(D) the protection of intellectual property rights;

(E) the development of protocols and safeguards against money laundering and other illicit financial activities, including those relating to regional terrorism and the production and trafficking of narcotics; and

(F) the promotion of trade and investment.

(5) Security.—Developing professional military and police forces capable of countering terrorism, narcotics, and other illicit activities, and ensuring civilian control and oversight of military and police forces.

(6) Social programs.—Investing in education, health, and other social programs, including for disenfranchised communities.

(7) Environment.—Promoting the sustainable use of natural resources and protecting the environment in both urban and rural areas.

(8) Political opposition.—Safeguarding and supporting democratic and viable political opposition.

(9) Parliamentary exchanges.—Promoting exchanges between democratic legislators and reformers in North and South East Asia and members of Congress.

(10) Migration.—Protecting and caring for refugees, displaced persons, and other migrants, addressing the root causes of migration, and promoting the development of appropriate immigration and emigration laws and procedures.

SEC. 6. COORDINATION OF ASSISTANCE.

(a) Coordinator of Assistance.—

(1) Establishment of position.—Congress strongly urges the President to designate, within the Department of State, a coordinator of assistance, and within the United States Agency for International Development, a deputy coordinator of assistance, to be responsible for—

(A) designing an overall strategy to advance the mutual interests of the United States and North and South East Asia;

(B) ensuring program and policy coordination among agencies of the United States government in carrying out assistance activities under this Act;

(C) pursuing coordination with other countries and international organizations with respect to assistance to North and South East Asia; and

(D) ensuring that United States assistance programs for North and South East Asia are established and carried out in a manner consistent with this Act.

(2) Rank and status.—An individual designated as coordinator of assistance under paragraph (1) shall have the rank and status of ambassador.

(b) Coordination of Activities.—The coordinator of assistance under subsection (a) shall carry out activities described in that subsection in coordination and consultation with officials as follows:

(1) Export promotion activities.—In the case of activities relating to the promotion of exports of United States goods and services to North and South East Asia, the Secretary of Commerce who, in the role of Chair of the Trade Promotion Coordination Committee, shall retain primary responsibility for the coordination of such activities.

(2) International economic activities.—In the case of activities relating to United States participation in international financial institutions, and to organization of multilateral efforts aimed at currency stabilization, currency convertibility, debt reduction, and comprehensive economic reform programs, with respect to North and South East Asia, the Secretary of the Treasury who, in the role of Chair of the National Advisory Council on International Monetary and Financial Policies and as the United States governor of international financial institutions, shall retain primary responsibility for the coordination of such activities.

(3) Millennium challenge corporation.—In the case of activities relating to the provision of United States assistance for North and South East Asia through the Millennium Challenge Corporation, the Secretary of State who, in the role of Chair of the Millennium Challenge Corporation, shall retain primary responsibility for the coordination of such activities.

(4) HIV/AIDS.—In the case of activities relating to the provision of United States assistance for HIV/AIDS prevention and related activities for North and South East Asia, the Coordinator for United States Government Activities to Combat HIV/AIDS Globally who shall retain primary responsibility for the coordination of such activities.

(5) Tibet.—In the case of activities relating to Tibet, the Special Coordinator for Tibetan Issues.

SEC. 7. ELIGIBILITY FOR ASSISTANCE.

(a) In General.—In carrying out the responsibilities described in section 6, including the providing of assistance, the coordinator of assistance designated under that section shall take into account the extent to which the central governments in North and South East Asia are—

(1) making progress toward, and is committed to the comprehensive implementation of, a democratic system of government based on the rule of law, individual freedoms, and representative government determined by free and fair elections;

(2) making progress toward, and is committed to the comprehensive implementation of, economic reform based on market principles, private ownership, and integration in the global economy, including the implementation of the legal and policy frameworks necessary for such reform (including protection of intellectual property rights and respect for contracts);

(3) respecting internationally recognized human rights, including the rights of minorities and the rights of freedom of religion and of emigration;

(4) denying support for acts of international terrorism and cooperating with the United States to combat international terrorism;

(5) respecting international law and obligations, refraining from the threat of use of force, and demonstrating a commitment to settling disputes peacefully;

(6) cooperating in seeking peaceful resolution of ethnic and regional conflicts;

(7) implementing responsible security policies, including—

(A) reducing military forces and expenditures to a level consistent with legitimate defense requirements;

(B) working to eliminate the proliferation of nuclear, biological, or chemical weapons, and related delivery systems and technologies, and

(C) restraining conventional arms transfers; and

(8) taking constructive actions to protect the international environment, prevent significant transnational pollution, and promote the sustainable use of natural resources.

(b) DETERMINATION OF INELIGIBILITY.—

(1) RESTRICTIONS.—Except as described under paragraph (2), no funds authorized to be appropriated to carry out the provisions of this Act may be made available for assistance for any central government in North and South East Asia if the Secretary of State determines that such government—

(A) is engaged in a consistent pattern of violations of internationally recognized human rights or international law;

(B) has, on or after the date of the enactment of this Act, knowingly provided financial or other support to terrorist groups, terrorists, or narcotics traffickers; or

(C) has, on or after the date of the enactment of this Act, transferred any material, equipment, or technology that the government knew or had reason to know would be used by any country or international terrorist group to manufacture any weapon of mass destruction, including nuclear, chemical, or biological weapons.

(2) EXCEPTION.—The restrictions described under paragraph (1) do not apply to funds made available for the promotion of democracy, human rights, and exchanges.

(c) OTHER RESTRICTIONS.—None of the funds authorized to be appropriated by this Act may be made available for assistance for any central government in North and South East Asia that is otherwise prohibited from receiving such assistance.

(d) SUSPENSION OR TERMINATION OF ASSISTANCE FOR NATIONAL SECURITY REASONS.—The Secretary of State may suspend or terminate assistance under this Act in whole or in part to a country or entity in North and South East Asia if the Secretary determines that the country or entity is engaged in activities that are contrary to the national security interests of the United States.

SEC. 8. SECURITY ASSISTANCE.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 23 of the Arms Export Control Act (22 U.S.C. 2763) and section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347) to enhance security in Asia, including in Cambodia, Brunei, the Democratic Republic of Timor-Leste, Indonesia, Malaysia, Mongolia, the Philippines, Singapore, Thailand, and Taiwan.

SEC. 9. INSTITUTE FOR REFORM IN ASIA.

Notwithstanding any other provision of law, there are authorized to be appropriated such sums as may be necessary for assistance for an institute for reform in Asia, which shall be located in Hong Kong, for the purpose of advancing democracy, human rights, and the rule of law in North and South East Asia in cooperation with an indigenous organization in that region that is committed to the principles of freedom and justice.

SEC. 10. ADDITIONAL AUTHORITIES AND LIMITATIONS.

(a) LAW ENFORCEMENT.—Notwithstanding section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420), and except as otherwise provided for in this Act, assistance for law enforcement forces under this Act may be provided for police, counterterrorism, and other law enforcement forces in North and South East Asia.

(b) PROMOTION OF COMPETITIVE ELECTIONS.—

(1) IN GENERAL.—Assistance may be provided under this Act to foreign political parties or organizations for the purpose of increasing competition in elections in countries in North and South East Asia where a nondemocratic, ruling political party controls or exercises significant influence over national or local electoral bodies, print and electronic media, the judiciary, or national and local security forces, including the police and military, to the detriment of a democratic opposition.

(2) LIMITS ON ASSISTANCE.—None of the funds provided to a foreign political party or organization pursuant to paragraph (1) may be used as—

(A) a cash grant;

(B) payment for salaries, fees, or honoraria to any candidate, political party leader, or campaign official during the campaign period; or

(C) payment to individuals for the purpose of influencing votes.

(c) POLITICAL TRANSITIONS.—The Secretary of State shall make available additional assistance under this Act for countries and entities in North and South East Asia that successfully complete the transition from an authoritarian regime or government to a democratic government.

(d) TAIWAN AND THE REPUBLIC OF KOREA.—Amounts made available under this Act for assistance for Taiwan and the Republic of Korea for the purposes of furthering political and legal reforms shall only be made available to the extent that such amounts are matched by funds from sources other than the United States Government.

SEC. 11. ACCOUNTABILITY FOR FUNDS.

Any agency managing and implementing an assistance program for North and South East Asia under this Act shall maintain an accounting of any funds made available to it for such program.

SEC. 12. ANNUAL REPORTS.

(a) SUMMARY OF ACTIVITIES.—Not later than January 31, 2005, and annually thereafter, the coordinator of assistance designated under section 6 shall submit to the appropriate congressional committees a report containing—

(1) a list of activities undertaken by the Department of State, the United States Agency for International Development, and the Department of the Treasury to advance democracy, human rights, the rule of law, and economic freedom in North and South East Asia;

(2) a description of assistance provided by international financial institutions and countries, including the European Union, the United Nations, Japan, Australia, and New Zealand, to advance democracy, human rights, and the rule of law in North and South East Asia;

(3) an analysis, on a country-by-country basis, of obstacles to the advancement of democracy, human rights, the rule of law, and economic growth and freedom in North and South East Asia, including barriers to increased popular participation in political and economic decisionmaking; and

(4) an analysis of actions undertaken by the Government of the People's Republic of China, including the People's Liberation Army, to exert its political and economic influence throughout the region.

(b) POLITICAL PRISONERS.—Not later than January 31, 2005, and annually thereafter, the Assistant Secretary of State for Democracy, Human Rights, and Labor shall submit to the appropriate congressional committees a report setting forth the names and locations of known political prisoners, on a country-by-country basis, in North and South East Asia.

(c) CHILD SOLDIERS.—Not later than January 31, 2005, and annually thereafter, the coordinator of assistance shall submit to the appropriate congressional committees a report—

(1) describing the use of child soldiers in North and South East Asia; and

(2) detailing the efforts of the United States Government to raise and debate in the United Nations Security Council the issue of the use of child soldiers.

SEC. 13. DENIAL OF VISAS.

(a) IN GENERAL.—The Secretary of Homeland Security may deny visas and entry to the following individuals:

(1) Any public official or former public official, including any military or police official, who has been credibly alleged to have solicited or accepted any article of monetary value or other benefit in exchange for any act or omission in their performance of their public functions, which has had a serious adverse effect on the advancement of democracy, human rights, the rule of law, and economic freedom in North and South East Asia.

(2) Any person whose provision of, or offer to provide, an article of monetary value or other benefit to any public official, including military and police officials, in exchange for any act or omission in the performance of such official's public functions has had a serious adverse effect on democracy, human rights, the rule of law, and economic freedom in North and South East Asia.

(3) Any public official, former public official, or other person who has been credibly alleged to have misappropriated funds or interfered with the judicial, electoral, or other public processes, which has had a serious adverse effect on the advancement of democracy, human rights, the rule of law, and economic freedom in North and South East Asia.

(4) Any spouse, child, or dependent household member of a person described in paragraph (1), (2), or (3) of this subsection who is the direct beneficiary of any article of monetary value or other benefit obtained by such person.

(b) DATABASE.—The Secretary of State shall maintain and regularly update a database of individuals who may be denied visas under subsection (a).

SEC. 14. SENSE OF CONGRESS ON DEMOCRACY FUNDS.

It is the sense of Congress that any democracy fund established by the United Nations in response to the September 21, 2004, speech by President George W. Bush to the United Nations General Assembly should be known as the "Daw Aung San Suu Kyi Democracy Fund".

SEC. 15. ASSISTANCE AUTHORITIES.

There are authorized to be appropriated for fiscal year 2005 such sums as may be necessary to carry out the purposes of this Act.

SEC. 16. OTHER DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives.

(2) CHILD SOLDIER.—The term "child soldier" means a person below the age of 18 years (unless, under the law applicable to the person, majority is attained earlier) that is

part of an armed group affiliated with, or the armed forces of, a national government.

By Mr. GRASSLEY:

S. 3018. A bill to direct the Inspector General of the Department of Justice to submit semi-annual reports regarding settlements relating to false claims and fraud against the Federal Government; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, today I am introducing a bill directing the Inspector General of the Department of Justice to submit semi-annual reports regarding settlements relating to false claims and fraud against the United States.

The False Claims Act, 31 U.S.C. 3729 et seq., is the Government's single most effective program for recouping money improperly obtained from the United States by false claims and fraud. Initially passed during the Civil War at President Abraham Lincoln's request to suppress fraud against the Union Army, the FCA was modernized and updated in 1986. Since President Ronald Reagan signed the 1986 amendments into law, settlements and judgments in FCA cases have exceeded $13 billion. No other antifraud program of the federal government can match this result.

Despite the significance of these results, the Congress does not have a way to evaluate the performance of the FCA program. While the program, which is overseen by the Civil Division of the Department of Justice, appears to be doing well, it is not known at this time how the program is performing as compared to its potential. What percentage of the various frauds perpetrated against the United States is recouped in False Claims Act cases? How effectively does DoJ capture the multiple damages and penalties provided for by the act? How quickly does DoJ move FCA cases? How effectively does DoJ use the tools provided to it by the FCA, such as civil investigative demands? How effectively does DoJ use relators and how well does it reward them?

The purpose of this bill is to require the submission of the information that will allow Congress to evaluate of DoJ's performance in managing FCA cases. Thus, under this bill the Department of Justice will be required to describe its settlements of FCA cases. The report to Congress shall include a description of the estimated damages suffered by the United States, the amount recouped, the multiplier used to calculate the settlement amount, the criminal fines collected and whether the defendants were held liable in previous cases. The report will also inform Congress as to whether the defendants have been required to enter into corporate integrity agreements.

In addition, in order to understand how the program is working, the Department of Justice will be required to inform Congress as to whether civil investigative demands were issued. The Department will also be required to provide certain information about the conduct of qui tam cases initiated by whistleblowers. For example, Congress will receive information about the length of time cases are under seal, whether whistleblowers (technically termed "relators") sought a fairness hearing regarding a settlement and what share of the settlement they received. The Congress would also receive information about whether the agency that suffered from the fraud involved participated in the settlement.

In regard to cases involving Medicaid Fraud, the report will provide Congress with the details of how much money was returned to each state participating in the settlement. In a time when many States are struggling with their Medicaid budgets, the Congress needs to know how effectively DoJ is in suppressing Medicaid fraud and returning money to the States.

By Mr. DODD:

S. 3020. A bill to establish protections against compelled disclosure of sources, and news or information, by persons providing services for the news media; to the Committee on the Judiciary.

Mr. DODD. Mr. President, I am going to send a copy of this bill to the desk to be printed in the RECORD. It is not going to be referred to any committees in the waning minutes of this 108th Congress, but I will submit it for the RECORD. My plans are to reintroduce this legislation in January when we reconvene for the 109th Congress.

I thought it might be helpful to have this legislation in the RECORD for my colleagues to review. It is called the Free Speech Protection Act of 2004.

This bill is designed to ensure that the free speech guarantees enshrined in the First to the Constitution will be strong and effective for many generations to come. After all, it is the free flow of news and information to the public on a wide variety of concerns which makes our democracy vibrant and alive.

Indeed, the very design of our democratic institutions is premised in large part upon an informed citizenry that could exercise informed judgments.

As James Madison once observed:

> Knowledge will forever govern ignorance: And apeople who mean to be their own Governor, must arm themselves with the power that knowledge gives.

Madison and the other Founders of our great Republic understood full well that the best guarantee of a knowledgeable citizenry is a free press and a public free to speak to the press. The press must be free to report on the human condition, the conduct of public officials, matters of business and corporate governance, as well as the strengths and weaknesses of our society and its institutions.

A free press must also be able to access a broad spectrum of views from a wide variety of sources. Once individuals deliberate over such information, they are able to make more educated decisions. In addition, they can also more effectively and intelligently participate in matters of public concern. To quote Madison once again:

> Popular government without popular information or the means of acquiring it is but a prologue to a farce, or a tragedy, or perhaps both.

In fact, one of the hallmarks of a totalitarian government is that the state controls the press and similar sources of public information. Such regimes are characterized by extreme levels of secrecy and a total lack of transparency. The free flow of information to the public is greatly restricted. Criticism of the government could result in imprisonment or even death.

In recent memory, such regimes existed in Nazi Germany, the Soviet Union, and Saddam Hussein's Iraq, where the press was often used as a tool for propaganda. Unfortunately, there are still a number of governments around the globe today that greatly restrict the flow of news and information to their citizens.

The United States, in its formative years, never chose that path. The Founding Fathers of this great Nation of ours knew the value of a free press because they had often been denied it by their colonial rulers. Repressive measures had long been part of English history in this regard, such as the censorship of published materials and a licensing system whereby nothing could get published without the government's consent.

Our Founding Fathers recognized then that for a society to remain free, it must also allow for divergent views and opinions to be expressed, and for ideas to be openly exchanged. In many respects, the rights of free speech and a free press protect the government from trampling on the other political and personal liberties all Americans hold so dear.

Freedom of speech and freedom of the press are like the government watchdog that shines a spotlight when other rights are being threatened. Without this, the press becomes an extension of the government and the people know only what the government wants them to know. As Jefferson once commented:

> When the press is free and everyone is able to read, all is safe.

Congress cannot afford to stand idly by and allow our sacred First Amendment freedoms to be threatened. Let me be clear. The legislation I submitted to the desk, the Free Speech Protection Act of 2004, is not merely about protecting the press. Instead, this legislation is about consumer protection. It is about openness, debate, the free flow of information and deliberation—the very ideals that the Senate holds so dear.

It is also about ensuring that our constituents, the American citizenry, have access to the knowledge and information they need to make educated decisions and fully participate in our democracy.

Yet these freedoms which we hold so dear are not as safe as they have been in other times in the life of our Nation. They have come under attack by the heavy hand of Government in a manner not seen since the height of the Watergate scandal 30 years ago.

The press today is frequently being subpoenaed to appear in Federal court and threatened with fines and/or imprisonment if they refuse to reveal a confidential source to the prosecutor or attorneys involved in the lawsuit. In some instances, the prosecutor or attorneys might also request the reporter's notes, video outtakes, or other unpublished information.

In recent months, the press has come under intense pressure to reveal the identity of their confidential sources, threatening the public's right to know.

In Providence, RI, WJAR-TV reporter Jim Taricani aired an FBI surveillance tape in 2001 that showed an aide to Mayor Vincent "Buddy" Cianci accepting a bribe from a local businessman. Taricani broke no law in airing the tape, but a special prosecutor was subsequently brought in to investigate who leaked the information. He refused to identify the source and was convicted of criminal contempt yesterday in Federal court. Taricani now faces 6 months in prison when he is sentenced in December.

Perhaps the most alarming instance in recent months of the growing threat to the sacred right to freedom of speech in America is the case of Judith Miller of the New York Times. Last month, a Federal judge held Miller in contempt of court for refusing to name her sources to prosecutors investigating the disclosure to syndicated columnist Robert Novak and to other journalists of Valerie Plame's identity as a covert CIA agent. Plame's husband, former Ambassador Joseph Wilson, IV, had in a New York Times editorial criticized the Bush administration for claiming that Iraq had tried to buy uranium from Niger.

Unidentified senior administration officials revealed Plame's identity to Robert Novak and other Washington area journalists, allegedly as an act of revenge for Wilson speaking out against President Bush's rationale for invading Iraq.

Mr. Novak then published Plame's identity in a July 2003 column, which prompted an investigation by the Justice Department and the subpoenaing of several journalists before a Federal grand jury, including Judith Miller, Tim Russert of NBC's "Meet the Press," Walter Pincus and Glen Kessler of the Washington Post, and Time magazine reporter Matthew Cooper.

Some of these reporters have talked to the prosecutors after the alleged Government sources signed waivers releasing the journalists from any pledge of confidentiality. New York Times reporter Judith Miller, however, has refused to testify, even under the limited terms of the waiver. As a result, she is being held in contempt of court and could face up to 18 months in jail unless she agrees to testify.

What is so surprising about this case is that Judith Miller never even published an article in the New York Times, or any other newspaper or magazine for that matter, about Valerie Plame. The mere fact that Miller contemplated writing such an article and had conducted interviews for it was enough for the judge to hold her in contempt of court for refusing to name sources.

Currently, 31 States and the District of Columbia have enacted protections for gatherers and disseminators of news and information. They include red States, blue States, Alabama, North Carolina, and Montana, for example.

Why then is there a need for a Federal statute in this area? A strong and uniformed Federal law on shielding would provide uniformity and consistency to the patchwork of inconsistent court decisions and State statutes currently in place.

In many instances, whether the disclosure will be compelled and how much information will be disclosed depends upon the particular State in which the journalist is pursuing a story when he or she is subpoenaed. The different potential outcomes affect reporters' practices, the flow of information, the articles written or not written, in various news media. It ultimately impacts the public's ability to learn about matters of interest and importance as well.

The protections that these laws and court rulings provide vary widely in detail and in scope. For example, some States grant nearly complete protection for sources and information, while others provide little or none. In addition, the protections may differ in their applicability to criminal and/or civil proceedings.

In the Federal court system, for instance, most have interpreted Branzburg, a 1972 United States Supreme Court decision, to provide at least qualified news gathering protection—that is, a protection that can be overcome in certain circumstances. A few Federal courts, however, such as the Seventh Circuit, have rejected such protection, or have limited it only to when the subpoenas are being used to harass the press.

For those reasons, I think it is quite clear that a national standard would protect gatherers and disseminators of information from the varying State statutes and their interpretations by State courts. This goal is exactly what the Free Speech Protection Act of 2004 would achieve.

Under the legislation, the protection against compelled disclosure for sources would be absolute. The protection against compelled disclosure of news and information, however, is qualified. That is, an individual involved in gathering news would be required to reveal their unpublished material only under certain circumstances. The legislation requires three criteria to be met before such news or information can be disclosed.

First, the person seeking the news or information must prove by clear and convincing evidence that the news or information is critical or necessary to significant legal issues before a judicial, legislative, or administrative body that has the power to issue a subpoena.

Secondly, the news or information could not be obtained by alternative means. Finally, there is an overriding public interest in the disclosure that must exist.

The legislation I am introducing this evening is a work in progress. Obviously, in the coming weeks I intend to further refine it, and in the 109th Congress to seek out my colleagues' advice and counsel on how we might proceed. I am nevertheless introducing this bill in the closing hours of this Congress because I believe the Senate discussion of this matter is urgent. The public's right to know is under attack. When that happens, all Americans suffer since they are deprived of knowledge and information which affects their lives.

There are countless examples of information that we have received because there have been confidential sources who have come forward. Certainly, we can go back to Watergate, Whitewater, or Iran-Contra, Abu Ghirab—the prison scandal in Iraq—Enron, WorldCom, corporate governance issues, the list is almost endless. Had it not been for confidential sources coming forward and sharing information with a free press that would then share that with the public, if we had to rely exclusively on government press releases or press conferences, then we might never have learned anything about some of these issues which have been so vitally important to make our Government and our Nation stronger.

I urge my colleagues to take a look at this proposal and urge them to consider it when we return in January. I will reintroduce it again and urge them to support it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 3020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Free Speech Protection Act of 2004".

SEC. 2. DEFINITIONS.

In this Act:

(1) COVERED PERSON.—The term "covered person" means a person who—

(A) engages in the gathering of news or information; and

(B) has the intent, at the beginning of the process of gathering news or information, to disseminate the news or information to the public.

(2) NEWS OR INFORMATION.—The term "news or information" means written, oral, pictorial, photographic, or electronically recorded information or communication concerning local, national, or worldwide events, or other matters.

(3) NEWS MEDIA.—The term "the news media" means—

(A) a newspaper;

(B) a magazine;

(C) a journal or other periodical;

(D) radio;

(E) television;

(F) any means of disseminating news or information gathered by press associations, news agencies, or wire services (including dissemination to the news media described in subparagraphs (A) through (E)); or

(G) any printed, photographic, mechanical, or electronic means of disseminating news or information to the public.

SEC. 3. COMPELLED DISCLOSURE PROHIBITED.

(a) IN GENERAL.—Except as provided in section 4, no entity of the judicial, legislative, or executive branch of the Federal Government with the power to issue a subpoena or provide other compulsory process shall compel any covered person who is providing or has provided services for the news media to disclose—

(1) the source of any news or information procured by the person, or any information that would tend to identify the source, while providing services for the news media, whether or not the source has been promised confidentiality; or

(2) any news or information procured by the person, while providing services for the news media, that is not itself communicated in the news media, including any—

(A) notes;

(B) outtakes;

(C) photographs or photographic negatives;

(D) video or sound tapes;

(E) film; or

(F) other data, irrespective of its nature, that is not itself communicated in the news media.

(b) SUPERVISORS, EMPLOYERS, AND PERSONS ASSISTING A COVERED PERSON.—The protection from compelled disclosure described in subsection (a) shall apply to a supervisor, employer, or any person assisting a person covered by subsection (a).

(c) RESULT.—Any news or information obtained in violation of the provisions of this section shall be inadmissible in any action, proceeding, or hearing before any entity of the judicial, legislative, or executive branch of the Federal Government.

SEC. 4. COMPELLED DISCLOSURE PERMITTED.

(a) NEWS OR INFORMATION.—A court may compel disclosure of news or information described in section 3(a)(2) and protected from disclosure under section 3 if the court finds, after providing notice and an opportunity to be heard to the person or entity from whom the news or information is sought, that the party seeking the news or information established by clear and convincing evidence that—

(1) the news or information is critical and necessary to the resolution of a significant legal issue before an entity of the judicial, legislative, or executive branch of the Federal Government that has the power to issue a subpoena;

(2) the news or information could not be obtained by any alternative means; and

(3) there is an overriding public interest in the disclosure.

(b) SOURCE.—A court may not compel disclosure of the source of any news or information described in section 3(a)(1) and protected from disclosure under section 3.

SEC. 5. ACTIVITIES NOT CONSTITUTING A WAIVER.

The publication by the news media, or the dissemination by a person while providing services for the news media, of a source of news or information, or a portion of the news or information, procured in the course of pursuing professional activities shall not constitute a waiver of the protection from compelled disclosure that is described in section 3.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 474—TO EXPRESS SUPPORT FOR THE GOALS OF NATIONAL ADOPTION MONTH BY PROMOTING NATIONAL AWARENESS OF ADOPTION, CELEBRATING CHILDREN AND FAMILIES INVOLVED IN ADOPTION, AND ENCOURAGING AMERICANS TO SECURE SAFETY, PERMANENCY, AND WELL BEING FOR ALL CHILDREN

Ms. LANDRIEU (for herself, Mr. CRAIG, Mr. BOND, Mr. DEWINE, Mr. FITZGERALD, Mr. LEVIN, Mr. SANTORUM, Ms. STABENOW, Ms. MURKOWSKI, Mr. JOHNSON, Mr. BROWNBACK, Mr. NICKLES, Mr. INHOFE, Mr. JEFFORDS, and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 474

Whereas there are approximately 532,000 children in the foster care system in the United States, approximately 129,000 of whom are waiting to be adopted;

Whereas the average length of time a child in foster care remains in foster care is almost 3 years;

Whereas for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected is endless;

Whereas every year 25,000 children "age out" of foster care by reaching adulthood without being placed in a permanent home;

Whereas, since 1987, the number of annual adoptions has ranged from 118,000 to 127,000;

Whereas approximately 2,100,000 children in the United States live with adoptive parents;

Whereas approximately 6 of every 10 Americans have been touched personally by adoption in that they, a family member, or a close friend was adopted, has adopted a child, or has placed a child for adoption;

Whereas every day loving and nurturing families are formed when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas, on November 20, 2004, communities from all 50 States and the District of Columbia will celebrate National Adoption Day by finalizing the adoption of thousands of children by loving families; and

Whereas on November 4, 2004, the President proclaimed November 2004 as National Adoption Month: Now, therefore, be it

Resolved, That the Senate recognizes November 2004 as National Adoption Month.

SENATE RESOLUTION 475—TO CONDEMN HUMAN RIGHTS ABUSES IN LAOS

Mr. COLEMAN (for himself, Mr. FEINGOLD, Mr. KOHL, and Mr. DAYTON) submitted the following resolution; which was considered and agreed to:

S. RES. 475

Whereas the Lao People's Democratic Republic is an authoritarian, Communist, one-party state;

Whereas the Government of Laos has a poor human rights record, particularly with regard to its treatment of minorities.

Whereas the United States Central Intelligence Agency trained and armed tens of thousands of Hmong guerrillas to disrupt Viet Cong supply lines and rescue downed pilots during the Vietnam war;

Whereas in 1975, the Kingdom of Laos was overthrown by the Communist Pathet Lao regime, and tens of thousands of Laotians, including the Hmong, were killed or died at the hands of Communist forces while attempting to flee the Lao Communist regime, and many others perished in reeducation and labor camps;

Whereas tens of thousands of Hmong became refugees, eventually resettling in the United States, where they now reside as American citizens and lead constructive lives as members of our communities;

Whereas remnants of former Hmong insurgent groups and their families who once fought with the United States and the Royal Lao Government still remain in remote areas of Laos, including Xaisomboun Special Zone and the Luang Prabang Province;

Whereas in August 2003 the United Nations Committee to Eliminate Racial Discrimination strongly criticized the Lao People's Democratic Republic for failing to honor its obligations, expressed its grave concerns regarding reports of human rights violations, including brutalities inflicted on the Hmong, and deplored the measures taken by the Lao authorities to prevent any reporting of the situation of the Hmong;

Whereas in October 2003, Amnesty International issued a statement detailing its concern about the use of starvation by the Lao Government as a "weapon of war against civilians" in Laos and the deteriorating situation facing thousands of family members of ethnic minority groups;

Whereas the Department of State reported in its most recent Country Report on Human Rights Practices for Laos that the "Government's human rights record remained poor," and highlighted press reports that one group of Hmong in Xaisomboun Special Zone, mostly women and children, was being systematically hunted down and attacked by government air and ground forces and that it was at the point of starvation;

Whereas international organizations, the Department of State, and Members of Congress have received reports of mistreatment over the past 6 months of Hmong in Laos emerging from remote areas of Laos, including the Xaisomboun Special Zone, the Luang Prabang-Xieng Khouang border area;

Whereas the Lao Government has not allowed independent organizations to monitor the treatment of the Hmong emerging from remote areas of Laos;

Whereas in September 2004, Amnesty International issued a statement condemning recent reports that Lao soldiers murdered 5 Hmong children, raping 4 girls, who were foraging for food close to their camp, and called it a war crime; and

Whereas the Lao People's Democratic Republic has failed to substantially improve the status of human rights for its citizens: Now therefore be it

Resolved, that the Senate—

(1) Condems the consistent pattern of serious human rights abuses in the Lao People's Democratic Republic;

(2) Urges the Government of Laos to increase international access to vulnerable populations and to respect the basic human rights of all Laotians, including ethnic and religious minorities; and

(3) Hopes that the Lao government intensifies its efforts to make its economy and society move open and transparent in light of the congressional grant of normal tragic relations to the Lao People's Democratic Republic.

SENATE RESOLUTION 476—SUPPORTING THE GOALS, ACTIVITIES, AND IDEALS OF NATIONAL PREMATURITY AWARENESS MONTH

Mr. ALEXANDER (for himself and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 476

Whereas preterm birth is a serious and growing problem;

Whereas, between 1982 and 2002, the rate of preterm birth increased 27 percent;

Whereas, in 2002, more than 480,000 babies were born prematurely in the United States;

Whereas 25 percent of all babies that die in the first month of life were born preterm;

Whereas premature infants are 14 times more likely to die in the first year of life;

Whereas premature babies who survive may suffer lifelong consequences, including cerebral palsy, mental retardation, chronic lung disease, and vision and hearing loss;

Whereas preterm birth and low birthweight are a significant financial burden in health care;

Whereas, in 2002, the estimated charges for hospital stays for infants with a diagnosis of preterm birth or low birthweight were $15,500,000,000, a 12 percent increase since 2001;

Whereas the average lifetime medical costs of a premature baby are conservatively estimated at $500,000;

Whereas the cause of approximately half of all preterm births is unknown;

Whereas women who smoke during pregnancy are twice as likely as women who do not smoke during pregnancy to give birth to a low birthweight baby, and babies born to women who smoke during pregnancy weigh, on average, 200 grams less than babies born to women who do not smoke during pregnancy; and

Whereas to reduce the rates of preterm labor and delivery more research is needed on the underlying causes of preterm delivery, prevention of preterm birth so that babies are born full-term, and treatments improving outcomes for infants born prematurely: Now, therefore, be it

Resolved, That the Senate recognizes during the month of November, 2004, activities and programs that promote awareness of and solutions to the dangers of preterm birth across the United States.

SENATE RESOLUTION 477—EXPRESSING THE SENSE OF THE SENATE IN SUPPORT OF A REINVIGORATED UNITED STATES VISION OF FREEDOM, PEACE, AND DEMOCRACY IN THE MIDDLE EAST

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 477

Whereas the President articulated to the world on November 12, 2004, a vision of freedom, peace, and democracy for the broader Middle East;

Whereas this vision was also shared and expressed by Prime Minister Blair of the United Kingdom;

Whereas that vision includes a just and peaceful resolution of the Arab-Israeli conflict based on 2 democratic States, Israel and Palestine, living side by side in peace and security;

Whereas the President again stated his commitment to the security of Israel as a Jewish State;

Whereas the road map, endorsed by the United States, the United Kingdom, Israel, the Palestinian Authority, the European Union, Russia, and the United Nations, remains a realistic and widely recognized plan for making progress toward peace;

Whereas the international community should support Palestinian efforts to build the necessary political, economic, and security infrastructure essential to establishing a viable, democratic state;

Whereas there will be no lasting peace in the Middle East without a Palestinian State that is democratic, free, and based on the rule of law, including free press, free speech, an open political process, and religious tolerance;

Whereas the Palestinian leaders must meet their commitments under the road map to fight terrorism and dismantle terrorist organizations;

Whereas the Palestinian Authority will need a credible and unified security structure capable of providing security for the Palestinian people and fighting terrorism;

Whereas Palestinian leaders, with help from the international community, must also develop effective and transparent financial structures that provide for the economic and social needs of the Palestinian people;

Whereas the President stated that now is the time to seize the opportunity of new circumstances in the region to redouble our efforts to achieve this goal;

Whereas achieving the goals of peace, security, and stability will require the United States, its international partners, and the parties involved to take the following steps articulated in a Joint Statement by President Bush and Prime Minister Blair on November 12, 2004:

(1) recommit to the overarching 2-State vision set out by President Bush in his statement of June 24, 2002 and repeated in the road map;

(2) support the Palestinians as they choose a new President within the next 60 days, and as they embark upon an electoral process that will lead to lasting democratic institutions;

(3) mobilize international support behind a plan to ensure that the Palestinians have the political, economic, and security infrastructure they need to create a free, viable, and democratic State, including free press, free speech, an open political process, and religious tolerance;

(4) support the disengagement plan of Prime Minister Sharon from Gaza and stipulated parts of the West Bank as part of this overall plan; and

(5) recognize that these steps lay the basis for more rapid progress on the road map as a reliable guide leading to final status negotiations;

Whereas the United States will join with others in the international community to foster the development of Palestinian democratic political institutions, support the new leadership of the Palestinians that is committed to those institutions, assist in the reconstruction of civic institutions, promote the growth of a free and prosperous economy, and endorse the building of capable security institutions dedicated to maintaining law and order and dismantling terrorist organizations; and

Whereas in order to promote a lasting peace, all States in the region must oppose violence and terrorism, foster the development of democratic political and civic institutions, support the emergence of a peaceful and democratic Palestine, and state clearly that they will live in peace with Israel: Now, therefore, be it

Resolved that the Senate—

(1) endorses the Joint Statement made by President Bush and Prime Minister Blair on November 12, 2004, expressing a shared vision of freedom, peace, and democracy in the broader Middle East and supports a reinvigorated and concerted United States-led international effort to achieve that vision;

(2) supports explicitly the steps presented by President Bush and Prime Minister Blair in that Joint Statement as the basis for more rapid progress on the road map as a reliable guide leading to final status negotiations;

(3) reaffirms its commitment to a vision of 2 democratic States, Israel and Palestine, living side by side in peace and security as the key to peace; and

(4) expresses its commitment to the road map, which was endorsed by the United States, Israel, the Palestinian Authority, the European Union, Russia, and the United Nations, as a realistic and widely recognized plan for making progress toward peace.

SENATE RESOLUTION 478—RELATING TO DISPLACED STAFF MEMBERS OF SENATORS AND SENATE LEADERS

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 478

Resolved, That (a) paragraphs (3) and (4) of section 6(a) of Senate Resolution 458, 98th Congress, agreed to October 4, 1984 (as amended by Senate Resolution 9, 103d Congress, agreed to January 7, 1993) are amended to read as follows:

"(3) The term 'eligible staff member' means an individual—

"(A) who was an employee—

"(i) of a committee or subcommittee thereof or a Senate leadership office described in subsection (b) of the first section of this resolution, or

"(ii) in an office of a Senator on the expiration of the term of office of such Senator as a Senator, but only if the Senator is not serving as a Senator for the next term of office and was a candidate in the general election for such next term,

"(B) whose employment described in subparagraph (A) was at least 183 days (whether or not service was continuous) before the date of termination of employment described in paragraph (4), and

"(C) whose pay is disbursed by the Secretary of the Senate.

The term 'eligible staff member' shall not include an employee to whom the first section of this resolution applies.

"(4) The term 'displaced staff member' means an eligible staff member—

"(A) whose service as an employee of the Senate is terminated solely and directly as a result of—

"(i) in the case of employment described in paragraph (3)(A)(i), a change in the individual occupying the position of Chairman or Ranking Minority Member of a committee or in the individual occupying the Senate leadership office, and

"(ii) in the case of employment described in paragraph (3)(A)(ii), the expiration of the term of office of the Senator, and

"(B) who is certified, not later than 60 days after the date of the change or expiration of term of office, whichever is applicable, as a displaced staff member by the Chairman or Ranking Minority Member of the committee, the Senator occupying the Senate leadership office, or the Senator whose term is expiring, whichever is applicable, to the Secretary of the Senate.".

(b) Subsection (b) of the first section of such Senate Resolution 458 is amended—

(1) by inserting "President pro tempore emeritus," after "Deputy President pro tempore,";

(2) by striking "or" before "Secretary"; and

(3) by inserting "the Chairman of the Conference of the Majority, the Chairman of the Conference of the Minority, the Chairman of the Majority Policy Committee, or the Chairman of the Minority Policy Committee," before "the employees of such office".

SENATE CONCURRENT RESOLUTION 150—EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO THE MURDER OF EMMETT TILL

Mr. SCHUMER (for himself and Mr. TALENT) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 150

Whereas Emmett Till was born in Chicago, Illinois, at Cook County Hospital, on July 25, 1941, to Mamie and Louis Till;

Whereas Emmett Till traveled to Money, Mississippi, to spend the summer with his uncle, Moses Wright, and his relatives;

Whereas in August 1955, 14-year-old Emmett Till—with adolescent flamboyance, but unfamiliarity of the racial customs of the South—allegedly whistled at Carolyn Bryant, a White woman;

Whereas on August 28, at about 2:30 a.m., Roy Bryant, Carolyn Bryant's husband, and his half brother, J.W. Milam, kidnaped Emmett Till from his uncle Moses Wright's home;

Whereas Bryant and Milam brutally beat Emmett Till, took him to the edge of the Tallahatchie River, shot him in the head, fastened a large metal fan used for ginning cotton to his neck with barbed wire, and pushed the body into the river;

Whereas 3 days later, Emmett Till's decomposed corpse was pulled from the Tallahatchie River;

Whereas Emmett's mother, Mamie Till, made the extraordinary decision to leave the casket open at her son's funeral in Chicago, in order to allow the world to see the brutality of the crime perpetrated against her son;

Whereas tens of thousands of people viewed Emmett Till's body in a Chicago church for 4 days; and press from around the world published photographs of Emmett's maimed face; and the sheer brutality of his murder became international news that highlighted the violent racism of the Jim Crow South;

Whereas Jet Magazine and the Chicago Defender published photographs of Emmett Till's body outraging African-Americans around the United States;

Whereas the trial of J.W. Milam and Roy Bryant began in September of that year with an all-male, all-White jury, because African-Americans and women were banned from serving;

Whereas the trial of Milam and Bryant was a microcosm of the Jim Crow South: African-Americans were packed in a specific section of the courtroom balcony; the defendants' families were seen laughing and joking with the prosecution and the jury; and food and snacks were passed out to White observers;

Whereas Moses Wright did the unthinkable as an African-American and openly accused the White defendants in public court of murdering his nephew;

Whereas Moses Wright was run out of town for his actions in court;

Whereas J.W. Milam and Roy Bryant were acquitted of the murder of Emmett Till, and Bryant celebrated his acquittal with his wife in front of the cameras;

Whereas protected from further prosecution, Milam and Bryant candidly confessed their torture and murder of Emmett Till; Milam did so on the record to Look Magazine for $4,000;

Whereas Mamie Till and thousands of others pleaded with the Department of Justice and the Federal Bureau of Investigation to reopen and investigate the case;

Whereas the Federal Government did absolutely nothing, and President Eisenhower and FBI Director J. Edgar Hoover refused to reopen the case and did not even answer Mamie Till's urgent telegraph;

Whereas 100 days later, Rosa Parks refused to give up her bus seat to a White patron and the modern civil rights revolution began;

Whereas many historians regard the murder of Emmett Till as the true spark of the civil rights movement;

Whereas Mamie Till, who died on January 6, 2003, moved back to Chicago, taught, and continued to talk about her son Emmett's murder; and expressed her wishes for a full Federal investigation;

Whereas more than 48 years have passed since the murder of Emmett Till;

Whereas the remaining witnesses to this gruesome crime are elderly;

Whereas House Concurrent Resolution 360 entitled "Expressing the sense of Congress with respect to the murder of Emmett Till", was introduced on February 10, 2004, by Representative Bobby Rush;

Whereas the Department of Justice reopened the investigation into the murder of Emmett Till on May 11, 2004; and

Whereas Congress supports the decision to reopen the investigation of the murder of Emmett Till: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) calls on all authorities with jurisdiction, including the Department of Justice and the State of Mississippi, to—

(A) expeditiously bring those responsible for the murder of Emmett Till to justice, due to the amount of time that has passed since the murder and the age of the witnesses; and

(B) provide all the resources necessary to ensure a timely and thorough investigation; and

(2) calls on the Department of Justice to fully report the findings of their investigation to Congress.

SENATE CONCURRENT RESOLUTION 151—RECOGNIZING THE ESSENTIAL ROLE THAT THE ATOMIC ENERGY ACT OF 1954 HAS PLAYED IN DEVELOPMENT OF PEACEFUL USES OF ATOMIC ENERGY

Mr. DOMENICI submitted the following concurrent resolution; which was referred to the Committee on Environment and Public Works:

S. CON RES. 151

Whereas the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) followed and sought to implement the Atoms for Peace speech of President Dwight David Eisenhower in December 1953, which provided the United States and the world with a blueprint for commercial development of atomic energy to the benefit of humanity;

Whereas the Atomic Energy Act of 1954 defined mechanisms for the production, control, and use of nuclear materials;

Whereas the Atomic Energy Act of 1954 provided the initial framework for regulation of nuclear material and facilities and provided recognition that such control is necessary in the national interest to ensure the common defense and security and to protect the health and safety of the public;

Whereas the Atomic Energy Act of 1954 recognized the need for development and use of atomic energy under conditions to promote the general welfare;

Whereas the Atomic Energy Act of 1954 recognized that it was in the national interest to conduct a comprehensive program of research and development to optimize the benefits of nuclear technologies for humanity;

Whereas the Atomic Energy Act of 1954 set forth the necessity to control certain types of information, material, and facilities for security purposes, while ensuring unclassified dissemination of appropriate scientific and technical information;

Whereas the Atomic Energy Act of 1954 provided the initial framework for international cooperation in nuclear technologies, under suitable controls to ensure common defense and security, to provide cooperating nations with the benefits of peaceful uses of atomic energy; and

Whereas the legacy of the Atomic Energy Act of 1954, with 103 operating nuclear power plants in the United States providing 20 percent of the electricity supply of the United States, is invaluable in providing clean, emission-free, reliable power to the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes that the enactment of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) was an essential step in the development and use of a range of civilian nuclear technologies to the benefit of humanity;

(2) commends and remembers the authors of the original Atomic Energy Act of 1954 for their foresight and leadership; and

(3) commemorates the role played by President Dwight David Eisenhower in his historic Atoms for Peace speech and the leadership he demonstrated in recognizing 50 years ago that the benefits of nuclear technologies would be realized only through a careful national and international system of control, regulation, and use.

AMENDMENTS SUBMITTED & PROPOSED

SA 4068. Mr. CRAIG (for Mr. CAMPBELL) proposed an amendment to the bill S. 1438, to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes.

SA 4069. Mr. CRAIG (for Mr. CAMPBELL) proposed an amendment to the resolution S. Res. 248, expressing the sense of the Senate concerning the individual Indian money account trust fund lawsuit.

SA 4070. Mr. CRAIG (for Mr. CAMPBELL) proposed an amendment to the resolution S. Res. 248, supra.

SA 4071. Mr. SESSIONS (for Mr. LUGAR) proposed an amendment to the bill H.R. 2655, to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998.

SA 4072. Mr. SESSIONS (for Mr. LEAHY (for himself, Mr. SCHUMER, Mr. LOTT, Mr. HATCH, and Mr. CORNYN)) proposed an amendment to the bill S. 2873, to extend the authority of the United States District Court for the Southern District of Iowa to hold court in Rock Island, Illinois.

SA 4073. Mr. SESSIONS (for Mr. DORGAN) proposed an amendment to the bill S. 2154, to establish a National sex offender registration database, and for other purposes.

TEXT OF AMENDMENTS

SA 4068. Mr. CRAIG (for Mr. CAMPBELL) proposed an amendment to the bill S. 1438, to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes; as follows:

In section 9(c), redesignate paragraph (3) as paragraph (4).

In section 9(c), after paragraph (2), insert the following:

(3) RETENTION OF NATIONAL PARK SYSTEM STATUS.—

(A) IN GENERAL.—Land transferred under this section that, before the date of enactment of this Act, was included in the Lake Roosevelt National Recreation Area shall remain part of the Recreation Area.

(B) ADMINISTRATION.—Nothing in this section affects the authority or responsibility of the National Park Service to administer the Lake Roosevelt National Recreation Area under the Act of August 25, 1916 (39 Stat. 535, chapter 408; 16 U.S.C. 1 et seq.).

On page 23, Section 6, after line 13 insert the following:

(c) PAYMENT RECOVERY.—Pursuant to the payment schedule in subsection (b), the Administrator shall make commensurate cost reductions in expenditures on an annual basis to recover each payment to the Tribe. The Administrator shall include this specific cost reduction plan in the annual budget submitted to Congress.

On page 28, after line 3, insert the following:

SEC. 12. PRECEDENT.—Nothing in this Act establishes any precedent or is binding on the Southwestern Power Administration, Western Area Power Administration, or Southeastern Power Administration.

SA 4069. Mr. CRAIG (for Mr. CAMPBELL) proposed an amendment to the resolution S. Res. 248, expressing the sense of the Senate concerning the individual Indian money account trust fund lawsuit; as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) the interests of the Indian beneficiaries and the United States would best be served by a voluntary alternative dispute resolution process, not limited to mediation, that will lead to a full, fair, and final resolution of potential individual Indian money account claims; and

(2) Federal legislation may be necessary to ensure a full, fair, and final resolution of the class action litigation.

SA 4070. Mr. CRAIG (for Mr. CAMPBELL) proposed an amendment to the resolution S. Res. 248, expressing the sense of the Senate concerning the individual Indian money account trust fund lawsuit; as follows:

Strike the preamble and insert the following:

Whereas, since the 19th century, the United States has held Indian funds and resources in trust for the benefit of Indians, and in its capacity as trustee, is obligated to protect those funds and resources;

Whereas the Senate reaffirms that in continuing to hold and manage Indian funds and resources for the benefit of the Indians, the United States must act in accordance with all applicable standards and duties of care;

Whereas, in 1996, a class action was brought against the United States seeking an accounting of balances of individual Indian money accounts and rehabilitation of the trust system;

Whereas after 8 years of litigation and the expenditure of tens of millions of dollars in Federal funds, the Senate believes that there is a demonstrated need to assist and encourage the parties in reaching a full, fair, and final resolution to the class action litigation; and

Whereas the resolution of the class action litigation may be achieved through alternative dispute resolution processes, including mediation: Now, therefore, be it

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SA 4071. Mr. SESSIONS (for Mr. LUGAR) proposed an amendment to the bill H.R. 2655, to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AMENDMENT AND EXTENSION OF IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM.

(a) IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM ACT.—

(1) PROGRAM PARTICIPANT REQUIREMENTS.—Section 2(a) of the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended by adding at the end the following:

"(5) PROGRAM PARTICIPANT REQUIREMENTS.—An alien entering the United States as a participant in the program shall satisfy the following requirements:

"(A) The alien shall be a citizen of the United Kingdom or the Republic of Ireland.

"(B) The alien shall be between 21 and 35 years of age on the date of departure for the United States.

"(C) The alien shall have resided continuously in a designated county for not less than 18 months before such date.

"(D) The alien shall have been continuously unemployed for not less than 12 months before such date.

"(E) The alien may not have a degree from an institution of higher education.".

(2) EXTENSION OF PROGRAM.—Section 2 of the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended—

(A) in subsection (a)(3), by striking "the third program year and for the 4 subsequent years," and inserting "each program year,"; and

(B) by amending subsection (d) to read as follows:

"(d) SUNSET.—

"(1) Effective October 1, 2008, the Irish Peace Process Cultural and Training Program Act of 1998 is repealed.

"(2) Effective October 1, 2008, section 101(a)(15)(Q) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(Q)) is amended—

"(A) by striking 'or' at the end of clause (i);

"(B) by striking '(i)' after '(Q)'; and

"(C) by striking clause (ii).".

(3) COST-SHARING.—Section 2 of the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note), as amended by paragraph (2), is further amended—

(A) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(B) by inserting after subsection (b), the following new subsection:

"(c) COST-SHARING.—The Secretary of State shall verify that the United Kingdom and the Republic of Ireland continue to pay a reasonable share of the costs of the administration of the cultural and training programs carried out pursuant to this Act.".

(4) TECHNICAL AMENDMENTS.—The Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended—

(A) by striking "Attorney General" each place such term appears and inserting "Secretary of Homeland Security"; and

(B) by striking "Immigration and Naturalization Service" each place such term appears and inserting "Department of Homeland Security".

(b) IMMIGRATION AND NATIONALITY ACT.—

(1) REQUIREMENTS FOR NONIMMIGRANT STATUS.—Section 101(a)(15)(Q) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(Q)) is amended—

(A) by striking "Attorney General" each place such term appears and inserting "Secretary of Homeland Security"; and

(B) in clause (ii)(I)—

(i) by striking "35 years of age or younger having a residence" and inserting "citizen of the United Kingdom or the Republic of Ireland, 21 to 35 years of age, unemployed for not less than 12 months, and having a residence for not less than 18 months"; and

(ii) by striking "36 months)" and inserting "24 months)".

(2) FOREIGN RESIDENCE REQUIREMENT.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(A) by redesignating the subsection (p) as added by section 1505(f) of Public Law 106-386 (114 Stat. 1526) as subsection (s); and

(B) by adding at the end the following:

"(t)(1) Except as provided in paragraph (2), no person admitted under section 101(a)(15)(Q)(ii)(I), or acquiring such status after admission, shall be eligible to apply for nonimmigrant status, an immigrant visa, or permanent residence under this Act until it is established that such person has resided and been physically present in the person's country of nationality or last residence for an aggregate of at least 2 years following departure from the United States.

"(2) The Secretary of Homeland Security may waive the requirement of such 2-year foreign residence abroad if the Secretary determines that—

"(A) departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or an alien lawfully admitted for permanent residence); or

"(B) the admission of the alien is in the public interest or the national interest of the United States.".

SA 4072. Mr. SESSIONS (for Mr. LEAHY (for himself, Mr. SCHUMER, Mr. LOTT, Mr. HATCH, and Mr. CORNYN)) proposed an amendment to the bill S. 2873, to extend the authority of the United States District Court for the Southern District of Iowa to hold court in Rock Island, Illinois; as follows:

At the end of the bill add the following:

SEC. 2. HOLDING OF COURT AT CLEVELAND, MISSISSIPPI.

Section 104(a)(3) of title 28, United States Code, is amended in the second sentence by inserting "and Cleveland" after "Clarksdale".

SEC. 3. PLACE OF HOLDING COURT IN TEXARKANA, TEXAS, AND TEXARKANA, ARKANSAS.

Sections 83(b)(1) and 124(c)(5) of title 28, United States Code, are each amended by inserting after "held at Texarkana" the following: ", and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas".

SEC. 4. PLACE OF HOLDING COURT IN THE NORTHERN DISTRICT OF NEW YORK.

Section 112(a) of title 28, United States Code, is amended by striking "and Watertown" and inserting "Watertown, and Plattsburgh".

SEC. 5. PLACE OF HOLDING COURT IN THE DISTRICT OF COLORADO.

Section 85 of title 28, United States Code, is amended by inserting "Colorado Springs," after "Boulder,".

SA 4073. Mr. SESSIONS (for Mr. DORGAN) proposed an amendment to the bill S. 2154, to establish a National sex offender registration database, and for other purposes; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dru Sjodin National Sex Offender Public Database Act of 2004" or "Dru's Law".

SEC. 2. DEFINITION.

In this Act:

(1) CRIMINAL OFFENSE AGAINST A VICTIM WHO IS A MINOR.—The term "criminal offense against a victim who is a minor" has the same meaning as in section 170101(a)(3) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071(a)(3)).

(2) MINIMALLY SUFFICIENT SEXUAL OFFENDER REGISTRATION PROGRAM.—The term "minimally sufficient sexual offender registration program" has the same meaning as in section 170102(a) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14072(a)).

(3) SEXUALLY VIOLENT OFFENSE.—The term "sexually violent offense" has the same meaning as in section 170101(a)(3) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071(a)(3)).

(4) SEXUALLY VIOLENT PREDATOR.—The term "sexually violent predator" has the same meaning as in section 170102(a) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14072(a)).

SEC. 3. AVAILABILITY OF THE NSOR DATABASE TO THE PUBLIC.

(a) IN GENERAL.—The Attorney General shall—

(1) make publicly available in a registry (in this Act referred to as the "public registry") from information contained in the the National Sex Offender Registry, via the Internet, all information described in subsection (b); and

(2) allow for users of the public registry to determine which registered sex offenders are currently residing within a radius, as specified by the user of the public registry, of the location indicated by the user of the public registry.

(b) INFORMATION AVAILABLE IN PUBLIC REGISTRY.—With respect to any person convicted of a criminal offense against a victim who is a minor or a sexually violent offense, or any sexually violent predator, required to register with a minimally sufficient sexual offender registration program within a State, including a program established under section 170101 of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14017(b)), the public registry shall provide, to the extent available in the National Sex Offender Registry—

(1) the name and any known aliases of the person;

(2) the date of birth of the person;

(3) the current address of the person and any subsequent changes of that address;

(4) a physical description and current photograph of the person;

(5) the nature of and date of commission of the offense by the person;

(6) the date on which the person is released from prison, or placed on parole, supervised release, or probation; and

(7) any other information the Attorney General considers appropriate.

SEC. 4. RELEASE OF HIGH RISK INMATES.

(a) CIVIL COMMITMENT PROCEEDINGS.—

(1) IN GENERAL.—Any State that provides for a civil commitment proceeding, or any equivalent proceeding, shall issue timely notice to the attorney general of that State of the impending release of any person incarcerated by the State who—

(A) is a sexually violent predator; or

(B) has been deemed by the State to be at high-risk for recommitting any sexually violent offense or criminal offense against a victim who is a minor.

(2) REVIEW.—Upon receiving notice under paragraph (1), the State attorney general shall consider whether or not to institute a civil commitment proceeding, or any equivalent proceeding required under State law.

(b) MONITORING OF RELEASED PERSONS.—

(1) IN GENERAL.—Each State shall intensively monitor, for not less than 1 year, any person described under paragraph (2) who—

(A) has been unconditionally released from incarceration by the State; and

(B) has not been civilly committed pursuant to a civil commitment proceeding, or any equivalent proceeding under State law.

(2) APPLICABILITY.—Paragraph (1) shall apply to—

(A) any sexually violent predator; or

(B) any person who has been deemed by the State to be at high-risk for recommitting any sexually violent offense or criminal offense against a victim who is a minor.

(c) COMPLIANCE.—

(1) COMPLIANCE DATE.—Each State shall have not more than 3 years from the date of enactment of this Act in which to implement the requirements of this section.

(2) INELIGIBILITY FOR FUNDS.—A State that fails to implement the requirements of this section, shall not receive 25 percent of the funds that would otherwise be allocated to the State under section 20106(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13706(b)).

(3) REALLOCATION OF FUNDS.—Any funds that are not allocated for failure to comply with this section shall be reallocated to States that comply with this section.

60TH ANNIVERSARY OF THE BATTLE OF THE BULGE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 110, which has been received from the House.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (H.J. Res. 110) recognizing the 60th anniversary of the Battle of the Bulge during World War II.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. I ask unanimous consent that the joint resolution be read the third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statement related to the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 110) was read the third time and passed.

The preamble was agreed to.

PREMATURITY AWARENESS MONTH

Mr. SESSIONS. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 476, introduced earlier today by Senator ALEXANDER.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 476) supporting the goals, activities and ideals of National Prematurity Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

PREMATURITY AWARENESS MONTH

Mr. ALEXANDER. Mr. President, I rise today to discuss the increasing number of babies born too early. The March of Dimes has designated November as Prematurity Awareness Month to draw attention to the growing, costly and serious public health problem of preterm birth. My colleague, Senator DODD, and I have introduced a resolution supporting this effort and look forward to swift approval in the Senate.

Nationwide, over 480,0000 babies were born prematurely in 2002. In my own State of Tennessee, one of every seven babies born in 2002 was born preterm, and the rate of preterm births in Tennessee has risen more than 9 percent since 1992.

Earlier this year, the Subcommittee on Children and Families, which I chair, held a hearing to learn about the devastating effects of preterm birth and what our government agencies and private organizations are doing to combat this crisis. We heard the inspirational story of Kelley Bolton Jordan and her daughter, Whitney, from Memphis, Tennessee. Whitney was born 3½ months early and weighed just 1 lb. 10 oz. Imagine a leg so small it could fit through a wedding ring.

Whitney spent 3 grueling months in intensive care. She is now a healthy, happy 3 year-old and has no repercussions from her early birth—other babies are not as lucky. Preterm birth takes a severe toll on America's families and strains our health care system. Each year, 100,000 children develop health problems because of their early births, including cerebral palsy and vision and hearing loss. And preterm birth is the leading cause of death in the first month of life.

With over half the causes of preterm birth unknown, more research is desperately needed. That's why I plan to re-introduce "the PREEMIE Act" and hope that the Senate can pass this legislation in the 109th Congress.

I commend the March of Dimes for its dedication in working toward a day when babies and their families no longer have to face the devastating consequences of premature birth. If we work together to focus public and private resources on this problem, we can decrease the number of premature births in every state.

Mr. DODD. Mr. President, I draw attention to the growing problem of premature birth. As a sponsor of the PREEMIE Act, with my colleague Senator ALEXANDER, I have heard the stories about the strain a premature birth places on families, as well as the lifelong health problems many preterm children face.

Nationwide, 1 out of every 8 babies is born too early. In my own State of Connecticut, 1 of every 10 babies born in 2002 was preterm and the rate of preterm births in Connecticut has risen more than 11% since 1992.

Senator ALEXANDER and I are introducing a resolution to raise awareness of this public health crisis. As part of their 5-year campaign designed to use the combined power of awareness, education, and research to significantly decrease the number of premature births in the United States, the March of Dimes has designated November as Prematurity Awareness Month. I am pleased to be supporting this campaign.

I urge my colleagues to find out about the toll of premature births in their states and to work together to solve this problem. I hope we can move the PREEMIE Act quickly in the 109th Congress in order to expand the Government's efforts to reduce the rates of preterm birth.

Mr. SESSIONS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 476) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 476

Whereas preterm birth is a serious and growing problem;

Whereas, between 1982 and 2002, the rate of preterm birth increased 27 percent;

Whereas, in 2002, more than 480,000 babies were born prematurely in the United States;

Whereas 25 percent of all babies that die in the first month of life were born preterm;

Whereas premature infants are 14 times more likely to die in the first year of life;

Whereas premature babies who survive may suffer lifelong consequences, including cerebral palsy, mental retardation, chronic lung disease, and vision and hearing loss;

Whereas preterm birth and low birthweight are a significant financial burden in health care;

Whereas, in 2002, the estimated charges for hospital stays for infants with a diagnosis of preterm birth or low birthweight were $15,500,000,000, a 12 percent increase since 2001;

Whereas the average lifetime medical costs of a premature baby are conservatively estimated at $500,000;

Whereas the cause of approximately half of all preterm births is unknown;

Whereas women who smoke during pregnancy are twice as likely as women who do not smoke during pregnancy to give birth to a low birthweight baby, and babies born to women who smoke during pregnancy weigh, on average, 200 grams less than babies born to women who do not smoke during pregnancy; and

Whereas to reduce the rates of preterm labor and delivery more research is needed on the underlying causes of preterm delivery, prevention of preterm birth so that babies are born full-term, and treatments improving outcomes for infants born prematurely: Now, therefore, be it

Resolved, That the Senate recognizes during the month of November, 2004, activities and programs that promote awareness of and solutions to the dangers of preterm birth across the United States.

IMPROVING EDUCATION RESULTS FOR CHILDREN WITH DISABILITIES ACT OF 2004—CONFERENCE REPORT

Mr. SESSIONS. I ask unanimous consent that the Senate proceed to the conference report to accompany H.R. 1350, the IDEA bill, that the conference report be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I am pleased that we are now considering the conference report on the Individuals with Disabilities Education Improvement Act. This bill reauthorizes IDEA, our Federal law governing special education services for children with disabilities.

As we close in on the 30-year anniversary of the Federal role in special education, I think it important to highlight where we were, where we are and where we are going to ensure that children with disabilities are provided a high-quality education that prepares them for life outside the classroom.

Almost 30 years ago, the Education for All Handicapped Children Act opened schoolhouse doors for children with disabilities. Prior to that landmark legislation, most students with disabilities did not attend public school. Indeed, many States had laws excluding certain children with disabilities from their schools, including the blind, deaf, emotionally disturbed or children with mental retardation.

Today, special education programs have been established in virtually every school district in America. The overwhelming majority of children with disabilities—about 96 percent—learn in regular schools with other children, not in state institutions or separate facilities. In fact, half of students with disabilities spend 80 percent or more of their day in regular classrooms. Those students are increasingly gaining access to higher education, too. College enrollment rates among students with disabilities have more than tripled.

Clearly, we have come a long way from the time when our students with disabilities were excluded from public schools. Still, we know that there is much to be done to ensure that children with disabilities get a better education and that we make it easier for schools to provide that education to these students.

With this understanding, we have worked for more than two years to improve IDEA, keeping the needs of children with disabilities, whom we have a duty to serve, foremost in our thoughts, while balancing concerns of equity and fairness.

With significant input from parents, educators and disability groups, as well as the recommendations of the President's Commission on Excellence in Special Education, both the House and Senate passed bills that would have done much to improve IDEA and to ensure that children with disabilities receive a quality results-based education. But important differences remained.

After weeks of sometimes intense negotiations, our conference committee ironed out those differences and reached agreement yesterday on a final report, bringing us one step closer to enacting important reforms that will benefit the more than 6.5 million children served by IDEA, as well as their parents, teachers, and schools.

The conference report before us focuses on improved academic results for children with disabilities; frees special education teachers from bureaucratic requirements, and offers them important flexibility; helps parents and schools work together better; creates the safest possible classroom environment for all students; and strikes an appropriate balance between protecting the educational rights of children with disabilities, while making IDEA less litigious.

This report does five very important things.

First, it reinforces the most basic goal under IDEA: making sure students are learning. The report shifts focus away from compliance with burdensome and confusing rules, and places a renewed emphasis on our most fundamental concern making sure that children with disabilities receive a quality education.

Specifically, the report: ensures States focus on improved academic results and functional performance for students with disabilities; clarifies methods for measuring student progress by replacing arbitrary benchmarks and short-term objectives with academic assessments under NCLB, including alternate assessments; provides for a national study of valid and reliable alternate assessment systems and how alternate assessments align with State content standards; and allows for the development of new approaches to determine whether students have specific learning disabilities by clarifying that schools are not limited to using the IQ-achievement discrepancy model that relies on a "wait to fail" approach.

Second, it enables teachers to better serve their students by: clarifying what it means to be a highly qualified special education teacher, and offering flexibility to new teachers who teach multiple subjects, and to teachers teaching children with severe cognitive disabilities; making it easier for special education teachers to both enter into and remain in the field of special education; focusing more resources and attention on professional development for both general and special education teachers serving children with disabilities; creating a paperwork reduction demonstration program to increase the time teachers spend on instruction and decrease the time they spend complying with cumbersome, bureaucratic requirements; and eliminating paperwork by eliminating short-term objectives for most students and reducing the number of times per year that procedural safeguards notices must be sent to parents.

Third, it facilitates a better relationship between parents and schools, and improves parental involvement and options by: providing parents with increased information and access to resources to support them though dispute resolution and due process; encouraging early mediation and prompt resolution of disputes; providing new opportunities for parents and schools to meet in order to resolve problems before going to a due process hearing; allowing parents and schools to agree to make changes to an IEP during the year without having to convene a formal IEP meeting; and increasing parental involvement in IEP meetings by allowing use of teleconferencing, video conferencing, and other means of participation.

Fourth, this report ensures safety and improves discipline for all children by: making the discipline provisions in current law easier to understand and implement and more fair and equitable; ensuring that positive behavioral interventions and supports remain an option on the IEP; and empowering schools to discipline children whose behavior is not the direct result of their disability.

Fifth, it provides fiscal relief to school districts by: including a 7-year discretionary glide path to full funding through the discretionary appropriations process; providing new resources to assist school districts in delivering a free appropriate public education to high-need children who may require expensive services; simplifying funding for grants, making future years' funding levels and amounts more predictable; and giving districts flexibility to shift some local funding for certain programs to other ESEA priorities as federal IDEA funding increases.

I thank all members of the conference committee and their dedicated staff for their hard work on this report and their cooperative spirit in working toward this day. It is certainly an endeavor of which we can all be proud.

I can think of no finer way to bring my tenure as chairman of the Senate Health, Education, Labor, and Pensions Committee to a close than by completing action on this legislation.

In particular, I would like to thank: Senator KENNEDY, and his staff, Connie Garner and Roberto Rodriguez; Senator BINGAMAN and his staff, Michael Yudin; Senator SESSIONS and his staff, John Little and Prim Formby; Senator ALEXANDER and his staff, Kristin Bannerman; Congressman BOEHNER, and his staff, David Cleary, Melanie Looney, Krisann Pearce, and Sally Lovejoy; Congressman MILLER, and his staff, Alex Nock; Legislative Counsel attorneys Mark Foster and Mark Synnes, without whose assistance we could not have conferenced this bill in 6 weeks; and Department of Education staff Karen Quarles, Christy Wolfe, Suzanne Sheridan, Paul Riddle, Carol Cichowski, Bill Knudsen and Michele Rovins for their superb technical assistance.

Finally, I thank members of my own staff. Both Annie White and Denzel McGuire spent countless hours shepherding this legislation, and meeting with parents, educators, school groups and disability groups, while working to improve policy and reach compromises on the many difficult issues herein. Without their tireless efforts and passion for helping students with disabilities to achieve their fullest potential, we most certainly would not be here today. I would also like to recognize the efforts of Bill Lucia, Courtney Brown, and Kelly Scott.

I am hopeful that we will quickly approve this conference report, so that the President can sign this important legislation into law.

ATTORNEY'S FEES

Mr. KENNEDY. Mr. President, I would like to take a moment to clarify an oversight with Senator GREGG that is important for the record.

Senator GREGG, a sentence in the Statement of Managers' language of the conference report that provided the explanation for the attorney's fees language was inadvertently left out. By adding at Note 231 sections detailing the limited circumstances in which local educational agencies and State educational agencies can recover attorney's fees, specifically Sections 615(i)(3)(B)(i)(II) and (III), the conferees intend to codify the standards set forth in Christiansburg Garment Co. v. EEOC, 434 U.S. 412 (1978). According to Christiansburg, attorney's fees may only be awarded to defendants in civil rights cases where the plaintiffs claims are frivolous, without foundation or brought in bad faith. Is that your understanding as well?

Mr. GREGG. Mr. President, the Senator from Massachusetts is correct and that is my understanding as well.

Mr. REED. Mr. President, today the Senate will pass H.R. 1350, the Individuals with Disabilities Education Improvement Act of 2004, legislation which has my support.

This important legislation, which reauthorizes the Individuals with Disabilities Education Act, is a compromise that protects the civil rights of children with disabilities, while ensuring that teachers, principals, and administrators have the essential tools to improve these children's academic or functional skills and knowledge. It is the culmination of months of hard-fought bipartisan and bicameral negotiations in an attempt to strike the balance between these competing interests and overall. This bill improves upon current law.

As an original cosponsor of the Senate version of this bill and the sponsor of an earlier bill on personnel preparation and development, I am pleased that most of the provisions I authored on the recruitment, preparation, support, and professional development of special education teachers, general education teachers, principals, administrators, related services personnel, and others working with children with disabilities have been included in the final version of the bill before us today. First, the bill requires states, through the renamed State Personnel Development Grants, to target 100% of the funding under this competitive grant for professional development activities—an increase of 25% from current law. These grants will help achieve our goal of ensuring that there is a highly qualified teacher in every classroom in America. Furthermore, the bill sends funding to states via a formula once funding reaches $100 million, ensuring that teachers in every state benefit. Additionally, as a condition of receiving a State Personnel Development Grant, a state educational agency must submit a comprehensive plan that identifies and addresses the state's personnel needs. This and other new requirements will ensure that the state educational agency has the necessary expertise and strategies in place to boost the skills of teachers and in turn improve the education of children with disabilities.

Retaining special education teachers new to the profession is a particular area of concern in our States. According to data from the National Clearinghouse for Professions in Special Education, the turnover rate of special education teachers in their first 3 years of teaching is exceptionally high—much higher than the comparative rate for general education teachers. Annual attrition rates for special education teachers are 6 percent for those who leave the field entirely and an additional 7.4 percent who transfer to general education. High turnover is costly both for school districts, which must repeatedly fill the same positions, and for students, who lose the advantage of being taught by experienced special education teachers. As such, I am pleased that the bill establishes a new grant program for institutions of higher education to help beginning special educators. Funding is authorized for incorporating an extended, such as a fifth year, clinical learning opportunity to existing special education preparation programs or for the creation or support of teacher-faculty partnerships, such as professional development schools, that provide high-quality and ongoing mentoring to new special education teachers so that they will remain in the field.

The legislation also enhances existing IDEA personnel preparation programs to ensure that all teachers and other personnel have the skills, knowledge, and leadership training to improve results for students with disabilities, including working collaboratively in regular classroom settings, addressing the needs of limited English proficient students with disabilities, preventing the misidentification of children with disabilities, working with parents to improve the education of their children, and utilizing positive behavioral interventions to address the conduct of children with disabilities that impedes their learning or that of others in the classroom.

There are other highlights as well. This bill aligns the Individuals with Disabilities Education Act with the No Child Left Behind Act by requiring states to ensure that all special education teachers are highly qualified by the 2005–2006 school year, including allowing teachers to meet the standard through the high objective uniform state standard of evaluation or HOUSSE; requires the uniformity of electronic versions of instructional materials and provides for the establishment of a National Instructional Materials Access Center to give schools a one-stop shop for textbooks and other educational materials for students who are blind or possess another disability which necessitates alternate formats; expands the current definition of related services to include school nurse services; strengthens early intervention and preschool programs for infants, toddlers, and preschoolers with disabilities, including permitting states to create a system that gives parents the choice to have their child continue early intervention services until the age of five; establishes a new program aimed at developing and enhancing behavioral supports in schools while improving the quality of interim educational settings; enhances planning and transition services for children with disabilities; advances the monitoring and enforcement of IDEA; and improves services for homeless and foster care students with disabilities.

Teachers, principals, and administrators are also given flexibility to more effectively provide an education to all students. There are new approaches to resolving complaints to head off litigation and to reducing paperwork, along with a clearer framework for the discipline of children with disabilities.

I thank my colleagues, Senators KENNEDY and GREGG, and their staffs, for their excellent work on this important bipartisan legislation. One staff member, Connie Garner, deserves special recognition for her tireless efforts to make this law work for students, parents, teachers, and schools.

This is significant legislation for the people of Rhode Island and across the nation, and I am pleased to support it. I will also continue to press for full funding of IDEA to provide 40% of the excess cost of providing special education services—a promise Congress made in 1975 when IDEA was first enacted. Funding for IDEA services has only recently reached nearly 19 percent—just under halfway to fulfilling that promise. While we have taken a number of positive steps with this bill to ensure a high quality, free appropriate public education for children with disabilities, we must bridge the funding gap so these children receive the educational assistance and support they need and deserve.

TEACHERS

Mr. President, I am pleased that our bill now requires special education teachers to be fully certified by the state. Prohibiting temporary or emergency certification is an important step forward and one that brings IDEA in line with NCLB. It is important that teachers who are fully certified in special education have the unique knowledge and skills needed to effectively teach students with disabilities. Parents should know that the label of "fully certified special education teacher" means that the teacher has demonstrated both knowledge and skill in special education practices. Senator KENNEDY, is it your understanding that full state certification in special education includes a demonstration of such knowledge and skill?

Mr. KENNEDY. Yes, Senator REED, that is my understanding. Well-prepared special education teachers are critical to our goal of providing a quality education for all children with disabilities. Such teachers need to be prepared with the skills and expertise needed to teach children with disabilities. Those skills may include the teaching of a standards-based reform curriculum to students with disabilities, helping students access technology-based learning tools, or adapting materials and learning environments for students with disabilities.

In addition to traditional special education preparation programs at our colleges and universities, some alternative routes to certification offer important and useful options to addressing the special education teacher shortage—especially in rural and urban school systems with hard-to-staff schools. Some of our alternative routes have produced special education teachers with great skill and knowledge.

Mr. REED. I thank Senator KENNEDY for that clarification.

Mr. DODD. Mr. President, I support a bipartisan, bicameral reauthorization of the Individual with Disabilities Education Act, IDEA. I want to start by thanking my fellow conferees and their staff for all of their hard work in putting together the bipartisan, bicameral legislation we are considering today. While we may still have some disagreements about the substance of the bill, getting to this point in a bipartisan way is no small achievement, and I know we are all better for it.

Nothing pleases me more than to move forward with a reauthorization that the education, the disability, and the parent and student community have been eagerly waiting for: a bill that will ensure that students with disabilities get the services they are entitled to while providing school systems with a greater degree of flexibility in implementing the law.

The Individuals with Disabilities Education Improvement Act of 2004 emphasizes accountability and improved results, improves monitoring and enforcement of the law, and works to reduce litigation by providing new opportunities for parents and schools to address concerns and disputes.

The bill reduces paperwork by streamlining State and local paperwork requirements, provides earlier access to services and supports for infants, toddlers and preschoolers with disabilities, and properly puts added emphasis on transition services so that special education students leave the system ready to be full productive citizens, whether they choose to go on to college or a job. Like No Child Left Behind, this bill also increases and improves opportunities for parental involvement and supports special education teachers in becoming "highly qualified" to do their jobs.

I am particularly pleased that the IDEA conference agreement contains provisions that I, along with Senators COCHRAN, HARKIN and BUNNING, originally introduced as the Instructional Materials Accessibility Act, IMAA. These important provisions will greatly aid blind and print-disabled students by ensuring that they receive their textbooks and other instructional materials in the formats that they require, such as Braille, at the same time as their sighted peers.

Far too often, blind, visually-impaired and print-disabled students wait months for their State or local school districts to convert their textbooks into Braille or another alternative format. At the same time, school districts face exorbitant costs for these conversions. The Instructional Material Accessibility Act provisions included in this reauthorization will mandate the adoption of one uniform electronic file format that will greatly ease the process of converting learning materials into alternative formats, such as Braille.

Secondly, the IMAA provisions will create a repository for these formats so that they can be disseminated to local school districts quickly and cost effectively.

We often hear today the pledge that we will leave no child behind. May I suggest that we also make every effort to ensure that we leave no blind child behind. The adoption of these important provisions will go a long way toward ensuring that blind, visually-impaired and print-disabled students are not left behind in the classroom.

And while I am disappointed that the bill does not contain a provision to provide mandatory full-funding of IDEA, I believe that the monetary targets that have been provided, are at least pointing us in the right direction. Still, I think it is important to remind everyone, yet again, that thirty years ago when we passed IDEA, we made a commitment to, over time, cover 40 percent of the State cost of servicing students with special needs.

We have yet to make good on this commitment. Today the Federal Government supports less than 20 percent of the cost of the program. That is not even half of the 40 percent we promised 29 years ago. States and municipalities are bearing more than their share of responsibility for meeting disabled students' needs. States and municipalities need our help. As I have said before, I cannot accept the argument that because our economy is faltering, or we are a Nation at war, we cannot provide our children and their families with the critical educational resources they need. Investment in education is no less important in a weak economy or while our Nation is at war.

Almost 30 years ago, Congress passed the Individuals with Disabilities Education Act to help States provide all children with disabilities with a free, appropriate public education in the least restrictive environment possible. Since that time, this law has made an incredible difference in the lives of millions of American children and their families.

Fundamentally, this is a good bill—one that will help guarantee the full potential of all our children while assisting school districts in their efforts to deliver special education services in an efficient manner. That is why I will support it.

Mr. JEFFORDS. Mr. President, as the 108th Congress comes to a close, the House and the Senate are considering a significant legislative initiative, the Individuals with Disabilities Education, UDEA, Improvement Act. The purpose of the IDEA Improvement Act is to reauthorize the law that was enacted 29 years ago, the Education for All Handicapped Children Act. That law, now known as IDEA, was based upon a series of court decisions in the early 1970s that found that children with disabilities were no different than other children and were, and still are, entitled to a free and appropriate education.

I was one of the original authors of the 1975 law. A key provision of that law was the inclusion of language that committed the federal government to pay 40 percent of the national average per pupil expenditure for each disabled child's education. Unfortunately, this is a commitment that has yet to be met. This year, my own state of Vermont had to spend $22 million in state funds to make up the shortfall from the Federal Government.

I do not believe the bill before us, the IDEA Improvement Act of 2004, will provide the Federal funding to sufficiently accommodate all children with disabilities. As we approach the 30th anniversary of the original IDEA law, it is unconscionable that we, the Congress, will have once again failed to fulfill our commitment to pay the 40 percent share we promised almost three decades ago. In fact, as of today, we are not even halfway there.

I voted against the Senate version of this bill earlier this year, primarily because of the funding issue, and I am opposed to the passage of the House-Senate IDEA Improvement Act conference report.

In addition to the funding problem, I have serious concerns about two other provisions. The IDEA Improvement Act aligns itself with the No Child Left Behind standard for teacher quality. Unfortunately, the definition here is as flawed as it is in the NCLB Act. I had hoped the bill would recognize the balance between providing children with quality instruction and the difficulties in recruiting and retaining quality teachers. In Vermont today, more than one-fifth of special educator positions are not filled by qualified personnel. I believe that this bill will make that statistic worse, not better.

Another issue that is troubling to me is the diversion of IDEA funds to other education programs. This bill allows school districts to reduce local spending equal to 50 percent of all new federal IDEA funds, from fiscal year 2005 forward, and use them for other educational purposes. This flexibility is available if school districts are in compliance with IDEA. This means that in a few years, the vast majority of school districts in the country will be able to shift billions of dollars that had been spent on special education to other areas. I have been fighting for years to increase the amount of money available for special education, and this provision risks derailing the progress that we have made. I am gravely concerned about this provision and its impact. School districts that are underfunded by No Child Left Behind will be tempted to fix that problem by cutting corners in IDEA and using that money for other programs. This sets a terrible example for future education legislation.

Although I oppose the final passage of this bill, several provisions improve upon current law. Most importantly, the bill maintains the constitutionally guaranteed rights of children with disabilities.

The bill greatly improves the monitoring and enforcement procedures for compliance with the law. Previously, states not in compliance were not necessarily sanctioned. In fact, in many situations, the only mechanism for enforcing the law was moving forward with a lawsuit. This new legislation calls for increased federal oversight and provides more enforcement tools at the state level.

Although I am opposing the passage of the IDEA Improvement Act, I would like to especially thank Senator KENNEDY and his staff for their efforts during this process, especially Connie Garner, whose hard work is greatly appreciated.

It is my hope that we will not wait until the next authorization to continue to work together to improve the IDEA program and the funding that is so desperately needed for all children with disabilities. Next year will mark 30 years of federal underfunding. When will we recognize that our children have waited long enough?

Mr. ENZI. Mr. President, I thank Chairman GREGG and Senator KENNEDY, Chairman BOEHNER and Representative MILLER for their leadership on this important issue. I also thank my colleagues and fellow conferees from both the House and Senate for their hard work on an issue that is vital to our children's education and their future, as well as ours.

When Congress passed the Individuals with Disabilities Education Act into law 30 years ago, it represented the strength of the Federal commitment to ensuring that all students would receive the support they need to reach their full potential. Congress made its position clear: all disabled students would be guaranteed a free and appropriate public education.

This legislation advances that concept that has been preserved in spirit and refined to make it more effective over time. It does so while staying true to the original intent of Congress. I am pleased to be able to support this legislation, and I would like to speak briefly on a few issues that are of great concern to me and the people of Wyoming that I represent.

As a rural State, Wyoming has many small schools where teachers are responsible for multiple subjects. Our special education teachers are in this position more often than other teachers in our State, simply because we do not have a lot of students and our special education classrooms are often very small and include several grade levels. My home county, Campbell County, currently has around 7,000 students. That is an entire county. I am aware that some States have more students enrolled in a single high school than we have in that entire county, which at 5,000 square miles, is bigger than the State of Delaware.

This legislation makes an important clarification to the Highly Qualified Teacher standard established by the No Child Left Behind Act. It defines highly qualified in a way that is consistent with No Child Left Behind, but it also provides flexibility for States, like Wyoming, that have a large number of special education teachers responsible for more than one subject. This change will ensure that disabled children will be taught by a highly qualified teacher and it also recognizes the reality of rural States and the challenges we have in recruiting and retaining teachers.

This bill also provides flexibility for States and school districts who are responsible for the largest portion of special education funding. An important change is the flexibility for States to use the same flexibility provided to districts if they provide 100 percent of the State's non-Federal education spending. Many of our districts in Wyoming and the State as a whole will benefit from this flexibility. They will be better able to support education programs serving our students' best interests, rather than having their hands tied by Federal law.

I am also pleased that we were able to reach consensus on the need to improve the due process and discipline sections under the current IDEA legislation. The amount of unnecessary litigation surrounding the provision of services for students with disabilities has become a burden for many districts, and it has been a problem that disproportionately affects small, rural districts. By adding mediation and other forms of alternative dispute resolution, we have given parents and schools the tools they need to resolve complaints outside of the courtroom. These changes represent a common sense approach to what has become a serious problem. I believe the revised due process and discipline sections address concerns we've heard from parents of students with disabilities and teachers, principals and administrators. They encourage parents and school leaders to work cooperatively to meet the needs of disabled children, which is in everyone's best interest.

I am pleased that we have been able to finish work on this important legislation before the close of the 108th Congress so these important improvements can be enacted.

Mrs. MURRAY. Mr. President, I will applaud passage of the Individuals with Disabilities Education Act. IDEA is based on the American principle of equal opportunity. IDEA recognizes that students have a civil right to a free, appropriate public education, even if they have special needs that require additional resources.

We still have a long way to go to meet the Federal Government's promise to fund 40 percent of special education, and we are working on that challenge. However, this bill that meets my highest priority—protecting the right of children with disabilities to a free, appropriate public education. In addition, this bill takes critical steps towards improving monitoring, enforcement, and public reporting. Our laws are only meaningful if we are willing to enforce them, and the provisions in this bill will help us do just that. I am pleased that this bill contains provisions that I fought for to provide the additional funding that school districts—especially small, rural districts or districts with major medical facilities—really need to provide FAPE for children whose disabilities result in extremely high costs. The bill also contains important improvements to early intervention services for infants and toddlers with disabilities.

I am particularly pleased that we were able to improve services for homeless and foster children with disabilities and children with disabilities in military families in this bill. I would like to thank my colleague, Senator DEWINE, and his staff, Mary Beth Luna, for working with me on these important provisions. These provisions are a major victory for America's most vulnerable disabled students. The bill ensures that a high quality education will follow them whenever they have to move to another school. The bill improves special education services and coordination of services for children with disabilities who transfer school districts; clarifies which appropriate adults can advocate for children with regard to their special education services, including when the parents cannot be located or are uninvolved with the child; improves coordination between McKinney-Vento and IDEA and overall representation of homeless and foster children in IDEA, and strengthens and expands early intervention services for infants and toddlers with disabilities who are homeless, in foster care, or in military families.

While I do believe that this bill takes critical steps to improve special education in this country, I am disappointed that the Federal Government continues to fail to meet the funding promises under IDEA. Nearly 30 years ago, the Federal Government made a commitment of equal opportunity to the Nation's children with disabilities. With that commitment, we promised that the Federal Government would uphold its end of the bargain and pay 40 percent of the average per student cost for every special education student. Today, however, the Federal Government is paying about half of that cost.

Over the past few years, IDEA has received significant increases. However, according to the Congressional Research Service, at increases of $1 billion each year, the Federal Government will never fulfill the promise of funding at 40 percent. Further, even if annual increases were $1 billion plus inflation, we will not reach the promised level of 40 percent until 2035—more than 30 years from now.

Local schools are already struggling with the requirements of the No Child Left Behind Act, the lack of promised federal funding, and the dismal fiscal picture facing our state and local governments. I know we can do better for America's disabled students. Let's not make them wait another 30 years to fully-fund this law. I look forward to working with my colleagues to ensure that the Federal Government fulfills the promises of IDEA next year.

I want to thank Senator KENNEDY, Chairman GREGG, Chairman BOEHNER, and Congressman MILLER for their leadership on this bill. I also want to thank their staffs, Connie Garner, Denzel McGuire, Bill Lucia, Sally Lovejoy, David Cleary, Melanie Looney, Alex Nock, and Alice Cain for all of their hard work on this bill. The time and effort that they and their staff have put into this bill really show in the quality of the final product, which I am pleased to support.

Ms. MIKULSKI. Mr. President, I am pleased that we are finally reauthorizing this important legislation, the Individuals with Disabilities Education Act. I thank Senator KENNEDY, Senator GREGG, Congressman BOEHNER, and Congressman MILLER. I know how hard you worked on this bill. You tackled complicated issues and found common ground. I appreciate your efforts.

Overall, I think this is a good bill. It's not perfect. I know there are Marylanders who will be disappointed. I've heard from parents who are concerned that this bill rolls back the guarantee of a quality education for their children. And I've heard from teachers, principals, and school superintendents who want to know where the resources will come from, because this bill doesn't fully fund IDEA. But I'm going to vote for it because we can't let the perfect be the enemy of the good.

This bill takes important steps towards improving special education for students, families, and schools. It sets a clear path for fully funding IDEA. It protects the rights of students. It simplifies complicated rules and makes it easier for schools and parents to navigate—not litigate. And it allows schools to help students who need special attention, but not necessarily special education.

I've talked to Marylanders about this, like the women of Delta Sigma Theta Sorority. They see their children being racially sidelined—pushed into special education when what they really need is special attention. I'm so pleased that we are doing something in this bill to stop racial sidelining.

My top priority in this reauthorization was full funding. I think it's a shame that the bill doesn't fully fund IDEA. But I'm pleased it takes the first step towards full funding by authorizing specific funding levels for each year, until we get to full funding in 2008.

Why is this important? The Federal Government is supposed to pay 40 percent of the cost of educating children with disabilities, yet it has never paid more than 18 percent. That means local districts must make up the difference by skimping on special ed, cutting from other education programs, or raising taxes. I don't want to force States and local school districts to forage for funds, cut back on teacher training, or delay school repairs because the Federal Government has failed to live up to its commitment to special education. As a member of the Appropriations Committee I will fight to put this money in the Federal checkbook so special education is not a hollow promise.

Parents today are under a lot of stress, sometimes working two jobs just to make ends meet. They're trying to find day care for their kids and elder care for their own parents. The Federal Government shouldn't add to their worries by not living up to its obligations. With the Federal Government not paying its share of special ed these parents have a real question in their minds: Will my child will have a good teacher? Will the classes have up-to-date textbooks? Will they be learning what they need to know?

Parents of disabled children face such a tough burden already. Caring for a disabled child can be exhausting. School should not be one of the many things they worry about, particularly when the laws are already on the books to guarantee their child a public school education.

Special education has made such a huge difference in the lives of students with disabilities. It gives disabled children a chance to succeed in school and in life. I want to do what's best for families and schools. Parents and students need to be able to count on a quality education. That's why I'm voting for this legislation. But know that I will continue to fight for full funding of IDEA, because I don't want special education to be a hollow promise.

Mr. BINGAMAN. Mr. President, I am so pleased to be here today to talk about the Individuals with Disabilities Education Improvement Act of 2004. This legislation represents a significant step forward in advancing the academic achievement of millions of children with disabilities. The purpose of this bill is to improve the educational and functional outcomes for students with disabilities.

I believe this legislation accomplishes this goal by: aligning IDEA to the requirements of No Child Left Behind; protecting the civil rights of children with disabilities; providing new opportunities for schools and parents to resolve disputes equitably; simplifying the discipline provisions and makes it easier for schools to administer the law; reducing unnecessary paperwork burdens; providing quality services and instruction for children from early childhood through graduation; providing resources to support teachers, principals, and other school personnel; providing local school districts with significant flexibility in the use of Federal IDEA dollars; and holding States and local school districts accountable for implementation of the law.

This legislation represents a truly bipartisan effort. This process did not happen overnight, however. The Senate began working on this bill in the fall of 2002, and after years of work and negotiation, passed it earlier this spring by an overwhelming vote of 95 to 3. The House passed its own version of the bill in 2003, but it passed largely along partisan lines. The House-passed bill and the Senate version were very different bills. But in the end, I am pleased to say, both parties in both Houses of Congress worked diligently, and in good faith, to pass the best bill possible. Earlier this week, Senate and House Conferees approved the legislation by a decided vote of 29 to 1. I would like to thank the Chairman and the Ranking Member of the HELP Committee for their commitment to passing this legislation. Their staffs, Denzel McGuire and Connie Garner, have worked tirelessly on behalf of our Nation's students with disabilities, and deserve recognition.

IDEA is sometimes seen as a controversial piece of legislation. It is a unique blend of civil rights law and state grant program, and as a result, often pits the constitutional rights of children with disabilities to a free appropriate public education against the flexibility teachers need to teach. While this bill is certainly not perfect, I believe it strikes a good, fair balance.

Earlier this year, this country celebrated 50 years of public school desegregation. In the landmark decision of Brown v. Board of Education, Chief Justice Warren wrote that "in the field of public education, the doctrine of 'separate but equal' has no place." This decision literally opened the doors of our public schools to all children, regardless of race.

But, the doors to a public education did not open quite so quickly for children with disabilities. Prior to enactment of IDEA in 1975, children with disabilities were still being segregated.

More than one million students were excluded from public schools, and another 3.5 million did not receive appropriate services. Many States had laws excluding certain students, including those who were blind, deaf, or labeled "emotionally disturbed" or "mentally retarded." The likelihood of exclusion was significantly greater for children with disabilities living in low-income, ethnic and racial minority, or rural communities.

Parents, however, began asserting their children's rights to attend public schools, using the same equal protection arguments used on behalf of the African American children in Brown; the 14th Amendment of the U.S. Constitution guarantees their children equal protection under the law. Recognizing the Constitution's guarantee of equal protection under the law, Congress enacted the law now known as IDEA, creating the statutory right to a free appropriate public education in the least restrictive environment.

We have come a long way since that law was first enacted. In 2001, we passed the No Child Left Behind Act. In that legislation, we recognized that every child has the capacity to learn, and we required our States to improve the academic achievement of all children. For the first time, we held schools accountable for the academic achievement of students with disabilities.

By all accounts, this challenge is great. States and schools try their best with both inadequate resources and inadequate technical assistance from the Department of Education. But, we cannot allow "a pass" for these children. We cannot turn our back on the six million children with disabilities and their families. It is our obligation to ensure that students with disabilities count too.

This legislation ensures that local school districts measure the performance of students with disabilities on State or district-wide assessments, including alternate assessments aligned to the State's academic content standards or alternative standards. The legislation also ensures that students with disabilities are taught by highly qualified teachers, and sets forth rigorous yet flexible criteria for States to meet. The legislation requires special education teachers to be certified in special education, have at least a bachelor degree, and demonstrate appropriate subject knowledge. The bill, however, gives states significant flexibility in determining how a teacher meets those standards.

It is essential that children with disabilities have access to, and succeed in, the general education curriculum. The due process and procedural safeguard provisions are the most important means of protecting the constitutional rights of children with disabilities to a free appropriate public education. This legislation maintains these vital civil rights protections.

Yet, we also recognize that IDEA is sometimes seen as too litigious and confrontational. Accordingly, we have created new opportunities for parents and schools to address concerns before the need for a due process hearing, and encourage parents and schools to resolve differences by clarifying that mediation is available at any time.

Further, this bill addresses the problems associated with discipline, which is often viewed as complex and difficult to administer. The bill simplifies the framework for schools to administer the law, while ensuring the rights and the safety of all children. It requires schools to determine if a child's behavior was the result of his or her disability or poor implementation of their Individualized Education Program, IEP, when considering a disciplinary action. It requires that schools conduct functional behavioral assessments and give behavioral interventions to students who are disciplined beyond 10 days, in order to prevent future behavior problems. And, the bill provides resources to help develop and enhance behavioral supports in schools while improving the quality of interim alternative education settings.

We also recognize that too many teachers get bogged down in burdensome paperwork chores. According to the Department of Education, 53 percent of special education teachers reported that paperwork and other routine duties interfered with their job of teaching students to a great extent. Clearly, the amount of paperwork involved in a special education teacher's job is a problem. I am pleased that this bill takes significant steps to reduce the paperwork burden.

For example, under this legislation: teachers will have increased access to technology; teachers and other staff will conduct fewer evaluations; IEPs and IEP meetings will be simplified; procedural safeguards notices will not be provided multiple times in a year, unless there are special circumstances; the Department of Education will create model forms to show States and districts how to meet the requirements of IDEA while reducing paperwork; and up to 15 States will be allowed to participate in a "Paperwork Reduction Demonstration." This demo would allow states to waive burdensome statutory and regulatory requirements that interfere with a teacher's ability to teach, while at the same time ensuring that a State does not impinge upon the constitutional rights of children with disabilities to a free appropriate public education.

The bill also expands services to students with disabilities in many ways. The legislation ensures educational services for homeless and foster students with disabilities, as well as for other students who frequently transfer from one school to another. The bill improves access to instructional materials for students who are blind or for students with other visual disabilities. It also provides extensive early intervention services for children ages zero through 5, increasing the focus on school readiness activities. The bill improves the IEP process, making it easier for parents and teachers to more meaningfully develop a student's education plan. And, the bill significantly improves transition services to ensure that students with disabilities are prepared for postsecondary education or employment.

This legislation recognizes that approximately ⅔ of the students with disabilities in this country spend a majority of the school day in general education classrooms, and accordingly provides local school districts with significant flexibility in the use of its Federal IDEA dollars. For example, a local school district may use up to 15 percent of its IDEA funds to develop an educational support system to help students who have not been identified as needing special education, but who require additional academic and behavioral supports to succeed in the general education curriculum. Or, a school district may reduce its maintenance of effort by up to 50 percent of its increases in Federal funds to support other educational activities.

One of the most critical features of this bill is the level of support provided to teachers, principals, and other school personnel. We all know the difference a well-prepared, highly qualified teacher can make in the life of a student. This legislation provides personnel development grants to States to help recruit, prepare, and retain highly qualified special educators. It also provides grants to institutions of higher education to focus exclusively on training for beginning special educators through extended clinical experience or teacher-faculty partnerships.

Finally, and perhaps most importantly, this legislation holds States and school districts accountable for the academic and functional achievement of students with disabilities. It provides the Secretary of Education and the States with the authority and the tools to implement, monitor, and enforce the law.

We recognize the potential burden these provisions might place on State departments of education, and accordingly have increased the amount of funds States may reserve for statewide activities to carry out these provisions. In addition, we have authorized the Secretary to set-aside a portion of its funds to provide technical assistance to States to help implement these provisions.

In order to ensure the constitutional right to a free appropriate public education for children with disabilities, the Department of Education must have the tools necessary to enforce compliance with IDEA. The Department of Education has found widespread noncompliance with the law and regulations, with more than half of the violations directly related to the provision of student services.

In 2003, New Mexico served nearly 64,000 students under IDEA. I strongly believe these provisions are absolutely necessary to ensuring that these students receive the special education and related services they are entitled to.

This legislation takes a significant step forward in providing the millions of students with disabilities the accountability, tools, and resources necessary to access, and succeed in, the general education curriculum. While I am certainly disappointed that we have not provided full funding, and we have not addressed all of the issues to the complete satisfaction of parents, teachers, and schools, I am confident that this bill will help students with disabilities achieve to their highest potential.

Mr. CORZINE. Mr. President, I am pleased that Congress is in the final stage of reauthorization of the Individuals with Disabilities Education Act, IDEA. While I am glad that the bill emerged in a bipartisan way, I am still frustrated that Congress has yet again failed to fulfill its promise to fully fund IDEA. With IDEA still drastically underfunded, schools are left without the necessary resources to provide the best services to children with disabilities, and our communities are burdened with an unfulfilled federal promise.

In my home State of New Jersey, school budgets are capped by law at 3 percent annual growth. Therefore, districts often have to cut other programs to accommodate mandated and rising special-education costs. Or—local property taxpayers, who already are overburdened—have to pay increased taxes to cover expenses that the Federal Government should be sharing.

I have received many letters, phone calls, and emails from concerned constituents urging Congress to fulfill the promise of full funding for the services mandated under IDEA. I have supported efforts to require full funding of IDEA and intend to continue the fight so that every child receives the free and appropriate public education the law guarantees and we can ease the burden on our local communities.

In addition, I would like to highlight one specific issue related to IDEA that has not only affected the children of New Jersey, but children across this nation. That is the staggering increase in the number of children diagnosed with autism spectrum disorder, ASD. Recent epidemiology studies have shown that autism spectrum disorders are ten times more prevalent than they were just 10 years ago, making ASD the second most common developmental disability. While there is currently much debate and still no conclusive evidence as to the cause of this alarming trend, it is clear that this trend will continue. Equally clear is the critical need for Congress to address the issue of early intervention and effective treatment for children diagnosed with ASD.

Scientific evidence has proven that early intervention is a key to success when treating ASD. Over the last 20 years, experts have developed effective strategies for the correction of autism disorder, and research shows that with the early application of an effective therapy, substantial gains can be accomplished toward the remediation of autistic disorder in many children. With autism diagnoses escalating, expanding access to treatment, especially at an early age, is vital to improving the outcomes for children affected by ASD. That is why I introduced the Teacher Education for Autistic Children Act or TEACH Act. I worked closely with New Jersey Center for Outreach and Community Services for the Autism Community, NJCOSAC, Autism Coalition for Research and Education, and Parents of Autistic Children to create this legislation that addresses the needs of autistic children by bringing more qualified teachers into the classroom, helping families receive the support and services they need for their children, and ensuring quality vocational programs to assist people with autism transition from school to work.

I am happy to report that some critical provisions of the TEACH Act have been included in the IDEA conference report currently being considered by the Senate. These provisions will make Federal funds available to develop and improve programs for children with autism, using research grounded in science. The grants will help ensure quality professional development for special education teachers by providing in-service training to schools and personnel who teach children with ASD. With the demand for services grossly outpacing the supply of qualified teachers and therapists, these provisions are critical to increasing the number of special education teachers trained to teach children diagnosed with ASD and help them reach their full potential.

I would like to extend my heartfelt thanks to the entire HELP Committee for their tireless efforts in working with me to get this essential language included in the bill. In particular, I would like to single out Connie Garner for her dedication and diligent work on behalf of children with special needs. I look forward to continuing to work on this important issue with my colleagues in Congress and with the autism community to ensure that all children with ASD have access to quality teachers trained in providing cutting-edge treatments.

The conference report was agreed to.

Mr. SESSIONS. Mr. President, I will note that is a significant piece of legislation that just passed. I serve on that committee. We spent several years working on it. We have improved some of the discipline problems. We have reduced some of the paperwork. I believe maybe there is more we can still do, but that is a big deal for hundreds of thousands of teachers and students all over our country.

MAKING CERTAIN CORRECTIONS TO THE ENROLLMENT OF H.R. 1350

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res 524, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 524) directing the Clerk of the House of Representatives to make certain corrections to the enrollment of H.R. 1350.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 524) was agreed to.

EXPRESSING THE SENSE OF THE SENATE IN SUPPORT OF A REINVIGORATED UNITED STATES VISION OF FREEDOM, PEACE, AND DEMOCRACY IN THE MIDDLE EAST

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 477, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 477) expressing the sense of the Senate in support of a reinvigorated United States vision of freedom, peace, and democracy in the Middle East.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 477) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 477

Whereas the President articulated to the world on November 12, 2004, a vision of freedom, peace, and democracy for the broader Middle East;

Whereas this vision was also shared and expressed by Prime Minister Blair of the United Kingdom;

Whereas that vision includes a just and peaceful resolution of the Arab-Israeli conflict based on 2 democratic States, Israel and Palestine, living side by side in peace and security;

Whereas the President again stated his commitment to the security of Israel as a Jewish State;

Whereas the road map, endorsed by the United States, the United Kingdom, Israel, the Palestinian Authority, the European Union, Russia, and the United Nations, remains a realistic and widely recognized plan for making progress toward peace;

Whereas the international community should support Palestinian efforts to build the necessary political, economic, and security infrastructure essential to establishing a viable, democratic state;

Whereas there will be no lasting peace in the Middle East without a Palestinian State that is democratic, free, and based on the rule of law, including free press, free speech, an open political process, and religious tolerance;

Whereas the Palestinian leaders must meet their commitments under the road map to fight terrorism and dismantle terrorist organizations;

Whereas the Palestinian Authority will need a credible and unified security structure capable of providing security for the Palestinian people and fighting terrorism;

Whereas Palestinian leaders, with help from the international community, must also develop effective and transparent financial structures that provide for the economic and social needs of the Palestinian people;

Whereas the President stated that now is the time to seize the opportunity of new circumstances in the region to redouble our efforts to achieve this goal;

Whereas achieving the goals of peace, security, and stability will require the United States, its international partners, and the parties involved to take the following steps articulated in a Joint Statement by President Bush and Prime Minister Blair on November 12, 2004:

(1) recommit to the overarching 2-State vision set out by President Bush in his statement of June 24, 2002 and repeated in the road map;

(2) support the Palestinians as they choose a new President within the next 60 days, and as they embark upon an electoral process that will lead to lasting democratic institutions;

(3) mobilize international support behind a plan to ensure that the Palestinians have the political, economic, and security infrastructure they need to create a free, viable, and democratic State, including free press, free speech, an open political process, and religious tolerance;

(4) support the disengagement plan of Prime Minister Sharon from Gaza and stipulated parts of the West Bank as part of this overall plan; and

(5) recognize that these steps lay the basis for more rapid progress on the road map as a reliable guide leading to final status negotiations;

Whereas the United States will join with others in the international community to foster the development of Palestinian democratic political institutions, support the new leadership of the Palestinians that is committed to those institutions, assist in the reconstruction of civic institutions, promote the growth of a free and prosperous economy, and endorse the building of capable security institutions dedicated to maintaining law and order and dismantling terrorist organizations; and

Whereas in order to promote a lasting peace, all States in the region must oppose violence and terrorism, foster the development of democratic political and civic institutions, support the emergence of a peaceful and democratic Palestine, and state clearly that they will live in peace with Israel: Now, therefore, be it

Resolved that the Senate—

(1) endorses the Joint Statement made by President Bush and Prime Minister Blair on November 12, 2004, expressing a shared vision of freedom, peace, and democracy in the broader Middle East and supports a reinvigorated and concerted United States-led international effort to achieve that vision;

(2) supports explicitly the steps presented by President Bush and Prime Minister Blair in that Joint Statement as the basis for more rapid progress on the road map as a reliable guide leading to final status negotiations;

(3) reaffirms its commitment to a vision of 2 democratic States, Israel and Palestine, living side by side in peace and security as the key to peace; and

(4) expresses its commitment to the road map, which was endorsed by the United States, Israel, the Palestinian Authority, the European Union, Russia, and the United Nations, as a realistic and widely recognized plan for making progress toward peace.

TO AMEND AND EXTEND THE IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM ACT OF 1998

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 2655, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2655) to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Lugar substitute at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4071) was agreed to, as follows:

AMENDMENT NO. 4071

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. AMENDMENT AND EXTENSION OF IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM.

(a) IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM ACT.—

(1) PROGRAM PARTICIPANT REQUIREMENTS.—Section 2(a) of the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended by adding at the end the following:

"(5) PROGRAM PARTICIPANT REQUIREMENTS.—An alien entering the United States as a participant in the program shall satisfy the following requirements:

"(A) The alien shall be a citizen of the United Kingdom or the Republic of Ireland.

"(B) The alien shall be between 21 and 35 years of age on the date of departure for the United States.

"(C) The alien shall have resided continuously in a designated county for not less than 18 months before such date.

"(D) The alien shall have been continuously unemployed for not less than 12 months before such date.

"(E) The alien may not have a degree from an institution of higher education.".

(2) EXTENSION OF PROGRAM.—Section 2 of the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended—

(A) in subsection (a)(3), by striking "the third program year and for the 4 subsequent years," and inserting "each program year,"; and

(B) by amending subsection (d) to read as follows:

"(d) SUNSET.—

"(1) Effective October 1, 2008, the Irish Peace Process Cultural and Training Program Act of 1998 is repealed.

"(2) Effective October 1, 2008, section 101(a)(15)(Q) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(Q)) is amended—

"(A) by striking 'or' at the end of clause (i);

"(B) by striking '(i)' after '(Q)'; and

"(C) by striking clause (ii).".

(3) COST-SHARING.—Section 2 of the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note), as amended by paragraph (2), is further amended—

(A) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(B) by inserting after subsection (b), the following new subsection:

"(c) COST-SHARING.—The Secretary of State shall verify that the United Kingdom and the Republic of Ireland continue to pay a reasonable share of the costs of the administration of the cultural and training programs carried out pursuant to this Act.".

(4) TECHNICAL AMENDMENTS.—The Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended—

(A) by striking "Attorney General" each place such term appears and inserting "Secretary of Homeland Security"; and

(B) by striking "Immigration and Naturalization Service" each place such term appears and inserting "Department of Homeland Security".

(b) IMMIGRATION AND NATIONALITY ACT.—

(1) REQUIREMENTS FOR NONIMMIGRANT STATUS.—Section 101(a)(15)(Q) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(Q)) is amended—

(A) by striking "Attorney General" each place such term appears and inserting "Secretary of Homeland Security"; and

(B) in clause (ii)(I)—

(i) by striking "35 years of age or younger having a residence" and inserting "citizen of the United Kingdom or the Republic of Ireland, 21 to 35 years of age, unemployed for not less than 12 months, and having a residence for not less than 18 months"; and

(ii) by striking "36 months)" and inserting "24 months)".

(2) FOREIGN RESIDENCE REQUIREMENT.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(A) by redesignating the subsection (p) as added by section 1505(f) of Public Law 106–386 (114 Stat. 1526) as subsection (s); and

(B) by adding at the end the following:

"(t)(1) Except as provided in paragraph (2), no person admitted under section 101(a)(15)(Q)(ii)(I), or acquiring such status after admission, shall be eligible to apply for nonimmigrant status, an immigrant visa, or permanent residence under this Act until it is established that such person has resided and been physically present in the person's country of nationality or last residence for an aggregate of at least 2 years following departure from the United States.

"(2) The Secretary of Homeland Security may waive the requirement of such 2-year foreign residence abroad if the Secretary determines that—

"(A) departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or an alien lawfully admitted for permanent residence); or

"(B) the admission of the alien is in the public interest or the national interest of the United States.".

The bill (H.R. 2655), as amended, was read the third time and passed.

AUTHORITY OF THE U.S. DISTRICT COURT TO HOLD COURT IN ROCK ISLAND, IL

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 2873, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2873) to extend the authority of the U.S. District Court for the Southern District of Iowa to hold court in Rock Island, Illinois.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4072

Mr. SESSIONS. Mr. President, I send an amendment to the desk on behalf of Mr. LEAHY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. LEAHY, proposes an amendment numbered 4072.

The amendment is as follows:

(Purpose: to provide for additional places of holding court, and for other purposes)

At the end of the bill add the following:

SEC. 2. HOLDING OF COURT AT CLEVELAND, MISSISSIPPI.

Section 104(a)(3) of title 28, United States Code, is amended in the second sentence by inserting "and Cleveland" after "Clarksdale".

SEC. 3. PLACE OF HOLDING COURT IN TEXARKANA, TEXAS, AND TEXARKANA, ARKANSAS.

Sections 83(b)(1) and 124(c)(5) of title 28, United States Code, are each amended by inserting after "held at Texarkana" the following: ", and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas".

SEC. 4. PLACE OF HOLDING COURT IN THE NORTHERN DISTRICT OF NEW YORK.

Section 112(a) of title 28, United States Code, is amended by striking "and Watertown" and inserting "Watertown, and Plattsburgh".

SEC. 5. PLACE OF HOLDING COURT IN THE DISTRICT OF COLORADO.

Section 85 of title 28, United States Code, is amended by inserting "Colorado Springs," after "Boulder,".

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Leahy amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4072) was agreed to.

The bill (S. 2873), as amended, was read the third time and passed. as follows:

S. 2873

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HOLDING OF COURT FOR THE SOUTHERN DISTRICT OF IOWA.

Section 11029 of the 21st Century Department of Justice Appropriations Authorization Act (28 U.S.C. 95 note; Public Law 107–273; 116 Stat. 1836) is amended by striking "July 1, 2005" and inserting "July 1, 2006".

SEC. 2. HOLDING OF COURT AT CLEVELAND, MISSISSIPPI.

Section 104(a)(3) of title 28, United States Code, is amended in the second sentence by inserting "and Cleveland" after "Clarksdale".

SEC. 3. PLACE OF HOLDING COURT IN TEXARKANA, TEXAS, AND TEXARKANA, ARKANSAS.

Sections 83(b)(1) and 124(c)(5) of title 28, United States Code, are each amended by inserting after "held at Texarkana" the following: ", and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas".

SEC. 4. PLACE OF HOLDING COURT IN THE NORTHERN DISTRICT OF NEW YORK.

Section 112(a) of title 28, United States Code, is amended by striking "and Watertown" and inserting "Watertown, and Plattsburgh".

SEC. 5. PLACE OF HOLDING COURT IN THE DISTRICT OF COLORADO.

Section 85 of title 28, United States Code, is amended by inserting "Colorado Springs," after "Boulder,".

NATIONAL SEX OFFENDER REGISTRY ACT OF 2004

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 2154, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2154) to establish a National sex offender registration database, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4073

Mr. SESSIONS. Mr. President, I send to the desk an amendment on behalf of Mr. DORGAN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. DORGAN, proposes an amendment numbered 4073.

The amendment is as follows:

(Purpose: to establish a national sex offender database available to the public, and for other purposes)

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dru Sjodin National Sex Offender Public Database Act of 2004" or "Dru's Law".

SEC. 2. DEFINITION.

In this Act:

(1) CRIMINAL OFFENSE AGAINST A VICTIM WHO IS A MINOR.—The term "criminal offense against a victim who is a minor" has the same meaning as in section 170101(a)(3) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071(a)(3)).

(2) MINIMALLY SUFFICIENT SEXUAL OFFENDER REGISTRATION PROGRAM.—The term "minimally sufficient sexual offender registration program" has the same meaning as in section 170102(a) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14072(a)).

(3) SEXUALLY VIOLENT OFFENSE.—The term "sexually violent offense" has the same meaning as in section 170101(a)(3) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071(a)(3)).

(4) SEXUALLY VIOLENT PREDATOR.—The term "sexually violent predator" has the same meaning as in section 170102(a) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14072(a)).

SEC. 3. AVAILABILITY OF THE NSOR DATABASE TO THE PUBLIC.

(a) IN GENERAL.—The Attorney General shall—

(1) make publicly available in a registry (in this Act referred to as the "public registry") from information contained in the the National Sex Offender Registry, via the Internet, all information described in subsection (b); and

(2) allow for users of the public registry to determine which registered sex offenders are currently residing within a radius, as specified by the user of the public registry, of the location indicated by the user of the public registry.

(b) INFORMATION AVAILABLE IN PUBLIC REGISTRY.—With respect to any person convicted of a criminal offense against a victim who is a minor or a sexually violent offense, or any sexually violent predator, required to register with a minimally sufficient sexual offender registration program within a State, including a program established under section 170101 of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14017(b)), the public registry shall provide, to the extent available in the National Sex Offender Registry—

(1) the name and any known aliases of the person;

(2) the date of birth of the person;

(3) the current address of the person and any subsequent changes of that address;

(4) a physical description and current photograph of the person;

(5) the nature of and date of commission of the offense by the person;

(6) the date on which the person is released from prison, or placed on parole, supervised release, or probation; and

(7) any other information the Attorney General considers appropriate.

SEC. 4. RELEASE OF HIGH RISK INMATES.

(a) CIVIL COMMITMENT PROCEEDINGS.—

(1) IN GENERAL.—Any State that provides for a civil commitment proceeding, or any equivalent proceeding, shall issue timely notice to the attorney general of that State of the impending release of any person incarcerated by the State who—

(A) is a sexually violent predator; or

(B) has been deemed by the State to be at high-risk for recommitting any sexually violent offense or criminal offense against a victim who is a minor.

(2) REVIEW.—Upon receiving notice under paragraph (1), the State attorney general shall consider whether or not to institute a civil commitment proceeding, or any equivalent proceeding required under State law.

(b) MONITORING OF RELEASED PERSONS.—

(1) IN GENERAL.—Each State shall intensively monitor, for not less than 1 year, any person described under paragraph (2) who—

(A) has been unconditionally released from incarceration by the State; and

(B) has not been civilly committed pursuant to a civil commitment proceeding, or any equivalent proceeding under State law.

(2) APPLICABILITY.—Paragraph (1) shall apply to—

(A) any sexually violent predator; or

(B) any person who has been deemed by the State to be at high-risk for recommitting any sexually violent offense or criminal offense against a victim who is a minor.

(c) COMPLIANCE.—

(1) COMPLIANCE DATE.—Each State shall have not more than 3 years from the date of enactment of this Act in which to implement the requirements of this section.

(2) INELIGIBILITY FOR FUNDS.—A State that fails to implement the requirements of this section, shall not receive 25 percent of the funds that would otherwise be allocated to the State under section 20106(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13706(b)).

(3) REALLOCATION OF FUNDS.—Any funds that are not allocated for failure to comply with this section shall be reallocated to States that comply with this section.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Dorgan amendment be agreed to, the bill, as amended, be read the third time and passed. the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4073) was agreed to.

The bill (S. 2154), as amended, was read the third time and passed.

DISPLACED STAFF MEMBERS OF SENATORS AND SENATE LEADERS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 478, introduced earlier today.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 478) relating to displaced staff members of the Senators and Senate leaders.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 478) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 478

Resolved, That (a) paragraphs (3) and (4) of section 6(a) of Senate Resolution 458, 98th Congress, agreed to October 4, 1984 (as amended by Senate Resolution 9, 103d Congress, agreed to January 7, 1993) are amended to read as follows:

"(3) The term 'eligible staff member' means an individual—

"(A) who was an employee—

"(i) of a committee or subcommittee thereof or a Senate leadership office described in subsection (b) of the first section of this resolution, or

"(ii) in an office of a Senator on the expiration of the term of office of such Senator as a Senator, but only if the Senator is not serving as a Senator for the next term of office and was a candidate in the general election for such next term,

"(B) whose employment described in subparagraph (A) was at least 183 days (whether or not service was continuous) before the date of termination of employment described in paragraph (4), and

"(C) whose pay is disbursed by the Secretary of the Senate.

The term 'eligible staff member' shall not include an employee to whom the first section of this resolution applies.

"(4) The term 'displaced staff member' means an eligible staff member—

"(A) whose service as an employee of the Senate is terminated solely and directly as a result of—

"(i) in the case of employment described in paragraph (3)(A)(i), a change in the individual occupying the position of Chairman or Ranking Minority Member of a committee or in the individual occupying the Senate leadership office, and

"(ii) in the case of employment described in paragraph (3)(A)(ii), the expiration of the term of office of the Senator, and

"(B) who is certified, not later than 60 days after the date of the change or expiration of term of office, whichever is applicable, as a displaced staff member by the Chairman or Ranking Minority Member of the committee, the Senator occupying the Senate leadership office, or the Senator whose term is expiring, whichever is applicable, to the Secretary of the Senate.".

(b) Subsection (b) of the first section of such Senate Resolution 458 is amended—

(1) by inserting "President pro tempore emeritus," after "Deputy President pro tempore,";

(2) by striking "or" before "Secretary"; and

(3) by inserting "the Chairman of the Conference of the Majority, the Chairman of the Conference of the Minority, the Chairman of the Majority Policy Committee, or the Chairman of the Minority Policy Committee," before "the employees of such office".

APPOINTING DAY FOR CONVENING OF 109TH CONGRESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that H.J. Res. 111, which is at the desk, be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 111) was read the third time and passed.

NOMINATIONS DISCHARGED AND PLACED ON THE CALENDAR

Mr. SESSIONS. Mr. President, as in executive session, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the two lists of nominations that are at the desk, and that the nominations be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR SATURDAY, NOVEMBER 20, 2004

Mr. SESSIONS. Mr. President, on behalf of the majority leader, Dr. BILL FRIST, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m. on Saturday, November 20. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and there then be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. Mr. President, tomorrow the Senate will reconvene to consider the Omnibus appropriations conference report. It is expected that the conference report will be filed tonight and that the House will begin consideration of that measure Saturday morning. We will then return to business at 11 a.m. with the hope that the conference report will be available shortly thereafter.

In addition, the Senate will consider the intelligence reform conference report if that is available. Senators should expect votes tomorrow, and we will notify Members as to when the first vote is expected.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:24 p.m., adjourned until Saturday, November 20, 2004, at 11 a.m.

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were placed on the Executive Calendar:

FOREIGN SERVICE NOMINATIONS BEGINNING WITH RALPH L. BOYCE, JR. AND ENDING WITH ROBERT J. WHIGHAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 7, 2004.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH ROBERT M. CLAY AND ENDING WITH MARCIA L. NORMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 7, 2004.

HOUSE OF REPRESENTATIVES—*Friday, November 19, 2004*

The House met at 9 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal Father, strong to save, because You have revealed even in our days, the faith of our brothers and sisters, we give You thanks. Here in the House of Representatives, You have gathered those who have a unique love of Your people and a genuine care for their future. Your Divine Providence has brought them here. So now guide them as they complete the work of the 108th Congress.

May the deeper unity of this Nation arise above partisanship and the inner strength of America's goodness and gratitude emerge from its lament and self-centered nature to find authentic expression of heartfelt prayer on our national feast of Thanksgiving.

All of us, Lord, are truly grateful for the many blessings You bestow upon us as families and as a Nation.

We thank You, now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. HASTINGS) come forward and lead the House in the Pledge of Allegiance.

Mr. HASTINGS of Florida led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minute speeches on each side.

ROGER BACON WINS DIVISION II STATE VOLLEYBALL CHAMPIONSHIP

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, today I would like to take a moment to recognize the achievements of an exceptional high school volleyball team from my district, St. Bernard in Cincinnati, the Roger Bacon Lady Spartans.

On November 13, Roger Bacon defeated Millersburg West Holmes to capture Ohio's Division II State volley ball championship. The Lady Spartans dominated the final match by winning three straight games, while also capping off the season with an impressive 27-game winning streak. This is an extraordinary accomplishment because Cincinnati has some tremendous high school girls volley ball teams, Mother Mercy and St. Ursula and Seton and Mt. Notre Dame and McCauley, just to name a few.

It is a great honor for me to recognize the success and achievements of these outstanding young women and their coach, Caryl Schawe, and the entire staff. Their hard work and dedication have made our entire community proud. Congratulations to Roger Bacon.

IN HONOR OF THOMAS M. FOGLIETTA

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, it is with great sadness that I rise to pay tribute to a former Member of this body, Tom Foglietta, who passed away so suddenly this week. Tommy was a gentleman, a diplomat, and a lovely and gracious man. We will miss him terribly.

At age 26 Tom Foglietta, as a Republican, Mr. Speaker, became the youngest person in the history of Philadelphia to be elected to the city council. He served there for nearly 20 years, devoted to the city he loved. In 1980, as a Democrat, Tom was elected to the Congress. I saw firsthand his values and his effectiveness as a member of the Committee on Appropriations where we developed a strong working relationship and a close friendship and took pride in our mutual respect for our Italian American heritage.

Tommy headed the Congressional Urban Caucus, promoted mass transit, and fought valiantly for the needs of Philadelphia, including the preservation of the Philadelphia Navy Yard. The entire country is in his debt for his relentless dedication to preserve and protect Philadelphia's Independence Hall, one of our Nation's sacred public places. In 1997 President Bill Clinton appointed Tom Foglietta to be the U.S. Ambassador to Italy, fulfilling a lifetime dream of his to serve his beloved America in his family's ancestoral home. Many of us heard him say over and over again that his grandparents came down the hill on a donkey in Italy to leave to go to America and he returned just two generations later as a U.S. Ambassador to Italy. It was in that role, in one simple act, that the world came to love and appreciate Tommy as we do.

Shortly after he arrived, a U.S. Marine fighter plane flying off course struck a cable car wire and killed 20 Italian skiers. There was great grief and outrage over this tragic event. The next day Tommy visited the site, knelt in the cold snow, and said a quiet heartfelt prayer for those who had lost their lives. That photograph of his prayer appeared in newspapers around the world presenting a human face of compassion for the United States. His act helped to difuse the public anger over the deaths and to convey the sincere apology of our country. Tommy did that spontaneously because he was a man of faith.

We expected no less of our Tommy. Quite simply, he was a good man we all loved to be around.

Tom Foglietta began his political career as a city councilman as a Republican, as I mentioned. He later ran for Congress and won as an Independent and then became a Democrat and remained so for the rest of his life.

But Tommy remained close to the people from all across the political spectrum, a testament to his appealing personality, his open mind, and his respect to each and every person in this body.

Mr. Speaker, I know that I speak for many here when I extend the condolences to Tommy's family and to the Pennsylvania delegation for this loss.

DR. CONDOLEEZZA RICE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to applaud the nomination by President Bush of Dr. Condoleezza Rice to be the 66th United States Secretary of State.

Dr. Rice is an extraordinary American leader who has served our Nation admirably during a time of war. She fully understands the true nature of the terrorist threat against our Nation and has shown the strength and dignity that will be needed to work with our

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

coalition partners in the global war on terrorism.

Dr. Rice, born in Birmingham, Alabama, has lived a remarkable life. A former professor and provost of Stanford University, she is a foreign affairs expert who served in President George H. W. Bush's administration. As the current national security adviser, she is also a respected author and renowned classical pianist. As President Bush announced, the Secretary of State is America's face to the world; and in Dr. Rice the world will see the strength, the grace, and the decency of our country.

In conclusion, may God bless our troops and we will never forget September 11.

SAVING THE ANAHEIM ANGELS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, in 1965 my siblings and I used to play in the construction site of Anaheim Stadium. In 1966 the Angels played their first season in Anaheim, California. It took us from 1966 to 2 years ago to win a World Series, and boy were we proud of our Anaheim Angels.

Today I rise in strong support of the city of Anaheim in its quest to save the Anaheim Angels. The new owner wants to change the name to the Los Angeles Angels. The city of Anaheim does not want that. The fans of the Anaheim Angels do not want that. Even the City of Los Angeles does not want them named Los Angeles Angels. See, Anaheim is not Los Angeles.

So today I hope that Artie Moreno, the new owner, will realize that they are champions and they are the Anaheim Angels and they should remain the Anaheim Angels.

THE OIL-FOR-FOOD PROGRAM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the amount of money Saddam Hussein socked away by subverting the U.N. Oil-for-Food program was $21.3 billion. Much of it is being used by terrorists in Iraq to this very day. After the Gulf War, the international community set about to make sure that the international community did not add to the suffering of the Iraqi people who already endured under Hussein. Unfortunately, officials at the U.N. and corporate executives conspired with the Iraqi dictator to create a complex web of patronage and bribery.

Mr. Speaker, we all know that Saddam Hussein was an evil dictator who encouraged terror and violence. However, the U.N.'s inability to enforce its own sanctions, 17 of them since 1991, has today been highlighted by its complicity in the suffering of the Iraqi people. There is no excuse. The U.N. must be reformed. Those responsible must be punished. The Oil-for-Food program is a symptom of a much larger problem, a lack of accountability and an absence of resolve.

OVERTIME

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, in today's New York Times we learned about Trudy LeBlue, an employee of a hair salon outside of New Orleans. Ms. LeBlue's story is like that of many hard-working Americans. While she struggles to make ends meet, her employer forces her to work off the clock just to avoid paying overtime.

Across this country American families are working toward a better life, yet find their climb getting tougher. Just this week we learned wholesale inflation is up 1.7 percent last month alone, the sharpest monthly increase in 15 years. Since 2001 health care costs are up by a third, college tuition costs up by 32 percent, personal bankruptcies up by 38 percent.

But what is the Congress doing to reduce the burdens on American families? A tax policy that has shifted the burden onto working families off of wealth, failed to pass a higher education legislation, failed to pass legislation on comprehensive health care or on energy policy. And just last night alone we voted to increase our Nation's debt to $8 trillion, a 40 percent increase in the past 4 years. This vote was a fitting end to this Congress's record on the economy and what it has done for working families. Rather than making the right choices, we pass the buck.

Mr. Speaker, the American people look to the Congress to solve their problems, not add to them. Yet more than often than not, the 108th Congress has chosen to pass our responsibilities on to future generations. Mr. Speaker, passing the buck is not leadership. It is a Ponzi scheme.

ACCUTANE

(Mr. STUPAK asked and was given permission to address the House for 1 minute.)

Mr. STUPAK. Mr. Speaker, Dr. Graham, medical review officer of the FDA, told the Senate that there are a number of drugs that should be pulled from the market. One of the drugs that should be pulled from the market is the drug Accutane. This devastating drug has crippled America for some time and its youth. Not only has Dr. Graham called for the pulling of Accutane, but Dr. Huene, one of the first medical review officers to look at Accutane when it first came on the market, found serious problems with Accutane and asked for help and was ignored by the FDA. Dr. O'Connell, who suggested severe restrictions of the use of the drug Accutane, again was ignored by the FDA management. Dr. Graham has now come out against this drug, again being ignored by FDA management.

Not only are these three medical review officers in the FDA calling for severe restrictions or pulling the drug from the market, but also the CDC backed in 1990 because of birth defects said this drug should be pulled from the market. The March of Dimes has said this drug should be severely restricted when used because of birth defects. Two FDA panels have come out and told the FDA, their own advisery panels, to severely restrict the use and distribution of this drug. Again they were ignored.

It is time we pulled this drug Accutane from the market.

HONORING TOM FOGLIETTA

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I rise to honor a former Member of this body and friend who passed away this week, someone who left a profound mark on his community, his Nation, and this institution. Whether it was his dedication to our friends in the international community or the working people in his own community, Tom Foglietta was special, a man with a common touch and high ideals. With Tom we always knew he was someone who would fight, who was with us to the end regardless of the odds or the politics of the matter. His fight to keep the Philadelphia Navy Yard open is legendary.

As I reflect on his time in the Congress, I remember a man who understood what it meant to bring the values of his constituents to Washington. A fellow Italian American, Tom and I often discussed how it was our parents' example serving on respective city councils, his in Philadelphia, mine in New Haven, that inspired us to enter a life of politics and give back to the communities that had given us so much.

Living out his lifelong dream as an ambassador to Italy, I will never forget how he knelt down in prayer for the victims in the Cavalese cable car tragedy, sending a powerful message to the world that America weeps for the sons and daughters of its allies as if they were our very own. In turn, the Italian people loved him as he loved them.

Throughout his career, whether it was his work in Italy, to secure the peace in Haiti, to forge a democracy in

South Korea, Tom Foglietta understood that America's role in the world was rooted in moral leadership, in common values, humility and humanity.

I will miss so many things about our friendship, dinners with the gang, eating pasta with gravy, his cooking in my kitchen.

I will miss his friendship, his moral leadership. We all will. Grazi, Don Tomaso. His passion for people knew no bounds. For that he will forever be in our hearts.

TAX RELIEF AND FISCAL DISCIPLINE ARE COMPLEMENTARY, NOT CONFLICTING, OBJECTIVES

(Ms. HARRIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARRIS. Mr. Speaker, as we enter a new Congress with the American people's mandate to extend tax relief and reduce the deficit, I wish to remind my colleagues of the following wisdom: "Our true choice is not between tax reduction on the one hand and the avoidance of large Federal deficits on the other . . . It is a paradoxical truth that tax rates are far too high today and tax revenues are too low and the soundest way to raise the revenues in the long run is to cut rates now."

□ 0915

Who articulated this simple but powerful case for the economic policies of this President and this Congress? Not George W. Bush. Not even Ronald Reagan. President John F. Kennedy made these remarks just a month and a half following the hottest moment of the Cold War, the Cuban Missile Crisis.

Kennedy and Reagan launched two of the longest economic boons in American history by cutting taxes. They also increased Federal revenues, more than double during the decade of President Kennedy's across-the-board tax cuts, and more than 75 percent over the 10 years following President Reagan's Economic Recovery Tax Act of 1981.

But from 1981 to 1991, Federal spending increased a whopping 95 percent. Thus, the deficit quadrupled because of runaway government spending, not because the American people got to keep more of their hard-earned money.

Once again, we have arrived at the moment of truth. This time, we cannot make excuses for the failure to restrain spending. This time, our philosophy of low taxes and limited government is on the line. This time, let us show the American people that tax relief and fiscal discipline are complementary, not conflicting objectives.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 859 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 859

Resolved, That it shall be in order at any time on the legislative day of Friday, November 19, 2004, for the Speaker to entertain motions that the House suspend the rules. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this resolution.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

This rule provides that suspensions will be in order at any time on the legislative day of Friday, November 19, 2004. It also provides that the Speaker or his designee will consult with the Minority Leader or her designee on any suspension considered under the rule.

Mr. Speaker, the Republican leadership of this House has sent out a positive legislative plan for this week and the balance of the 108th Congress on behalf of the American people. The goal of this plan is to clean up this Congress's legislative calendar by passing a number of bills before we adjourn that will improve America's economic and national security.

Over the past year, Congress has passed a number of important new education, trade, tax, and national security bills that will keep Americans safer, create new jobs, and improve our economy. Later today, and for the rest of the week, we will consider legislation to improve the Individuals with Disabilities Education Act and provide for consideration of outstanding spending measures to ensure that Congress can complete its work before we adjourn.

I understand that Members on either side of our aisle may have different views about how to address these issues, and we have had and will continue to have the opportunity to hear a great deal of debate from both sides not only on these issues but also on other issues that are important to this Nation.

However, some of this legislation that the Republican House leadership has also scheduled for consideration on behalf of America has broad support from Members of both the majority and the minority. And, in an attempt to make sure that this important work is finished by the end of the 108th Congress, we are here today to pass this rule to provide for consideration of these bills under rules that will require them to pass by a two-thirds majority.

This balanced rule provides the minority with the ability to consult with the Speaker on any suspension that is offered, ensuring that their input and views are duly considered before any legislation is considered under this rule brought to the floor today.

Mr. Speaker, I encourage my colleagues on both sides of the aisle to support this uncontroversial and balanced rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me this time, and I yield myself such time as I may consume.

Mr. Speaker, as has already been explained, under Rule 15 of the House rules, bills may be considered under suspension of the rules only on Mondays and Tuesdays. The 108th Congress has approved the consideration of legislation under suspension of the rules on Wednesdays. Therefore, this resolution is required in order for the House to consider any bill under suspension of the rules today.

Let me be clear from the onset, Mr. Speaker. The first day of the session or last day of the session, it does not really matter. I and so many others in this body on both sides of the aisle have grave concerns about handling bills outside the normal parameters of the way the House should conduct its business. When the House does operate this way, it effectively curtails our rights and responsibilities as serious legislators. Frankly, Members should be very wary of allowing the leadership to usurp our rights.

I understand the circumstances and the end-of-the-session deadline of which the majority speaks, but their plan is for us to leave today or tomorrow without passing 11 of the 13 bare essential appropriations bills that each Congress is constitutionally mandated to pass into law. Shame on us.

We are planning on leaving today or tomorrow without passing a highway reauthorization bill, the only legislation this Congress would have considered that actually had the potential to create jobs. Shame on us.

We are planning on leaving today or tomorrow without passing comprehensive energy legislation. We are planning on leaving tomorrow or today without extending the child care tax credit to all working families. Shame on us.

We are planning on leaving today or tomorrow without increasing the minimum wage. Shame on us.

We are planning on leaving today while 44 million or more Americans remain uninsured. Shame on us.

We are planning on leaving today or tomorrow without extending unemployment benefits for 1.9 million Americans who lost their jobs during President Bush's first term in office. Shame on us.

We are planning on leaving tomorrow or today without doing anything to extend the solvency of Social Security. Shame on us.

Just yesterday, my friends in the majority voted to again raise the debt limit. They added billions and possibly trillions more to our national debt, leaving our children and grandchildren to pick up the tab for generations to come, and they call themselves the party of fiscal responsibility. Shame on them.

Footnote right there: Something that is not discussed in this body very much, nor was it discussed in the national debate that just concluded with President Bush and Senator KERRY, is the fact that the dollar around the world is troubled, to say the least, and that can have implications for the globe. Somewhere in all of this deficit-building, some of us are going to have to begin to do more than green-eyeshade talk in explaining to the American public the implications of the deficits that we are running on the currency that is the currency of the realm of the world.

For the last 2 years, the majority has been so busy trying to keep its job that it has not done its job. Shame on them.

The Republican leadership has also assured us that the Minority Leader will receive no less than 2 hours notice of any bill before it comes to the House floor. We expect that this assurance will be honored by the majority as well as previous agreements that have been reached between both sides of the aisle on the practices of considering legislation as a suspension. This includes the unwritten rule of not bringing controversial legislation to the floor under suspension of the rules.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the American people understood exactly what the parties stood for, the accomplishments of those parties, and that is what the election was about. I am pleased today to be back in the United States Congress on the floor of the House of Representatives touting not the things that the gentleman from Florida talked about that did not get done but rather the things that did get done, accomplishments that occurred during this year.

I am very proud of the leadership of the gentleman from Illinois (Mr. HASTERT) our Speaker, and the gentleman from Texas (Mr. DELAY), and the gentlewoman from Ohio (Ms. PRYCE), and the gentleman from Missouri (Mr. BLUNT) who have provided this body with the leadership to ensure that the things that were done in the 108th Congress got done.

Mr. Speaker, I hold up 15 pages worth of bills, of accomplishments that this body was a part of. Mr. Speaker, this body was a part of making sure that we would answer the question about how Medicare would address the needs of senior citizens and low-income seniors, and we understood and we understand today that 95 percent of all of the money that is spent in Medicare is spent on major, critical, life-threatening issues that people have. We have changed that now to, instead of dealing with a person once they are sick, we are going to change that to preventative type of spending. That is what we believe Medicare should be doing. That is not something that we should be ashamed of. That is something we should be proud of.

We are proud that we will have in place this next year again, once again, for low-income seniors, the ability for this government to help them not have to make a decision in buying and receiving their prescription drugs. That is something I am proud of.

I am proud to know that we, once again, had a tax bill, a tax bill that would make sure that we become competitive with this marketplace. Mr. Speaker, when we cut taxes, business gets that money, and they do a bunch of things that are great for this country. They buy more equipment, they employ more people, and we become competitive with the world.

I would say that Republicans have a different philosophy than Democrats. We believe that we should do a few things and do them well, and that is what this Republican Congress has done this year. We have not just rushed out and tried to tackle every single issue. We have done the things that will make a huge difference for the American public.

I believe that that is what this election was about, and I believe that this President stood before the American people and talked about what his policies had been and will be. I think they are accomplishments that I am proud of, I think that this body is proud of them, and I darn sure know that the American people turned out in record numbers to say thank you so much for the service to this great Nation.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I rise only to engage my colleague in a colloquy. The gentleman from Texas (Mr. SESSIONS) says the words "American people." Well, there are 55 million American people that probably have some differences with some of the things that the gentleman has discussed. Let me join my good friend in saying to him unequivocally that all of the things that he says that passed this body doubtless are good things from his point of view. But there are some that are not good things from other people's points of view.

Now, I would ask the gentleman a question: Did the President of the United States sign all 13 appropriations bills as is mandated in the United States Constitution to be done by this body by October 1 of each fiscal year? Did the President sign 13 appropriations measures? And answer the next question: How many did he sign?

□ 0930

Mr. SESSIONS. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman from Florida engaging in this wonderful discussion. I have been here for 8 years. During those 8 years as a Member of Congress, I believe 5 of those years I have been here at Christmas time, the week of Christmas, doing the job that needed to be done.

I do understand that we do have these 13 spending bills that need to be done. I also recognize we have a process. The gentleman and I sit up late at night in the Committee on Rules attempting to work through those processes to make sure the President does get the needed legislation before him. But we have the underpinnings of the Constitution where we have two bodies, the Senate and the House. If we do our work, it does not mean they have to do their work. Likewise, if they do their work, it does not mean we have to. So we have to come to an agreement and those agreements sometimes take a little longer, but what we have avoided is shutting down the government.

The government has done its business. We have been very successful to make sure that we address those issues. So I would say that, well, yes, the President is supposed to sign those bills, but at least we have not gone home before he will get a chance to do that.

Mr. HASTINGS of Florida. Mr. Speaker, reclaiming my time, I might comment that I thought perhaps my friend was on a talk show where one of the hosts asked him a question, and as is typical of us, we give nice long answers without specifically answering the question.

I just put out again for my friend that the President has signed two of the appropriation measures. We have been here, you and I, late into the year doing our work, and there have been other times when this has not been done pursuant to the Constitution. That does not make it right. Basically, what we have done, we have borrowed money from foreign investors in order that we might go about giving tax cuts, which ultimately will allow that we will pay greater interest on the deficit over a period of time, and your children and mine, and their children, are going to pay this debt.

Now, my colleague can name it anything he wants to, but we have a responsibility here in this body to pass those 13 appropriation measures. And the real reason we cannot pass them is because we have decided that we want to give tax cuts, and we cannot do the things that are necessary for highway transportation and child tax care; and I could go on and on.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman for his observations about our not being able to do the things that need to be done because of tax cuts. Mr. Speaker, there is a difference between our parties. One of the differences is taxing and spending. We, as Republicans, believe that if we give the American people back more of their own money that they earned that we will create a circumstance, an environment, an economy in this country that grows to where people become employed, we become competitive with the world, and we do the things ultimately to give people, the American public, more of their own money so they can live their own dreams and make their own dreams happen.

I do recognize we have a difference in our opinions. I do recognize that one party wants to tax and spend. I do understand that one party wants to give tax cuts and grow the economy. But at some point we also have to get our work done, and that is what we are trying to do today by saying that this rule is about allowing that necessary business when the minority leader, when the majority leader, and Speaker agree on legislation that can come to this floor.

We are waiting here for other business to be finished and done, but it does not mean we should shut off debate or for other very important legislation if there is complete bipartisan agreement about moving forward. So I am proud today once again to stand here before the American public and to say we are ready to do business here in the House of Representatives, and in a few minutes we will have more work that needs to be done.

We will handle legislation dealing with what is called IDEA, the Individuals With Disabilities Act, that deals with important education changes that have also been worked on and have bipartisan agreement that the gentleman and I heard about last night in the Committee on Rules.

So for us to say we are not doing our work, that we are a failure is simply not, I do not believe, a correct enunciation of what this House of Representatives has stood for these last few years or stands for today. We are ready, capable, and able to work and reach out across the aisle to bring legislation that is important to the American people and for it to be sound legislation, for it to make a difference to the American people, but more importantly that it be done in a proper, cautious fashion that creates health and opportunity for the American economy and for the American family.

That is what this United States Congress should be all about, producing a product that are accomplishments that we can be proud of.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the resolution.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment concurrent resolution of the House of the following title:

H. Con. Res. 464. Concurrent resolution honoring the 10 communities selected to receive the 2004 All-America City Award.

The message also announced that Mr. COCHRAN be added as a conferee in Lieu of Mr. SPECTER, on the part of the Senate, on the bill (H.R. 4818) "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.".

The message also announced that the Senate has passed a bill and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 1217. An act to direct the Secretary of Health and Human Services to intensify programs with respect to research and related activities concerning falls among older adults.

S. Con. Res. 123. Concurrent resolution recognizing and honoring the life and legacy of Alexander Hamilton on the bicentennial of his death because of his standing as one of the most influential Founding Fathers of the United States.

S. Con. Res. 149. Concurrent resolution commending the National Oceanic and Atmospheric Administration and its employees for its dedication and hard work during Hurricanes Charley, Frances, Ivan, and Jeanne.

The message also announced that the Secretary of the Senate be directed to request the House to return to the Senate the papers with respect to (S. 2283) "An Act to extend Federal funding for operation of State high risk health insurance pools.".

CONFERENCE REPORT ON H.R. 1350, INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2004

Mr. SESSIONS. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 858 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 858

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

This rule waives all points of order against the conference report for H.R. 1350 and against its consideration, and provides that the conference report shall be considered as read.

Mr. Speaker, shortly after my second son, Alex, was born in 1994, my father gave me some healthy words of advice when he said that Alex Sessions would be the greatest thing that would ever happen to our family. He knew and understood that in fact Alex was a very special baby. He was born with Downs Syndrome. The past 10 years have reaffirmed my father's words to me, and Alex has become one of the greatest parts of our family's life.

Ten years later, Alex is a very happy third grader at Lakewood Elementary in Dallas, Texas; and Alex has the support of numerous teachers, students, and parents who provide him with remarkable educational lessons and invaluable friendships. For each of the last 2 years, Alex has been rewarded with the school's highest citizenship honor, to be a Lakewood Super Stallion.

In the last 3 weeks, Alex has successfully written for the first time his first and last name. While these are great personal achievements for Alex and our entire family, stories like these are being told all across the country because of the extra efforts of those dedicated educators who are working diligently with these wonderful children under landmark Federal legislation known as IDEA, or Individuals with Disabilities Education Act.

Several decades ago, Congress passed this legislation to guarantee children with disabilities full access to a fulfilling and appropriate public education. And while I have talked today about the many successes and achievements of this important program, there are also areas within the law that could and can use improvement and adjustment. I am proud to support the bipartisan legislation that is before us today to reauthorize and improve this most important education program to ensure that the true promise and intent of this act is carried out to the fullest extent of our abilities as Congressmen.

Mr. Speaker, H.R. 1350 creates an educational atmosphere focusing on the future of our most vulnerable children. It builds on the existing strengths of IDEA, while modernizing and improving the program to guarantee that children with disabilities have the most appropriate tools to fully utilize their gifts. The changes that we are making in IDEA will give children measurable goals to ensure they reach their postsecondary living and employment goals.

H.R. 1350 directly addresses perhaps the greatest problem facing IDEA, the effective monitoring and enforcement of the act. Effective July 1, 2005, it will give the Secretary of Education clear authority to enforce standards to monitor and enforce whether or not schools are in compliance with IDEA, authority that has been lacking since the inception of this education initiative. States will be empowered to create an acceptable set of standards; and if they are not met, the Secretary of Education will now have the tools necessary to take appropriate and reasonable action to work with State and local educators to remedy the situation.

This conference report provides Congress with a 6-year glidepath to fully fund IDEA by 2011. Under President Bush's leadership, funding for all education programs, in particular IDEA, have been a high priority. In his first term, President Bush increased IDEA funding to States by $4.8 billion, or what we would know as a 76 percent increase. This Republican-controlled Congress, which I am proud to be a part of, has increased the Federal share of IDEA funding to 19 percent in 10 years, whereas our predecessors in the Democrat-controlled Congresses only allowed the Federal share of IDEA costs to reach 7 percent.

H.R. 1350 also restores trust and constructive dialogue to the relationship between parents and school personnel promoting an earlier resolution to problems before they end up in court. This legislation creates the opportunity for a resolution session within 30 days of a complaint being filed to quickly resolve the problem. The constant threat of litigation creates an atmosphere of distrust between parents and schools, an environment that harms everyone involved.

Today's legislation also solves another problem that has plagued IDEA for too long. Today, many children with reading problems are misidentified as learning disabled and wrongly placed in special education classes, a costly mistake which siphons away valuable funding from students who truly need IDEA services. To address this issue, H.R. 1350 requires districts with significant over-identifying of students to operate early intervention programs to reduce over-identification, eliminating the outdated IQ discrepancy, a model that relies on a wait-to-fail approach, and introduces a response to intervention model that identifies specific learning disabilities before the students are at a failing grade level.

I am proud of this new IDEA legislation. Because of the important resources that H.R. 1350 provides to our schools, it may one day help my son Alex to further meet his goals of learning to read.

I am pleased to note that the House version of this legislation successfully passed through the Committee on Education and the Workforce, and then through the House in April of 2003. Today's conference report enjoys the overwhelming bipartisan support of its conferees, and I am confident that this report will enjoy wide bipartisan margins in both Houses before it is signed by President Bush.

I would ask that all my colleagues on both sides of the aisle demonstrate their commitment to the special education needs of our country's disabled children by supporting this conference report. I would like to thank the House sponsor of this legislation, the gentleman from Delaware (Mr. CASTLE), and the chairman of the Committee on Education and the Workforce, the gentleman from Ohio (Mr. BOEHNER), for their dedicated hard work in producing the conference report.

I would also like to take a minute to commend the conferees from both bodies that have labored to produce this fine product, including the gentleman from California (Mr. GEORGE MILLER), Senator EDWARD KENNEDY, and Senator JUDD GREGG.

Mr. Speaker, I urge my colleagues to join me in supporting this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

□ 0945

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Texas (Mr. SESSIONS) for yielding me the customary 30 minutes, and I would like to express my appreciation to the gentleman from Ohio (Chairman BOEHNER) and the gentleman from California (Mr. GEORGE MILLER), the ranking member, for returning to this House a bipartisan-supported conference report on the Individuals with Disabilities Education Act.

Last year, when the House first considered H.R. 1350 which reauthorized the IDEA, I felt compelled to oppose that bill. It undermined, in my opinion, the basic rights of children in need of special education to quality education. It undermined the rights of these students' families, and it failed our States and local school districts to effectively provide special education services for these students. Worse yet, the Republican leadership refused to allow any amendment addressing the need to provide full funding for the Federal share of special education to even be debated in this body. It was the House at its very worst.

Today is a very different day. We have before us a bipartisan-supported bill. We have a bill that maintains the basic civil rights of children with disabilities. We have a conference report that addresses long-standing problems with IDEA monitoring and enforcement by the U.S. Department of Education.

We have a bill that has added protections for children with special needs who have fallen between the cracks for too long; in particular, the 1.3 million children who experience homelessness each year and the 500,000 children in foster care. These children, who are moved around and change schools frequently, disproportionately suffer from learning and physical disabilities than children from stable homes, but they have greater difficulty accessing special education services. This bill now ensures that their individual education plans can travel with them so they are not denied services or regress further when moving from school to school.

From the bottom of my heart, I thank the conferees for remembering these children and addressing this problem in this bill.

This bill also helps schools resolve conflicts over providing special education services and reduce litigation. It should result in reducing the over-identification and misidentification of nondisabled children, especially among minorities and other disadvantaged communities. It reduces paperwork requirements, improves transition services, and strengthens methods for measuring student progress, all of which should improve the academic achievement of special education students.

This bill, however, is not perfect. For example, I believe we still have a long way to go toward ensuring a seamless system for infants, toddlers, and preschoolers with disabilities, let alone successfully preparing and transitioning these children into K–12 special education programs.

And, most importantly, this bill still does not guarantee mandatory funding for the Federal share of IDEA State grants. This year alone, special education funding is $2.5 billion short of what Republicans promised in their budget and only half of what has been authorized under the IDEA. This leaves already cash-strapped schools without the support needed to ensure that all students, no matter their disabilities, receive the same education opportunities.

Mr. Speaker, I remain deeply concerned that Congress will continue to break its promise to our States, our local schools and our special needs children and families to provide the 40 percent Federal share of funding for federally mandated special education programs and services. For 30 years we have failed to keep our word to fully fund this law, and I see nothing in this bill to reassure me that Congress will meet even the more modest funding targets set in this bill. We seem perfectly able to ignore, back away from, or reduce our commitment.

I believe it is well past time for Congress to step up to the plate and fulfill its promise to fully fund the Federal share of special education programs. Until we do so, local and State education budgets will have to continue to rob from other education programs in order to pay for mandatory special education services, breeding unnecessary resentment towards the children and families who require these programs and placing increased stress on scarce education dollars.

I promise my colleagues, I promise the children and families and schools in the Third Congressional District of Massachusetts that I will continue to fight for full mandatory funding of the Federal share of IDEA. I hope President Bush will finally make this funding a priority in his budget next year.

Mr. Speaker, even with these concerns, I believe this conference report is an important step forward for our special education programs and services, and I urge my colleagues to support this rule and to support the conference report on H.R. 1350.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last night, late in the Committee on Rules, the ranking member of the Committee on Education and the Workforce, the gentleman from California (Mr. GEORGE MILLER), came before our committee and talked with great confidence and exuberance about the hard work that had been produced by not only the conferees but also that proud committee. Today, I am very pleased to have that chairman, the gentleman from Ohio (Mr. BOEHNER), who has worked diligently for the past few years not only with me as a parent with a child who falls under IDEA but also with all Members who bring thoughts and ideas about encouraging our teachers and our parents and our children to achieve greater things. I would like to publicly say that not only the gentleman from California (Mr. GEORGE MILLER) but also what the gentleman from Ohio (Chairman BOEHNER) has done has been of great service to our country, and I would like to thank him for that.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Chairman BOEHNER).

Mr. BOEHNER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in strong support of this rule. The conference report on the reauthorization of IDEA represents the culmination of 3 years of effort to strengthen and renew special education. I want to thank the gentleman from Texas (Mr. SESSIONS), who I have worked closely with over these last 3 years on all of his efforts to help us strengthen and renew this program. I know it is an issue he feels very strongly about, and I want to thank him for his leadership.

I also thank the gentleman from Delaware (Mr. CASTLE), who is the subcommittee chairman on the Subcommittee on Education Reform, the author of this bill. He worked this bill through the committee and through the House and through this conference, and without his strong leadership we would not be here today.

I think the bill that we will have before us soon is a tremendous achievement of compromise, vision, determination, and bipartisanship.

I want to thank my partner in this process over the last 4 years, the gentleman from California (Mr. GEORGE MILLER), the ranking member on our committee. While we have had disagreements on many occasions, in the end I think what the gentleman from California (Mr. GEORGE MILLER) and I both believe is we have a responsibility to legislate on education and workforce matters and at the end of the day we were able to come together and produce this bipartisan conference report.

In crafting this bill, we listened to parents, teachers, students, and advocates. We listened to the President's Commission on Excellence in Special Education, and the principles around the creation of this bill are very similar to the principles that the Commission on Excellence in Special Education came forward with as well.

We listened to schools, the people on the front lines of educating children with special needs. We began this process with the principles of No Child Left Behind firmly embedded in our minds. In No Child Left Behind, we put a system in place to ensure that students with disabilities, along with all students, are getting access to the education that they deserve. In this bill, we are making sure that the rules help special education teachers and parents get the most out of that system, instead of making it harder for them.

This bill is an across-the-board win for parents, teachers and students with disabilities. I urge my colleagues to support the rule today.

I will have more to say when we get into the bill itself about the changes made in this bill that truly will help students with special needs, their parents, and the teachers and school administrators who often in the past have been at serious conflict. We attempt to reduce that conflict in this bill to make it easier for these students to get an education and make it easier for school administrators and special ed teachers to be able to provide these services to the most special of our children.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), the ranking member on the Subcommittee on Education Reform.

Ms. WOOLSEY. Mr. Speaker, I did not support this bill, H.R. 1350, when it first came out of our subcommittee and then our full committee and then passed the House. But, since then, there has been a lot of bipartisan effort, and now I believe we can achieve what we were aiming for.

We can have and will continue to set aside our political differences so that we work together in our children's best interests. For that I thank our conference chairman, the gentleman from Ohio (Mr. BOEHNER); our ranking member, the gentleman from California (Mr. GEORGE MILLER); the chairman of my subcommittee, the gentleman from Delaware (Mr. CASTLE); and the conferees from both the House and the Senate.

I believe that this process, if we follow it, can and must be the standard for the new Congress. Imagine a Congress that puts children before politics. That would be something in and of itself. Today, we are setting an example. We have raised the bar. We have set a standard that together, both sides of the aisle, both the House and the Senate have said, oh, my, let us put children first.

Let us support the rule, support the bill and support the countless students and parents and teachers and school administrators who advocate for children with disabilities who have come to us to make certain that we understand how IDEA works for them and where it does not work. In this bill today we are making a difference in the lives of people who are affected day in and day out by what we will be voting for.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Today we are having a discussion about some of America's greatest gifts, and that is our children with disabilities. An observation I would make is the kind words on both sides have come as a result of a lot of hard work, a lot of hard work not only within this body but also with the Senate. It also came as a result of a lot of hard work where members of that committee and subcommittee had to go out all across America and listen to parents and listen to educators and to listen to people. Certainly the gentleman from California (Mr. GEORGE MILLER) was a huge part of this success.

Mr. Speaker, at this time, however, I would like to suggest that the gentleman from Delaware (Mr. CASTLE) was a great leader in this process. He made sure of the strength of his argument so this law would make a difference. So I, like the gentleman from Ohio (Chairman BOEHNER), stand here to say that the gentleman from Delaware (Chairman CASTLE) has done a great job on behalf of so many students.

Mr. Speaker, I yield 5 minutes to the gentleman from Delaware (Mr. CASTLE), the chairman of the Subcommittee on Education Reform.

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for not just managing this rule today but for his own personal interest in this legislation. He and I have had several discussions about this. His input was extremely helpful. For that, I am certainly personally appreciative. The gentleman's interest is typical of a number of Members who spoke to me and others about their concerns about this particular legislation.

The gentleman is correct. This legislation, as much as anything we deal with in the Committee on Education and the Workforce, really embraces a wide scope of all of America in terms of the interest which is there. Virtually all school districts, many parents, and many interest groups deal with the issues of children with disabilities. I am delighted that we were able to work this legislation out in conference with the Senate.

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Obviously I do rise in support of H. Res. 858; and as the sponsor of the underlying bill, H.R. 1350, I also support all aspects of the bill which is before us.

I think it is important maybe to understand how all this came about, because it was not easy. It took a long time to do it. In preparation for this, our committee had seven different hearings. We launched a Web-based project a couple of years ago called Great IDEAs which was designed to solicit input from stakeholders in special education across the Nation. We received literally thousands of responses from teachers, school administrators, parents of children with special needs, and others familiar with the unique needs of children with disabilities. Many of those are incorporated in H.R. 1350.

The process in terms of the bill itself began 19 months ago in the House of Representatives; and that bill, which was called the Improving Education Results For Children With Disabilities Act, aimed to improve current law by focusing on improved education results, reducing the paperwork burden for special education teachers, and addressing the problem of overidentification of minority students as disabled. In addition, the bill sought to reduce litigation and reform special education finance and funding. I am pleased to say the conference report includes all these important reforms.

It is very interesting, Mr. Speaker, to sit here and say all that in a couple of sentences when in reality each of those different policies took many, many hours and even days and months of negotiation in order to work out all the differences that existed amongst the groups and blend it together into something that is supported by everybody today.

Obviously, we have worked with the Senate. I say "we." I give tremendous credit to the staff on both sides of the aisle here and in the Senate staff as well for their great work in the past 6 weeks in very, very serious negotiations to get all of this worked out. And so the resulting conference report which we have before us today will make tremendous strides in helping to achieve a quality education and services for children with special needs.

For that reason, Mr. Speaker, I urge swift approval of the rule and hopefully, following that, swift approval of the underlying bill.

Mr. McGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. KIND) who is a member of the Committee on Education and the Workforce.

Mr. KIND. Mr. Speaker, I thank my friend from Massachusetts for yielding me this time. I want to commend the leadership of the Committee on Education and the Workforce, from Chairman BOEHNER and Ranking Member GEORGE MILLER to Subcommittee Chairman CASTLE and Ranking Member WOOLSEY, all the members of the Committee on Education and the Workforce, the work that was done in the conference committee for trying to produce this bipartisan bill. That is why today I am proud to stand in support of the rule and also in support of the reauthorization of IDEA.

Mr. Speaker, this is an incredibly important program that was created in the mid-1970s. It was created under the premise that every child in America should have access to a quality education, including children with special needs. Since that time, the schools throughout the Nation have brought these kids in, have embraced them, have dealt with issues in regards to the authorization language, in regards to funding issues; but fundamentally it is a program that works and is working for our children with special needs.

This legislation, I think, goes to clean up a lot of the problems that were inherent in IDEA. The gentleman from Delaware just referenced some of the paperwork burden that our special education teachers have been straddled with for so many years. There has been the issue of disciplinary problems in the classroom that I think we have reached a good compromise on now. It was the goal in this reauthorization bill to improve the quality of the teachers in the classroom dealing with these children with special needs, the second most important determinant on how well our kids are going to perform just behind parental involvement. It does strive to increase student performance and educational achievement. Overall, this is a very good bipartisan bill, and I would recommend my colleagues today to support this reauthorization bill.

But there are also some things in the future that we have to stay focused on and continue to work on and that is the impact of No Child Left Behind and the new standards and the testings and the impact it is going to have on these children with special needs and the fact that under No Child Left Behind, every child is supposed to be 100 percent in conformance of the rules that were written by the Department of Education by 2014. We just know now that there are some children that are not going to be able to obtain that high standard. Unless we are willing to start telling the schools that by 2014 every one of them is going to be failing, I think we need to be a little bit more realistic in our approach to these children and what is going to be required, but without leaving any child behind.

But I think another big problem that we are going to have to continue to slug out here starting with this omnibus coming up but also in future years is the funding of IDEA. The Congress has never lived up to the full cost share promise that was made, the 40 percent cost share for IDEA funding. This means the financial burden has been left at the local level. It is affecting property taxes back in the State of Wisconsin, which are going up way too much; and it is starting to pit students against students in the classroom over the allocation of the limited resources that we are allotting for IDEA and also now for No Child Left Behind.

I am disheartened to hear some of the figures coming out of the omnibus discussions where the President was requesting a $1 billion plus-up for IDEA. It looks like we are only going to get about $600 million. That is far short because this last fiscal year we were only funding it at 19 percent of the 40 percent full cost share. We can do better. For $10 billion, we could fully fund IDEA and get up to that 40 percent cost share and alleviate the financial burden that is straddling so many of our school districts throughout the Nation. It is just a question of priority, a priority of what we are going to place first as an investment in our budget, whether it is going to be the children and the future of our Nation or whether it is going to be other priorities that we are going to see in this omnibus.

Let us face it, Mr. Speaker. By the end of this year, we will have allocated close to $200 billion for what is taking place right now in Iraq. We are hearing rumors now that the administration is going to come back early next year requesting another 70 to $75 billion in Iraq. With just a fraction of that amount, we could fully fund IDEA, fully fund No Child Left Behind, give the schools, give the teachers, give the parents the resources they need to make sure that every child has the opportunity that they need to succeed in this country and in this world. That is what is at stake.

While we have got a good bill to support today, I think there is more work that we have to stay focused on and try to work in a bipartisan fashion to address the implications of No Child Left Behind with IDEA students and the element of full funding for this program. Hopefully, we will have the same type of bipartisan spirit as we move forward in the future.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my colleague for yielding me this time.

Mr. Speaker, I rise in support of the rule. Initially, I would like to thank the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. GEORGE MILLER), the gentleman from Delaware (Mr. CASTLE), and the gentlewoman from California (Ms. WOOLSEY) for over 2 years of work on the important legislation that the rule makes in order.

I am pleased that this conference agreement includes a new provision that is similar to bipartisan legislation I sponsored with the gentleman from California (Mr. GEORGE MILLER) to help provide specialized textbooks to students with visual disabilities. The law we are reauthorizing today, the Individuals with Disabilities Education Act, requires that all disabled students be provided with educational opportunities. For students with visual disabilities, this includes access to specialized instructional materials, such as braille, large print and audio textbooks. Translating a textbook into these successful formats, however, is a cumbersome, time-consuming, and expensive process for States and school districts. As a result, visually impaired students oftentimes receive their textbooks long after school has started and can be needlessly left behind their sighted peers.

The legislation before us today will help solve this problem. It creates a centralized clearinghouse that States and local school districts can use to obtain electronic copies of textbooks to be translated into the appropriate format for visually impaired students. That is a simple solution that will make a big difference in the quality of education provided to visually impaired students. I commend my colleagues for the work they have done to include this provision in this legislation and urge support of the rule.

Mr. McGOVERN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as speaker after speaker on our side has already said, this is a much improved conference report from the bill that we originally saw before this House a few months ago. It is supported. It deserves bipartisan support. I hope my colleagues will support the rule. I hope they will support the final passage of this conference report.

Mr. Speaker, this may very well be the last rule that I manage for our side in the 108th Congress. So I wanted to take this opportunity to pay tribute to the ranking Democrat on the committee, my friend MARTIN FROST. He is one of the smartest Members to serve in this body. He became an expert in the rules of the House, and he fought the good fight every single day for people and for causes that oftentime get overlooked in this body. I think our Nation is better because of his service, and I think we will miss him.

The gentleman from Texas (Mr. SESSIONS) offered a resolution in the Rules Committee last night, and we got to pay our tributes to the gentleman from Texas (Mr. FROST) then; but I wanted to take this opportunity just to express publicly my appreciation for his service not only to this Congress but to the people of this country.

I also want to say that we are going to miss our colleagues SUE MYRICK and TOM REYNOLDS who are leaving the Rules Committee to take on other committee assignments. Both of them have been good and strong members of the committee, and I have enjoyed working with them.

Finally, Mr. Speaker, I want to take this opportunity to thank the majority and the minority Rules staff. These men and women work incredibly hard, probably harder than most people could possibly appreciate. In particular, let me thank Mr. FROST's staff who have served this House to the best of their abilities. They have done a wonderful job under difficult circumstances, and they deserve to be thanked for their service. As a former staffer myself, I have a special appreciation for the work that members of the staff do.

Specifically, I want to recognize Kristi Walseth, who is the staff director; Askia Suruma; Sophie Hayford, who also served with my old boss and former Rules Committee chairman, Joe Moakley; John Williams; Shannon Meissner; Jane Hamilton; and Jeff Rosenthal for their work and their dedication in this House and to the causes that they believe in during the 108th Congress.

I also want to thank the associate staff on our side: Fred Turner who has served with great distinction for ALCEE HASTINGS; Rosaline Cohen who has worked very hard for LOUISE SLAUGHTER; and Keith Stern who has served me incredibly well and worked incredibly hard on behalf of this Congress for all their work as well.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself the balance of my time.

I, too, would join with the gentleman from Massachusetts in enunciating our support of not only the staff members of the Rules Committee and for the hard work that they put in day in and day out and night in and night out but also would join in support of what the gentleman from Massachusetts said when he talked about our colleague MARTIN FROST. The gentleman from Texas (Mr. FROST) has served for 26 years as a distinguished Member of not only the House of Representatives but also in his service to the people of the 24th Congressional District of Texas. During that period of time the gentleman from Texas has distinguished himself as a person who would articulate not only the position of the Democrat Party but also a position that was very successful in support of veterans all across this country and in many other issues that he so deeply believed in, including a major piece of legislation which was known as the Amber Alert system for children who had been taken from their parents.

Mr. Speaker, I include for printing in the CONGRESSIONAL RECORD a resolution that was passed by the Rules Committee last night, November 18, 2004:

RESOLUTION OF THE HOUSE COMMITTEE ON RULES, NOVEMBER 18, 2004

Whereas, Martin Frost has served the United States House of Representatives and the citizens of the United States with excellence since first elected to this body in 1978;

Whereas, Martin Frost began developing his extensive political and legislative expertise as a reporter for Congressional Quarterly, and then as a practicing attorney in the Dallas area, while honorably serving the country as a member of the United States Army Reserves;

Whereas, Martin Frost has represented the constituents of the 24th district of Texas, serving the citizens of the Dallas and Fort Worth areas for 26 years in the House of Representatives with outstanding diligence and passion. He has taken on issues of importance to the diverse population of his district, such as the active- and reserve-duty military, and Medicare, and has been an integral figure in the creation of the nationwide AMBER Alert system for missing children;

Whereas, Martin Frost has utilized his status as the highest ranking Southern Democrat in the House, and as a senior member of the Texas delegation, to address concerns vital to his region, such as transportation issues, veterans affairs and youth violence;

Whereas, Martin Frost has exemplified himself as a model of leadership of the Democratic Party in the House, serving in the capacity of chairman of the Democratic Congressional Campaign Committee, as well as chairman of the House Democratic Caucus during his career in Washington, proving himself to be an astute policy and political strategist;

Whereas, the Committee on Rules has benefitted greatly by the service of Martin Frost since his appointment to the committee as a freshman in 1978, most recently through his leadership as Ranking Minority Member of the Committee, acting as a sounding board for the Democratic delegation in advocating legislative priorities and providing his extensive knowledge of the House rules and practices garnered from his 26 year service to the Committee to ensure success in fulfilling its jurisdictional duties;

Whereas, the tenure of Martin Frost in this United States Congress has been characterized by honesty, integrity, and a general willingness to work together with colleagues, on a variety of important issues: Now, therefore, be it

Resolved by the Committee on Rules, That its Members express their deep appreciation for the service Martin Frost has selflessly given to the country, our citizens, the House Rules Committee, and the United States House of Representatives, and wish him the best of luck and godspeed on all future endeavors.

Mr. MCGOVERN. Mr. Speaker,. will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman for his resolution last night and for his words today.

Mr. SESSIONS. I thank the gentleman for his comments, also, about our colleague from Texas (Mr. FROST).

Mr. Speaker, we have also earlier thanked a number of people, the Members of Congress who were a part of making this bill, IDEA, successful. Certainly we will have in a few minutes the opportunity to hear from Chairman BOEHNER once again and his colleague, the ranking member, GEORGE MILLER, from California. Both of these gentleman spent an incredible number of hours working together. We have heard obviously from the gentlewoman from California (Ms. WOOLSEY). We will also hear from the gentleman from Delaware (Mr. CASTLE).

But I think it is important that we also say that there have been a number of people who have worked behind the scenes to make this bill successful and they really come from both sides of this great hall, the Senate and the House. I would like to personally thank Connie Garner from the office of Senator KENNEDY; David Cleary from the office of Chairman BOEHNER. David has worked tirelessly not only on behalf of these children but also doing town hall meetings to make sure that we got this right. Melanie Looney, who is also from Chairman BOEHNER's office;. Alex Nock, who is from Mr. MILLER's office; Denzel McGuire from the office of Senator JUDD GREGG.

I would also like to thank from my staff Bobby Hillert and from the White House Elan Liang for their hard work to make sure that this document not only enunciated a better policy but also took in all the feedback from educators, parents and students from across this country who wake up every day to make IDEA better.

I do, too, encourage all my colleagues to support this bipartisan piece of legislation.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

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The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. BOEHNER. Mr. Speaker, pursuant to House Resolution 858, I call up the conference report on the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 858, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of November 17, 2004, at page H9895.)

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1350.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of the H.R. 1350 conference report. Three years ago we began a process to strengthen and improve special education for the 6½ million American students participating under the Individuals with Disability Education Act. Today we have a final reform bill that will help us achieve that goal. The gentleman from Delaware (Mr. CASTLE), the chairman of the Subcommittee on Education Reform of my committee was the author of this bill that we passed in the House in April of 2003. I think he deserves great credit for his leadership throughout this process. He wrote a good bill and worked to ensure that these important reforms will be enacted in a bipartisan manner. The final bill we produced is closely aligned with the findings of President Bush's Commission on Excellence in Special Education, and with the bill that we passed in the House again in April of 2003.

We set out with one fundamental goal in mind, and that was to improve the educational results for students with disabilities. And I believe that we have accomplished that goal with the bill that we have before us today.

We included important provisions to give parents more choices and greater control when it comes to their child's education. We increased the focus on academic results and more closely aligned special education with the No Child Left Behind Act. The No Child Left Behind Act was the most sweeping Federal education reform in decades for students with disabilities. For the first time we ensured that States would include children with disabilities in their accountability systems. We made it clear that all children, and I mean all children, including those with disabilities, deserve a high-quality education.

The bill before us today will build on No Child Left Behind. We are making sure the rules under IDEA helps special education teachers, parents, and students get the most out of that system instead of making it harder for them. To support teachers and schools, we included steps to reduce the crushing paperwork burden that is keeping teachers out of the classroom and in many cases driving teachers out of the profession altogether. We also restore common sense to school discipline to keep schools safe for all students and hold students accountable for their actions. Students will have the same punishment for the same infraction unless the disciplinary problem is the direct result of a child's disability.

We also give States and schools the clarity they have been seeking on what it means to be a highly qualified special education teacher. In No Child Left Behind we said that every child shall learn from a highly qualified teacher and children in special ed are no exception. We added flexibility, though, for States and teachers to meet the highly qualified definition when it comes to special ed teachers, but we did not do anything to slow down the progress States are making in reaching that goal. We are going to cut down on costly and unnecessary litigation in special education, and we are going to hold attorneys liable for frivolous lawsuits. That is important because we need to restore a sense of trust between parents and schools. We want to encourage cooperation to do what is best for students and to get there we need to cut down on damaging lawsuits.

Our bill also puts the Federal Government on a 6-year glide path to reaching our original goal of funding up to 40 percent of the excess cost of educating students with special needs. And as we get closer to that goal, we are also going to give local communities more control over how they spend their own local dollars. And we are keeping special education funded through the discretionary appropriations process.

I just want to take a moment to thank a number of people. As I mentioned before, I want to thank the gentleman from Delaware (Mr. CASTLE) for his hard work. But we would not be here without the help of several other people. The gentleman from California (Mr. GEORGE MILLER), while we had disagreements on the House-passed bill, we came together at this late hour of this session to do what our job is to do, and that is to reauthorize this law and to do it in such a way to bring a bipartisan product to the floor of the House today.

But it would not have been possible without the help of the other body, and I have to thank the chairman of the Senate Committee on Health, Education, Labor & Pensions committee JUDD GREGG for his willingness to work with us and the ranking member of that committee, Senator TED KENNEDY. We had a small window of opportunity, and the gentleman from California (Mr. GEORGE MILLER) and I sat down with Senator GREGG and Senator KENNEDY and looked them in the eye and said we are going to be fair, we are going to do this right, and if we work together, we can in fact produce a strong bill, which we have. And we would not be here without the help of all of those people involved.

I also want to thank some of my staff and others who have worked on this. David Cleary, without whose help we would not be here at all, period. He did a great job in guiding this process. Melanie Looney on my staff, and also I want to thank Sally Lovejoy, who heads up our education section; Krisann Pearce, who I referred to as the adult the other day. I should probably refer to her as the calming, steady influence over some of my more hyperactive staff. And I want to thank Brad Thomas, who joined us just a couple of months ago and got thrown in into this process at the end.

From the gentleman from Delaware's (Mr. CASTLE) office, Sarah Rittling and from the gentleman from California's (Mr. GEORGE MILLER) office I want to thank Alex Nock for his great work as well.

Mr. Speaker, this bill is the next step in our effort to reform education in America, and I think it is going to make a real difference in the lives of millions of American students who are participating in special education. And as most of my colleagues know, I have gotten rather passionate about this. I am beginning to sound more like the gentleman from California (Mr. GEORGE MILLER) than the gentleman from California (Mr. GEORGE MILLER) himself. But I do believe that all kids deserve a chance at a good education regardless of their color, regardless of where they grew up, or regardless if they may have a disability. And I think the bill that we have today does in fact move us in a direction to help more kids, especially special ed kids, to get a chance at good education.

Mr. Speaker, I rise in strong support of the H.R. 1350 conference report. Three years ago we began a process to strengthen and improve special education for the six and a half million American students participating under the Individuals with Disabilities Education Act. Today, we have a final reform bill that will help us achieve that goal.

Representative CASTLE was the author of the bill we passed in the House in April of 2003, and he deserves great credit for his leadership throughout the process. He wrote a good bill, and he worked to ensure these important reforms will be enacted in a bipartisan manner.

The final bill we produced is closely aligned with the findings of President Bush's Commission on Excellence in Special Education, and with the bill we passed in the House in April of 2003. We set out with one fundamental goal in mind: to improve educational results for students with disabilities. I believe this bill will accomplish that goal.

We included important provisions to give parents more choices and greater control when it comes to their children's education. We increased the focus on academic results, and more closely aligned special education with the No Child Left Behind Act.

The No Child Left Behind Act was the most sweeping Federal education reform in decades for students with disabilities. For the first time, we ensured States would include children with disabilities in their accountability systems. We made it clear that all children, including children with disabilities, deserve a high quality education.

The bill before us today will build on NCLB. We're making sure the rules under IDEA help special education teachers and parents get the most out of that system, instead of making it harder for them.

To support teachers and schools, we included steps to reduce the crushing paperwork burden that is keeping teachers out of the classroom. We also restored common sense to school discipline to keep schools safe for all students, and hold students accountable for their actions. Students will have the same punishment for the same infraction, unless the discipline problem is the direct result of a child's disability.

We also give States and schools the clarity they have been seeking on what it means to be a highly qualified special education teacher. In No Child Left Behind, we said every child should learn from a highly qualified teacher. Children in special education are no exception. We added flexibility for States and teachers to meet the highly qualified definition, but we didn't do anything to slow down the progress States are making to reach that goal.

We're going to cut down on costly and unnecessary litigation in special education, and we're going to hold attorneys liable for frivolous lawsuits. That's important, because we need to restore a sense of trust between parents and schools. We want to encourage cooperation to do what is best for students. To get there, we need to cut down on damaging lawsuits.

I also want to point out one oversight. A sentence in the Statement of Managers' language of the Conference Report that provided the explanation for the attorneys' fees language was inadvertently left out. By adding at Note 231 sections detailing the limited circumstances in which LEAs and SEAs can recover attorneys' fees, specifically Sections 615(i)(3)(B)(i)(II) and (III), the Conferees intend to codify the standards set forth in *Christiansburg Garment Co.* v. *EEOC*, 434 U.S. 412 (1978). According to Christiansburg, attorneys' fees may only be awarded to defendants in civil rights cases where the plaintiff's claims are frivolous, without foundation or brought in bad faith.

Our bill also puts the Federal government on a 6-year glide path to reaching our original funding goal of up to 40 percent of the excess cost of educating students with disabilities. As we get closer to that goal, we're also going to give local communities more control over how they spend their own, local dollars. And we're keeping special education funded through the discretionary appropriations process.

I'd like to take a moment to thank members of the staff who have been so instrumental in producing this great bill. With my staff, I'd like to thank David Cleary and Melanie Looney, who did a remarkable job crafting this bill and negotiating the final conference report. I'd also like to thank Sally Lovejoy, Krisann Pearce, and Brad Thomas. From Representative CASTLE's office I'd like to thank Sarah Rittling, and from Representative MILLER's office I'd like to thank Alex Nock.

Mr. Speaker, this bill is the next step in our effort to reform education in America. It will make a real difference in the lives of millions of American students participating in special education. I urge my colleagues to join me in supporting this bill.

Mr. Speaker, with the No Child Left Behind Act, we made a commitment to America's students, parents, and schools. We said that every child in America deserves a high quality education, and no child should be left behind.

I think that commitment was particularly important to students with disabilities. For too many years, these students have been allowed to fall between the cracks. Many States excluded them from accountability systems, wrongly assuming these children can't learn.

They can learn, and they should. They deserve the same high quality education as the rest of this Nation's students. They deserve the same high quality teachers, and the same focus on their academic results.

H.R. 1350 fulfills that vision. It says that special education is important. It makes clear that we must focus on breaking down bureaucracy and building up results. This is an important bill for students participating in special education, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to begin my remarks by also thanking people because I think many people are surprised, myself included, that we are here today.

This has been a rather toxic season in the political arena and in this Congress. There is not a lot of evidence that there is a lot of bipartisan action taking place in the Congress of the United States. But in this committee on this subject we were able to work through all of those environmental concerns about the atmosphere and arrive at legislation that is going to be very good for those children with special needs.

And I want to thank the gentleman from Ohio (Mr. BOEHNER), our chairman, for all of his time, his effort, his political skill within his caucus and I think within my caucus, too, to get us to this point. And to the gentleman from Delaware (Mr. CASTLE), who, as we all know, is absolutely committed to getting good legislation on the books, to write good law, and to do it on behalf of our Nation's school children to see that they get a good opportunity at the education that should be offered to them.

I want to thank Senator TED KENNEDY and Senator JUDD GREGG for their cooperation in deciding even before the election that we would take a shot at getting this passed before this session closed down, and we were able to do it. I also want to thank the gentlewoman from California (Ms. WOOLSEY) on our side, who managed this legislation for the minority, who took it from the early days when it was clearly very confrontational, to smoothing out some of the rough spots and finally helping us arrive at the compromised positions that maintain the integrity of IDEA, to also improve IDEA and make sure that our commitment to these young children and their educational opportunities are clear as a matter of Federal law.

I want to thank the staff on our side, Alex Nock and Alice Cain, Ruth Friedman and Lloyd Hoowich, for all of their help. This was long hours by the staff. And on the Republican side, David Cleary, Sally Lovejoy, Melanie Looney, Krisann Pearce for all of their help in working with people on the Democratic side. And on the Senate Republican side, Denzel McGuire, Bill Lucia; Senate Democrats Connie Garner, Roberto Rodriguez, and Michael Yudin for their help.

This would not have been done had these people not been able to come together and work their way through bills that were different in many ways. But the fact of the matter was it did happen, and I think the children with special needs who need this law are going to be well served, as are their parents, as are their schools, and as are their teachers.

I have a special connection to this law because I was in Congress and served as one of the original authors of this law when it was first passed in 1974. And in 1974 when we surveyed the Nation's schools and the State systems of school, we found that children were, on an ordinary basis, on a regular basis, excluded from the classrooms of this Nation. They were put into basements. They were put into segregated schools. They were put into separate classrooms. They were not allowed to come into classrooms if they were in a wheelchair, if they needed assistance for their physical disabilities; and a dramatic percentage of minority students, were labeled as retarded, were labeled as having an inability to take advantage of an education in numbers that defied any statistical understanding that any population would be labeled in that fashion.

Hundreds of thousands of children mislabeled and therefore not allowed to go to the schools of this Nation. And at that time we passed the Education for all Handicapped Children, as it was called in those days. And from that time forward, this law has become one of the basic civil rights laws of this Nation for those children with special needs, for their families, and for those schools, recognizing the commitment that this Congress made to these children and their families, that they would get a free and appropriate education in the least restrictive environment to make sure that, where possible, these children would be in the mainstream classrooms of our Nation's schools. They would be able to participate with their peers on a regular basis. They would be able to enjoy the benefits of that educational opportunity, that no longer by simple reason of their special needs would they be segregated, no longer by reason of their special needs would they be discriminated against.

This has not been a smooth road to make sure that these children would have educational opportunity and have access to that free and appropriate education in the least restrictive environment. It has been a struggle. It has been a struggle for our school districts. It has been a struggle for our taxpayers. It has been a struggle for the families of these children.

But each and every time we have made progress, and we do so again with this legislation. We make sure that they will, in fact, have qualified teachers. But we make sure that we do not drive the teachers from the teaching field by the law that we have passed here. We have provided that kind of flexibility so we can have the best of both worlds.

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We can have qualified teachers, and we can make it workable for those teachers and for the school districts. We make sure that those children who might act out in class, who might be a discipline problem can be separated from the general population if they are a danger, but we also make sure that we do not discontinue their educational opportunities in that separate setting, however restrictive it might be. And there is a process for doing that, both to protect that child, to protect their educational opportunity, and to protect the general school population, a very important change.

We make sure that, while trying to enforce this law, that we make every effort to make sure that the child has access to a workable, individualized education plan. But we also want to make sure that, in the enforcement of those efforts, we do not engage in frivolous lawsuits, we do not engage in trying to extort the school district into positions. So we make sure that you can have access to those programs, but you do not get to take advantage of the taxpayers and the efforts that are being made.

From 1974 onward, I have had hundreds and hundreds of parents who have come to me and said, or written to me from all over the country, that, but for this law, my child would not have gotten an education; but for this law, my child would not have been able to be in the public schools. Some of those were long letters of the detailed effort by parents, taking months and thousands of dollars, to challenge the right of their child to be in an educational setting, along with the rest of the schoolchildren in this Nation.

But it is this law that made it possible, and it is law that we extend with this reauthorization. It is this law that we extend the civil rights protections of our Constitution to the Nation's schoolchildren, to those children with special needs, and it is this law that gives their parents a voice and a say in the direction of their education. It is this law that makes sure that the educational establishments of this country respond to those needs. And it is this law that tries to provide the means to work that out by offering alternative dispute resolution, by offering mediation, by offering a means by which parents and teachers and school personnel can sit down together and, at the end of that day, that child will have a chance at that educational opportunity, and the district will be in a position to provide it.

But there is something that is still lacking in this law, and that is the funding of this legislation. This is the funding of this legislation. Back in 1974, we said we would pick up 40 percent of the excess cost of the education of these children, and we have not done it. We have not done it as Democrats. We have not done it as Republicans. In the last few years, we have made a rather substantial march on that effort, but we still never get there under the budget.

Yet we have Members of Congress voting for full funding and mandatory funding of special education. We have Members signing letters to the President asking for full funding of special education. We have votes in the Senate, a majority, bipartisan votes demanding full funding for special education. But somehow we can never get there. And even in this legislation, I am glad to see that we have laid out a roadmap for over the next 7 years, I believe it is, we will arrive at full funding.

But I am worried that later tonight, as we pass an omnibus appropriations bill, we will not even meet the target in this legislation before the ink is dry or even before the President has signed it.

The President said he has not fully funded No Child Left Behind because he did not read the bill. I want the President to read this bill, because the compact with these parents and with this Congress is that we are going to reach full funding in 7 years. And if we do not, if we do not, the full educational opportunity for these students and for the other students is not going to be realized because the funding is not following this legislation. It is very important that that happen and that we start to keep our commitments on special education, that we start to keep our commitments on No Child Left Behind.

It is not enough, and we cannot continue the practice. We did it when we were in control. It is not enough to put figures into authorizations and tell people that is the law, that is what we have done, and then look behind and say we never intended to do that. We should say what we mean, and we should mean what we say. If we cannot do it in 7 years, then tell the public when we are going to do it. But this is the statement of the Congress that we will reach full funding in those 7 years, and I think that is most important.

Mr. Speaker, I include for the RECORD an editorial from this morning's Washington Post.

[From the Washington Post, Nov. 19, 2004]

Making Progress

It is a rare piece of legislation nowadays that makes it through the House and the Senate, let alone a House-Senate conference, without ill will, partisan shouting and layers of added pork. For that reason alone, the Individuals With Disabilities Education Improvement Act, now heading toward the House and Senate floors, deserve a moment's attention. From the beginning, Republicans, Democrats and advocates were all part of the debate about this law, which reauthorizes the federal rules and funding for special education. Staffers for Sen. Judd Gregg (R–N.H.), chairman of the Senate education committee, as well as those working for Sen. Edward M. Kennedy (Mass.), the ranking Democratic member, also solicited the opinions of outsiders who were not part or organized groups, to better understand the real problems faced by students, parents and teachers. Congressional offices on the House side, notably those of Reps. John A. Boehner (R–Ohio) and George Miller (D–Calif.), did the same.

The result is a law that doesn't address every problem with special education but that does grapple with some of the tougher ones. Unlike most education bills, this one involves civil rights issues, namely the right of disabled students to receive appropriate, free education, just like other children. While reinforcing this principle, the law also addresses, for example, the contentious question of whether schools can discipline or expel unruly students with disabilities: they can, but only after an appropriate process and only if they ensure that the special services the child was receiving are not discontinued.

While attitudes cannot be legislated, the law also tries to reduce some of the adversarial tension that has built up between schools and parents in recent years by reducing paperwork, by providing alternatives to litigation and by eliminating some of the more trivial bureaucratic requirements. The law also brings special education in line with the requirements of the No Child Left Behind Act, establishing the qualifications required for special education teachers, providing funding for teachers to get those qualifications if they don't have them already and taking some steps toward establishing alternatives to assess the progress of disabled children.

Ultimately, the test for Congress is not whether this bill finally becomes law, which seems likely, but whether the goodwill surrounding it continues. The special education debate is not over, nor should it be. It is legitimate to ask about the costs of this law, both in terms of time and money; equally, it is legitimate to ask whether schools comply with it because they genuinely believe that special education is worthwhile or because they have to. The answers to both questions will affect the quality of the education all children receive. As different lessons are learned about what works best, for disabled children and for schools, legislators will need to keep the law flexible, and their naturally partisan tempers under control.

Mr. Speaker, I want to thank my colleagues on the committee—the gentleman from Delaware, the gentlewoman from California, and the gentleman from Ohio—for all of their hard work on this legislation and their genuine efforts to make this a bipartisan bill.

IDEA is a program that is very important to me personally. I was one of the original authors of the legislation in 1975 that made an historic commitment to the special needs children of the country—and their parents—to assure them the opportunity for a public education that would allow them to take full advantage of their gifts and have a full opportunity to participate in American society.

In opposed the IDEA bill passed by the House last year because I believed it undermined that bond between Congress and the special needs community. For me and for millions of American families, IDEA is more than an education law; it is a pact that never again will we abandon special needs children and cut them off from the educational services they need and deserve.

While I voted against the House version of the bill, I am pleased that the conference committee reversed many of the House positions opposed by longtime supporters of IDEA.

As a result, I support the conference report before us today because it maintains the basic civil rights of children with disabilities and their families. I am hopeful that our changes will improve their quality and access to a free and appropriate education.

One of the most important decisions we had to make in conference was whether or not children could be, in effect, punished because of their disability. I am very pleased that we took the necessary steps to ensure that children cannot be unfairly punished.

We had the good sense to include one of the most important provisions in current law: The manifestation determination requirement that school districts consider whether a child's behavior was the result of their disability when considering disciplinary action.

It is only fair to consider whether the child could control their behavior and whether they could understand the consequences of their behavior. These questions are clearly relevant and I am pleased that they will continue to be treated as relevant.

Our agreement also ensures that children who are subject to discipline cannot be put in alternative placements for unlimited periods of time and that, if suspended, they will continue to receive educational services. These measures will help these children continue on the path toward graduation rather than dropping out—and provide for the safety of other children and school personnel.

Let me also mention two improvements to current law that I believe are particularly beneficial. First, I am pleased that the conference report addresses long-standing problems with IDEA monitoring and enforcement. The Department of Education is required to monitor key IDEA issues.

These issues include making sure States educate children in the least restrictive environment and take steps to prevent minority students, from being disproportionately identified, as is too often the case. Once identified, these children are more likely to be placed in lower quality, substantially segregated environments and are more likely to be suspended or expelled.

When a State is out of compliance for two years, our agreement requires the Secretary to take an enforcement action.

These changes give the Department of Education the means to both identify problems and the authority and tools necessary to help solve them through a range of options, including advice, technical assistance, and support.

Second, I support the improved outreach and services for children who—through no fault of their own—move and change schools frequently. It is only right that we take steps that protect the 500,000 children in foster care and the 1.3 million children who experience homelessness each year.

Children who are homeless suffer from disabilities nearly four times more than children who are from stable homes, but they have great difficulty accessing special education services. Even when they have Individualized Education Plans, their IEPs often have not moved with them and the process must start over.

After months without adequate services, a child may regress so far that she or he can lost a whole school year. Our agreement improves coordination between schools and ensures that the child's IEP must transfer with them and be used until the new school district and parent can develop a new IEP.

Despite these important improvements, a fundamental problem continues to jeopardize all of our best efforts. Congress continues to ignore our 30-year old pledge to fully fund this law.

When we originally passed it in 1975, we made a simple promise: The Federal government would provide states with 40 percent of the total costs of special education—not 100 percent—just 40 percent. But we have never fulfilled our promise. As of today, we are providing nearly 20 percent of special education costs—less than half of what we promised three decades ago.

Our conference report tries to help. I'm pleased that it recommits Congress to providing States with the full 40 percent by laying our authorization levels each year that would allow us to meet the goal by the year 2011.

Obviously, this is not as soon as I would like or our children need, but at least it is a blueprint for getting us there. But the blueprint involves substantial increases each year, including this year—and I am dismayed that this year's increase may already be in jeopardy.

We must mean what we say and say what we mean—it's time to put our money where our mouth is and appropriate these funds once and for all.

I urge all of my colleagues, especially those on the appropriations committee, to make this a top priority. What could possibly be a better investment in our country than helping our children develop and grow to their full potential?

We have just gone through the experience of No Child Left Behind where the President and Congress promised to fund the new law at levels that were necessary to ensure schools would be able to meet the new goals. And before the ink was dry on that law the president broke his promise on funding. Now we are $27 billion in the red on our commitment to No Child Left Behind and America's public schools.

As Members vote to approve this conference report, and I hope they do, we must be prepared to stand by the commitment this bill makes to properly fund special education.

The bottom line for me is to ensure that all children—including all children with disabilities—have access to public education that propels them toward participation in American society to the fullest extent possible. I believe that this conference agreement moves us in that direction, and I am pleased to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Delaware (Mr. CASTLE), the chairman of the Subcommittee on Education Reform and the author of the bill that we have before us who has done a great job.

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me this time.

Let me just say, Mr. Speaker, that I think without the gentleman from Ohio (Mr. BOEHNER's) patience and will to continue to deal with what was a tough issue and tough politics perhaps in the beginning, we probably would not be here today. I would just like to thank him for that. I think he has just done an incredible job.

I stood at a press conference after we did the conference a couple days ago, and I looked at the cast of people who were there, including the gentleman from California (Mr. GEORGE MILLER) who just spoke, and Senator KENNEDY and Senator GREGG and the gentleman from Ohio (Chairman BOEHNER), and I realized that it was an unlikely group to come together in terms of being very liberal, very strong, and very conservative and very strong. But I also realized that every single one of those individuals had the interests of children at heart, which is hopefully what we have done in this legislation and hopefully what we have captured in this legislation.

I would just like to thank everybody that had anything to do with that: Members of Congress, a lot of whom were personally involved with this; all of the staff people who worked on this on both sides and in both Chambers who did a wonderful job, particularly in my case Sarah Rittling on my staff did an extraordinary job. The gentlewoman from California (Ms. WOOLSEY) was opposed to this initially, and we were able to resolve those differences. She and I have had some good fortune this year, the nutrition bill and this, and some other things, and I think we are both proud of our achievements, even though we have our differences from time to time. I cannot thank everybody enough.

Obviously, I rise in support of this legislation. We have been waiting a long time to get to this point, and today marks an important day for the millions of children with disabilities. As a sponsor of H.R. 1350, I have been deeply involved over the past 3 years in working to find a balanced approach to ensure children with disabilities receive the services they deserve to help them reach their potential and succeed in school. All of us have listened to thousands of parents and educators about what we can do to make the system better for the children. The resulting bill represents delicately crafted, bipartisan language that will ensure children with special needs receive the high-quality education they deserve.

For too many years, children with disabilities were simply denied access to public education. However, with the passage of the Education of All Handicapped Children Act in 1975, the doors of educational opportunity were opened. Today, more than ever, students with disabilities have an opportunity to accomplish their goals.

According to the Department of Education, about 6.6 million students currently participate in these programs in schools across the Nation. Of those, almost 50 percent of students with disabilities spend 80 percent or more of their day in regular education classrooms.

Tremendous strides have been made, and today we will be giving students, parents, and educators the tools to do even more, as I always believe we can do better. Now, more than ever, in the spirit of No Child Left Behind, we must make sure that children with disabilities are given access to an education that maximizes their unique abilities and gives them the tools to be successful, productive members of our communities.

The Improving Education Results for Children With Disabilities Act aims to improve current law by focusing on improved education results, reducing the paperwork burden for special education teachers, reducing litigation, and restoring trust between parents and school districts, and focusing on monitoring and enforcement of the law. I know my colleagues in the Senate share many of these goals, and our final conference agreement surely reflects our shared desire to strengthen special education through these common sense approaches.

Today I would like to pay particular attention to reforms in H.R. 1350 that will focus on academic progress and efforts to reduce over-identification. One of the great benefits of the No Child Left Behind Act is that we have raised expectations that will hold school districts accountable for the annual progress of all of their students, including students with disabilities.

Although we have made great progress in including students with disabilities in the regular classroom, we now must make equally great progress in ensuring that they receive a quality education in the regular classroom. We have therefore carefully aligned IDEA with No Child Left Behind to ensure students with disabilities are included in the accountability system of States and school districts.

Furthermore, H.R. 1350 includes reforms that would reduce the number of students that are misidentified or overrepresented in special education programs. Minorities are often significantly overrepresented in special education programs. In fact, African Americans are nearly three times more likely to be labeled as mentally retarded and almost twice as likely to be labeled emotionally disturbed. Current methods of identifying children with disabilities lack validity or reliability. As a result, thousands of children are inappropriately identified every year, while many others are not identified early enough or at all. We have, therefore, reformed the manner in which children are identified.

As recommended by the President's Commission on Excellence in Special Education, H.R. 1350 provides local school districts flexibility to use funds for early intervention services for students before they are identified as needing special education. Currently, too many children with reading problems are identified as learning disabled and placed in special education classes.

Today is an exciting day for the special needs of our children, and I would urge all of us to support H.R. 1350.

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to control the time of the gentleman from California (Mr. MILLER).

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report on H.R. 1350, the Individuals with Disabilities Education Improvement Act of 2004. I did not support this bill when it first passed out of the committee, and I did not support it when it passed out of the House. But now I believe it is an example of what we can achieve when we set aside our political differences and work together in our children's best interests.

For that, I thank my conference chairman, the gentleman from Ohio (Mr. BOEHNER); our ranking member, the gentleman from California (Mr. MILLER); the chairman of my subcommittee, the gentleman from Delaware (Mr. CASTLE); and the conferees from both Houses. I echo the thanks of the gentleman from California (Mr. MILLER) to every one of our staff who have worked so hard. There is not one of us who does not know and believe that, without them, we would not be here today.

But I would also like to thank another group, and that is my Subcommittee on Education Reform dealing with special education. Because my Democratic members of the subcommittee, the gentlewoman from California (Mrs. DAVIS), the gentleman from Illinois (Mr. DANNY DAVIS), the gentleman from Hawaii (Mr. CASE), the gentleman from Arizona (Mr. GRIJALVA), the gentleman from Wisconsin (Mr. KIND), the gentleman from Ohio (Mr. KUCINICH), the gentleman from Maryland (Mr. VAN HOLLEN), and the gentlewoman from Georgia (Ms. MAJETTE), they were my backbone. They came to every single hearing. They participated. They were at every markup. They had their additions and their changes, and they were always keeping me and the subcommittee and the committee in general aware that children are our number one interest, not politics.

I believe that the process we followed here in the House and then with the conference can become and must become the standard for the next Congress. Imagine: A Congress that puts children before politics.

I also want to thank the countless students, parents, teachers, school administrators, and others who advocate for children with disabilities, because that is the group that makes sure that we understood how IDEA works for them, the people who are affected day in and day out by what we are doing today.

In this bill, we have protected the right of a child with a disability not to be punished for conduct she cannot control because of her disability. That does not mean that we are going to give kids with disabilities a free pass to misbehave. What it means is that we are going to make sure they get the support they need so that they can be fully engaged in learning.

We have also protected the rights of parents to play an active and effective role in their children's education. Now, some people might think that those particular provisions pit kids with disabilities and their parents against schools and teachers. I do not. I know that schools and teachers are committed to educating all children and that they believe this bill will help them do just that. I believe it will do just that, also.

For example, we have provided flexibility to ensure that children with disabilities will be taught by highly-qualified teachers. We have provided new opportunities for parents and schools to work out their concerns without having to file complaints. We have provided greater flexibility for parents and schools to change a child's individualized education program without every member of the child's IDP team having to meet and to meet by telephone or other alternative means, if the parent and the school agree.

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And I am especially pleased that there is another way this bill will help schools and that is because we have included bipartisan language that I developed along with my colleague, the gentleman from California (Mr. MCKEON). The language makes it clear that Federal funds for IDEA go to schools to use for special education, not for States to use to get out of paying for their required funding or not for States to use to solve their general budget problems. That is something that my home State of California has been doing, and according to the American Association of School Administrators, this practice cost California and their schools $120 million in the year 2003 alone. I am going to keep working to see that Congress's intent to stop it is enforced.

I am also going to keep working to see that Congress keeps its promise to fully fund our commitments to IDEA. I am disappointed again that this bill does not require full funding of IDEA now. I know it does over 7 years. I want it now, even though virtually every single member of Congress routinely says that they support full funding. But I am pleased to support this report because I think it is good for parents, teachers, schools, but most importantly because it will help students with disabilities and special needs reach their potential.

I look forward to continuing to work with my colleagues to improve educational opportunities for all of our children and to ensure that the funding required to achieve these goals will be eventually and immediately put into place.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. KELLER), one of our conferees working this bill out between the House and Senate and someone who has worked on this since he came to Congress.

Mr. KELLER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I support this legislation because special education funding, teacher quality, and school safety will all go up while unnecessary paperwork requirements and frivolous lawsuits will go down. This is a good bill, and it deserves our support.

Mr. Speaker, as the only Member of Congress from Florida who serves on the Committee on Education and the Workforce and as one of only five House Republicans to serve on the IDEA Conference Committee, I wanted to learn firsthand about the key issues impacting our special education students. So I helped teach an elementary school education class in Orlando, Florida. I also met with high school special education teachers. And I invited the leading special education expert from my hometown, Orange County Public School System, Harriet Brown, to come and testify before Congress.

From this experience I learned three important things. First, I learned that special education teachers are forced to spend up to 2 hours a day completing paperwork instead of teaching.

Second, I learned that much of this paperwork is defensive in nature because of the fear and threat of frivolous lawsuits.

Third, I learned that there was a student who jeopardized the safety of a middle school in Orlando by bringing a gun to school, yet he could not be expelled for 1 year, which is the normal penalty, because he was an "exceptional education" student even though his disability had nothing to do with bringing the firearm to school.

I am pleased to say that all three of these problems have been fixed in this legislation. First, the paperwork reduction legislation I authored is specifically included in this bill. As a result, the Secretary of Education will now develop model forms which will streamline and reduce the paperwork volume, and 15 States will be free of various paperwork requirements under a new pilot program.

Second, to reduce lawsuits, attorneys' fees will now be awarded to the prevailing party, and if a lawsuit is determined to be frivolous, the lawyer that filed that suit will personally be responsible for paying the other side's costs. There will be a 2-year statute of limitations.

Third, a student who brings a gun to school can now be expelled for up to 1 year under the Gun Free Schools Act if his behavior was not directly caused by the disability.

Finally, Mr. Speaker, our investment in special education is now at the highest level in the history of the United

States. From 1995 until today, Congress has increased special education funding from $2.3 billion to $11.1 billion. That is an increase of $8.8 billion, or 383 percent.

Mr. Speaker, this legislation will dramatically improve the lives of disabled children in Orlando, Florida, and all across this Nation. I urge my colleagues to vote "yes."

Ms. WOOLSEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. KILDEE) who was head of this subcommittee when we first started talking about reauthorizing IDEA.

Mr. KILDEE. Mr. Speaker, I thank the gentlewoman for yielding me time. I also thank her for her excellent and her tireless work on this bill.

Mr. Speaker, I rise in support of the conference report. This legislation is a remarkable improvement over the House bill and deserves the support of us today. The bill represents a good compromise reflecting the views of schools, disability advocates and, most importantly, parents.

The bill protects the civil rights of children with disabilities in critical areas. The bill ensures compliance with IDEA's key provisions through a strong monitoring and enforcement system.

This system will lead States to fix problems before children with disabilities fail to receive a free appropriate public education.

This bill also makes IDEA work for all stakeholders: students, parents, teachers, school administrators, and school districts. First, the legislation provides new opportunities for parents and schools to address concerns before the need to file a lawsuit arises.

Second, the bill increases parental involvement in IEP meetings by allowing the use of teleconferencing, video conferencing, and other alternative means of participation.

Third, the legislation requires initial evaluations to occur within 60 days of referral, ensuring that children get the help they need. The conference report also provides fiscal relief for school districts. The bill allows school districts which are in compliance with IDEA to replace a portion of their local expenditures with Federal funding.

This will allow school districts to begin to realize the promise we made 30 years ago to provide the Federal share of special education costs. Most importantly, Mr. Speaker, the bill also improves discipline and ensures the safety of disabled and nondisabled children alike.

The bill requires schools to determine if a child's behavior was the result of their disability or poor implementation of their IEP when considering a disciplinary action. In addition, the bill prevents schools from placing children with disabilities in alternative placements for unlimited periods of time.

Despite its positive aspects, Mr. Speaker, the main failure of this legislation is that it does not immediately meet the promise of full funding of IDEA. We made this promise nearly 30 years ago and have consistently failed to meet it.

Soon we will have an appropriations bill on this floor, hopefully today, that will not even meet the levels we have authorized in this bill. While I support this conference report, we need to do a better job of living up to our promises. This bill puts us on that path; and I therefore urge that we pass it.

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. EHLERS), a member of the committee, a conferee, and one who feels passionately about this issue.

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding me time. I rise today in strong support of the Individuals With Disabilities Education Improvement Act conference report.

This excellent bipartisan agreement is a win for parents, teachers, schools and, most importantly, students with disabilities. I was pleased to be a part of the conference committee and would like to thank the gentleman from Ohio (Mr. BOEHNER); the subcommittee chairman, the gentleman from Delaware (Mr. CASTLE); and the ranking member, the gentleman from California (Mr. GEORGE MILLER), for their dedicated work in producing this bipartisan conference report. I particularly congratulate the gentleman from Ohio (Mr. BOEHNER) for his excellent work on No Child Left Behind and also on this bill.

This bill sets in motion important reforms that will help schools, parents, and teachers ensure that all students with disabilities receive a quality education. First, the conference report gives local schools more flexibility and greater financial control over special education funding. Although Congress has increased funding for special education by almost 400 percent in the past 10 years, bringing annual funding to $11.1 billion, the Federal Government is not yet meeting its goal of paying 40 percent of special education costs.

I am pleased that this bill puts us on the track to do that. Taxpayers within my district and throughout the Nation have had to make up the cost difference. Last year, voters in my district approved a special milage to raise millions in additional special education funding. I am very proud of my community for their willingness to provide extra funding for special education.

This new bill will help such communities as the Federal share of special education costs continues to increase. Communities will be allowed more flexibility in the way educational resources are spent by enabling schools to redirect a share of their own local resources for other educational purposes.

Next, while everyone involved in a child's education plays an important role, I would like to particularly commend the parents of students with disabilities. Throughout my career as an educator and as a Member of Congress, I have been struck by the dedication and active participation many of these parents have towards ensuring their children's success. I truly believe that children, and especially children with special needs, learn best when they have at least one parent who is actively involved in their education.

This conference report supports all parents by giving more opportunity for them to be active participants in their children's educational experience by expanding parental rights and options. For example, the conference report enables parents and school districts to agree to change the student's Individualized Education Plan, known as the IEP, without holding formal meetings as is required under current law. The bill also requires parents to select supplemental educational services for their children when they attend a school that is in need of improvement because students with disabilities are not making adequate yearly progress. Both of these are marked improvements over current law.

Finally, the conference report builds upon the sweeping education reforms of the No Child Left Behind Act and emphasizes academic results for children with special needs. For too many years, students with disabilities were allowed to fall between the cracks as they were left out of accountability systems.

This bill solves that problem, and I strongly encourage my colleagues to join me in voting for this bill.

Finally, the conference report builds upon the sweeping education reforms of the No Child Left Behind Act and emphasizes academic results for children with special needs. For too many years, students with disabilities were allowed to fall between the cracks as they were left out of accountability systems. Now, States and schools are being held accountable for ensuring that students with disabilities are indeed learning. The conference report strikes an important balance between accountability and flexibility by maintaining the No Child Left Behind requirement that all children be taught by highly qualified teachers, while providing some key flexibility for special education teachers who teach multiple subjects or teach only children with severe mental impairments.

I strongly support this excellent conference report and urge my colleagues to vote in favor of it.

Ms. WOOLSEY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY), a member of the full committee.

Mr. TIERNEY. Mr. Speaker, I thank the gentlewoman from California (Ms. WOOLSEY) for yielding me time and also for the excellent work she did on this bill. I also want to add my congratulations to the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. GEORGE MILLER), the gentleman from Delaware (Mr. CASTLE), as well as the gentlewoman from California (Ms. WOOLSEY) who did do a good job and who went to conference and brought back a bill that I believe is going to get great support in this House.

While the final proposed version of IDEA does not meet 100 percent of the things that I and my constituents might have wanted if left to our own drafting devices, it does reach a reasonable compromise; and for that reason I support it.

Back in April of 2003, I spoke against this bill in the House version of H.R. 1350. Subsequently, I urged adoption of the bill that was a lot closer to the Senate version and, in fact, in committee I joined a number of colleagues on various proposed amendments that would have moved the House bill in that direction if they had passed. They did not. Those amendments were close votes and, sadly, they were along party lines; but I am glad to say that the conference report essentially incorporates the provisions that we sought in committee with at least one notable exception and that is the funding.

The heart of IDEA lies in the protection of children with disabilities and the individualization of their education to account for those disabilities. Therefore, the conferees were, I believe, wise to retain language requiring a determination of whether misbehavior was a manifestation of a child's disability or not. That ensures that no child is unfairly punished for their disabilities.

In addition to improving the House's version of discipline provisions, the conference report improves the monitoring and enforcement aspects to ensure the States actually comply with the law. It worked a fair compromise on early intervention. It does a much better job than existing law in addressing transition services for older students, a task I believe that we are going to have to pick up in the Workforce Investment Act as we reauthorize it in 2005, and I understand that the gentleman from Ohio (Mr. BOEHNER) has expressed a similar desire.

It sets standards for highly qualified teachers and focuses the resources on their professional development and preparing them for this specialized field. While it does not satisfy everyone, it does work out a compromise on these families and students' civil rights. That is a significant improvement over the House version of this bill. .

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So the major issue still remaining, of course, is the funding. We did take the gentleman from Ohio's (Mr. LATOURETTE) bill and my bill, which would close a loophole. The Spending Integrity Act would close that loophole that otherwise would have let districts use up to 20 percent of additional funding for noneducational purposes, and this is important to close that, but we are still falling short in that mandatory full funding is not provided.

We have a commitment to reach that goal by 2011, and I hope that everybody who is involved in making that commitment will be just as vigorous in making sure that it becomes an actuality. But given last night's vote on once again raising the debt ceiling of this Nation another $800 billion and realizing that the budgets that have been proposed by this administration continually fall short, there is no assurance that that is going to be met. We have a lot of work to do to make sure we move in that direction.

We authorize and appropriate too little this year and presumably in future years. It is a serious problem that mars an otherwise reasonable compromise, but, Mr. Speaker, with that reservation in mind, I will vote for this conference report.

Again, I want to thank all of the constituents that worked on this bill with us, as well as all the people in the committee and the leaders in conference.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), a member of our committee.

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of the IDEA conference report. I want to thank the conferees and our chairman, the gentleman from Ohio (Mr. BOEHNER), for their hard work throughout this process.

I am also pleased that my report language to make IDEA consistent with McKinney-Vento provisions was included. This will go a long way in ensuring that homeless children with special needs get the services they need to succeed.

In order to create a more cooperative environment for special needs students, the conference report contains a number of badly needed reforms, all of which will help parents and teachers trust each other. When that happens, they can create the most positive environment for the children.

I would like to address the fears that some of my constituents had about the discipline provision. Many in the disability community were very concerned that children could be shut out of the educational process. We all agree that a child should not be punished for behavior that is the result of a disability, and the conference report requires schools to determine if this is the case. If a student is misbehaving and it is not due to his or her disability, school officials can discipline that child in the same manner they would any other child.

Schools are given the resources to deal with the most severe case of weapons possession, illegal drugs or severe bodily harm, but the legislation specifies that the students cannot be denied services. If a behavior is attributable to a student's disability, the student will get the support he needs so that his behavior does not become an impediment to his own learning or that of other classmates.

Special needs students have the right to the services they need, but other students have the right to learn in a safe environment.

The IDEA compromise is a commonsense approach to improving special education. The reforms will shift the focus onto students and their needs instead of on the legal process. At the same time, it protects the right of student and their families.

I am proud to support this legislation and urge my colleagues to do so as well.

Ms. WOOLSEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Georgia (Ms. MAJETTE), who is leaving the committee and who will be missed.

Ms. MAJETTE. Mr. Speaker, I thank the gentlewoman for yielding me time and for her leadership.

Mr. Speaker, I rise in support of the conference report on H.R. 1350, and I also rise to thank my colleagues and the leadership on both sides of the aisle, the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. GEORGE MILLER), the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Delaware (Mr. CASTLE) for their leadership.

I would like to thank the staff of the Committee on Education and the Workforce and for their hard work, as well as my staff, especially Dr. Michael Goodman, Ms. Michaeleen Crowell and Mr. Will Thomas.

It has been my honor and privilege to serve on the Committee on Education and the Workforce, and I am very pleased to support this conference report, the result of more than 2 years of hard work and one of the first items that came up on the agenda when I became a Member of this august body.

I would also like to thank the hardworking Members of the Georgia delegation from the committee, Mr. NORWOOD, Mr. GINGREY, Mr. BURNS and Mr. ISAKSON, who I know will continue to serve the interests of the great State of Georgia and children across the country.

I know that each and every one of us has been working as hard as we can in this endeavor, and it has been my honor and privilege to serve. I will miss all of my colleagues, and I urge all of them to continue to move towards full funding of IDEA.

Mr. BOEHNER. Mr. Speaker, how much time do we have remaining on both sides?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Ohio

(Mr. BOEHNER) has 9½ minutes remaining. The gentlewoman from California (Ms. WOOLSEY) has 6 minutes remaining.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE), a member of our committee, the coach.

Mr. OSBORNE. Mr. Speaker, it is a privilege to have a chance to speak in support of H.R. 1350. I am pleased that this bill has evolved into what appears to be a very bipartisan bill. I would like to thank the gentleman from Ohio (Chairman BOEHNER) and the gentleman from Delaware (Mr. CASTLE), chairman of the Subcommittee on Education Reform, and Members on the other side for all of their work.

There are three or four points that I would like to make that I think are particularly noteworthy regarding this bill.

First of all, it provides clear academic achievement goals for children with disabilities. In the past, once a child was identified as having a learning disability, oftentimes they were assigned to mediocrity, and there was no attempt to improve that child's learning situation.

Secondly, and maybe most importantly, it provides early intervention strategies to prevent children from being identified or misidentified as children with disabilities. If we get to children early enough with remedial help, many times children who would be labeled as disabled are simply not labeled as such and are able to be mainstreamed. Fifteen percent of the funds for IDEA are being used for this early intervention strategy, and I think that is critical.

Also, as the gentleman from Florida (Mr. KELLER) pointed out earlier, and I think this also is a very important point, the current legislation reduces paperwork related to IDEA which is particularly burdensome to teachers.

Also, this legislation clarifies what the term "highly qualified teacher" means. So often in Federal legislation we throw out a term and we do not specify what it is, and here we have a clear identification of what the term means.

Then, of course, lastly, I would mention the issue that comes up all the time when we talk to educators. That is, simply a lack of funding. People have locked onto the idea that 40 percent of the funding for IDEA was supposed to be Federal. It was authorized, and, of course, we have fallen far short of that. In 1995, IDEA was funded 6 percent federally. Today, it is 20 percent. So that is a remarkable increase, and we are on a 6-year path to meet the 40 percent funding.

So I urge support. It is a good bill, and I would like to thank those involved with authoring the bill.

Ms. WOOLSEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from San Diego, California (Mrs. DAVIS) and want to recognize her as one of the most informed members of our subcommittee.

Mrs. DAVIS of California. Mr. Speaker, I want to thank my colleagues for all their fine work on this reauthorization, and I rise in support of the Individuals with Disabilities Education Act of 2004 because I believe it will clarify and improve the support for students who have special needs.

Many of us, as my colleagues heard, are disappointed that this reauthorization does not respond to the congressional promises of 1975 by making funding for IDEA an entitlement. While the authorization language suggests that full funding will be met by 2011, the Labor-HHS bill, the appropriations bill for 2005, does not match this commitment. So we have to ask ourselves, will starting with a baby step get us to the finish line on time?

There were a number of aspects of the Senate bill that were incorporated in this, and I certainly support those, but I do want to point out that it does not include so many improvements which we had offered in the House bill that professionals who worked with special education students offered would clarify and streamline services, and I remain committed to providing the flexibility and common sense while assuring that a student's reasonable needs are met in a timely fashion with full participation and information for parents.

I was particularly concerned that responsibility for States to provide related services such as mental health for special needs children be clear. IDEA part B funds should be used for educational purposes, not to supplant State responsibilities. This is enormously important to my district and to California, and I appreciate the efforts of the gentleman from Ohio (Chairman BOEHNER) to work with me on this issue and of the Senate Members to provide the language.

I believe that this is, on balance, a bill with significant improvements, and I am certainly committed to monitoring its implementation so that we can continue to look for ways to see that our neediest students are served with dignity and meet with success.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. UPTON), a member of our committee.

Mr. UPTON. Mr. Speaker, I thank the gentleman for the time, and I commend him for his excellent work on getting things done on this vital issue.

Being one of the last speakers, I know a lot of things have been said about this bill. I do not want to take too much time to reiterate some of them, but let me tell my colleagues what this bipartisan agreement does.

It improves communications between parents and appropriate school personnel related to the development of the individual education plan.

It reduces the number of reevaluations required for students whose disability does not change as they age and progress through school.

They ensure that the Federal dollars for IDEA flow to the local districts and cannot be diverted for other State purposes. Very important.

Continues to send the majority of Federal funds to local school districts where children are served.

It protects parents from being forced to medicate their children.

The NCLB ensures, of course, that all children will be taught by highly qualified teachers. All children need to be taught by highly qualified teachers, and special education teachers are particularly in demand. To meet that goal, the NCLB is providing dramatic funding increases for teacher quality grants, and funds can be used for training and professional development specifically for special education teachers.

Two other things about this bill today that have not been said. The first is that it takes a major issue off the front burner as this committee works to help our kids in the next Congress so that we can focus on higher education and Head Start. This issue now is behind us, and to do it in the waning hour is a terrific accomplishment not only for the committee but for every Member, particularly my chairman.

For the gentleman from Ohio (Mr. BOEHNER), my chairman, this is always a very tough weekend for him. It is the weekend that the Wolverines beat the Ohio State Buckeyes, and he is usually in a very foul mood about four o'clock tomorrow afternoon. He will be very happy today with this passage, and I am sorry that he will be so unhappy tomorrow with the score put up on the board.

God bless the Wolverines.

Ms. WOOLSEY. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), a member of the full committee.

Mr. HOLT. Mr. Speaker, I thank the gentlewoman for the time, and I am pleased that the gentlewoman from California (Ms. WOOLSEY), the gentleman from California (Mr. GEORGE MILLER), the gentleman from Ohio (Mr. BOEHNER), the gentleman from Delaware (Mr. CASTLE) and the other conferees have succeeded in providing legislation that will help ensure the basic rights of children with disabilities to see that they get a free, excellent and appropriate education.

I still believe that we must work toward mandatory funding of IDEA. It appears this year in our appropriations we are going to slip farther away from our goal of providing 40 percent of the additional cost of educating these students. We need to work to provide a full Federal share of funding to educate these students.

I am pleased that the conference report removed a cap on the number of students that schools may identify as having a disability. The Federal Government should fulfill its obligation to provide for the education of every disabled child, not according to some arbitrary ceiling.

We all recognize the need for teachers to maintain discipline, but I am pleased to see that this legislation will continue to regard as relevant whether a child's disability is the cause of specific behavior before the discipline is brought to the child.

I strongly support the added protections for children who, through no fault of their own, move and change schools frequently so that their IEPs will transfer with them and be based and be used at the new school so that the parent and the new school can then work to develop a new IEP as appropriate.

I am pleased to see that the bill includes a provision related to educational media services which ensures visually impaired and print-disabled students will continue to have access to recorded education materials. IDEA funding received by organizations like Recording for the Blind and Dyslexic are critical to providing textbooks and reading material to students around the Nation.

I hope that in the future we will be able to work in a bipartisan manner on properly funding this legislation, but, while we work on that, I think this authorization bill provides a useful basis.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Ohio (Mr. REGULA), the dean of the Ohio delegation and the chairman of the Subcommittee on Labor, Health and Human Services, Education and Related Agencies, my good friend.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me time, and I certainly want to compliment the gentleman from Ohio (Chairman BOEHNER) and the gentleman from Delaware (Mr. CASTLE) for producing a good bill.

In our committee, we hear a lot of testimony from parents and educators about the importance of this legislation, of these programs, and we have done everything possible to increase the funding each year to ensure that every student that has a need gets a quality experience in the IDEA program.

One of the things that this bill strengthens is those features along with giving greater choice and control to parents and local school districts, and, therefore, it will ensure that we do meet the goal of recognizing the need of every student and respond to the educators and parents that testify in my committee about the importance of this to their child and to their school.

I compliment them again, all the Members that participated in the conference committee, for producing a good bill that we can all take pride in.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BOEHNER) has 4½ minutes remaining. The gentlewoman from California (Ms. WOOLSEY) has 1½ minutes remaining.

Ms. WOOLSEY. Mr. Speaker, could you tell me how much time we have remaining on this side?

The SPEAKER pro tempore. The gentlewoman from California (Ms. WOOLSEY) has 1½ minutes remaining.

Ms. WOOLSEY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS), the voice of our subcommittee, who represents Illinois.

Mr. DAVIS of Illinois. Mr. Speaker, I want to commend, first of all, the gentleman from Ohio (Chairman BOEHNER) and the gentleman from California (Ranking Member GEORGE MILLER), as well as the gentleman from Delaware (Chairman CASTLE) and the gentlewoman from California (Ranking Member WOOLSEY), for the tremendous leadership they have displayed in bringing us to this point.

There are many good features of this legislation, and one that I am most pleased with is the fact that the conference report deals seriously with the whole question of the fact that in many places there are disproportionate numbers of certain population groups who are being placed in special education, especially African American males. The conference report deals in a serious way with the issue. It allows and suggests that school districts deal with it and permits them to use some of the resources. This is a hotbed issue in many communities throughout the country.

I want to commend the conferees for dealing seriously with it. It is a good piece of legislation. It is a good bill, and I am proud to support it.

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Ms. WOOLSEY. Mr. Speaker, I yield ½ minute to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. BOEHNER. Mr. Speaker, I yield ½ minute to the gentleman from Rhode Island (Mr. LANGEVIN).

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 1 minute.

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman from Ohio (Mr. BOEHNER) and the gentlewoman from California (Ms. WOOLSEY) for yielding me this time, and I rise today in strong support of conference report H.R. 1350.

Mr. Speaker, I just want to take a moment to commend most especially the chairman of the committee, the gentleman from Ohio (Mr. BOEHNER), and the ranking member, the gentleman from California (Mr. GEORGE MILLER), as well as the members of the committee, for their leadership in bringing us to where we are today. Time and time again both the ranking member and the chairman have shown an extraordinary commitment to people with disabilities, most especially children with disabilities; and it is because of their strong leadership and the hard work of the committee that we are where we are today.

And how appropriate it is that on the 30th anniversary of the passage of the Individuals with Disabilities and Education Act that we are where we started in the sense that it was passed with bipartisan support when it was first passed, and we are again here today celebrating the 30th anniversary with bipartisan support once again.

Children with disabilities will benefit a great deal from the reauthorization of this act. They are faced with so many disadvantages in so many ways, but IDEA truly helps level the playing field for them and helps them truly reach for their goals and dreams. My congratulations to all those who worked so hard to bring us to this point.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, over the last 4 years that I have had the pleasure of chairing the Committee on Education and the Workforce, I think we have come an awful long way in terms of transforming the Federal role in education and trying to help all of our kids in our country get a chance at a good education. And I think we have been fortunate to be able to do almost all of this in a broad bipartisan way.

The bill before us today is the result of a lot of commitment and hard work on the part of Members on both sides of the aisle. And while we have heard an awful lot of talk about IDEA and how we are transforming it, I think there is one important point that continues to be lost on many people. When we passed No Child Left Behind, we created a new paradigm for how we are going to judge the education of our special-needs students.

By disaggregating data in four subgroups in each school, including those with special needs, what we have done is we have asked schools to focus on results for our special education students as opposed to being burdened with a lot of paperwork, dotting I's, crossing T's and worrying about lawsuits. Now schools are judged on the results that they produce for these children.

There was some resistance to this, of course, because we still have people in America who think that students with special needs cannot learn. But that is nonsense, and I think all of us understand that have worked on this that these children can learn, and should learn, and society and our country owe them an opportunity to learn.

So schools now are having to produce results. And as a result the Individuals

With Disabilities and Education Act itself had to be more integrated with No Child Left Behind, which we have done in this conference report; and we needed to take the shackles off of our local school administrators and teachers so that they could focus on producing results as opposed to dotting more I's and crossing more T's and having the burdens of paperwork and lawsuits coming at them.

So I am proud of the bill that we have before us. It is not exactly what I would do, certainly not exactly what the gentleman from California (Mr. GEORGE MILLER) or the gentlewoman from California (Ms. WOOLSEY) would want. But that brings me to my last point.

The Congress, over the last few years, the last several sessions, let us call it 5 years, 6 years, 8 years, has been gripped in an awful lot of partisan strife. And what we have shown on No Child Left Behind, what we have shown on the Child Nutrition Act reauthorization we had earlier this year, the Vote Rehabilitation Act, and again today on IDEA reauthorization is that we can in fact work together.

I really do want to thank my colleague, the gentleman from California (Mr. GEORGE MILLER), the ranking Democrat. He referred to us last night in the Committee on Rules as the political odd couple, and we are. I would describe myself as a mainstream conservative Republican, the gentleman from California I would describe as a liberal Democrat. Neither one of us is shy about our opinions. But there is an issue here that I think can help not only the progress in our own committee but the progress in this House, and that is to learn to trust one another.

The gentleman from California and I began this process, this journey, 4 years ago by developing a trust with each other. And while we may disagree on many issues every day, he and I both know that we can trust each other and trust our word. I went to the gentleman from California and I went to Senators TED KENNEDY and JUDD GREGG back in September. And as highly partisan as things were leading up to the election, I looked them in this eye and said we can do this. We can do this if we trust each other, all work together, and there is a small opening that we may actually be able to finish this bill this year.

The reason we are here today is because we did in fact trust one another. We worked together. And I think once again we have produced an example of what can occur in this House each and every day if we are willing to put our partisan differences aside once in a while and think about why we are here and the trust and responsibilities that the American people have given us in order to do their work and not ours.

I thank all my colleagues.

Ms. ESHOO. Mr. Speaker, I'm pleased to rise today in support of the conference report on H.R. 1350, the Improving Education Results for Children with Disabilities Act. While the bill before us is not perfect, it is a vast improvement from the bill the House passed over 19 months ago and represents a bipartisan effort to improve the Individuals with Disabilities Education Act (IDEA).

There does remain a glaring problem that has yet to be resolved with respect to IDEA. Congress has yet to fully fund IDEA at the 40-percent level that was the original promise Congress made almost 30 years ago. Without this funding, we will continue to overburden local school districts with costs of Federal mandates relative to special education programs. This is unfair.

Too often we fund education on the cheap—shortchanging title I, the No Child Left Behind Act, Pell Grants, the list goes on and on. We need to set an example by staying true to our word. Until Congress agrees to fulfill its 30-year promise to fund IDEA, we really can't say we're leaving no child behind.

In closing, I reiterate my support for the bill before us and remain hopeful that in the 109th Congress we will finally fully fund this important act.

Mrs. MALONEY. Mr. Speaker, I rise in support of this conference report for the Individual on the reauthorization of the Individuals with Disabilities Education Act, IDEA.

When the IDEA reauthorization passed the House in April, I voted against this bill because I was concerned that the House bill did not provide the assistance students with disabilities deserve and I had real concerns with the way the House bill sought to discipline disabled students.

Thankfully, the Conference Committee worked in a bipartisan manner and worked for what was best for our children with disabilities. I am pleased that this bill seeks to finally meet out funding goals by increasing authorization levels for grants to States. These new levels are set to fulfill our commitment of providing 40 percent of the national average of educating a child.

Even though I am pleased with a lot of what is contained in this conference report, I still have concerns about some of the provisions.

I don't want this bill to be the next "No Child Left Behind Act"—a bill that has great promise, but a bill that Congress and the President fails to fully fund. The gains in this reauthorization will be for naught unless this Congress backs up this bill with the appropriations necessary.

While changes have been made to the original House bill, we need to make sure that the Department of Education does the enforcement necessary to make sure students are not punished for behavior that is caused by their disability. I think we should all agree that under no circumstance should a child be punished for the behavior that has been caused by their disability.

This bill goes a long way to ensuring all students the education opportunities they deserve. I expect that this conference report will pass by a wide margin. I ask my colleagues to remember your vote today when it comes to actually appropriating funding for this bill. Today we make a commitment to disabled students across this country, let's not forget them during future votes on educational funding.

Mr. LANGEVIN. Mr. Speaker, I rise today to congratulate my colleagues on the bipartisan agreement on special education and in support of the conference report on H.R. 1350. This agreement is an example of what we can achieve when we place the interests of our Nation's children, parents, and teachers before politics. In particular, I want to note the leadership of Chairman BOEHNER and Ranking Member MILLER on this issue. On this bill, and several other pieces of legislation this year, they have been devoted advocates for children with disabilities.

The Individuals with Disabilities Education Act—known as IDEA—is a civil rights law. It establishes that every child has a right to a free and appropriate public education. As a nation, we have long held sacred the belief that education is a path to success, a way for any individual to rise above challenging circumstances and achieve his or her dreams. I can personally attest to the fact that this rings true in a special way for children with disabilities. Education is essential to leveling the playing field for children who face obstacles in life at an early age. By recognizing that they have contributions to make and dreams to fulfill, IDEA offers these children the hope and promise that they can become fully productive members of society.

For these reasons, it has been my top priority to preserve the philosophy behind IDEA and ensure that teachers and administrators are given the appropriate resources to carry out this law. I did not support the bill that came before the House of Representatives in the spring of 2003, because it failed to preserve safeguards for students with disabilities in instances where behavior problems may be a manifestation of their disability. I also felt strongly that clear standards for special education teachers must be established and enforced; as they have been for other teachers under No Child Left Behind. I felt that we could do better for our children with disabilities.

I am delighted that negotiations between the House and the Senate have resulted in a final product that does better. The conference report that we are voting on today represents compromises by both Republicans and Democrats; as such, it represents a clear willingness to work together toward a future where all children receive a high quality education in our Nation's public schools. This legislation maintains the protections for children with disabilities in the discipline process, reaffirms their right to due process, and recognizes that highly trained professionals make all the difference in providing an appropriate education for any student.

In the upcoming Congress, we will celebrate the 30th anniversary of IDEA. How appropriate that a law which began as a bipartisan agreement to commit federal resources to the educational needs of students with disabilities is being reauthorized today in such an atmosphere of cooperation between both parties.

We have made much progress in these last 30 years—the majority of children with disabilities are now being educated in their neighborhood schools in regular classrooms with their nondisabled peers, and college enrollments among individuals receiving IDEA services have sharply increased. We must continue to work to level the playing field for all students. It is my sincere hope that this collaborative spirit and commitment to children with disabilities is reflected in the appropriations process and future legislation that offers the promise of the American dream to our more vulnerable citizens. Let us take this reauthorization process to pave the way to ensuring the full funding of IDEA, giving schools and teachers the resources they need to meet the goals for each and every child in their classrooms.

I urge all my colleagues to support the conference report to H.R. 1350.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in support of this conference report to reauthorize the Individuals with Disabilities Education Act.

Let me at the outset thank Chairman BOEHNER, Subcommittee Chairman CASTLE, our ranking member, Mr. MILLER, and our subcommittee ranking member, Ms. WOOLSEY—along with our Senate colleagues, the rest of the conferees and their staff—for all of the hard work and long hours that went into producing this agreement today.

This is not a perfect bill. But it is a significant improvement over the House IDEA bill that I and most of my colleagues on this side of the aisle felt compelled to oppose in April 2003, and I believe it represents the best outcome that could reasonably have been expected in our current legislative environment.

In particular, I am pleased to see that this legislation restores some of the protections afforded to children with disabilities that the House-passed IDEA bill would have taken away. Moreover, I fully support the stepped-up monitoring and enforcement authority granted the Secretary of Education under this bill. And I believe the compromise reached with respect to certifying highly qualified special education teachers is a good one.

However, while the conference report adopts the Senate's 7-year authorization path to full funding, I remain concerned that the FY 2005 Omnibus Appropriations bill we will soon be considering will once again fall short of the $12.3 billion authorized to fund this critical law. This is the 30th year in a row we have failed to meet our IDEA funding obligations—a record I consider to be an enduring disgrace. For that reason, I believe more than ever that we should make IDEA funding mandatory and place it on a near term, certain path to completion.

Toward that end, the very first bill I introduced in the 108th Congress—the Keep Our Promises To America's Children and Teachers (PACT) Act—would have fully funded IDEA as well as the No Child Left Behind law. In the 109th Congress, I intend to make the Keep Our PACT Act the very first bill I introduce again, and I invite all of my colleagues to join with me in that effort.

Mr. BLUMENAUER. Mr. Speaker, the Reauthorization of Individuals with Disabilities Education Act conference report is an improvement on the current program. I have been committed to fulfilling the Federal Government's promise of funding at least 40 percent of the IDEA program like it was intended during its enactment in 1975. Even though this bill does not immediately do that, it will by 2011. I am glad Congress was able to work in a bipartisan manner for our children's future. I hope we all keep faith with the spirit of this legislation.

This legislation contains new opportunities to make the program work better for students, parents, teachers, and schools. It provides opportunities for parents and schools to address concerns before the need for due process hearings and fosters parental involvement in an Individual Education Plan. The conference report also provides quality service and instruction at all stages, from early childhood through high school.

Now it is up to the future Congresses to live up to the promises of this legislation and provide the funding to fulfill these programs.

Mr. GEORGE MILLER of California. Mr. Speaker, I also want to point out one oversight. A sentence in the Statement of Managers' language of the Conference Report that provided the explanation for the attorneys' fees language was inadvertently left out. By adding at Note 231 sections detailing the limited circumstances in which LEAs and SEAs can recover attorneys' fees, specifically Sections 615(i)(3)(B)(i)(II) and (III), the Conferees intend to codify the standards set forth in Christiansburg Garment Co. v. EEOC, 434 U.S. 412 (1978). According to Christiansburg, attorneys' fees may only be awarded to defendants in civil rights cases where the plaintiff's claims are frivolous, without foundation or brought in bad faith.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support H.R. 1350, the reauthorization of the Individuals with Disabilities Education Act. IDEA is a fundamental civil rights program that provides funds to states for the education of children with disabilities. As the world of education faces the challenge of leaving no child behind, this program takes on extra importance. Children with disabilities should have as much opportunity as any child to reach and even exceed their potential. However, since 1975, Congress has placed yet another unfunded mandate on local communities. Since IDEA became law, Congress has authorized spending of up to forty percent of the cost of the average per pupil expenditure on special education. We in Congress have failed to meet that commitment time after time. Fiscal Year 2004 meets 18.6 percent of that commitment, not even half of what we have promised. And this represents the highest percentage since the law was passed.

As a former teacher, member of a school board, State Senator, and now Congressman, I have heard for years from numerous local officials, school administrators, and teachers about the burden IDEA has placed on their budgets and their classrooms. Our communities are dedicated to meeting their moral obligation to provide an appropriate public education for children with disabilities, but they must face the difficult decisions of cutting nonessential school programs like arts, music, and sports or raising property taxes. They would not be faced with these decisions if the federal government lived up to its promises and obligations.

At the beginning of this Congress, I introduced legislation, H.R. 823, to fully fund IDEA now because we have abdicated our responsibility to fund this mandate for three decades. While I feel strongly that we should reach full funding sooner rather than later, I am pleased that H.R. 1350 provides a timeline towards full funding by 2011. However, I worry that the omnibus appropriations bill that we will be voting on later today will fail to meet the figure authorized for Fiscal year 2005 in the legislation we now debate. I hope the positive legislating that we partake in now will be remembered later today and in the coming years when IDEA funding is debated.

While we may focus on the financial impact of this legislation, it has many important educational and moral implications. It aims to improve the collaboration between parents, administrators, educators, and students to provide the best possible education. This legislation will help schools better identify students with disabilities and get help to them sooner. It reduces unnecessary paperwork for teachers so they can spend more time teaching and aims to cut down on litigation between parents and school districts with early, effective dispute resolution. The conferees wisely removed controversial discipline provisions from the House bill while still achieving the goal of improved and streamlined disciplinary procedures.

Yet, despite all the good provisions in this bill, the fact remains that Congress and the President have a moral obligation to live up to what has been promised and neglected for so long. Yet, once again, Congress and the President are neglecting their moral obligation to live up to their words.

In conclusion, Mr. Speaker, I hope this bill achieves its goal of improving special education and truly leaving no child behind. However, I am cynical that the goal of full funding will be reached in the timeline provided by this bill. You can be assured that IDEA will be on my mind later today when voting on the omnibus appropriations bill for Fiscal Year 2005 and that I will continue to be a strong advocate and a active voice for children with disabilities.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of the final version of this bill to renew the Individuals with Disabilities Education Act (IDEA).

As the only former State schools chief serving in Congress. I know firsthand the tremendous challenges facing our schools, teachers, parents and students when it comes to educating disabled children. This legislation includes a number of positive provisions that will help students with disabilities and the educators who serve them. Specifically, I am pleased that this final version of the bill will enhance the focus on professional development, early intervention, and paperwork reduction.

I commend my colleagues for working in a bipartisan manner, an all-too-infrequent-occurrence in this Congress, to achieve a consensus bill. No legislation is perfect, and this bill is no exception. Specifically, this falls short on making good on the promise of the Federal Government to fund 40 percent of the costs of educating disabled children. I will continue to make this effort a high priority in the next Congress.

Last year, I voted against the House version of H.R. 1350 because of its failure to improve current law regarding the education of disabled children. I again commend the conferees on this legislation for producing a final product worthy of support.

Mr. BOEHNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BOEHNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 397, nays 3, not voting 32, as follows:

[Roll No. 537]

YEAS—397

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—3

Flake
Garrett (NJ)
Paul

NOT VOTING—32

Berry
Cannon
Collins
Conyers
Cunningham
Dunn
Feeney
Frost
Gephardt
Hoeffel
Johnson, Sam
Kaptur
Kleczka
Lipinski
Matsui
McCarthy (NY)
McDermott
Meehan
Millender-McDonald
Murtha
Musgrave
Norwood
Quinn
Rahall
Rothman
Sanders
Saxton
Toomey
Velázquez
Weldon (PA)
Weller
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1149

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CUNNINGHAM. Mr. Speaker, I was unavoidably detained and was not present for rollcall vote 537, on agreeing to the Conference Report for H.R. 1350 to reauthorize the Individuals with Disabilities Education Act. Had I been present, I would have voted "yes."

Mrs. McCARTHY of New York. Mr. Speaker, on November 19, 2004, I missed rollcall vote No. 537 due to surgery. Rollcall vote 537 was on final passage of the conference report on H.R. 1350, the Individuals with Disabilities Education (IDEA) Improvement Act. Had I been present I would have voted "yes" on rollcall vote 537.

Mr. SAXTON. Mr. Speaker, on rollcall 537, adoption of the Conference Report on H.R. 1350, to authorize the Individuals with Disabilities Education Act, I was not present. I was attending the funeral of a fallen soldier. Had I been present, I would have voted "aye."

CORRECTING ENROLLMENT OF H.R. 1350, INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2004

Mr. BOEHNER. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 524) directing the Clerk of the House of Representatives to make certain corrections to the enrollment of H.R. 1350, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Ms. WOOLSEY. Mr. Speaker, reserving the right to object, although I do not intend to object, I yield to the gentleman for an explanation of his request.

Mr. BOEHNER. I thank my colleague for yielding. This concurrent resolution allows the Enrolling Clerk to make a technical correction to the conference report on H.R. 1350.

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 524

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) Modify section 674(c)(1)(D) of the Individuals with Disabilities Education Act, as amended by section 101 of the Individuals with Disabilities Education Improvement Act of 2004, by striking "and secondary schools" and inserting ", secondary schools, postsecondary schools, and graduate schools".

(2) Modify section 612(a)(14) of the Individuals with Disabilities Education Act, as amended by section 101 of the Individuals with Disabilities Education Improvement Act of 2004, by—

(A) redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following:

"(C) Qualifications for special education teachers.—The qualifications described in subparagraph (A) shall ensure that each person employed as a special education teacher in the State who teaches elementary school, middle school, or secondary school is highly qualified by the deadline established in section 1119(a)(2) of the Elementary and Secondary Education Act of 1965.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

AMERICAN HISTORY AND CIVICS EDUCATION ACT OF 2004

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5360) to authorize grants to establish academies for teachers and students of American history and civics, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American History and Civics Education Act of 2004".

SEC. 2. PRESIDENTIAL ACADEMIES FOR TEACHING OF AMERICAN HISTORY AND CIVICS; CONGRESSIONAL ACADEMIES FOR STUDENTS OF AMERICAN HISTORY AND CIVICS.

(a) Establishment.—The Secretary of Education (referred to in this Act as the "Secretary") may award not more than 12 grants, on a competitive basis—

(1) to entities to establish Presidential Academies for Teaching of American History and Civics that may offer workshops for both veteran and new teachers of American history and civics; and

(2) to entities to establish Congressional Academies for Students of American History and Civics.

(b) Application.—An entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(c) Demonstrated Expertise.—The Secretary shall require that each entity, to be eligible to receive a grant under this section, demonstrate expertise in historical methodology or the teaching of history.

(d) Available Funds.—To carry out this section, the Secretary may use any funds appropriated for fiscal year 2005 or any subsequent fiscal year to carry out part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241 et seq.).

SEC. 3. NATIONAL HISTORY DAY PROGRAM.

The Secretary may award grants to the National History Day Program for the purpose of continuing and expanding its activities to promote the study of history and improve instruction.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5360.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Today the House will consider H.R. 5360, the American History and Civics Education Act of 2004. This bill, which was introduced by my colleague from Mississippi (Mr. WICKER), is intended to support programs that will help raise student academic achievement by improving the knowledge, understanding and appreciation of American history and civics education for our Nation's teachers and students.

According to the 2001 National Assessment of Educational Progress assessment in United States history, 33 percent of students in grades 4 scored below basic, 36 percent of students in grade 8 scored below basic, and 57 percent of students in grade 12 scored below basic.

In addition, the data from the assessment revealed that 92 percent of students in grade 12 could not explain the most important cause of the Great Depression, 91 percent of students in grade 8 could not list two issues that were important in causing the Civil War, and 73 percent of the students in grade 4 could not identify the Constitution from among four choices as the document that contains the basic rules used to run the United States Government.

Accordingly, H.R. 5360 is designed to improve student academic achievement in American history and civics education by authorizing the Secretary of Education to use existing funds to award grants to entities to establish Presidential Academies for Teaching of American History and Civics to help strengthen the teaching skills and knowledge of teachers in American history and civics. H.R. 5360 also authorizes the use of existing funds at the Department of Education for Congressional Academies for Students of American History and Civics to help broaden secondary students' knowledge of American history and civics.

Finally, this legislation authorizes the Secretary to use existing funds to award grants to the National History Day program to promote the study of history and improve instruction. The purpose of H.R. 5360 is to help our Nation's students and teachers develop a deeper understanding and appreciation of American history and civics education. I urge my colleagues to support the legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this bill. Just as an aside, I would like to say, as a Member of Congress, if there is any subject I wish I had paid more attention to, it would have been American history. I support this bill, which improves history and civics education, primarily by funding workshops for history teachers. It recognizes the importance of teaching our children history and allows for Federal support for an effective and widely respected program, National History Day.

This bill creates both Presidential Academies for Teaching of American History and Civics and Congressional Academies for Students of American History and Civics. I am pleased that it will ensure that these are quality programs by ensuring that grants are awarded only to those who have demonstrated expertise in historical methodology or the teaching of history.

A very important feature of this legislation authorizes the Secretary of Education to award grants to the National History Day program, a highly successful, year-long national program that trains teachers and sponsors a national competition among junior high and high school students. They produce dramatic performances, imaginative exhibits, multimedia documentaries and research papers based on research related to an annual theme.

The National History Day program, which reaches 2 million people annually from nearly every State, teaches students important literacy skills and engages them in the use and understanding of museum and library resources. It inspires students to study local history and challenges them to expand their thinking and apply knowledge of local events to national and, at times, international issues. The program also teaches students to become technologically literate through the use of computer and Internet research methods and the use of technologically advanced applications in their presentations.

For more than 25 years, National History Day has used history to help students develop research, thinking and communication skills. I am pleased that this bill would help continue and expand its important activities.

All Americans benefit from a better understanding of history, and this bill is a positive step toward ensuring that future generations have the background and tools for appreciating history and applying those lessons to our daily lives.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Mississippi (Mr. WICKER), sponsor of this legislation in the House of Representatives, himself one who cares deeply about history.

Mr. WICKER. Mr. Speaker, I want to thank my friend from Delaware as well as my friend from California for their remarks so far in this debate. I also want to thank the chairman of the full committee, the gentleman from Ohio (Mr. BOEHNER), who, Mr. Speaker, has been enormously patient and helpful to me during this year-long effort to promote better knowledge of American history and civics. Thanks also goes to the ranking member of the full committee as well as the entire House leadership. I am very appreciative.

Mr. Speaker, we meet today in a Chamber that exhibits a magnificent portrait of George Washington just to my left. We meet at a location actually selected by George Washington, the father of our country. Just above the Speaker's podium is a profound quote from another of our distinguished patriots, Daniel Webster. We are governed today by rules promulgated in part by Thomas Jefferson, the author of the Declaration of Independence and another of our great founders.

In that atmosphere, Mr. Speaker, it is perhaps hard for us to imagine that not everyone in our country shares our appreciation for this great system of government and this wonderful tradition and history of freedom and independence that we have in America or has even a rudimentary knowledge of that great system of government. Yet, sadly, as I talk to my colleagues about this issue, they have observed the same thing as they travel around the country that I have: an appalling, even shocking, lack of knowledge about American history and our American system. This is particularly true among our young people.

Just a few facts, Mr. Speaker. Sixty-two percent of Americans today cannot name the three branches of the Federal Government. An examination was given to seniors in 55 of our Nation's top colleges and universities, including Brown, Harvard and Princeton. The exam contained 34 questions, multiple choice, testing a high school level of proficiency on American history. Some 81 percent of the seniors in these colleges received either a D or an F on these examinations. Seventy-five percent of our high school seniors are not proficient in American history and civics, and one-third lack even a basic knowledge of this subject matter.

Part of the reason for this, Mr. Speaker, is that the curriculum at these same 55 elite universities does not require an American history course for graduation and 78 percent require no history credit at all to graduate from the best colleges and universities in our land. As a result of this fact, over one-half of our high school history teachers received their college degrees in subjects other than history.

□ 1200

This is not their fault, Mr. Speaker. This is simply a fact which we are trying to address today.

Simply put, what this bill does, as my friend from Delaware stated, is to authorize the Secretary of Education to award competitive grants from existing funds for summer academies that would promote civics and history education. The grants would be available to colleges and universities, to museums, libraries, nonprofit organizations, some of which are already engaged in this type of activity, and other entities that can demonstrate the capability to enhance the subject matter.

The sessions for teachers would focus on new ideas and more creative ways to communicate the history and civics curriculum to students. It would not dictate a curriculum. Separate academies for students would provide a unique and more comprehensive look at the important subjects of civics and education.

I would say to the Members in closing, Mr. Speaker, that this legislation has the support of a wide spectrum of Americans, from Paul Weyrich and Bill Bennett on the right, to Senator TED KENNEDY at the other end of the political spectrum. I think it simply demonstrates this: that knowledge and understanding of America and Americanism really has no ideology.

I again express my thanks to the leadership of the committee and of House of Representatives, and I urge a "yes" vote on the bill.

Ms. WOOLSEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I urge support of the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 5360, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DIRECTING SECRETARY OF SENATE TO CORRECT ENROLLMENT OF S. 150

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 146) to direct the Secretary of the Senate to make corrections in the enrollment of the bill, S. 150.

The Clerk read as follows:

S. CON. RES. 146

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 150) to extend the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act, the Secretary of the Senate shall make the following corrections:

(1) Amend subsection (a) of section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note), as added by section 3 of the bill, to read as follows:

"(a) PRE-OCTOBER 1998 TAXES.—

"(1) IN GENERAL.—Section 1101(a) does not apply to a tax on Internet access that was generally imposed and actually enforced prior to October 1, 1998, if, before that date—

"(A) the tax was authorized by statute; and

"(B) either—

"(i) a provider of Internet access services had a reasonable opportunity to know, by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

"(ii) a State or political subdivision thereof generally collected such tax on charges for Internet access.

"(2) TERMINATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), this subsection shall not apply after November 1, 2007.

"(B) STATE TELECOMMUNICATIONS SERVICE TAX.—

"(i) DATE FOR TERMINATION.—This subsection shall not apply after November 1, 2006, with respect to a State telecommunications service tax described in clause (ii).

"(ii) DESCRIPTION OF TAX.—A State telecommunications service tax referred to in subclause (i) is a State tax—

"(I) enacted by State law on or after October 1, 1991, and imposing a tax on telecommunications service; and

"(II) applied to Internet access through administrative code or regulation issued on or after December 1, 2002.".

(2) Insert after section 6 of the bill the following:

SEC. 6A. EXCEPTION FOR TEXAS MUNICIPAL ACCESS LINE FEE.

The Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 6, is amended by adding at the end the following:

"SEC. 1109. EXCEPTION FOR TEXAS MUNICIPAL ACCESS LINE FEE.

"Nothing in this Act shall prohibit Texas or a political subdivision thereof from imposing or collecting the Texas municipal access line fee pursuant to Texas Local Govt. Code Ann. ch. 283 (Vernon 2005) and the definition of access line as determined by the Public Utility Commission of Texas in its 'Order Adopting Amendments to Section 26.465 As Approved At The February 13, 2003 Public Hearing', issued March 5, 2003, in Project No. 26412.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from North Carolina (Mr. WATT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. Con. Res. 146 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the enrolling resolution before us from the other body makes some modest, but important, changes to S. 150, a bill to extend the moratorium on Internet access taxes and multiple and discriminatory Internet taxes, which we will consider in a few minutes. When we move to that bill, I will describe the underlying legislation. For now I will just state that the changes made by this enrolling resolution are necessary in order for me to support passage of S. 150.

The most important change to S. 150 contained in the enrolling resolution is that it will apply the same moratorium on Internet access taxes to my home State of Wisconsin that applies to at least 40 other States. Beginning in November of 2006, the special grandfathered status enjoyed by Wisconsin since 1998 that allows the State to continue to tax Internet users will end, and my State like most every other State will have to abide by the Internet tax moratorium and stop taxing Wisconsinites' Internet service.

The House passed legislation reported by the Committee on the Judiciary, H.R. 49, that would have ended the special grandfathered status of all the 1998 States effective immediately.

The section of language added to S. 150 by this enrolling resolution affecting grandfathered taxation is intended to apply to all States that have imposed Internet access taxes via an administrative ruling made well after the 1998 moratorium was enacted that taxes Internet access as a telecommunications service. I find this type of ex post facto attempt to circumvent the general moratorium without new State legislative action to be offensive. However, out of the 1998 grandfathered States, I believe only Wisconsin's actions today meet the requisite objective criteria in this provision. Therefore, only Wisconsin will find its 1998 grandfather status revoked by this language.

The other change contained in the resolution adds a new section to the bill that would clarify that certain taxes and fees imposed by Texas municipalities are not included within the scope of the moratorium on Internet access and that such Texas municipalities could continue to collect franchising and right-of-way fees when telecommunications companies build infrastructure and use public rights of way. We believe that this provision clearly only applies to Texas.

Mr. Speaker, I urge Members to extend the Internet tax freedom once again to most of our citizens and join me in supporting this concurrent resolution and the underlying bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 146.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

INTERNET TAX NONDISCRIMINATION ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 150) to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

The Clerk read as follows:

S. 150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Tax Nondiscrimination Act".

SEC. 2. FOUR-YEAR EXTENSION OF INTERNET TAX MORATORIUM.

(a) IN GENERAL.—Subsection (a) of section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

"(a) MORATORIUM.—No State or political subdivision thereof may impose any of the following taxes during the period beginning November 1, 2003, and ending November 1, 2007:

"(1) Taxes on Internet access.

"(2) Multiple or discriminatory taxes on electronic commerce.".

(b) CONFORMING AMENDMENTS.—(1) Section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(2) Section 1104(10) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

"(10) TAX ON INTERNET ACCESS.—

"(A) IN GENERAL.—The term 'tax on Internet access' means a tax on Internet access, regardless of whether such tax is imposed on a provider of Internet access or a buyer of Internet access and regardless of the terminology used to describe the tax.

"(B) GENERAL EXCEPTION.—The term 'tax on Internet access' does not include a tax levied upon or measured by net income, capital stock, net worth, or property value.".

(3) Section 1104(2)(B)(i) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking "except with respect to a tax (on Internet access) that was generally imposed and actually enforced prior to October 1, 1998,".

(c) INTERNET ACCESS SERVICE; INTERNET ACCESS.—

(1) INTERNET ACCESS SERVICE.—Paragraph (3)(D) of section 1101(d) (as redesignated by subsection (b)(1) of this section) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking the second sentence and inserting "The term 'Internet access service' does not include telecommunications services, except to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access.".

(2) INTERNET ACCESS.—Section 1104(5) of that Act is amended by striking the second sentence and inserting "The term 'Internet access' does not include telecommunications services, except to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access.".

SEC. 3. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) by redesignating section 1104 as section 1105; and

(2) by inserting after section 1103 the following:

"SEC. 1104. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.

"(a) PRE-OCTOBER 1998 TAXES.—

"(1) IN GENERAL.—Section 1101(a) does not apply to a tax on Internet access that was generally imposed and actually enforced prior to October 1, 1998, if, before that date, the tax was authorized by statute and either—

"(A) a provider of Internet access services had a reasonable opportunity to know, by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

"(B) a State or political subdivision thereof generally collected such tax on charges for Internet access.

"(2) TERMINATION.—This subsection shall not apply after November 1, 2007.

"(b) PRE-NOVEMBER 2003 TAXES.—

"(1) IN GENERAL.—Section 1101(a) does not apply to a tax on Internet access that was generally imposed and actually enforced as of November 1, 2003, if, as of that date, the tax was authorized by statute and—

"(A) a provider of Internet access services had a reasonable opportunity to know by virtue of a public rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; and

"(B) a State or political subdivision thereof generally collected such tax on charges for Internet access.

"(2) TERMINATION.—This subsection shall not apply after November 1, 2005.".

SEC. 4. ACCOUNTING RULE.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:

"SEC. 1106. ACCOUNTING RULE.

"(a) IN GENERAL.—If charges for Internet access are aggregated with and not separately stated from charges for telecommunications services or other charges that are subject to taxation, then the charges for Internet access may be subject to taxation unless the Internet access provider can reasonably identify the charges for Internet access from its books and records kept in the regular course of business.

"(b) DEFINITIONS.—In this section:

"(1) CHARGES FOR INTERNET ACCESS.—The term 'charges for Internet access' means all charges for Internet access as defined in section 1105(5).

"(2) CHARGES FOR TELECOMMUNICATIONS SERVICES.—The term 'charges for telecommunications services' means all charges for telecommunications services, except to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access.".

SEC. 5. EFFECT ON OTHER LAWS.

The Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 4, is amended by adding at the end the following:

"SEC. 1107. EFFECT ON OTHER LAWS.

"(a) UNIVERSAL SERVICE.—Nothing in this Act shall prevent the imposition or collection of any fees or charges used to preserve and advance Federal universal service or similar State programs—

"(1) authorized by section 254 of the Communications Act of 1934 (47 U.S.C. 254); or

"(2) in effect on February 8, 1996.

"(b) 911 AND E-911 SERVICES.—Nothing in this Act shall prevent the imposition or collection, on a service used for access to 911 or E-911 services, of any fee or charge specifically designated or presented as dedicated by a State or political subdivision thereof for the support of 911 or E-911 services if no portion of the revenue derived from such fee or charge is obligated or expended for any purpose other than support of 911 or E-911 services.

"(c) NON-TAX REGULATORY PROCEEDINGS.—Nothing in this Act shall be construed to affect any Federal or State regulatory proceeding that is not related to taxation.".

SEC. 6. EXCEPTION FOR VOICE AND OTHER SERVICES OVER THE INTERNET.

The Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 5, is amended by adding at the end the following:

"SEC. 1108. EXCEPTION FOR VOICE SERVICES OVER THE INTERNET.

"Nothing in this Act shall be construed to affect the imposition of tax on a charge for voice or similar service utilizing Internet Protocol or any successor protocol. This section shall not apply to any services that are incidental to Internet access, such as voice-capable e-mail or instant messaging.".

SEC. 7. GAO STUDY OF EFFECTS OF INTERNET TAX MORATORIUM ON STATE AND LOCAL GOVERNMENTS AND ON BROADBAND DEPLOYMENT.

The Comptroller General shall conduct a study of the impact of the Internet tax moratorium, including its effects on the revenues of State and local governments and on the deployment and adoption of broadband technologies for Internet access throughout the United States, including the impact of the Internet Tax Freedom Act (47 U.S.C. 151 note) on build-out of broadband technology resources in rural under served areas of the country. The study shall compare deployment and adoption rates in States that tax broadband Internet access service with States that do not tax such service, and take into account other factors to determine whether the Internet Tax Freedom Act has had an impact on the deployment or adoption of broadband Internet access services. The Comptroller General shall report the findings, conclusions, and any recommendations from the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce no later than November 1, 2005.

SEC. 8. EFFECTIVE DATE.

The amendments made by this Act take effect on November 1, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from North Carolina (Mr. WATT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 150, the Senate bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 150, the Internet Tax Nondiscrimination Act.

In 1998, Congress passed the Internet Tax Freedom Act to protect the Internet from crippling taxation and piecemeal regulation. The act prohibited States from imposing multiple and discriminatory taxes on electronic commerce and shielded consumers from new Internet access taxes. However, some States that had already begun taxing on Internet access by 1998 were allowed to continue such taxation temporarily.

During the 107th Congress, we extended the moratorium until November 1, 2003. On July 24, 2003, well before the November expiration deadline, the House Committee on the Judiciary reported H.R. 49, the Internet Tax Nondiscrimination Act. Introduced by the gentleman from California (Mr. COX), H.R. 49 made permanent the ban on taxes that targeted the Internet for discriminatory treatment and immediately ended all taxes on Internet access by all States and localities.

Unlike the Senate bill, H.R. 49 also eliminated the so-called grandfather clause for States that taxed Internet access prior to October 1, 1998; and through a bipartisan amendment offered in subcommittee by the gentleman from Utah (Mr. CANNON) and the gentleman from North Carolina (Mr. WATT), the House bill preserved the original intent of the law by not punishing broadband users, then providing tax freedom for all forms of Internet access, whether by dial-up, cable, or DSL line. H.R. 49 passed the House by voice vote on September 17, 2003. Unfortunately, the other body was unable to pass legislation extending the moratorium until April 29, 2004, 6 months after the moratorium expires.

The Senate bill differs from H.R. 49 in several ways. First, rather than a permanent moratorium, it creates a temporary 4-year moratorium on Internet access taxes running retroactively from November 1, 2003, until November 1, 2007. Secondly, it extends the 1998 grandfather clause for the life of the moratorium so that all those States currently taxing Internet access will continue to do so with the one notable exception of Wisconsin, which I already addressed fully when we considered the related enrolling resolution.

□ 1215

Third, it creates a new, 2-year grandfather clause for States that tax Internet access after the expiration of the moratorium.

Despite these weaknesses which I believe to be substantial, passing the Senate bill extending the Internet tax moratorium is still a big win for the vast majority of American Internet users. Without any action by this Congress, Internet commerce would still be subject to State and local taxes in thousands of jurisdictions. The digital economy and its participants are more vulnerable if we do not act, even if we must act on a weaker bill.

For those reasons I support passage of S. 150, which will extend the benefits of the moratorium until 2007.

At this time, let me put everyone on notice that in the next Congress, even though the moratorium does not expire during the life of the 109th Congress, I will attempt, once again, to make this moratorium permanent so that no State, when it puts together its budget in January of 2007, will fall into the trap of counting Internet access taxes as revenue.

The bill, together with the enrolling resolution just passed, will at least temporarily protect against those States and localities taxing our e-mail and taxing Web service. The extension of the moratorium will help vitalize the Internet economy, provide tax relief to consumers no matter how they get their Internet access, and will stimulate equal access to this increasingly important medium. I will continue to assess future avenues that will promote greater Internet access at higher speeds and at less cost for all Americans. Let everybody be on notice that that is going to happen sooner rather than later.

For now, I urge my colleagues to join me in supporting S. 150 and making the Internet a less taxing and more productive experience.

Mr. Speaker, I reserve the balance of my time.

Mr. WATT. Mr. Speaker, I yield myself such time as I may consume, which will be a very short amount of time, just to make two points.

Number one, the chairman of my committee and I have served so long together that he did not even flinch when I was debating a bill that I thought was all part of one big parcel, because he has seen me many times debate something that we were not discussing in committee, so it did not come as any surprise to him at all. He did not even flinch.

So I think on that what I will do is roll the statement that I read on S. 150 into this debate. That was the discussion on the last bill. I thought we were doing this, all this part and parcel of one big bill here, rather than in two stages. So I hope I can just roll that last statement on to this debate and save myself from having to read it again.

Second, I would just say to the gentleman on his "do not surprise us in the next Congress" that I think there has been a long-term agreement and commitment to making the Internet exempt from taxation a permanent moratorium. The thing that has held that up is that, at the same time, States and local governments have wanted to work out a national uniform system for taxing remote sales that take place over the Internet so that they do not lose substantial revenues from that source. So I think if we could come up with a system to put into place some uniform standards for taxation of remote sales over the Internet, making the moratorium on Internet access would be a no-brainer and a very noncontroversial step.

So I would hope that I would be able to join the chairman of the full committee in supporting a permanent moratorium on Internet access taxes, but I would be able to do that only if we can work out this other deal having to do with putting in place a taxation system for taxation of remote sales that are taking place over the Internet.

Because what is happening now is that brick and mortar retailers in all of our communities are collecting sales taxes on sales that are taking place in those brick and mortar stores and, at the same time, people are able to buy over the Internet the same product and be exempt from paying taxes on it because there is no uniform way for collecting those taxes at remote locations. That is costing local governments and State governments in some cases enormous amounts of tax revenues, because most of them are supported by sales taxes or local property taxes, and this is eroding a primary base of tax income for local communities and State communities.

So if we can get that part of this equation worked out, I think the chairman would see a virtual landslide of support for making the moratorium on Internet access a permanent moratorium, and I would be right in the lead of the march with my chairman, and I hope he will join us in trying to make that happen in the next term of Congress.

Mr. WATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 150, the Internet Tax Nondiscrimination Act, and urge my colleagues to support its passage. It has been a long journey to get here, but I believe that the compromise forged in the Senate preserves the goals we sought here in the House both at the subcommittee and full committee levels.

Specifically, S. 150 extends the existing moratorium against taxes on Internet access by all State and local governments, including those that were previously grandfathered by the Internet Tax Freedom Act, and there is a new grandfather for States that imposed taxes on access to the Internet until November 1, 2005. Although this bill will necessarily result in the potential loss of some revenue to some States, it will promote the continued development, emergence, and widespread access to the Internet; and it will do so in a fair and technologically neutral manner.

During the proceedings on this bill in the House, I, together with the gentleman from Utah (Mr. CANNON), the chairman of the Subcommittee on Commercial and Administrative Law, on which I am the ranking member, offered an amendment to help clarify the meaning of Internet access and to put an end to the current confusion that has led to discriminatory and inconsistent State taxation on Internet access. The bill before us today represents a compromise on that amendment which is supported by the relevant stakeholders, including the industry and the State and local government representatives.

The principle I pursued in offering the amendment was simple: If we are to prohibit taxes on Internet access, we must do so regardless of how that access is provided. Otherwise, we would give a competitive advantage to those providers covered by the moratorium over those providers that remain subject to taxation. This would limit the choices of consumers and raise the cost of alternative means of accessing the Internet such as DSL. By making the moratorium applicable to all Internet service providers, we have created a level playing field for the consumer. In the process, we have had no intention to otherwise undermine State and local telecommunications tax bases.

With this issue now behind us if we pass this bill, this Congress must turn to the issue of State sales and use taxes. I, along with the gentleman from Massachusetts (Mr. DELAHUNT) and other colleagues on our subcommittee, have insisted throughout our deliberations to ban Internet access taxes that we remain mindful of the fiscal crisis currently confronting many of our States. Toward that end, the States' attempt to establish a unified tax system that would enable them to impose and collect sales taxes on transactions over the Internet in a manner that is fair and manageable has progressed; and I believe that during the next term of Congress we will be able to work toward a sensible solution to solve the remote sales tax issue when remote sales are taking place over the Internet.

In closing, I believe that S. 150 will ensure that the ban on Internet access taxes is neutral as to technology, speed, and provider. I urge my colleagues to vote in favor of this bill.

I thank the gentleman for his hard work on this and certainly thank the gentleman from Utah (Mr. CANNON), my subcommittee Chair, in his absence, for the tremendous amount of work he has put into this issue.

Mr. Speaker, I have no further requests for time either on S. Con. Res. 146, which I thought I was debating the last time, or on S. 150, which I understand we are debating now, so I will be happy, unless the chairman wants to promise me he is going to work with me on this remote sales tax issue and wants to have a dialogue about that, I am happy to yield back the balance of my time, or yield to the chairman if he wants to comment on it.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker. I yield myself 15 seconds to say that access taxes and remote sales tax collections are two separate issues. It is like apples and oranges, and when you mix apple juice and orange juice in the same concoction, frequently it is not very tasty. But we will deal with both of those issues and consider them in the next Congress.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. COX), the author of H.R. 49.

Mr. COX. Mr. Speaker, I thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and thanks also to the gentleman from Michigan (Ranking Member CONYERS) for the Committee on the Judiciary's staunch leadership on this issue. Special thanks also to the chairman of the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary, the gentleman from Utah (Mr. CANNON), and, of course, to the Ranking Member, the gentleman from North Carolina (Mr. WATT), the author of a critical amendment to this bill which makes it explicit that the Internet tax moratorium provides consumers with tax freedom from all forms of Internet access, regardless of the technology, wired or wireless, broadband or dial-up, or any pathway yet to be invented.

While I am proud to be the author of the Internet Tax Freedom Act, which created the Internet tax moratorium in 1998, and the Internet Tax Nondiscrimination Act, which passed this Congress unanimously last year, this is the work of a great bipartisan team led on the Senate side by GEORGE ALLEN of Virginia and my original moratorium coauthor, who was then a member of the House, RON WYDEN of Oregon, and by President Bush who urged this Congress to extend this most valuable of consumer protections from taxation.

Republicans and Democrats have come together to say that, no matter how we might choose to fund government services, we all agree that the worst way to do it would be to create new taxes on the Internet. That would be harmful to consumers, destructive to technological innovation, and bad for our economy.

The case for allowing Internet access to remain tax-free has never been stronger. With 200 million Americans now online, a new tax on access would be a tax on working families. Our citizens recognize the danger. Eighty-eight percent of Americans oppose new Internet access taxes. So one might say that this legislation, the Internet Tax Freedom Act and the Internet Nondiscrimination Act, this moratorium, are the most popular tax issues in America.

New Internet taxes would also be highly destructive to the American economy. Studies from the Brookings Institution, the University of California, Harvard, Stanford, MIT, the Congressional Budget Office, the Department of Commerce, and the Federal Reserve all confirm the positive role of the Internet in making Americans more productive. New taxes can only slow this valuable and powerful engine of our economy and job growth, productivity and prosperity in America.

Finally, Mr. Speaker, the United States of America needs to regain world leadership in encouraging other countries around the world to keep taxes off of the World Wide Web. The Internet is truly global commerce. The original Internet Tax Freedom Act instructed the executive branch to negotiate bilateral understandings with other countries, and our executive branch has done so. During the period of time when this moratorium was expired, America could hardly lead when our own policy was not clear that we forbid taxation of the Internet. Now we are back where we belong in our role of world leadership, and the Bush administration can once again resume with confidence negotiations with other countries to make sure that when we go online it is not just other foreign states that will not be taxing you, your Internet activities will not be prey to predatory tax policies from other countries as well.

Mr. Speaker, I urge all Members to vote yes on this excellent legislation, S. 150, and yes on the enrolling resolution. I thank the chairman for this great success for consumers.

Mr. WATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to assure the gentleman from California (Mr. COX) that he did not really say anything that I disagree with. Neither did the chairman say anything that I disagree with.

I agree that taxation of Internet access and taxation of remote sales are like apples and oranges. But both of them have economic impact on State and local communities, and just because they are apples and oranges does not mean that they do not have an economic impact. So what has been keeping this from moving forward is that if you take away the Internet access issue and you do not resolve the remote sales issue, then local and State communities are being doubly impacted in some cases, and they would like us to resolve both of those issues. They do not necessarily want us to mix orange juice and apple juice together, but they do want us to be able to drink apple juice at one point and drink orange juice at the other point, and they are not mutually exclusive, and they have a similar impact in local communities.

So I am in full agreement that we ought to make this moratorium permanent on Internet access. I am supporting both of these bills, and I do not think there is any controversy about that.

My only point is we also need to now roll up our sleeves in this next term of Congress and resolve the remote sales tax issue so that we can put all of this to rest, and then we can drink both apple juice and orange juice and enjoy both of them in due course.

Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

Mr. PICKERING. Mr. Speaker, I rise today for two reasons: First, to support S. 150, "The Internet Tax Nondiscrimination Act," and, second, to clarify a mischaracterization of a provision of S. 150 that has appeared in the media and perhaps in the minds of some of my colleagues concerning the affect of S. 150 on Voice over Internet Protocol or VoIP.

First, I support passage of S. 150 and commend my colleagues in both the House and the Senate for working vigorously to forge a compromise that addresses, albeit in a temporary fashion, the most important issue we face today concerning what's been termed the "digital divide"—bridging the gap between those who have Internet access and those who do not by protecting such access for all Americans from overburdensome taxation by a multiplicity of State and local governments that would directly and substantially inhibit the growth and expansion of this still relatively young technology. This bill extends until November 2007 the current moratorium that prohibits States, or their political subdivisions, from taxing Internet access or imposing multiple or discriminatory taxes on electronic commerce. Both houses of Congress also compromised on the treatment of States who had been taxing Internet access even before 1998 when Congress passed the Internet Tax Freedom Act. The grandfathered status of those States to continue taxation of Internet access will be extended for 3 more years under S. 150. While I support the compromise we are voting on today because it accomplishes our intent to prohibit State and local taxation of Internet access in the interim, I still firmly believe that we should permanently prohibit State taxation of Internet access in the future. However, I do look forward to working with our State, county, and city leaders in the future to address the broader issue of taxation of goods and services over the Internet. Everyone recognizes that the Internet knows no borders, domestically or globally, and we should treat it as such by permanently prohibiting an estimated 30,000 different jurisdictions nationwide from imposing taxes on Internet access and stifling this innovative technology that has become not only a useful informational, educational, and recreational technology for most Americans but also an economical necessity for our business community.

Second, and more importantly for my purposes as the lead sponsor in the House of H.R. 4129, the "VoIP Regulatory Freedom Act of 2004," S. 150 as passed by the Senate contains a provision specifying that Voice-over-Internet-Protocol ("VoIP") services are not covered by the moratorium. That provision states:

> **SEC. 1108. EXCEPTION FOR VOICE SERVICES OVER THE INTERNET.**
>
> Nothing in this Act shall be construed to affect the imposition of tax on a charge for voice or similar service utilizing Internet Protocol or any successor protocol. This section shall not apply to any services that are incidental to Internet access, such as voice-capable e-mail or instant messaging.

While it has been misreported in the media and possibly misconstrued by others that this provision somehow specifically authorizes or requires the taxation of VoIP by States, nothing could be farther from the truth. This exception merely provides that the moratorium makes no inference as to the tax treatment of voice services provided over the Internet. Even Senator PATRICK LEAHY, Ranking Member of the Senate Judiciary Committee, has acknowledged the same when he stated during debate of S. 150 on the Senate floor on April 29, 2004, that "the McCain amendment [S. 150] . . . does not affect the emerging technology of Voice over Internet Protocol, VoIP." This provision does not authorize State and local governments to impose a tax on customers or require the collection of the tax by vendors. Nor does it provide that state and local taxes currently apply to VoIP services. Whether these services meet the definition of taxable telecommunications or other services under state and local statutes is a question of law and will be determined at a future date by Congress.

VoIP services as transactions in electronic commerce should not be burdened by the multiple and discriminatory taxes that States and localities currently apply to telecommunications services. The Federal Communications Commission (FCC) has recently ruled that VoIP is inextricably interstate by its very nature and therefore States are specifically prevented from regulating the type of VoIP provided by Vonage Holdings Corporation. However, the FCC specifically expressed no opinion on the applicability of State general laws governing entities conducting business within the State, such as laws concerning taxation, to VoIP providers. The FCC's decision, however, has ensured an environment in which VoIP can develop, prosper and grow to provide more choices for consumers and a more competitive communications industry. The FCC's decision also has ensured a greater degree of market certainty, will encourage investment, will create jobs and will prevent a misguided approach to regulating VoIP. The drafters of S. 150 had the same intent and goals in mind. In the House, 61 members joined me in sending a letter to the FCC on October 5, 2004, calling on the Commission to rule that VoIP is an interstate application and thus subject to FCC jurisdiction. The letter, signed by a bipartisan majority of the House Energy and Commerce Committee, urged a ruling that VoIP is interstate in nature and subject to the Commission's exclusive jurisdiction.

I mention all this to make the point that, because S. 150 does not determine the taxable treatment of VoIP, the issue will be dealt with in the near future in Congress where I believe, based upon the facts and goals espoused above, that a majority of both houses will agree that taxation and regulation of VoIP, if any, should be left to the Federal Government. To avoid any confusion for the future, our approval of S. 150 today does not in any way imply any support for taxation of VoIP by the States or the Federal Government. The provision was merely inserted to clarify that the moratorium does not make a decision concerning the taxability of VoIP.

Again, thanks to all those involved in this great legislative accomplishment and I look forward to working with my colleagues here in Congress to address the issues of VoIP and taxation in the near future.

Mr. SMITH of Texas. Mr. Speaker, I support S. 150, the Internet Tax and Nondiscrimination Act.

This legislation would reinstate the moratorium on Internet access taxation and multiple or discriminatory taxes on electronic commerce for three years.

Internet commerce is still relatively new and has yet to reach its full potential. The imposition of taxes would threaten the future growth of e-commerce and would discourage companies from using the Internet to conduct business. Internet taxation would create regional and international barriers to global trade.

The Internet is also a major source of information and resources for many individuals and families. Taxes could make Internet access unaffordable for some Americans. Our goal should be to encourage and promote Internet access.

Americans should be able to access the Internet without being subject to state and local taxes.

□ 1230

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 150.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE BOY SCOUTS OF AMERICA FOR PUBLIC SERVICES PERFORMED ACROSS THE UNITED STATES

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 853) recognizing the Boy Scouts of America for the public service the organization performs for neighborhoods and communities across the United States.

The Clerk read as follows:

H. RES. 853

Whereas the Boy Scouts of America is one of the leading volunteer youth movements in the United States, serving more than 4,700,000 young people with the support of 1,200,000 volunteer adult leaders;

Whereas the Boy Scouts of America was incorporated on February 8, 1910, and recognized by Federal charter on June 15, 1916, to provide an educational program for youth to build character, train in the responsibilities of participatory citizenship, and develop personal fitness;

Whereas the Boy Scouts of America teaches the core values of duty to God and country, personal honor, respect for the beliefs of others, volunteerism, and the value of service and doing a "good turn" daily, principles which are conducive to good character, citizenship, and health; and

Whereas during the 95-year history of the Boy Scouts of America, the organization has partnered with the Salvation Army, Habitat for Humanity International, the American Red Cross, and thousands of other community and civic organizations to address critical issues facing communities in the United States, including the problems of hunger, inadequate housing, and poor health and youth obesity: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the Boy Scouts of America for the public service the organization performs for neighborhoods and communities across the United States; and

(2) commends the Boy Scouts of America for the Good Turn for America program and the work the organization has accomplished while partnering with the Salvation Army, Habitat for Humanity International, the American Red Cross, and thousands of other community and civic organizations across the United States to address critical issues facing communities in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 853.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 853, recognizing the Boy Scouts of America for the public service the organization performs for neighborhoods and communities across the United States.

Despite the widespread respect the Boy Scouts of America have earned over their long history, the Boy Scouts have been and continue to be the targets of strident legal attacks simply because religious faith is part of the scouting program.

The purpose of the Boy Scouts of America, incorporated on February 8, 1910, and chartered by this Congress in 1916, is to provide an educational program for boys and young adults to build character, to train in the responsibilities of citizenship, and to develop personal fitness. The community-based organizations receive national charters they use to integrate the Scouting program into their own youth work.

These groups, which have goals compatible with those of the Boy Scouts of America, include religious, educational, civil, fraternal, business and labor organizations; governmental bodies; corporations; professional associations; and citizens' groups.

Several Presidents of the United States, including John F. Kennedy and Gerald R. Ford, have been ex-Scouts. Of the 108th Congress, 264 Members, nearly half the entire congressional membership, participated in Scouting. Membership in the Scouts since 1910 totals more than 110 million. As of December 31, 2003, the Boy Scouts of America included 3.2 million youth members and 1.2 million adult members.

The Scout Law sets forth 12 guiding principles, providing that a Scout is "trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent." With regard to the final principle, the Scout Law says, "A Scout is reverent. A Scout is reverent toward God. He is faithful in his religious duties. He respects the beliefs of others." All Boy Scouts must know and subscribe to the Scout Oath and Law, which embodies not only the ideals of Scouting but also those of our great Nation.

While many religious organizations charter Scouting units, Boy Scouts of America prohibits them from requiring boys who belong to other denominations or faith to take part in or observe their religious ceremonies. Rather, the Boy Scouts of America encourages its youth members to practice their religious beliefs as directed by their parents and their spiritual advisors.

In Boy Scouts of America vs. Dale, the Supreme Court held that "during the time spent with the youth members, the scoutmasters and assistant scoutmasters inculcate them with the Boy Scouts' values, both expressly and by example. It seems indisputable that an association that seeks to transmit such a system of values engages in expressive activity."

Whenever the Boy Scouts are singled out for unfavorable treatment because of their viewpoint, very serious constitutional issues are raised. And this Congress will do everything in its power to uphold the Boy Scouts' constitutional rights.

Despite affirmation of the Scouts' first amendment right of expressive association by the Supreme Court in the Dale case, the Boy Scouts have been attacked on a variety of legal fronts.

In 1999 the American Civil Liberties Union filed suit against the United States Department of Defense, the United States Department of Housing and Urban Development, and the Chicago School Reform Board of Trustees claiming that governmental support of the Boy Scouts violates the establishments clause because the Boy Scouts require a belief in God as a condition of membership. This lawsuit seeks to remove virtually all government support of the Boy Scouts of America.

Additionally, though the Supreme Court affirmed the Scouts' freedom of expressive association in the context of setting membership standards, the Scouts have been excluded from participating in Connecticut's charitable giving program for choosing to express this right.

The Scouts are also under attack in the city of San Diego. For decades the Scouts have used San Diego park property pursuant to a lease agreement with the city. However, the use of this property is currently in jeopardy due to claims by activist groups that the Scouts' use of the property violates the establishment clause.

The Scouts have also had to fight for equal access to school facilities for after-hour use. Shortly after the Supreme Court's decision in Dale, the Broward County School Board in Florida unanimously voted to exclude the Boy Scouts of America from utilizing school facilities for after-school use simply because of the Boy Scouts' religious principles, even though, for many years prior to this, the local arm of the Scouts had enjoyed the after-hours use of many Broward school facilities and numerous other organizations continued to use the school facilities.

Throughout the history of the Boy Scouts of America, the Boy Scouts have provided services to others, gathering food and clothing for needy neighbors, building playgrounds, repairing parks and public buildings, assisting fire and police departments, and aiding disaster victims. In the days following September 11, Boy Scouts across the country collected food and other necessities for the victims' family and rescue workers and helped to rally the patriotism of the country by handing out flags and holding candlelight vigils.

Practically every Member of this body, Mr. Speaker, has been invited and participated in Eagle Scout ceremonies. I have been at a number of them, and it is a recognition of the good kids in our society that in my opinion do not get enough recognition. But in order to become an Eagle, every Scout has to do some type of community service project. And if the Scout does not do that, the Scout does not attain the highest rank, which is Eagle status. And it would be a shame if the Boy Scouts ended up being sued to death and, thus, the communities that benefit from all of these Eagle projects, as well as the projects that Scouts of lower rank participate in, would not be available.

We need the Boy Scouts now more than ever. And this Congress will do whatever it takes to make sure their vital spirit continues to inspire and strengthen America and its youth. I rise today in support of House Resolution 853, and I will rise in support of future efforts to protect the Boy Scouts whenever they or any other organization face unfair discrimination.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise as a Silver Beaver recipient and a member of the board of directors of the Houston-Galveston Boy Scouts of America. I also am a member of this body and recognize that there is diversity of opinion and thought and process and also in many instances the interpretation of the Constitution. But I rise today to recognize that we have the kind of embracing support for H. Res. 853 and recognizing the young men that engage in Boy Scout programs throughout America.

Let me first say that we in this country should be very proud that we have the kind of young people who are willing in their very young age to become a part of a civic organization that provides service. And so this resolution recognizes that service.

I would just offer to my colleagues the list of service activities, probably so many of them in your community that we see Boy Scouts engaged in. For example, "Habitat Fills in the Missing Pieces on Dallas Street," and this article shows Boy Scout Troop 1077 going about their activities and helping to rebuild communities, young men, if you will, that are not even voting age at this time.

Then when we have looked at the question of homeland security, we see another article suggesting something that I am very committed to, preparedness in our neighborhoods. Boy Scouts of America helped launch a national preparedness month, and they are here with Secretary of Homeland Security Tom Ridge because it is the Boy Scouts who understand preparedness and understand first aid and understand organizational skills that are very key and can be very key in helping us to secure our neighborhoods.

Of course, all of us have heard about aiding hurricane victims, and we have another release that talks about 200 Boy Scouts aiding Hurricane Charley victims. So we know that this is an opportunity for young people to learn not only their civic duty but to participate in it.

Let me share with you a personal story on the Boy Scouts. I think it is a program that has now taken some national wings, and that is what we call Urban Scouting. Some years ago in Houston we started this program with T-shirts and having youngsters from the inner city come and do Boy Scouts programs in the parks. That was the only place that they had; and unlike other units that had parents and maybe other kinds of facilities, we used paid Scouters, professionals, to help us with the Urban Scouting program. I am very proud to say that today it has in our community hundreds of members, maybe up to thousands of members, now with their uniforms; our programs are in our schools.

I would venture to say that we understand that there is a balance in expressing your constitutional right to be free from various church and State issues, but we also know that we must have a balance. So this resolution charges this Congress with having a balance. I would say that this program, the Good Turn for America program, is a key element of the work that we do with the Boy Scouts. Through the Good

Turn for America program, thousands of young people have worked with organizations such as Habitat for Humanity, have worked to aid victims of Hurricane Charley, have volunteered to feed the poor, and have worked to become good citizens by serving their communities.

So it is appropriate, Mr. Speaker, that we join with our colleagues in recognizing the fact that the Boy Scouts do good work for us.

I will say that I welcome the Boy Scouts to Washington, D.C., or the region, and I welcome them for their annual jamboree. The reason why I say that is because sometimes we do take personal privilege and I want to acknowledge Wheeler Avenue Boy Scouts Troop in Houston, Texas, and thank them for allowing and helping my young man, Jason Lee, become the Eagle Scout that he is today. I thank them for allowing him to participate in the jamboree, and for those insiders, Philmont Camp in New Mexico.

This is a training process for the leaders of today and also for tomorrow. So I think it is important for us to join in this resolution and to commend the ideals of the Boy Scouts and of course the results of the Boy Scouts. I join with my neighbors and friends and my colleagues in commending the public spirited work of these young people throughout the Nation. There is no higher ideal than serving your community. By helping their neighbors they are making themselves better citizens. These young people deserve to be commended for their work.

Mr. Speaker, this resolution commends the Boy Scouts for their work in our communities through the "Good Turn for America" program.

Through the Good Turn for America program thousands of young people have worked with organizations such as Habitat for Humanity, have worked to aid victims of Hurricane Charley, have volunteered to feed the poor, and have worked to become good citizens by serving their communities.

I want to join my colleagues in commending the public spirited work of these young people throughout the Nation. There is no higher ideal than serving your community. By helping their neighbors, they are making themselves better citizens. These young people deserve to be commended for the good work.

200 Boy Scouts Aid Charley Victims

On Saturday morning, August 21st, at 5 a.m. over 200 Boy Scouts in Palm Beach County departed from Boca Raton's Town Center Mall for Florida's devastated west to provide disaster relief services for the victims of Hurricane Charley. Boys and adults from nine troops drove 16 vehicles, including five trucks loaded with food and supplies to Arcadia to serve three meals to those left homeless by the storm.

The Boy Scout relief effort, organized by Tom Ehrbar II, a Boca Raton businessman and longtime Scouting supporter, carried contributions of food from Wholesum Bread, Johnsonville Bratwurst, Cheney Bros. Foods, and other local vendors to the Arcadia disaster area. The Boy Scouts served 1,000 breakfasts, 1,500 lunches, and over 1,500 dinners to the beleaguered residents of Arcadia. The Scouts also carried personal care items for distribution.

Once in Arcadia, the Boy Scouts assisted the local disaster relief personnel in whatever tasks needed attention: assisting in construction of temporary housing, providing logistical support, or communications, states Eagle Scout Thomas Ehrbar III, son of the project organizer. Weyerhouser has donated lumber supplies for that effort.

The Scouts kicked off Good Turn for America, a nationwide program of community service provided by the Boy Scouts for the communities they serve. Hurricane Charley arrived in Florida on the eve of that program kickoff.

[September 9, 2004]

Boy Scouts of America Help Launch National Preparedness Month

When the Department of Homeland Security wanted to send a message about the importance of "being prepared" at the launch of National Preparedness Month in Washington, DC, they turned to the Boy Scouts of America.

Eagle Scout Tucker Barbour of Troop 500, chartered to the Capitol Hill Scouts in Washington, DC, introduced Secretary of Homeland Security Tom Ridge at the kickoff event on the grounds of the United States Capitol.

Barbour was joined on stage by Scouts and leaders from the National Capital Area Council and representatives of the Girl Scouts.

The Boy Scouts of America is part of a coalition of organizations assembled by the Department of Homeland Security to promote September as National Preparedness Month. The emphasis is intended to provide Americans with a variety of opportunities to learn more about ways they can prepare for an emergency, get an emergency supply kit, establish a family communications plan, and become better aware of threats that may impact communities.

The event was attended by honorary National Preparedness Month co-chairs Senators Susan Collins (R–ME) and Joseph Lieberman (D–CT) and Representatives Christopher Cox (R–CA) and Jane Harman (D–CA), as well as American Red Cross President and CEO Marsha Evans and leaders of more than 80 other organizations to announce hundreds of events focused on preparedness across the country. Following the event, the Scouts distributed emergency preparedness kits to members of Congress.

To support National Preparedness Month, the Boy Scouts of America is encouraging Scouts and volunteers to focus on earning the Emergency Preparedness BSA Award. The award was developed at the request of the Department of Homeland Security and introduced in 2003.

Habitat Fills in the Missing Pieces on Dallas Street—Volunteers Build Homes That Developer Was Unable To Finish

(By Kim Homer)

The residents of Pinebrook Drive just watched their neighborhood go through a makeover.

And it took only nine days.

On Saturday, Habitat for Humanity volunteers finished building 22 new three-bedroom homes there on the short street near Bonnie View and Simpson Stuart roads on lots that had stood vacant for years.

Hundreds of volunteers planted flowers, installed mailboxes and put the last bricks on the attractive homes with front porches Saturday.

A developer ran out of money to finish building homes on Pinebrook Drive a few years ago. That left gaps of missing houses. Toney Lemons, who has lived on the street since 1974, said he didn't mind all the construction work and traffic—which police came to direct at times—since it was for a good cause.

"Everybody needs somewhere to stay," Mr. Lemons said, adding that he'll be happy as long as his new neighbors take care of their properties like he does.

Nora Hernandez, who will move in down the street, was so excited about her new place she couldn't eat the lunch provided for volunteers on Saturday.

"It's perfect," she said of the home. "It's beautiful."

The 31-year-old single mother will move her three young children from a cramped one-bedroom Arlington apartment to her new three-bedroom home in July.

Ms. Hernandez, who works as a packer in a Grand Prairie plastics factory, said she's thrilled to become a homeowner. She has looked into buying a house before but found she could not afford one.

"It's a big opportunity for families like mine," she said. Ms. Hernandez said her mortgage will be slightly less than her rent of $485 a month. Her children, ages 8, 7 and 2, will be able to have separate bedrooms for the first time, she said.

Ms. Hernandez said she learned about the program from her friend and co-worker, Juanita Acosta. Ms. Hernandez told Ms. Acosta that she was hosting a birthday party at her house for one of her children.

"I said, 'Where?'" said Ms. Acosta, who couldn't imagine her friend had enough room to host the celebration.

Now that Ms. Hernandez knows about Habitat for Humanity, she said she wants to return the favor by spreading the word about the program to others who may not realize they can apply.

Ms. Acosta, who lives in a Pleasant Grove house built by Habitat for Humanity, took a week's vacation to help build her friend's home. The two friends have been putting up walls, painting and sweeping as part of the "sweat equity" homeowners must contribute in exchange for no-interest, $60,000 mortgages.

In all, about 3,500 volunteers pitched in during the building blitz. They came from 20 churches, 11 businesses and other organizations, including 300 AmeriCorps volunteers who traveled from throughout the nation.

Ronald Denham of Victoria, Texas, was one of the workers from AmeriCorps, which gives participants a small living allowance in exchange for community service.

"I believe there's a need and I'd wanted to do this for years," said Mr. Denham, 67, a retired court reporter.

Volunteers from Dallas-based Home Interiors and Gifts put a finishing touch of a wreath on each house on Saturday. The company sponsored one of five homes built by all-women crews as part of Habitat for Humanity's Women Building program.

"The home is a haven," said Carol Eichinger, the company's director of communications, who worked on the house. "But first you have to have a house to decorate."

Filling in 22 empty lots with new houses turned Pinebrook Drive into a whole new place for current and incoming residents, said Fred Hoster, director of development for Dallas Area Habitat for Humanity. Habitat built 19 homes on the street more than two years ago, so now the nonprofit organization has built a majority of the homes there.

Mr. Hoster said he expects private for-profit homebuilders will expand on what Habitat started in that area. Then, he said, he hopes new stores and restaurants will follow in the neighborhood that lacks many retail businesses. Mr. Hoster said he's confident the surrounding area will have a new look in a few years.

"We build neighborhoods," he said. "All the neighbors already know each other because they've worked on each others' houses."

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ISSA), the author of this resolution.

Mr. ISSA. Mr. Speaker, I thank the chairman for bringing this important resolution to the floor in a timely fashion, and I say "timely" because an organization that on a bipartisan basis enjoys so much support to be under attack on a daily basis as we speak is an organization that needs our attention.

In 1916 when the Congress chartered the Boy Scouts, it did so in recognition of their contribution in their early days. But as we hear today that nearly or actually over half of the male Members of Congress are here today in no small part because of their participation in Boy Scouts, what we see is a ratio of success that comes from the Boy Scouts, that comes from the kind of training they provide to both urban and rural America. That is what we are here to defend today.

This resolution is, as the chairman so aptly said, one step in a dedication that we have on a bipartisan basis to defend the Boy Scouts' ability to continue the fine work they have done for nearly a century.

As a San Diegoan I am acutely aware of just how easily outside organizations objecting to what the Boy Scouts stand for could lead to the end of Scouting as we know it.

☐ 1245

So I want to, once again, thank the chairman for bringing this important resolution to the floor in this Congress. I have no doubt that we will take up these issues and more in the next Congress, but as a former Boy Scout, somebody who, if I owe anyone the "thank you for being here today," it was, in fact, for a Christian Arab young man to be in a Jewish Boy Scout troop, to be around the kind of openness and thinking that was available to me as a Scout, coming every week to an orthodox temple to understand the values of the world, not the values of Christianity, not the value of Judaism but the values of the world and the people of the world.

So, once again, Mr. Speaker, I urge the unanimous support of this resolution, and I ask all my colleagues to vote with the chairman, with myself, with the ranking member in favor of H. Res. 853.

Mr. Speaker, I rise today in support of House Resolution 853 which honors the Boy Scouts of America, for the public service the organization performs for neighborhoods and communities across the United States.

I would like to thank Chairman SENSENBRENNER, the Judiciary Committee staff, the Majority Leader and his staff for their hard work to bring this measure to the floor.

For 95 years, the Boy Scouts of America have made outstanding contributions to citizenship, service, and leadership.

The stated purpose of the Boy Scouts of America, incorporated on February 8, 1910, and chartered by Congress in 1916 is to provide an educational program for boys and young adults to build character, to train in the responsibilities of citizenship, and to develop personal fitness.

More than 50 percent of congressional members participated in Scouting either as a scout or a scout leader.

As I stand here today, the City of San Diego is facing litigation that would force the city to stop supporting the activities of the Boy Scouts and void a long-standing lease under which the Boy Scouts operate their headquarters in city-owned Balboa Park.

The Boy Scouts of America was founded on the premise of teaching boys moral and ethical values through an outdoor program that challenges them and teaches them respect for one another and themselves.

Scouting has always represented the best in community, leadership, and service.

The Boy Scouts of America relies on dedicated volunteers to promote its mission of preparing young people to make moral and ethical choice over their lifetime by instilling the values of the Scout Oath.

Mr. Speaker, this resolution is an expression of Congress' appreciation for Scouts, volunteer leaders, and employees of the Boy Scouts of America.

I ask my colleagues to join me in supporting this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is my great pleasure to yield 2 minutes to the distinguished gentleman from Illinois (Mr. DAVIS), someone who understands the importance of opportunities for young men and has been a leader on these issues.

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to join with the gentleman from Wisconsin (Chairman SENSENBRENNER); with the gentlewoman from Texas (Ms. JACKSON-LEE), the ranking member of the subcommittee; with the gentleman from California (Mr. ISSA), the sponsor of this legislation; and all of the others who have come to provide recognition of the public service that is performed by the Boy Scouts of America.

I can agree that there can be disagreements and there can be examination of practices, but the Boy Scouts of America have been one of the most prolific organizations in the development of boys into men that I know about in this country.

As one who served for 12 years as the scouting commissioner in my community, there was no sight one would rather see than 2- or 300 young boys at a blue and gold dinner or to see the 500 Scouts who used to participate in parades and other activities that we would put on.

So, in addition to the community service that they provide, I commend the Scouts for developing boys into men, and I am pleased to join in support of this resolution.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague, the chairman of the Committee on the Judiciary, for yielding me the time.

As an Eagle Scout, I rise in strong support of this resolution and am heartened by the bipartisan outpouring of support for the Boy Scouts of America, as mentioned earlier, a movement that was chartered federally by this very Congress early in the 20th century. While we today reiterate our support for the scouting movement, as my colleague from California, the sponsor of this resolution, noted, scouting is under attack.

The American Civil Liberties Union filed a nuisance lawsuit against the Pentagon saying that somehow sponsorship of Scout troops on military bases violates the doctrine of separation of church and State. Mr. Speaker, that is a nuisance lawsuit, and I am sorry the Defense Department attorneys decided to surrender to the ACLU.

Mr. Speaker, I have written Secretary Rumsfeld asking him to countermand the decision of the Pentagon lawyers. Scouting values, military values, citizenship values, a respect and reverence for our Creator is not a violation of the doctrine of separation of church and State. So I hope those who join us in support of this resolution will likewise join us to say to the Pentagon attorneys, take down the white flag of surrender, do not give up on scouting, and we remain poised to take further measures to ensure that our government institutions follow the will of the people and the sentiment of the Congress.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I rise today in support of this resolution and support, of course, of the Boy Scouts of America.

As mentioned, they have had 90 years of history here helping young men, young boys build character and train them in the responsibility of participating in citizenship. The Boy Scouts teach these boys and young men that there is a higher good, something outside of themselves within each of them they should strive to achieve.

We have heard, for example, from the chairman of millions of American boys and young men who participate in the

Boy Scouts, including Gerald Ford, Hank Aaron, Ross Perot, Jimmy Stewart, Neil Armstrong. They all have benefited tremendously from belonging to and participating in the Boy Scouts.

As such, it is altogether fitting that we recognize the Scouts for all the public service and all the charitable work they have done over the years.

But Congress also has a responsibility to defend the Boy Scouts from the relentless attacks on it from various government entities and interest groups. For example, the ACLU is suing to challenge the Federal Government's longstanding support for the Boy Scouts. Do my colleagues realize also the ACLU also currently sued for the right of a nudist camp for children to open?

Recently, the Department of Defense has agreed to no longer officially sponsor the Scouts on military bases. Why? Because the Scouts' oath mentions God. This is not the first time the Boy Scouts have come under attack for their oath or their membership policies, even though the Supreme Court and the American people are on the side of the Boy Scouts.

The ACLU has led the charge against the Scouts in States like Connecticut and cities like San Diego to defund this important organization, take away their campsites and treat them as though they are hate groups. This campaign against the Scouts is truly wrong. It is about time we do something about it.

Mr. Speaker, I urge my colleagues to support this resolution and any other efforts to protect the Boy Scouts of America.

Ms. JACKSON-LEE. Mr. Speaker, I yield myself such time as I may consume.

I believe I have no further speakers, Mr. Speaker, and I would just simply say, let me add my appreciation and applause to the sponsor of this legislation, the gentleman from California (Mr. ISSA), but also to all of the volunteers and parents and community citizens, businesses that contribute to the Boy Scouts of America across the Nation.

As well, let me thank the Houston-Galveston Council on Boy Scouts in our community and as well maintain the fact of the valuable asset that Boy Scouts and their programs represent in the United States of America.

I ask for support.

Mr. SOUDER. Mr. Speaker, H. Res. 853 may be the most self-evident resolution this body has considered in the 108th Congress. It is a bill to recognize the good service of the Boy Scouts of America. One would think we might as well consider a resolution recognizing the good service of motherhood and apple pie.

But, Mr. Speaker, as we near the end of 2004 we have to come to understand that some Americans do not believe in the good works of the Boy Scouts of America. In fact, there are those who believe that the very existence of the Boy Scouts of America does not deserve recognition by the Federal Government.

Although such a disposition may appear to be shocking at first, it is the mind-bending logical conclusion of an effort that seeks to isolate groups like the Boy Scouts. The American Civil Liberties Union, ACLU, released the details of a legal settlement with the U.S. Department of Defense, DoD, this Tuesday, November 16, 2004. In this ongoing case, the ACLU has sued DOD and U.S. Department of Housing and Urban Development, HUD, for sponsoring the Boy Scouts of America, thus, in the opinion of the ACLU, breaching the Constitution's separation of church and state. While the settlement reached by the ACLU with DOC seems benign, the attack upon our country's cultural institutions cannot be ignored.

While purporting to defend Liberty, the ACLU and its allies promote an agenda that discriminates against religion and blocks the People from helping those who help others. You see, the Boy Scouts of America have the word "God" in their oath. While the Scout Oath also contains words like honor, moral, and country, the ACLU is concerned that religion is intruding upon the rights of the American people because Department of Defense employees have long worked with the Boy Scouts of America for community events.

Mr. Speaker, I serve as the chairman of the Criminal Justice, Drug Policy and Human Resources Subcommittee of the Committee on Government Reform. Through my subcommittee, the ranking member, ELIJAH CUMMINGS, and I have held eight hearings in the last 2 years on the provision of services by faith-based and community groups. In a field hearing we held on January 23, 2004, in Los Angeles, CA, the subcommittee heard from a witness who explained the simple yet weighty impact the use of government property would be for groups like his. Keith Phillips is the founder and president of World Impact, a nonprofit, faith-based organization "designed to transform the lives of the urban poor." For groups like Mr. Phillips', the use of buses for weekend trips can be the difference in helping the children of the urban poor. He suggested at our hearing that the Federal Government allow groups like his to use their buses on the weekend. He explained that government can help World Impact help other Americans, "Give us facilities where we can run clinics, thrift stores, recreational activities. Help us provide better transportation for the urban poor to camps, conferences and schools by giving us the use of government vehicles like buses on weekends."

Mr. Speaker, our Department of Defense, not to speak of other federal departments, operate hundreds, probably thousands of buses. The first legal step has been taken to prevent these buses from ever being used by the Boy Scouts or by groups like World Impact. I hope this House takes leaps toward helping groups like these. I hope this House takes steps to help DOD and other branches of the Federal Government help these people help their fellow Americans. I hope we stand up for the religious liberty of Americans against those who would discriminate against religiously oriented Americans.

I rise with my colleagues of the House in recognizing the good service of the Boy Scouts of America. Though H. Res. 853 would appear to be a simple resolution for this body to consider, I believe we are forced to defend the Boy Scouts and all other service organizations that would be falsely challenged in their service of other Americans. Let us unanimously pass H. Res. 853, and honor the ideals of the Scout Oath:

On my honor I will do my best
To do my duty to God and my country
and to obey the Scout Law;
To help other people at all times;
To keep myself physically strong,
mentally awake, and morally straight.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 853.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

THRIFT SAVINGS PLAN OPEN ELECTIONS ACT OF 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4324) to amend title 5, United States Code, to eliminate the provisions limiting certain election opportunities available to individuals participating in the Thrift Savings Plan, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELECTIONS FOR THRIFT SAVINGS PLAN CONTRIBUTIONS.

(a) SHORT TITLE.—This Act may be cited as the "Thrift Savings Plan Open Elections Act of 2004".

(b) IN GENERAL.—Section 8432(b)(1)(A) of title 5, United States Code, is amended—

(1) in the first sentence—

(A) by inserting "(i)" before "The Executive Director"; and

(B) by striking "shall be afforded a reasonable period every 6 months to elect to" and inserting "may";

(2) by striking the second sentence; and

(3) by adding at the end the following:

"(ii) An election to make contributions under this paragraph—

"(I) may be made at any time;

"(II) shall take effect on the earliest date after the election that is administratively feasible; and

"(III) shall remain in effect until modified or terminated.".

(c) Continuation of Not Making Immediate Agency Contributions.—Section 8432(b)(4)(C) of title 5, United States Code, is amended—

(1) by inserting "(i)" after "(C)"; and

(2) by adding at the end the following:

"(ii) Notwithstanding subparagraph (A) or (B), contributions under paragraphs (1) and (2) of subsection (c) shall not begin to be made with respect to an employee or Member described under paragraph (2)(A) or (B) until the date that such contributions would have begun to be made in accordance with this paragraph as administered on the date preceding the date of enactment of the Thrift Savings Plan Open Elections Act of 2004.".

(d) Technical and Conforming Amendments.—

(1) CIVIL SERVICE RETIREMENT SYSTEM PARTICIPATION.—Section 8351(a)(2) of title 5, United States Code, is amended by striking "only during a period" and inserting "as".

(2) CONTRIBUTIONS BY PREVIOUSLY INELIGIBLE EMPLOYEES.—Section 8432(b)(2) of title 5, United States Code, is amended—

(A) in subparagraph (A), by striking "second period" and inserting "date";

(B) in subparagraph (C), by striking "second period" and inserting "date"; and

(C) in subparagraph (D) by striking "other than during a period afforded" and inserting "as provided".

(3) Provision of Information.—Section 8439(c)(2) of title 5, United States Code, is amended by striking "at least 30 calendar days before the beginning of each election period under section 8432(b)(1)(A) of this title" and inserting "on a regular basis".

(4) Justices and Judges.—Section 8440a(a)(2) of title 5, United States Code, is amended by striking "only during a period" and inserting "as".

(5) Bankruptcy Judges and Magistrate Judges.—Section 8440b(a)(2) of title 5, United States Code, is amended by striking "only during a period" and inserting "as".

(6) Court of Federal Claims Judges.—Section 8440c(a)(2) of title 5, United States Code, is amended by striking "only during a period" and inserting "as".

(7) Judges of the United States Court of Appeals for Veterans Claims.—Section 8440d(a)(2) of title 5, United States Code, is amended by striking "only during a period" and inserting "as".

(8) Members of the Uniformed Services.—Section 8440e(b)(2)(A) of title 5, United States Code, is amended—

(A) by striking "only during a period" and inserting "as"; and

(B) by striking all after section "8432(b)" and inserting a period.

SEC. 2. ENHANCING FINANCIAL LITERACY.

(a) In General.—The Federal Retirement Thrift Investment Board (in this section referred to as the "Board") shall periodically evaluate whether the tools available to participants provide the information needed to understand, evaluate, and compare financial products, services, and opportunities offered through the Thrift Savings Plan. The Board shall use these evaluations to improve its existing education program for Thrift Savings Plan participants.

(b) Report on Financial Literacy Efforts.—The Board shall annually report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives on its Thrift Savings Plan education efforts on behalf of plan participants.

(c) Strategy.—As part of the retirement training offered by Office of Personnel Management under section 8350 of title 5, United States Code, the Office, in consultation with the Board, shall—

(1) not later than 6 months after the date of enactment of this Act, develop and implement a retirement financial literacy and education strategy for Federal employees that—

(A) shall educate Federal employees on the need for retirement savings and investment; and

(B) provide information related to how Federal employees can receive additional information on how to plan for retirement and calculate what their retirement investment should be in order to meet their retirement goals; and

(2) submit a report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives on the strategy described under paragraph (1).

SEC. 3. TECHNICAL CORRECTIONS.

Subchapter III of chapter 84 of title 5, United States Code, is amended—

(1) in section 8433(d)(1), by striking "paragraph (3)" and inserting "paragraph (2)"; and

(2) in section 8440b(b)—

(A) in paragraph (2), by striking "bankruptcy judge's or magistrate's" and inserting "bankruptcy judge's or magistrate judge's"; and

(B) in paragraphs (4)(B) and (8), by striking "bankruptcy judge or magistrate" each place it appears and inserting "bankruptcy judge or magistrate judge".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4324.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 4324, a bill that eliminates the open season for employee contributions to the Thrift Savings Plan. This legislation was reported from the Committee on Government Reform by a voice vote on July 31, and I am pleased to see it considered by the whole House today.

Mr. Speaker, as my colleagues know, the TSP offers Federal employees the same retirement savings opportunities that private companies afford their employees under traditional 401(k) plans.

The TSP is the largest defined contribution retirement plan in the world, with nearly three and a half million participants and over $143 billion in assets.

This legislation will allow TSP participants to make or modify their salary contributions at any time. Currently, Federal employees and members of the uniformed services who participate in the TSP are only provided two biannual periods to begin, adjust or end their contributions. This bill will give much-needed flexibility to participants of the Federal Government's retirement plan.

Every day, Federal employees across the Nation and around the globe perform critical duties to keep this Nation running smoothly.

Away from work, they experience all of life's events, births and deaths in the family, new homes, new jobs, salary adjustments and so on. With enactment of H.R. 4324, TSP participants can adopt their retirement savings to meet their changing circumstances.

Next year, I intend to offer additional legislation that will abolish the TSP open seasons entirely, but today, during the second open season after beginning Federal service, participants can earn matching funds up to 5 percent of their salary from their employing agencies. I believe allowing participants to secure these matching funds immediately is an important and deserved incentive for Federal employees to save. The Federal Retirement Thrift Investment Board, which administers the TSP, supports that change, and the Board supports H.R. 4324 as well.

The Committee on Government Reform, the committee of jurisdiction for Federal employee issues, was limited by budget constraints this Congress from moving a bill that would totally eliminate open seasons. Nevertheless, I am pleased to see H.R. 4324 advancing today.

I want to recognize the efforts of my distinguished counterpart in the other body, the gentlewoman from Maine, chairman of the Governmental Affairs Committee. She has worked very closely with me on today's bill to ensure that Federal employees will have the same retirement savings flexibilities enjoyed by many in the private sector.

Mr. Speaker, I reserve the balance of my time.

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Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Thrift Savings Plan, TSP, is a retirement savings and investment plan for Federal employees that is governed by the Federal Retirement Thrift Investment Board. The TSP has approximately 3 million participants. It is the largest retirement savings and investment program in the Nation.

H.R. 4324 would make two significant changes to the rules that govern participation in the TSP. First, it would allow Federal employees to alter their TSP contributions at any time instead of limiting such changes to biannual open-season periods.

Secondly, the bill would require the Federal Retirement Thrift Investment Board, the agency that administers the TSP, to evaluate and report on efforts to increase education programs for TSP participants.

Overall, H.R. 4324 would allow TSP enrollees to have more control over their investments and financial future. With better education initiatives, participants would be better informed when changing contributions to their TSP.

With these changes designed to be helpful to those who would participate, I am pleased to join the chairman, the gentleman from Virginia (Mr. TOM DAVIS), and the gentlewoman from Virginia (Mrs. JO ANN DAVIS) in supporting this legislation and urge its passage.

Mr. Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I urge my colleagues to support this important legislation, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 4324, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend chapter 84 of title 5, United States Code, to provide for Federal employees to make elections to make, modify, and terminate contributions to the Thrift Savings Fund at any time, and for other purposes.".

A motion to reconsider was laid on the table.

COMPREHENSIVE PEACE IN SUDAN ACT OF 2004

Mr. TANCREDO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2781) to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes, as amended.

The Clerk read as follows:

S. 2781

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Peace in Sudan Act of 2004".

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) GOVERNMENT OF SUDAN.—The term "Government of Sudan" means the National Congress Party, formerly known as the National Islamic Front, government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of this Act (other than the coalition government agreed upon in the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004).

(3) JEM.—The term "JEM" means the Justice and Equality Movement.

(4) SLA.—The term "SLA" means the Sudan Liberation Army.

(5) SPLM.—The term "SPLM" means the Sudan People's Liberation Movement.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) A comprehensive peace agreement for Sudan, as envisioned in the Sudan Peace Act (50 U.S.C. 1701 note) and the Machakos Protocol of 2002, could be in jeopardy if the parties do not implement and honor the agreements they have signed.

(2) Since seizing power through a military coup in 1989, the Government of Sudan repeatedly has attacked and dislocated civilian populations in southern Sudan in a coördinated policy of ethnic cleansing and genocide that has cost the lives of more than 2,000,000 people and displaced more than 4,000,000 people.

(3) In response to two decades of civil conflict in Sudan, the United States has helped to establish an internationally supported peace process to promote a negotiated settlement to the war that has resulted in a framework peace agreement, the Nairobi Declaration on the Final Phase of Peace in the Sudan, signed on June 5, 2004.

(4) At the same time that the Government of Sudan was negotiating for a comprehensive and all inclusive peace agreement, enumerated in the Nairobi Declaration on the Final Phase of Peace in the Sudan, it refused to engage in any meaningful discussion with regard to its ongoing campaign of ethnic cleansing and genocide in the Darfur region of western Sudan.

(5) The Government of Sudan reluctantly agreed to attend talks to bring peace to the Darfur region only after considerable international pressure and outrage was expressed through high level visits by Secretary of State Colin Powell and others, and through United Nations Security Council Resolution 1556 (July 30, 2004).

(6) The Government of the United States, in both the executive branch and Congress, has concluded that genocide has been committed and may still be occurring in the Darfur region, and that the Government of Sudan and militias supported by the Government of Sudan, known as the Janjaweed, bear responsibility for the genocide.

(7) Evidence collected by international observers in the Darfur region between February 2003 and November 2004 indicate a coordinated effort to target African Sudanese civilians in a scorched earth policy, similar to that which was employed in southern Sudan, that has destroyed African Sudanese villages, killing and driving away their people, while Arab Sudanese villages have been left unscathed.

(8) As a result of this genocidal policy in the Darfur region, an estimated 70,000 people have died, more than 1,600,000 people have been internally displaced, and more than 200,000 people have been forced to flee to neighboring Chad.

(9) Reports further indicate the systematic rape of thousands of women and girls, the abduction of women and children, and the destruction of hundreds of ethnically African villages, including the poisoning of their wells and the plunder of their crops and cattle upon which the people of such villages sustain themselves.

(10) Despite the threat of international action expressed through United Nations Security Council Resolutions 1556 (July 30, 2004) and 1564 (September 18, 2004), the Government of Sudan continues to obstruct and prevent efforts to reverse the catastrophic consequences that loom over the Darfur region.

(11) In addition to the thousands of violent deaths directly caused by ongoing Sudanese military and government-sponsored Janjaweed attacks in the Darfur region, the Government of Sudan has restricted access by humanitarian and human rights workers to the Darfur area through intimidation by military and security forces, and through bureaucratic and administrative obstruction, in an attempt to inflict the most devastating harm on those individuals displaced from their villages and homes without any means of sustenance or shelter.

(12) The Government of Sudan's continued support for the Janjaweed and their obstruction of the delivery of food, shelter, and medical care to the Darfur region is estimated by the World Health Organization to be causing up to 10,000 deaths per month and, should current conditions persist, is projected to escalate to thousands of deaths each day by December 2004.

(13) The Government of Chad served an important role in facilitating the humanitarian cease-fire (the N'Djamena Agreement dated April 8, 2004) for the Darfur region between the Government of Sudan and the two opposition rebel groups in the Darfur region (the JEM and the SLA), although both sides have violated the cease-fire agreement repeatedly.

(14) The people of Chad have responded courageously to the plight of over 200,000 Darfur refugees by providing assistance to them even though such assistance has adversely affected their own means of livelihood.

(15) On September 9, 2004, Secretary of State Colin Powell stated before the Committee on Foreign Relations of the Senate: "When we reviewed the evidence compiled by our team, along with other information available to the State Department, we concluded that genocide has been committed in Darfur and that the Government of Sudan and the [Janjaweed] bear responsibility—and genocide may still be occurring.".

(16) The African Union has demonstrated renewed vigor in regional affairs through its willingness to respond to the crisis in the Darfur region, by convening talks between the parties and deploying several hundred monitors and security forces to the region, as well as by recognizing the need for a far larger force with a broader mandate.

(17) The Government of Sudan's complicity in the atrocities and genocide in the Darfur region raises fundamental questions about the Government of Sudan's commitment to peace and stability in Sudan.

SEC. 4. SENSE OF CONGRESS REGARDING THE CONFLICT IN DARFUR, SUDAN.

(a) SUDAN PEACE ACT.—It is the sense of Congress that the Sudan Peace Act (50 U.S.C. 1701 note) remains relevant and should be extended to include the Darfur region of Sudan.

(b) ACTIONS TO ADDRESS THE CONFLICT.—It is the sense of Congress that—

(1) a legitimate countrywide peace in Sudan will only be possible if those principles enumerated in the 1948 Universal Declaration of Human Rights, that are affirmed

in the Machakos Protocol of 2002 and the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004, are applied to all of Sudan, including the Darfur region;

(2) the parties to the N'Djamena Agreement (the Government of Sudan, the JEM, and the SLA) must meet their obligations under that Agreement to allow safe and immediate delivery of all humanitarian assistance throughout the Darfur region and must expedite the conclusion of a political agreement to end the genocide and conflict in the Darfur region;

(3) the United States should continue to provide humanitarian assistance to the areas of Sudan to which the United States has access and, at the same time, implement a plan to provide assistance to the areas of Sudan to which access has been obstructed or denied;

(4) the international community, including African, Arab, and Muslim nations, should immediately provide resources necessary to save the lives of hundreds of thousands of individuals at risk as a result of the crisis in the Darfur region;

(5) the United States and the international community should—

(A) provide all necessary assistance to deploy and sustain an African Union Force to the Darfur region; and

(B) work to increase the authorized level and expand the mandate of such forces commensurate with the gravity and scope of the problem in a region the size of France;

(6) the President, acting through the Secretary of State and the Permanent Representative of the United States to the United Nations, should—

(A) condemn any failure on the part of the Government of Sudan to fulfill its obligations under United Nations Security Council Resolutions 1556 (July 30, 2004) and 1564 (September 18, 2004), and press the United Nations Security Council to respond to such failure by immediately imposing the penalties suggested in paragraph (14) of United Nations Security Council Resolution 1564;

(B) press the United Nations Security Council to pursue accountability for those individuals who are found responsible for orchestrating and carrying out the atrocities in the Darfur region, consistent with relevant United Nations Security Council Resolutions; and

(C) encourage member states of the United Nations to—

(i) cease to import Sudanese oil; and

(ii) take the following actions against Sudanese Government and military officials and other individuals, who are planning, carrying out, or otherwise involved in the policy of genocide in the Darfur region, as well as their families, and businesses controlled by the Government of Sudan and the National Congress Party:

(I) freeze the assets held by such individuals or businesses in each such member state; and

(II) restrict the entry or transit of such officials through each such member state;

(7) the President should impose targeted sanctions, including a ban on travel and the freezing of assets, on those officials of the Government of Sudan, including military officials, and other individuals who have planned or carried out, or otherwise been involved in the policy of genocide in the Darfur region, and should also freeze the assets of businesses controlled by the Government of Sudan or the National Congress Party;

(8) the Government of the United States should not normalize relations with Sudan, including through the lifting of any sanctions, until the Government of Sudan agrees to, and takes demonstrable steps to implement, peace agreements for all areas of Sudan, including the Darfur region;

(9) those individuals found to be involved in the planning or carrying out of genocide, war crimes, or crimes against humanity should not hold leadership positions in the Government of Sudan or the coalition government established pursuant to the agreements reached in the Nairobi Declaration on the Final Phase of Peace in the Sudan; and

(10) the Government of Sudan has a primary responsibility to guarantee the safety and welfare of its citizens, which includes allowing them access to humanitarian assistance and providing them protection from violence.

SEC. 5. AMENDMENTS TO THE SUDAN PEACE ACT.

(a) ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.—

(1) IN GENERAL.—The Sudan Peace Act (50 U.S.C. 1701 note) is amended by adding at the end the following new section:

"SEC. 12. ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.

"(a) ASSISTANCE.—

"(1) AUTHORITY.—Notwithstanding any other provision of law, the President is authorized to provide assistance for Sudan as authorized in paragraph (5) of this section—

"(A) subject to the requirements of this section, to support the implementation of a comprehensive peace agreement that applies to all regions of Sudan, including the Darfur region; and

"(B) to address the humanitarian and human rights crisis in the Darfur region and eastern Chad, including to support the African Union mission in the Darfur region, provided that no assistance may be made available to the Government of Sudan.

"(2) CERTIFICATION FOR THE GOVERNMENT OF SUDAN.—Assistance authorized under paragraph (1)(A) may be provided to the Government of Sudan only if the President certifies to the appropriate congressional committees that the Government of Sudan has taken demonstrable steps to—

"(A) ensure that the armed forces of Sudan and any associated militias are not committing atrocities or obstructing human rights monitors or the provision of humanitarian assistance;

"(B) demobilize and disarm militias supported or created by the Government of Sudan;

"(C) allow full and unfettered humanitarian assistance to all regions of Sudan, including the Darfur region;

"(D) allow an international commission of inquiry to conduct an investigation of atrocities in the Darfur region, in a manner consistent with United Nations Security Council Resolution 1564 (September 18, 2004), to investigate reports of violations of international humanitarian law and human rights law in the Darfur region by all parties, to determine also whether or not acts of genocide have occurred and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable;

"(E) cooperate fully with the African Union, the United Nations, and all other observer, monitoring, and protection missions mandated to operate in Sudan;

"(F) permit the safe and voluntary return of displaced persons and refugees to their homes and rebuild the communities destroyed in the violence; and

"(G) implement the final agreements reached in the Naivasha peace process and install a new coalition government based on the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004.

"(3) CERTIFICATION WITH REGARD TO SPLM'S COMPLIANCE WITH A PEACE AGREEMENT.—If the President determines and certifies in writing to the appropriate congressional committees that the SPLM has not engaged in good faith negotiations, or has failed to honor the agreements signed, the President shall suspend assistance authorized in this section for the SPLM, except for health care, education, and humanitarian assistance.

"(4) SUSPENSION OF ASSISTANCE.—If, on a date after the President transmits the certification described in paragraph (2), the President determines that the Government of Sudan has ceased taking the actions described in such paragraph, the President shall immediately suspend the provision of any assistance to such Government under this section until the date on which the President transmits to the appropriate congressional committees a further certification that the Government of Sudan has resumed taking such actions.

"(5) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—In addition to any other funds otherwise available for such purposes, there are authorized to be appropriated to the President—

"(i) $100,000,000 for fiscal year 2005, and such sums as may be necessary for each of the fiscal years 2006 and 2007, unless otherwise authorized, to carry out paragraph (1)(A); and

"(ii) $200,000,000 for fiscal year 2005 to carry out paragraph (1)(B), provided that no amounts appropriated under this authorization may be made available for the Government of Sudan.

"(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended.

"(b) GOVERNMENT OF SUDAN DEFINED.—In this section, the term 'Government of Sudan' means the National Congress Party, formerly known as the National Islamic Front, government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of the Comprehensive Peace in Sudan Act (other than the coalition government agreed upon in the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004).".

(2) CONFORMING AMENDMENTS.—Section 3 of such Act (50 U.S.C. 1701 note) is amended—

(A) in paragraph (2), by striking "The" and inserting "Except as provided in section 12, the"; and

(B) by adding at the end the following new paragraph:

"(4) SPLM.—The term 'SPLM' means the Sudan People's Liberation Movement.".

(b) REPORTING AMENDMENT.—The Sudan Peace Act (50 U.S.C. 1701 note) is amended by striking section 8 and inserting the following:

"SEC. 8. REPORTING REQUIREMENTS.

"(a) REPORT ON COMMERCIAL ACTIVITY.—Not later than 30 days after the date of the enactment of the Comprehensive Peace in Sudan Act of 2004, and annually thereafter until the completion of the interim period outlined in the Machakos Protocol of 2002, the Secretary of State, in consultation with relevant United States Government departments and agencies, shall submit to the appropriate congressional committees a report regarding commercial activity in Sudan that includes—

"(1) a description of the sources and current status of Sudan's financing and construction of infrastructure and pipelines for oil exploitation, the effects of such financing and construction on the inhabitants of the regions in which the oil fields are located and the ability of the Government of Sudan to finance the war in Sudan with the proceeds of the oil exploitation;

"(2) a description of the extent to which that financing was secured in the United States or with the involvement of United States citizens; and

"(3) a description of the relationships between Sudan's arms industry and major foreign business enterprises and their subsidiaries, including government-controlled entities.

"(b) REPORT ON THE CONFLICT IN SUDAN, INCLUDING THE DARFUR REGION.—Not later than 30 days after the date of the enactment of the Comprehensive Peace in Sudan Act of 2004, and annually thereafter until the completion of the interim period outlined in the Machakos Protocol of 2002, the Secretary of State shall prepare and submit to the appropriate congressional committees a report regarding the conflict in Sudan, including the conflict in the Darfur region. Such report shall include—

"(1) the best estimates of the extent of aerial bombardment of civilian centers in Sudan by the Government of Sudan, including targets, frequency, and best estimates of damage; and

"(2) a description of the extent to which humanitarian relief in Sudan has been obstructed or manipulated by the Government of Sudan or other forces, and a contingency plan to distribute assistance should the Government of Sudan continue to obstruct or delay the international humanitarian response to the crisis in Darfur.

"(c) DISCLOSURE TO THE PUBLIC.—The Secretary of State shall publish or otherwise make available to the public each unclassified report, or portion of a report that is unclassified, submitted under subsection (a) or (b).".

SEC. 6. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

(a) SANCTIONS.—Beginning on the date that is 30 days after the date of enactment of this Act, the President shall, notwithstanding paragraph (1) of section 6(b) of the Sudan Peace Act (50 U.S.C. 1701 note), implement the measures set forth in subparagraphs (A) through (D) of paragraph (2) of such section.

(b) BLOCKING OF ASSETS.—Beginning on the date that is 30 days after the date of enactment of this Act, the President shall, consistent with the authorities granted in the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block the assets of appropriate senior officials of the Government of Sudan.

(c) WAIVER.—The President may waive the application of subsection (a) or (b) if the President determines and certifies to the appropriate congressional committees that such a waiver is in the national interest of the United States.

(d) CONTINUATION OF RESTRICTIONS.—Restrictions against the Government of Sudan that were imposed pursuant to title III and sections 508, 512, and 527 of the Foreign Operations, Export Financing, and Related Programs Act, 2004 (division D of Public Law 108–199; 118 Stat. 143), or any other similar provision of law, shall remain in effect against the Government of Sudan and may not be lifted pursuant to such provisions of law unless the President transmits a certification to the appropriate congressional committees in accordance with paragraph (2) of section 12(a) of the Sudan Peace Act (as added by section 5(a)(1) of this Act).

(e) DETERMINATION.—Notwithstanding subsection (a) of this section, the President shall continue to transmit the determination required under section 6(b)(1)(A) of the Sudan Peace Act (50 U.S.C. 1701 note).

SEC. 7. ADDITIONAL AUTHORITIES.

Notwithstanding any other provision of law, the President is authorized to provide assistance, other than military assistance, to areas that were outside of the control of the Government of Sudan on April 8, 2004, including to provide assistance for emergency relief, development and governance, or to implement any program in support of any viable peace agreement at the local, regional, or national level in Sudan.

SEC. 8. TECHNICAL CORRECTION.

Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f–2) is amended by striking "Organization of African Unity" and inserting "African Union".

The SPEAKER pro tempore (Mr. BASS). Pursuant to the rule, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

GENERAL LEAVE

Mr. TANCREDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 2781, as amended, the Senate bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2781, as amended, imposes some punitive measures listed in the Sudan Peace Act after a 30-day period. The bill also imposes an asset freeze on senior Sudanese officials and calls upon the President to impose a travel ban on senior Sudanese officials, including those responsible for planning and carrying out the genocide in Darfur.

To guarantee a wider international response to the genocide in Darfur, S. 2781, as amended, includes instructions for the U.S. Permanent Representative to the United Nations to urge the Security Council and member states to pursue accountability for those complicit in the genocide in Darfur and to impose targeted sanctions, including the freezing of assets on senior members of the Government of Sudan, and to cease importing Sudanese oil.

The bill also provides humanitarian assistance to Darfur and Eastern Chad, funding to support the African Union mission in Darfur, and assistance in preparing the population for peace. This will give material indication to the Sudanese civilians that they can find meaning and purpose in rebuilding their country after decades of war.

Mr. Speaker, we are beyond the point of threatening the Government of Sudan with punitive measures. Time and again certainly I have been on this floor and many other Members have been on this floor expressing our concern over the situation in Sudan and the intransigence of the Sudanese government to operate in good faith and to bring an end to the human tragedy on a scale that is almost unimaginable and for which they are greatly responsible. Time and again our efforts have been rebuffed. Time and again we have been forced to go to the next step in order to get the Sudanese government to respond.

Genocide has been and is being committed, we know. We have said it. We now need to show that there are consequences for directing and/or participating in a campaign to destroy human life on such a massive scale. Every evening on the news, every day in the papers of this country we see the picture of this horrible, horrible situation in Sudan and the faces of the people who are suffering. How long can this go on? How long can this go on without this government paying even closer attention than it has? How long can this go on without the world paying closer attention than it has?

To the credit of this administration and to this government, we have done more than any other country to try and focus world attention on the problems in Sudan, but we need the world to cooperate. We need the United Nations, we need the Security Council to do far more than they have done. We need the European Union to do more. We have a moral responsibility to respond to genocide.

What we do at this juncture has implications for every conflict we will address in the future. Everyone is watching to see how we respond. Secretary Powell and the U.S. administration have taken a courageous stand, as I say, but this is just the beginning. If we fail to act forcefully now, it will be open season for genocide. If we make empty threats, it will have serious consequences for the future of international peace and security.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this bill.

First, I would like to thank my colleagues, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from New Jersey (Mr. PAYNE), for keeping this House focused on the grave atrocities in Darfur.

Mr. Speaker, we are facing an ongoing genocide in Darfur. This House has said it; following our example the Senate has said it; the administration has come to the same conclusion; and the United Nations agrees: genocide is taking place in Darfur.

What is keeping the international community from intervening in the Darfur crisis? I hesitate to ask because I hate to think that the answer is the same double standard that stayed our hand in Rwanda in the 1990s.

Mr. Speaker, each of us has recounted the numbers in connection with the crisis in Darfur: an estimated 300,000 dead because of murder, starvation and disease, and 2 million refugees forced to flee their homes, most of whom are internally displaced, while others are forced out of the country.

The humanitarian needs in Darfur are staggering. After a year of international pressure, there are now about 60 international humanitarian organizations registered to operate in Darfur, and I strongly support more such aid to ease the suffering. But while these NGOs set up their operations to reach some of those in need, thousands are still without any relief due to the ongoing conflict.

The Sudanese military forces and its armed Arab militia, who I remind my colleagues are behind this tragedy in the first place, continue to commit some of the most heinous human rights abuses imaginable, and the number of those affected by this conflict continues to grow every day.

Mr. Speaker, recently the African Union has stepped forward with monitors and 3,500 troops to end the persecution in Darfur, and Sudan has agreed to an increase in African Union deployment. But now it is being reported that Khartoum has repeatedly refused to give fuel to the African Union monitors while the government's attack helicopters are in the air assaulting civilians on the ground.

While the African Union is committed to fulfilling its obligation to monitor and to report on human rights violations, it is hampered by all sides to the conflict not wishing to be implicated in the abuse. According to reports, the morale among African Union troops is very low because they are blocked at every turn by the ongoing violence and their inability to intervene.

In response to calls for international civilian protection forces, Khartoum's leaders have threatened to open, and I quote, "the five gates of hell," against such protection. And in a cynical attempt to pretend it is taking action to protect civilians, Khartoum has recycled Arab militia killers into the Sudanese police force and has assigned them to guard camps for the displaced.

I am a strong supporter of African solutions for Africa's problems, and the deployment of African Union monitors and the protection force in Darfur is an opening sign that in the face of genocide, civilian protection should trump national sovereignty. But I am very much concerned that the African Union does not have the experience, the manpower, or the resources needed to provide civilian protection to end the genocide in Darfur. Their numbers are small compared to the task, and their resources are minimal.

Mr. Speaker, it troubles me that in the face of genocide we do not take the best asset we have available, NATO, the North Atlantic Treaty Organization, long experienced in civilian protection, to deploy its forces in Darfur in support of the African Union mission. In the face of genocide, I think it is imperative that our NATO ambassador move at the North Atlantic Council demanding that NATO get involved in Darfur to protect civilians from genocide.

While I recognize this is a tall order, when we were confronted with the crisis in Kosovo, NATO acted. We should expect nothing less for the African victims of genocide in Darfur. If we in the international community have the determination to end this genocide, that is what we must do. Otherwise, we have cause to wonder what exactly we harbor in our hearts toward the people of Darfur.

In closing, I urge all of my colleagues to support S. 2781.

Mr. Speaker, I reserve the balance of my time.

□ 1315

Mr. TANCREDO. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF) who has been laboring in this vineyard longer than I, longer than most, and who adds an aspect of both compassion and articulation that is desperately needed on this issue.

Mr. WOLF. Mr. Speaker, I thank the gentleman from Colorado (Mr. TANCREDO) and his staff for this bill. I also thank the gentleman from New Jersey (Mr. PAYNE) for his efforts, the gentleman from California (Mr. LANTOS), the gentleman from California (Mr. ROYCE), Senator BROWNBACK, and many others that have been involved in this. Also, all of the NGOs, Andrew Natsios, Roger Winter, and all of the people who have been involved and very caring with regard to this issue.

As we pass this bill today, we have to remember the 2.1 million people that have died in the war north-south, mostly Christian but a large number of Muslim and a large number of animists who have paid a tremendous price.

Also, we have to remember that Osama bin Laden lived in Sudan from 1991 to 1996, so these people in the south have been on the front line in fighting the war against terrorism more than most people realize.

By passing this bill, we send hope to the men, women and children in Darfur who have been pushed out of African villages which have been burned, husbands who have been killed, women who have been raped and children who have been abducted. As we pass this bill today, we honor and recognize and send some hope to those in the IVP camps today that the United States Congress cares.

I am going to leave it to other Members to explain what this bill does and just say that, without this bill passing today, there would be no hope for women in the camps, no sense or sign to the people in the Khartoum government for all of the bad and evil things that they have done but for the efforts of the gentleman from Colorado (Mr. TANCREDO), who has been involved in this for so long, and the gentleman from California (Mr. ROYCE).

Secretary Powell also deserves to take some credit for this, as does President Bush. I thank both sides of the aisle for the great work they have done.

By passing this, it gives hope if there is an agreement signed and something positive comes out of Nairobi, Kenya, there is some lasting push behind it so there can be peace someday for the people in the north, in the area of Khartoum, and in the south, and also for the men, women and children in the Darfur region.

Mr. TANCREDO. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE), the chairman of the Subcommittee on Africa, who has been enormously helpful in bringing this bill to the floor today.

Mr. ROYCE. Mr. Speaker, I thank the gentleman for yielding me this time.

I just want to indicate the sheer magnitude of the horror of what is unfolding in Sudan as we speak. Because what is occurring there is a scorched-earth policy that has killed in excess of 70,000 people, that has displaced more than a million of people within Sudan, and forced hundreds of thousands of people over the border into Chad.

When we think of the magnitude of the several hundreds villages burnt to the ground, the irrigation systems that have been systematically destroyed, that the government-backed militias, referred to as Janjaweed, are committing wide-spread rapes and atrocities, that the very people in the NGO communities, the very charitable organizations that are attempting to get in on the ground and to assist in this region are prevented access to those starving, I think when we reflect on what we know we can only imagine as to the extent of the horror in those villages in which we have no access, and to have had the United States, to have this Congress and the administration explain that this is genocide is only a first step.

The question has been how do we get the international community to take action, a concerted action, in order to effectively apply pressure on the government in Khartoum to reverse its actions in supporting the Janjaweed. We have made it clear that we are going to support international criminal courts, we are going to support bringing to justice those that have been found to be involved in this process. But, in the meantime, there is the question of how we negotiate with a United Nations in which that body and the Security

Council is not willing to take the steps that the United States has taken to call this genocide, nor to put the types of embargoes that the United States has placed on Sudan. They are not willing to go as far.

In addition to speaking in favor of this resolution, I wanted to speak for just a moment about some of my concerns about the United Nations Security Council resolutions on Sudan. That draft resolution is dated November 18. This resolution is expected to be offered in Nairobi, Kenya. It addresses the issue of the ongoing negotiation, of an attempt to achieve peace in a separate conflict in southern Sudan.

Again, this Congress went on record declaring the killing in Darfur as genocide. This was a historic determination not to be taken lightly. It was a fitting response to the atrocities committed by the Sudanese government and their proxy forces.

For those of us on the floor today, we believe that genocide requires exceptional responses by the United States and the international community. We also believe that these responses should be taken with or without the concurrence by the government of Sudan. So when we look at the draft resolution that the United Nations is working on, we see that they urge bilateral and multilateral donors "to continue their efforts to prepare for the rapid delivery of an assistance package for the reconstruction and economic development of Sudan, including official development assistance, possible debt relief and trade access to be implemented once a comprehensive peace agreement has been signed and its implementation begins." This document expresses hope that this implementation will occur by the end of next month.

Let me just say, as chairman of the Subcommittee on Africa, we should not support such a so-called peace dividend which benefits the government of Sudan merely for signing a peace agreement. We should not be doing that while killing rages in Darfur.

Numerous agreements, including memorandums of intent to sign future agreements, already have been signed, and countless deadlines have long since passed. Rewarding the government of Sudan for just the act of signing another agreement without setting concrete and verifiable benchmarks for implementation would be both foolhardy and unacceptable.

I realize that the administration is operating within the constraints of the Security Council and that the United States has been the leading and most aggressive country in trying to resolve the crisis in Sudan, and I understand that any Security Council resolution is a consensus document. But, nevertheless, those of us involved in policy on the Sudan ask the U.N. to reconsider, to reconsider whether the price of consensus is in this instance too high, and we ask the United Nations Security Council to redouble its efforts to put pressure on the government in Khartoum to end the killing in Darfur and to bring whatever powers we can to that end.

I am heartened by the offer by the African Union, by the Nigerian and the Rwandan troops, to go in on the ground to try to defend the people of Darfur. I would suggest that we ask the Security Council and the African Union to expand that mission and allow them to more aggressively pursue that defense and at the same time we continue our efforts with the heavy-lift capability and our efforts to get that force in place to defend these victims of genocide.

Mr. Speaker, I thank again the author of this resolution.

Mr. LANTOS. Mr. Speaker, I yield 5½ minutes to the gentleman from Oregon (Mr. BLUMENAUER), my good friend, a distinguished member of the Committee on International Relations and a tireless fighter for human rights.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman yielding me this time, and I applaud the sponsors, the gentleman from Colorado (Mr. TANCREDO), the distinguished chairman of the Subcommittee on Africa, the gentleman from California (Mr. ROYCE), and the gentleman from New Jersey (Mr. PAYNE) for bringing this forward.

In a sense, it is bittersweet that we have to do this because of the continuing crisis in Sudan, but the fact is that this Congress has been moving forward and shining the spotlight. This is another step towards making a difference, helping provide safe haven for hundreds of thousands of innocent people. As the world proceeds with words of concern, the people of Darfur continue to suffer at the hands of the Sudanese government and their militia allies because good words are not a sufficient substitute for appropriate action.

I appreciate the commitment we have here in Congress to do something, to take action. I view this resolution as the next step in moving us along that path.

It authorizes desperately needed humanitarian aid for over 1.5 million people forced from their homes. It includes both a carrot and a stick. It gives aide to Sudan if the government finishes the north-south peace process, begins to protect civilians and disarm the militia, and provides for sanction against senior government officials if they do not. Time will tell whether or not we have hit the right balance.

I appreciate the gentleman from California (Mr. ROYCE) talking about the role of the United Nations and the work we need to do there. It is an important issue for us as Members of Congress, because this is one of the areas, frankly, that I felt even in the fall when there was a lot of partisan passions, there were legitimate disagreements on areas of policy from Members, but this is an area where our shared values as Americans were more important than any partisan differences.

I remember the evening of our last resolution where Members came together in this Chamber, and it made me feel that maybe we would be able to take that step forward. I appreciate this resolution as being a part of the process, but I would offer the question for my colleagues if maybe we might take another small step. I have been in consultation with some of my colleagues like the gentleman from New Jersey (Mr. PAYNE), the gentleman from California (Mr. ROYCE) and others, about whether or not we might resolve as a Congress that in the next session we would make a priority to take one small step, that each Member in the 109th Congress be able to visit the Sudan, to be able to spend a night on the ground in Darfur, and as we leave that country to stop off in Khartoum and let the government of Sudan know that their behavior is reprehensible and the spotlight of the world is trained upon them.

□ 1330

If we as Members go to our leadership in the spirit of bipartisan cooperation that this resolution has been authored, with the leadership of our International Relations Committee, and ask that the leadership, the Speaker, the minority leader, the majority leader, join with us in making sure that there are a series of CODELs over the next 2 years, I would respectfully suggest that there is no man or woman that serves in this Chamber that cannot find 4 days out of their lives in the next 2 years that could result in the saving of tens of thousands of lives.

I have received feedback from people in the NGO community that are doing outstanding work; they say if every Member of Congress would go to the Sudan over the next 2 years, that it would have a transformational effect, even if we had only 50 or 60 of our colleagues. So by all means, approve this resolution, stand, speak out, move forward; but I would ask that my colleagues join me in making a visit on the ground to be a priority for us all. This small gesture can save tens of thousands of lives.

Mr. TANCREDO. Mr. Speaker, I submit for printing in the CONGRESSIONAL RECORD an exchange of letters between Chairman HYDE and Chairman THOMAS.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, November 18, 2004.
Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN HYDE: I am writing concerning S. 2781, the Comprehensive Peace in Sudan Act.

As you know, the Committee on Ways and Means has jurisdiction over revenue matters, including any legislation relating to imports. There are two provisions within the bill that may relate to imports and thus fall within the jurisdiction of the Committee on Ways and Means. Section 4(b)(8) expresses the Sense of Congress that "the Government of the United States should not normalize relations with Sudan, including through the lifting of any sanctions, until the Government of Sudan agrees to, and takes demonstrable steps to implement, peace agreements for all areas of Sudan." Section 6(a) requires the President to impose certain sanctions outlined in the Sudan Peace Act (P.L. 107-245), including the requirement to "take all necessary and appropriate steps, including through multilateral efforts, to deny the Government of Sudan access to oil revenues," which could be interpreted to direct the President to impose an import ban on oil.

However, in order to expedite this legislation for floor consideration, the Committee will forego action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to exercising its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to S. 2781, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES,
Washington, DC, November 18, 2004.
Hon. WILLIAM M.THOMAS,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning S. 2781, the Comprehensive Peace in Sudan Act.

Clearly, under House Rule X, the Committee on Ways and Means has jurisdiction over revenue matters, including any legislation relating to imports. I concur with your assessment of the matters in S. 2781 which fall within the jurisdiction of the Committee on Ways and Means. Section 4(b)(8) expresses the Senate of Congress that "the Government of the United States should not normalize relations with Sudan, including through the lifting of any sanctions, until the Government of Sudan agrees to, and takes demonstrable steps to, implement peace agreements for all areas of Sudan." Section 6(a) requires the President to impose certain sanctions outlined in the Sudan Peace Act (P.L. 107-245), including the requirement to "take all necessary and appropriate steps, including through multilateral efforts, to deny the Government of Sudan access to oil revenues," which could be interpreted to direct the President to impose an import ban on oil.

I appreciate your willingness to permit this important bill to proceed to the floor without the necessity of your Committee formally considering it. I understand that it does not in any way prejudice the Committee with respect to exercising its jurisdictional prerogatives on this or similar legislation.

As you have requested, I will ensure that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Sincerely,

HENRY J. HYDE,
Chairman.

Mr. TANCREDO. Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to my good friend, the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the Comprehensive Peace in Sudan Act. Despite the increase in world attention toward Sudan in the past months, the genocide in Darfur has continued without any serious attempt by the Sudanese government to do what governments primarily exist to do, protect their citizens. Instead, Khartoum has been complicit in propagating the brutal acts of violence committed by the Janjaweed, has failed to disarm these Arab militias, and has hindered the delivery of humanitarian aid to Darfurians in dire need.

Congress has spoken out and acted several times to address this crisis, and I commend this body for its aggressiveness on this issue and for contributing more funds for humanitarian assistance than any other country. However, we have a moral obligation to do more. As the gentleman from California (Mr. LANTOS) has said, we must continue to set an example for the rest of the world. The punitive measures contained in this bill need the cooperation of the world in order to truly succeed in putting pressure on the Sudanese government.

I urge my colleagues to support this bill. I note that the genocide in Darfur cannot be addressed without seeing it in the context of Sudan's other tragic conflicts: the 21-year North-South civil war, and Sudan's support for LRA bases on Sudan's border with northern Uganda. We should remain careful to address all of these conflicts comprehensively, for none of them persists in a vacuum.

I also support the gentleman from California's call for NATO to get involved in addressing this most serious humanitarian crisis. The Khartoum regime will do what it must to survive. In 1995, sanctions led Sudan to cut its ties with terrorists and expel Osama bin Laden. The international community should take the same forceful action now to save hundreds of thousands of lives. If the world has learned anything from the horrific tragedy of Rwanda and all previous genocides, we must not commit the same mistake again.

Mr. LANTOS. Mr. Speaker, I am delighted to yield the balance of my time to the gentleman from New Jersey (Mr. PAYNE), the distinguished ranking member of the Subcommittee on Africa of the Committee on International Relations who has been our leader on all matters relating to that important continent.

Mr. TANCREDO. Mr. Speaker, I yield 2 additional minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I rise today in strong support of S. 2781, the Comprehensive Peace in Sudan Act. The bill is a result of weeks of negotiations between House and Senate cosponsors. First of all, this would have been impossible without the cooperation of the leadership of both the House and the Senate, and I would certainly like to commend the gentleman from Illinois (Mr. HYDE), the chairman of the committee, who has not said no to any request that we have made as relates to Sudan. There could not have been any more cooperation from a chairman of a committee in such a bipartisan manner than we have seen from the gentleman from Illinois. I would certainly like to commend him at this time.

Of course, the driving interest and support from the gentleman from California (Mr. LANTOS) who saw the effects of genocide decades ago when the Holocaust was going on and the world looked the other way. His passion for issues that are right certainly shows clearly in his overwhelming support for action against the Government of Sudan and alleviating the situation of the people of Sudan.

Let me thank Senator BIDEN and, of course, our chair of the Subcommittee on Africa whose tireless effort has also been extraordinary in bipartisanship. I think that if the Congress could put a prototype of the Subcommittee on Africa and then see if it could spread towards the total Congress, much more positive legislation would be passed. And so I commend the gentleman from Orange County, the chairman of our subcommittee, and also the gentleman from Colorado (Mr. TANCREDO) who has been a real asset to our work. His first CODEL was a trip to southern Sudan. And so the gentleman from California (Mr. ROYCE), the gentleman from Colorado (Mr. TANCREDO), and the gentleman from California (Mr. ROYCE) who even before any of us came was fighting the fight and he continues to fight the good fight.

The world has witnessed genocide before but never as we have seen it again here before in Darfur, but the difference is we have declared genocide and that is something that the world has not done before. The world usually watched, said it is terrible, that sort of something should be done, and after it has been done, maybe a decade or two later, will do a study. And after the study is concluded, they will say indeed genocide occurred. The fact that in 1948 the world body said that there should be a law, there should be a responsibility to step in to prevent genocide, but it has not happened 10 years after Rwanda.

A film is coming out now that I wish everyone would be able to see about a person who saved 1,200 lives at the Mille Collines Hotel, where he simply kept 1,200 people, Tutsis and moderate Hutus, alive. And so as we see what has happened before, it is so important that we have stepped up, but to declare it is not enough. We see the brutal killings and unnecessary deaths due to cholera, diarrhea, and starvation.

We know the facts. Over 70,000 innocent men, women and children have been killed in this genocide conceived, sponsored, and carried out by the Government of Sudan. Government troops and the Janjaweed militias they have recruited and armed have internally displaced close to 1.6 million people and forced 200,000 people into Chad. They have raped countless women and children. What kind of world are we living in today in the new millennium where this can occur while the international community still looks on and debates the issue?

S. 2781 is our response to genocide, and it contains asset freezes on government officials as well as travel bans. It provides $200 million in fiscal year 2005 to the Darfur humanitarian relief and the African Union mission as well as $100 million to development in the southern Sudan. It says to the Government of Sudan that the United States is watching and will punish them for this genocide, despite any agreement that they may reach with the SPLM.

Let us not get ourselves confused. For 40 years the North and South have been at war and finally the Sudanese government has agreed to now another 30 or 45 days. They were supposed to sign it with the Security Council being in Nairobi, Kenya, but they said, well, give us until December 31. But let us not make any mistake about the fact that if the North-South agreement goes on, that we cannot turn a blind eye and give concessions to the Government of Sudan as they continue genocide in the West. We will not stand for that. It is unacceptable.

It is unconscionable that a government attacks its own people, yet the Government of Sudan has a history of doing this. In southern Sudan for years they practiced a scorched-Earth campaign of aerial bombardment that has killed over 2 million people and displaced another 5 million over the course of the last 3 decades.

Today in Nairobi, Kenya, the Security Council is meeting to discuss the North-South peace process, as I indicated earlier. It is key that we do not forget Darfur while we are pushing for peace in the North and the South.

I also urge my colleagues in the Congress to condemn the apparent shift of policy by the administration to reward the genocidaire Government of Sudan with debt relief and reconstruction if they sign an agreement by the end of the year instead of punishing them.

I think that this is a very key point. For decades and decades and decades the Government of Sudan has done the wrong thing. They allowed Osama bin Laden to live in Sudan. In those 4 or 5 years, Osama bin Laden, who had not developed an international organization, did not have the comfort to develop and strategize because he was even expelled from Saudi Arabia, the Government of Sudan, the same people who are in power, the same ministers, the same directors of programs, the same police officers, the same generals allowed Osama bin Laden to plan and to strengthen his organization, to develop a worldwide network in the United States, throughout Asia, throughout Africa, throughout the Middle East, and plan the bombings in Dar es Salaam and in Nairobi, which killed hundreds of Americans and Tanzanians and Kenyans.

And finally, after tremendous pressure, Sudan allowed him to leave, but the damage was done. Had that government not allowed Osama bin Laden to stay under their protection, the government issued visas to people who carried the bombs into those countries and we have reports of that. They supplied the ammunition needed to set off the bombs, this same government, who now have attacked the West. We say that it will be wrong. The North-South agreement is something that should not even have had to be signed because there should not have been the North atrocities on the South for the last 20 or 30 years.

That is good that there is finally becoming an agreement. But let us not allow that to blind us in saying that the government is doing the right thing. They are doing something that they should not have done before and let us have Darfur to make sure that the genocide ends there.

The SPEAKER pro tempore (Mr. BASS). The time of the gentleman from California (Mr. LANTOS) has expired.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from New Jersey referenced a trip that we took to the Sudan, he and I, now over 5 years ago, 5½ years ago. It was certainly as a result of that trip that I have committed as much of my time and energy to this issue, and it is a result of the gentleman from New Jersey's leadership in this area that I stay connected to it.

Let me just tell you one thing that happened on that trip that I remember to this day and will remember it for the rest of my life. We were in a little town called Yai. As we walked through the town, a group of children surrounded us so that it was almost impossible to move. They kept yelling something. They were pointing up. They kept saying something, and of course I could not understand. We were trying to move by. I asked somebody, what are they saying?

□ 1345

And the interpreter said they are fearful of bombs because, of course, the town had been bombed just prior to our getting there. The Antanov bombers had come by, and they were saying that they thought that because we were from the United States, because we were Congressmen, that they would not be hit by these bombs if they stayed close to us. And, of course, I could not promise that that could not happen. But I still remember their eyes, the eyes of these children looking up to us, looking for safety around us. And I will never forget that as long as I live. I will take that picture to my grave. And I committed myself at that time to do everything I could possibly do as a Member of Congress and as a human being, as a person with a soul, to do everything I could possibly do to provide them the shelter that they were looking for, them and all of the other children in Sudan and all of the other people that have suffered so mightily in this war-torn, ravaged country.

There are places all over the world I know that have experienced horrible events, and it happens daily. We come here ourselves and we say what can we do individually. We have to carve out something that we are going to focus on and spend time and energy on until it is accomplished or we are taken away, one way or the other, from this place.

So as I say, it has been certainly a pleasure to work with as many wonderful people as we have over the time. Father Dan, my colleague remembers, that we met there, who I always refer to as the individual in Sudan that anybody would go to if they want to know what was really happening, and he himself has saved thousands of people, thousands. We went to a church the last day we were there. Thousands of people came, and they had themselves experienced the most horrible things.

Almost 7,000 died on the way to this refugee camp that Father Dan had set up for them. And yet they came singing the praises of Jesus Christ and their thankfulness to be saved. I mean, it was the most incredible experience in my life, really. It was amazing. So I must say that the gentleman's kind words to me are certainly appreciated, but they are undeserved especially in terms of what he has done and others, my colleagues here.

We are pulled to this not for any political reason whatsoever. There are no votes. I mean, it is one of the few kinds of things we do on this floor that has absolutely no political advantage to anybody. We are pulled to this because we are human beings with souls and our souls are what tell us we must do, what we are doing here today.

So I thank the gentleman. I want to thank Molly Miller on my staff, who has spent so many countless hours and sleepless nights both probably in the office and also in her home worrying and thinking about this and trying to help us get to the floor tonight. Molly has been wonderful.

I just wish that this were the end of it. I wish that once we pass this, we could all walk away and think it is done, we have accomplished it, there is peace in Sudan. It is not the case. We know that is not the case. But it is what we are required to do today. And if there is more required to do tomorrow, I commit myself and I know my colleagues to the same. I commit myself to that task for as long as it takes.

Mr. RANGEL. Mr. Speaker, by now we are all aware of the ongoing crisis in Darfur, Sudan. The United Nations and U.S. officials have both asserted that the situation there is currently the worst humanitarian and human rights crisis in the world. To date, 1.4 million people have been internally displaced, 200,000 have been forced into exile, and an estimated 70,000 civilians have been killed. Some figures put the number of lives lost at nearly 300,000.

In light of this incomprehensible tragedy, I am extremely pleased to support the passage of the Comprehensive Peace in Sudan Act of 2004, S. 2781. The bill represents a non-partisan effort to provide adequate humanitarian and peacekeeping assistance to the Darfur region, as well as, hold accountable the perpetrators of the atrocities.

The bill seeks to appropriate $200 million for Darfur humanitarian relief, as well as assistance to the African Union's peacekeeping efforts in the region. through the application of economic sanctions, the bill will also seek to take punitive action against the Government of Sudan if it continues its brutal transgressions against the Darfurian people. In addition, the bill will appropriate $100 million in FY 05, 06, and 07 for reconstruction efforts in Southern Sudan.

The passage of S. 2781 will send a clear message that the people of Darfur are not alone in their struggle, and that the acts being perpetrated by the Sudanese government will not be tolerated. As a co-sponsor of H.R. 5061, the companion bill to S. 2781, I urge my fellow colleagues to lend their support to this critical measure, as it now lie son the cusp of passage.

I cannot stress enough its importance. Its success will no doubt aid in the cessation of genocide in Darfur, and the ability of its people to rebuild their lives and reclaim their liberty. As a nation that values freedom, we must make certain that it endures, not only for ourselves but for all our human brethren. S. 2781 is but one step in that eternal endeavor.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of S. 2781 regarding the conflict in the Darfur region of Sudan. I fully supported H.R. 5061, which sought to provide the assistance that is necessary to begin to address the crisis in the Darfur region of Sudan and begin to usher in stability throughout the region and is related. The legislation before us today, S. 2781 does the following:

Sets forth the Comprehensive Peace in Sudan Act of 2004 which contains the sense of Congress regarding: (1) The Sudan Peace Act and its extension to the Darfur region of Sudan; and (2) actions to address the conflict in Sudan;

Amends the Sudan Peace Act to authorize additional FY 2005 appropriations to address the humanitarian and human rights crisis in the Darfur region and its impact on eastern Chad;

Authorizes additional FY 2005 appropriations for Sudan upon the conclusion of a peace agreement between the Government of Sudan and the Sudan People's Liberation Movement (SPLM) if the President certifies to the appropriate congressional committees that: (1) The Government of Sudan has taken steps to stop attacking civilians, disarm militias, cooperate fully with observer missions, and allow humanitarian access to all areas of Sudan, including Darfur; and (2) the SPLM is complying with the peace agreement;

Requires suspension of assistance to either party for its failure to adhere to certification requirements;

Requires: (1) Blocking of senior government officials' assets if such certification is not submitted within 120 days of enactment of this Act; and (2) continuation of existing restrictions until such certification;

Requires the President to report within 60 days of enactment of this Act on the planned U.S. response to a peace agreement for Sudan; and

Amends the International Organizations Immunities Act to replace a reference to "Organization of African Unity" with "African Union."

I congratulate our Senate colleague from Indiana for his hard work in crafting this legislation. However, some of its provisions may require additional urgent action to supplement its legal effect. For example, the 30-day delay required before sanctions can be placed by our government represents a significant concession.

Nevertheless, I feel that the authorization of $200 million in FY 2005 for Darfur humanitarian relief, as well as $100 million for FY 2005, 2006, and 2007 for the development of Southern Sudan will provide major relief in the near future.

H.R. 5061 called for sanctions against the Government of Sudan and that would allow the United States President to freeze the assets of senior Sudanese officials. These sanctions will enable the U.S. Government to facilitate the weakening of the Sudanese groups that threaten the lives of so many innocent people and the effectiveness of the N'Djamena Agreement (which is between the Government of Sudan, the Justice Equality Movement, and the Sudan Liberation Army) and other peace negotiations.

H.R. 5061 further aimed to include instructions for the U.S. Permanent Representative of the U.N. to urge the Security Council and member states to pursue accountability for those that are facilitating the genocide in Darfur. The provisions of that bill also sought to end the importation of Sudanese oil and to impose an arms embargo on the government of Sudan, the Janjaweed and the Peoples Democratic Front.

We know why this legislation and the bill before us are important. We have read in our newspapers and magazines and have watched our televisions to learn more about the lawlessness that is afflicting Darfur. Members of this Congress have traveled to Sudan and reported back the bad news. It continues to be a bloodbath situation in Sudan and this Congress must support this bill and take a stand against the murderous actors and to show out support for the millions of refugees whom have fled to neighboring countries. This bill will provide aid to the millions of refugees in eastern Chad and Darfur, who seek only to feed their children and seek solace from Janjaweed militias.

The situation in Darfur is dire. We must do more than simply label this horrendous act as genocide; we must take action to stop it. The people of Darfur continue to be raped and pillaged by militia forces. These militiamen ride into towns, villages, and even refugee camps on horseback carrying AK–47s and drive families from their farms, destroy their homes, rape their women, and in many cases murder them. Because of the overcrowding in the refugee camps and the inability of foreign aid workers to reach the camps due to instability, disease has become rampant. Right now in Darfur, thousands are succumbing to these diseases.

Mr. Speaker, the situation in Darfur is a disaster that has been brought upon the people of Darfur by the systematic efforts of the Janjaweed, which is strongly supported by the Sudanese Government in Khartoum. They have been orchestrating efforts to exterminate the ethnic African culture in Darfur, which this Congress, and most recently the president of these United States, labeled genocide.

Therefore this Congress must act now and support S. 2781. In addition to thanking Senator LUGAR for his hard work, I would like to thank Congressman THOMAS TANCREDO and Congressman DONALD PAYNE for their tireless efforts to raise awareness on this horrific act. I want to commend them for working to produce this bill and I can only pray that Congress will pass this legislation on behalf of those who are hoping for better days in Sudan.

Imagine a world where bands of armed militia raid and burn villages, kill men, rape women, and abduct children, and force entire families off their lands. These are not scenes from a war movie; these are slices of everyday life for ethnic African people living in the Darfur region of western Sudan.

Relief workers and U.S. officials have reported seeing thousands children whose round bellies and sunken eyes reveal a famine so severe that even the most well fed of the land would still be considered malnourished. And they are a stone's throw from fertile ground. The problem is that Janjaweed militiamen riding on horseback and carrying AK–47s, have driven families from their farms, destroyed their homes, cut them off from resources, and refused to let them prepare for the upcoming rainy reason. The monsoons will likely overwhelm leaky huts and inadequate sewage systems and increase the risks of cholera, diarrhea, meningitis, measles, and possibly typhoid fever and polio. But this is not a natural disaster. It is a wholly unnatural, man-made disaster, brought about through the systematic efforts of the Janjaweed, and supported by the Sudanese Govenment in Khartoum. It is an effort to exterminate the ethnic African culture in Darfur—an international crime.

For the past year and a half, the Government of Sudan has supported and enlarged the interests of the Janjaweed militia. In the melee, more than 30,000 people have died and 300,000 more may die by year's end even if we contribute our best humanitarian effort. Now, in the twelfth hour, world leaders in Washington, at the U.N., and around the world are finally beginning to heed the cries of the people in Darfur. International aid and human rights organizations are stepping in to assess and meet the needs for humanitarian aid in both the Sudan and Chad where many displaced people of Darfur are seeking refuge.

Visits by Senator SAM BROWNBACK, Representative FRANK WOLF and, most recently, United States Secretary of State Colin Powell and United Nations Secretary-General Kofi Annan have done much to bring this issue to the forefront of world politics.

The world's attention and international media coverage are essential but insufficient to restore peace. To end this crisis, we must first acknowledge the scope of this crisis. What is happening in Darfur is genocide. In historic fashion, the House of Representatives, in an almost unprecedented show of bipartisanship passed legislation from my colleague in the Congressional Black Caucus DONALD PAYNE, H. Con. Res. 467—a formal declaration of genocide in Darfur, Sudan.

Today, I met with Secretary of State Colin Powell, and leaders from the Congressional Black Caucus, to discuss possibilities for future action in Sudan. Secretary Powell's passion and commitment to the cause of peace and justice for the Darfurians was obvious. But it is now time for similar dedication at the highest levels of govenment. I have written a letter to the President, co-signed by 30 other Members of Congress, both Republicans and Democrats, requesting a meeting as soon as practicable. United Nations Secretary-General Kofi Annan and President Bush must work in concert with us in the Congress to pressure the Sudanese to disarm the Janjaweed militias and end their reign of terror on ethnic-African peoples. If disarmament does not occur and if proper security measures are not taken to ensure that humanitarian workers will be able to do their jobs on the ground, we need to explore other more aggressive options, with our partners at the U.N., especially those nations in the African Union.

Today, U.S. lawmakers and U.N. officials know too much about the horrors taking place in Darfur for this administration and govenment to repeat the fate of Rwanda in 1994. We now have the momentum to move forward and prevent thousands and, possibly, millions from dying. With such a narrow window of opportunity to avert tragedy and with the urgent warnings issued this week by the 9/11 commission, I believe Congress should cut our recess short, and come back to Washington, to immediately address the issues that face this Nation and our friends in the world. It is our moral duty to put an end to what has already become a human rights catastrophe. We must stop the suffering and the commission of blatant crimes against humanity.

Mr. Speaker, I support this legislation and ask that this body unite for its passage.

Mr. MEEKS. Mr. Speaker, I would first like to commend my colleagues, DONALD PAYNE and TOM TANCREDO for working with the Senate to draft a bill that will hopefully be the beginning of the end of genocide in the Sudan.

Since February 2003, Sudanese government troops and their allied militia, the Janjaweed, have raped, tortured, maimed, and burned entire villages to cleanse the Darfur areas of African Muslims.

Seventy thousand have died. Over 200,000 have fled across the border into Chad and 1.6 million have been forced from their homes and into camps, where they remain vulnerable to attacks and lack basic services.

While the Sudanese government has done little to protect its people, the African Union has shown tremendous leadership in trying to stop the atrocities.

The African Union has led peace talks since August and sent hundreds of monitors and security forces to assist in stopping the atrocities.

It is my hope that the bulk of the assistance included in this bill will go to ensure that the African Union is successful in its mission to finally end the genocide in Darfur!

Additionally, we must continue to insist that the Sudanese government cease support for and disarm the Janjaweed militias by immediately utilizing sanctions against the government officials responsible for stopping the atrocities.

Darfur has waited long enough. We must act now.

Mr. PAUL. Mr. Speaker, I rise in strong opposition to this ill-conceived, counter-productive legislation. This represents exactly the kind of unconstitutional interventionism the Founding Fathers warned us about. It is arrogant and dangerous for us to believe that we can go around the world inserting ourselves into civil wars that have nothing to do with us without having to face the unintended consequences that always arise. Our steadily-increasing involvement in the civil war in Sudan may well delay the resolution of the conflict that appears to be proceeding without our involvement. Just today, in talks with the UN the two sides pledged to end the fighting.

The fact is we do not know and cannot understand the complexities of the civil war in Sudan, which has lasted for 39 of that country's 48 years of existence. Supporters of our intervention in Sudan argue that this is a clear-cut case of Sudan's Christian minority being oppressed and massacred by the Arab majority in the Darfur region. It is interesting that the CIA's World Factbook states that Sudan's Christians, who make up five percent of the population, are concentrated in the south of the country. Darfur is a region in the midwestern part of Sudan. So I wonder about this very simplistic characterization of the conflict.

It seems as if this has been all reduced to a few slogans, tossed around without much thought or care about real meaning or implication. We unfortunately see this often with calls for intervention. One thing we do know, however, is that Sudan is floating on a sea of oil. Why does it always seem that when we hear urgent clamor for the United States to intervene, oil or some other valuable commodity just happens to be present? I find it interesting that so much attention is being paid to oil-rich Sudan while right next door in Congo the death toll from its civil war is estimated to two to three million—several times the estimated toll in Sudan.

At a time when we have just raised the debt-ceiling to allow more massive debt accumulation, this legislation will unconstitutionally commit the United States to ship some 300 million taxpayer dollars to Sudan. It will also freeze the U.S. assets of certain Sudanese until the government of Sudan pursues peace in a time-frame and manner that the U.S. determines.

Inserting ourselves into this civil war in Sudan will do little to solve the crisis. In fact, the promise of U.S. support for one side in the struggle may discourage the progress that has been made recently. What incentive is there to seek a peaceful resolution of the conflict when the U.S. government promises massive assistance to one side? I strongly urge my colleagues to rethink our current dangerous course toward further intervention in Sudan. We may end up hurting most those we are intending to help.

Mr. TANCREDO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Colorado (Mr. TANCREDO) that the House suspend the rules and pass the Senate bill, S. 2781, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

TREATING CERTAIN ARRANGEMENTS BY YMCA RETIREMENT FUND AS CHURCH PLANS

Mr. ENGLISH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5365) to treat certain arrangements maintained by the YMCA Retirement Fund as church plans for the purposes of certain provisions of the Internal Revenue Code of 1986, and for other purposes.

The Clerk read as follows:

H.R. 5365

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN ARRANGEMENTS MAINTAINED BY THE YMCA RETIREMENT FUND TREATED AS CHURCH PLANS.

(a) RETIREMENT PLANS.—

(1) IN GENERAL.—For purposes of sections 401(a) and 403(b) of the Internal Revenue Code of 1986, any retirement plan maintained by the YMCA Retirement Fund as of January 1, 2003, shall be treated as a church plan (within the meaning of section 414(e) of such

Code) which is maintained by an organization described in section 414(e)(3)(A) of such Code.

(2) TAX-DEFERRED RETIREMENT PLAN.—In the case of a retirement plan described in paragraph (1) which allows contributions to be made under a salary reduction agreement—

(A) such treatment shall not apply for purposes of section 415(c)(7) of such Code, and

(B) any account maintained for a participant or beneficiary of such plan shall be treated for purposes of such Code as a retirement income account described in section 403(b)(9) of such Code, except that such account shall not, for purposes of section 403(b)(12) of such Code, be treated as a contract purchased by a church for purposes of section 403(b)(1)(D) of such Code.

(3) MONEY PURCHASE PENSION PLAN.—In the case of a retirement plan described in paragraph (1) which is subject to the requirements of section 401(a) of such Code—

(A) such plan (but not any reserves held by the YMCA Retirement Fund)—

(i) shall be treated for purposes of such Code as a defined contribution plan which is a money purchase pension plan, and

(ii) shall be treated as having made an election under section 410(d) of such Code for plan years beginning after December 31, 2005, except that notwithstanding the election—

(I) nothing in the Employee Retirement Income Security Act of 1974 or such Code shall prohibit the YMCA Retirement Fund from commingling for investment purposes the assets of the electing plan with the assets of such Fund and with the assets of any employee benefit plan maintained by such Fund, and

(II) nothing in this section shall be construed as subjecting any assets described in subclause (I), other than the assets of the electing plan, to any provision of such Act,

(B) notwithstanding section 401(a)(11) or 417 of such Code or section 205 of such Act, such plan may offer a lump-sum distribution option to participants who have not attained age 55 without offering such participants an annuity option, and

(C) any account maintained for a participant or beneficiary of such plan shall, for purposes of section 401(a)(9) of such Code, be treated as a retirement income account described in section 403(b)(9) of such Code.

(4) SELF-FUNDED DEATH BENEFIT PLAN.—For purposes of section 7702(j) of such Code, a retirement plan described in paragraph (1) shall be treated as an arrangement described in section 7702(j)(2).

(b) YMCA RETIREMENT FUND.—For purposes of this section, the term "YMCA Retirement Fund" means the Young Men's Christian Association Retirement Fund, a corporation created by an Act of the State of New York which became law on April 30, 1921.

(c) EFFECTIVE DATE.—This section shall apply to plan years beginning after December 31, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. ENGLISH) and the gentleman from North Dakota (Mr. POMEROY) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to support H.R. 5365, legislation that I had the privilege to introduce along with the gentleman from North Dakota (Mr. POMEROY). The gentleman from North Dakota and I have been working together for a number of years to make this important clarification, and I appreciate his dedication and leadership on this issue. I also want to thank the gentleman from California (Chairman THOMAS) and the Committee on Ways and Means for their invaluable assistance in bringing this bill to the floor today.

Mr. Speaker, this bill is designed to ensure that thousands of pension plan participants and retirees from the YMCA can continue to count on their benefits. It addresses a concern about the technical status of the YMCA pension plan as a church plan, a type of pension plan offered by churches or associations of churches which brings with it a special set of rules and regulations under the Tax Code. While the Y pension plan was founded as and historically has been treated as a church plan, the IRS has on occasion puckishly called its status into question. This bill ensures that its status remains a church plan and that the plan may continue to operate as has been for over 80 years with clear congressional intent.

The YMCA pension plan is a significant and important component of the compensation package offered all YMCA employees, most of whom are paid modestly. Every full-time employee of local YMCAs is required to participate to help ensure better retirement security for all of these employees. The YMCA pension plan is important to the YMCA employees and retirees in my district in Pennsylvania, as it is to those plan participants in most likely each and every congressional district across the country.

This legislation has a vital impact on more than 3,000 families in Pennsylvania and over 80,000 participants nationwide because it offers them financial and retirement security for their long service on behalf of our Nation's YMCAs, one of our most important organizations operating within communities throughout this country. I am pleased that we are moving forward with this bill today to preserve the status quo, and I encourage all of my colleagues to actively support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

I am very pleased to join the gentleman from Pennsylvania (Mr. ENGLISH) in the sponsoring of this bill. I want to also express my gratitude to the gentleman from California (Chairman THOMAS) for allowing the bill to come forward and to the gentleman from New York (Mr. RANGEL), ranking member, for his interest and support of this legislation.

The YMCA puts Christian principles into the communities by programs that advance healthy minds and strong bodies. They serve 18 million Americans every year and operate throughout its 90-year existence a pension plan for the modestly paid individuals that make these facilities what they are to those enjoying their services.

The YMCA retirement plan requires each and every employee to participate, provides retirees with annuities that guarantee monthly income for life. In fact, 98 percent of retirees choose a lifetime income over that lump sum payment option.

As we look at this whole retirement savings, retirement income conundrum, and we are certainly going to be deeply involved in that this coming congressional session, I hope we can agree that we are going to try to keep in the marketplace what works. And certainly when it comes to the YMCAs pension program, this is a plan that works.

It has been placed in some question because of the IRS's evaluating whether or not it appropriately qualifies under the church-sponsored plan, as was mentioned by the gentleman from Pennsylvania (Mr. ENGLISH). It is important to legislatively take that, shed that cloud off of this pension program. I appreciate the IRS for forbearing while Congress has been allowed through this legislation to straighten out and clarify that we do not want any changes to the YMCA pension plan. This is a plan that is working and serving its people well. We want it to continue as it has done, and that is the effect of this legislation.

In North Dakota we have 820 YMCA employees and retirees whose fate is linked in some respect to this legislation. Nationally 88,000 have a stake in this legislation.

I hope that as we pass this legislation today, we can take this as a precedent. These pension issues deserve bipartisan approach, like the bill before us, and we need to build on the concept, keep what works, move to address the other areas as these solutions present themselves.

So I am very pleased to advance H.R. 5365 and urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGLISH. Mr. Speaker, I yield myself such time as I may consume.

I will submit the exchange of letters between the gentleman from California (Chairman THOMAS) and the gentleman from Ohio (Chairman BOEHNER) relating to the jurisdiction of this bill for the RECORD.

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES,
Washington, DC, November 19, 2004.
Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means,
Washington, DC.

DEAR CHAIRMAN THOMAS: I am writing to confirm our mutual understanding with respect to consideration of H.R. 5365, to treat certain arrangements maintained by the

YMCA Retirement Fund as church plans for the purposes of certain provisions of the Internal Revenue Code of 1986, which was referred to the Committee on Ways and Means and in addition the Committee on Education and the Workforce. The bill would impact the Employee Retirement Income Security Act (ERISA) as it applies to certain pension plans within the jurisdiction of the Committee on Education and the Workforce.

I do not intend to delay consideration of H.R. 5365, nor will I object to the scheduling of this bill for consideration in the House of Representatives. However, I do so only with the understanding that this procedural route should not be construed to prejudice the Committee on Education and the Workforce's jurisdictional interest and prerogatives on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future. Furthermore, should these or similar provisions be considered in a conference with the Senate, I would expect Members of the Committee on Education and the Workforce be appointed to the conference committee on those provisions.

Finally, I would ask that you include a copy of our exchange of letters in the Congressional Record on this bill. If you have questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

JOHN A. BOEHNER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, November 19, 2004.

Hon. JOHN BOEHNER,
Chairman, Committee on Education and the Workforce, Washington, DC.

DEAR CHAIRMAN BOEHNER: Thank you for your letter regarding H.R. 5365, a bill that would treat the YMCA Retirement Fund as a church plan for certain provisions of the Internal Revenue Code of 1986.

I appreciate your agreement to expedite the passage of this legislation although it contains provisions relating to the Employee Retirement Income Security Act of 1974 that are within your Committee's jurisdiction. I acknowledge your decision to forego further action on the bill is based on the understanding that it will not prejudice the Committee on Education and the Workforce with respect to its jurisdictional prerogatives or the appointment of conferees on this or similar legislation.

I appreciate your helping us to move this legislation quickly to the floor. Since the Committee will not report his bill, I will instead include in the CONGRESSIONAL RECORD as copy of our exchange of letters on this matter. Thank you for your assistance and cooperation. We look forward to working with you in the future.

Best regards,

BILL THOMAS,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield myself 30 seconds.

I believe each and every one of us in this Chamber appreciates the work of the YMCA and recognizes that the YMCA is more than wonderful facilities. It is the people there. It is the people there that make these such a special part of our communities. If we want to do something that shows our appreciation to these dear people in the YMCA, let us move this legislation. This removes any shadow of a doubt that their pension plan can continue to function as it has functioned for virtually the entire life of the YMCA associations. This is a good thing to do.

I am pleased to work with the gentleman from Pennsylvania (Mr. ENGLISH), my friend, in moving this legislation forward. Let this be a place where the true spirit of bipartisanship can break out on a worthy goal. Let us support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. ENGLISH. Mr. Speaker, I yield myself the balance of my time.

I also want to salute the gentleman from North Dakota, who is a valuable ally particularly in dealing with an issue like this that is in a sense relatively straightforward, but deals with the technicalities of the tax law. He has been a great resource to us and to the committee, and it is a privilege for me to be co-sponsoring this legislation with him.

Mr. Speaker, I think that if we look at the history of the YMCA in America, we see the premier faith-based organization that has been providing services to people throughout our communities and providing services that have had an enormous cumulative social impact on America.

One of the essential components to the YMCA and how it operates is its ability to offer this pension program to its employees. The YMCA does not operate on a broad profit margin. So to be able to offer this program with its tax status is critical to the Y's ability to attract the kind of people who are willing to dedicate themselves to the community. And this I believe is a very important piece of legislation to maintain the status quo, to allow the Y to continue to offer not only an excellent pension to its participants and to all of its hard-working employees but also to continue to be able to offer the quality of services in communities throughout America.

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Mr. Speaker, it is a privilege for me to urge my colleagues to gather together on a bipartisan basis to approve this bill.

Mr. BOEHNER. Mr. Speaker, I rise in support of the YMCA Retirement Fund Act, a bill sponsored by Mr. ENGLISH. Strengthening employee pension plans has been a longstanding priority of mine, and I'm pleased to support this common sense reform that will strengthen pension benefits provided through the YMCA Retirement Fund.

This bill will ensure the Young Men's Christian Association's pension plans are treated as church plans under the Internal Revenue Code, and its employees are provided many of the important protections under the Employee Retirement Income Security Act ("ERISA").

The YMCA Retirement Fund has been in existence for more than eighty years, and provides meaningful pension benefits to more than 80,000 participants across the nation. Employees of local YMCA's participate in these pension plans and enjoy a vesting period of either two or three years. These employees obtain a non-forfeitable right to their pension benefits faster than employees under traditional qualified plans.

I'm pleased today to support this bill to ensure the YMCA Retirement Fund may continue providing these important pension benefits to its employees, many of whom will now also benefit from the important protections provided under ERISA.

Under the bill, the pension plans in the Fund may commingle assets for investment purposes. While there may be certain restrictions on this practice under the Internal Revenue Code, it is important to note that it is not a per se violation to commingle assets under ERISA, provided that the plan and its fiduciaries maintain appropriate records. Therefore, the language should not suggest that other qualified pension plans under ERISA cannot engage in this widely accepted practice.

If the YMCA Retirement Fund's status as a church plan under the Internal Revenue Code is not clarified for this narrow purpose, the Fund may not have the ability to continue to provide the same generous pension benefits to its participants, most of whom are modestly paid.

Finally, Mr. Speaker, I would note that while this legislation will solve a problem for the more than 80,000 Americans involved with the YMCA pension plan, the laws that govern all American worker pensions will remain outdated and in desperate need of reform and repair. The failure to update these laws has resulted in a very real threat that taxpayers will be forced to pay for a multi-billion bailout of the Pension Benefit Guaranty Corporation, which protects workers' retirement benefits when their companies fail. It's absolutely critical that we act in a bipartisan manner in the weeks and months ahead to enact comprehensive, broad-based reforms that will modernize our nation's pension laws and restore security for workers and taxpayers. This is a top priority for me and the members of our committee, and I know it is for Chairman THOMAS and the members of the Ways and Means Committee as well.

I want to thank Chairman THOMAS and the bill's sponsor, Mr. ENGLISH, for their cooperation in bringing this bill to the House floor today. I'm hopeful that we can build on this important legislation, and continue our efforts to craft a solution that will protect the retirement security of all our nation's workers in the same serious and thoughtful manner that produced the bill we're considering today.

I urge my colleagues to support this bill.

Mr. ENGLISH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Pennsylvania (Mr. ENGLISH) that the House suspend the rules and pass the bill, H.R. 5365.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ENGLISH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5365, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMERCIAL SPACE LAUNCH AMENDMENTS ACT OF 2004

Mr. ROHRABACHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5382) to promote the development of the emerging commercial human space flight industry, and for other purposes.

The Clerk read as follows:

H.R. 5382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commercial Space Launch Amendments Act of 2004".

SEC. 2. AMENDMENTS.

(a) Findings and Purposes.—Section 70101 of title 49, United States Code, is amended—

(1) in subsection (a)(3), by inserting "human space flight," after "microgravity research,";

(2) in subsection (a)(4)—

(A) by striking "satellite"; and

(B) by striking "services now available from" and inserting "capabilities of";

(3) in subsection (a)(8), by striking "and" at the end;

(4) in subsection (a)(9), by striking the period and inserting a semicolon;

(5) by adding at the end of subsection (a) the following new paragraphs:

"(10) the goal of safely opening space to the American people and their private commercial, scientific, and cultural enterprises should guide Federal space investments, policies, and regulations;

"(11) private industry has begun to develop commercial launch vehicles capable of carrying human beings into space and greater private investment in these efforts will stimulate the Nation's commercial space transportation industry as a whole;

"(12) space transportation is inherently risky, and the future of the commercial human space flight industry will depend on its ability to continually improve its safety performance;

"(13) a critical area of responsibility for the Department of Transportation is to regulate the operations and safety of the emerging commercial human space flight industry;

"(14) the public interest is served by creating a clear legal, regulatory, and safety regime for commercial human space flight; and

"(15) the regulatory standards governing human space flight must evolve as the industry matures so that regulations neither stifle technology development nor expose crew or space flight participants to avoidable risks as the public comes to expect greater safety for crew and space flight participants from the industry.";

(6) in subsection (b)(2)—

(A) by striking "and" at the end of subparagraph (A);

(B) by inserting "and" after the semicolon in subparagraph (B); and

(C) by adding at the end the following new subparagraph:

"(C) promoting the continuous improvement of the safety of launch vehicles designed to carry humans, including through the issuance of regulations, to the extent permitted by this chapter;"; and

(7) in subsection (b)(3), by striking "issue and transfer" and inserting "issue permits and commercial licenses and transfer".

(b) Definitions.—Section 70102 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (2) through (17) as paragraphs (3), (4), (5), (6), (7), (8), (9), (10), (12), (13), (14), (15), (16), (18), (21), and (22), respectively;

(2) by inserting after paragraph (1) the following new paragraph:

"(2) 'crew' means any employee of a licensee or transferee, or of a contractor or subcontractor of a licensee or transferee, who performs activities in the course of that employment directly relating to the launch, reentry, or other operation of or in a launch vehicle or reentry vehicle that carries human beings.";

(3) in paragraph (4), as so redesignated by paragraph (1) of this subsection, by inserting ", crew, or space flight participant" after "any payload";

(4) in paragraph (6)(A), as so redesignated by paragraph (1) of this subsection, by striking "and payload" and inserting ", payload, crew (including crew training), or space flight participant";

(5) in paragraph (8)(A), as so redesignated by paragraph (1) of this subsection, by inserting "or human beings" after "place a payload";

(6) by inserting after paragraph (10), as so redesignated by paragraph (1) of this subsection, the following new paragraph:

"(11) except in section 70104(c), 'permit' means an experimental permit issued under section 70105a.";

(7) in paragraph (13), as so redesignated by paragraph (1) of this subsection, by inserting "crew, or space flight participants," after "and its payload,";

(8) in paragraph (14)(A), as so redesignated by paragraph (1) of this subsection, by striking "and its payload" inserting "and payload, crew (including crew training), or space flight participant";

(9) by inserting after paragraph (16), as so redesignated by paragraph (1) of this subsection, the following new paragraph:

"(17) 'space flight participant' means an individual, who is not crew, carried within a launch vehicle or reentry vehicle.";

(10) by inserting after paragraph (18), as so redesignated by paragraph (1) of this subsection, the following new paragraphs:

"(19) unless and until regulations take effect under section 70120(c)(2), 'suborbital rocket' means a vehicle, rocket-propelled in whole or in part, intended for flight on a suborbital trajectory, and the thrust of which is greater than its lift for the majority of the rocket-powered portion of its ascent.

"(20) 'suborbital trajectory' means the intentional flight path of a launch vehicle, reentry vehicle, or any portion thereof, whose vacuum instantaneous impact point does not leave the surface of the Earth."; and

(11) in paragraph (21), as so redesignated by paragraph (1) of this subsection—

(A) by striking "or" at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting "; or"; and

(C) by adding at the end the following new subparagraph:

"(E) crew or space flight participants.".

(c) Commercial Human Space Flight.—(1) Section 70103(b)(1) of title 49, United States Code, is amended by inserting ", including those involving space flight participants" after "private sector".

(2) Section 70103 of title 49, United States Code, is amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) the following new subsection:

"(c) Safety.—In carrying out the responsibilities under subsection (b), the Secretary shall encourage, facilitate, and promote the continuous improvement of the safety of launch vehicles designed to carry humans, and the Secretary may, consistent with this chapter, promulgate regulations to carry out this subsection.".

(3) Section 70104(a) of title 49, United States Code, is amended—

(A) by striking "License Requirement.—A license issued or transferred under this chapter" and inserting "Requirement.—A license issued or transferred under this chapter, or a permit,"; and

(B) by inserting after paragraph (4) the following: "Notwithstanding this subsection, a permit shall not authorize a person to operate a launch site or reentry site.".

(4) Section 70104(b) of title 49, United States Code, is amended by inserting "or permit" after "holder of a license".

(5) Section 70104 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(d) Single License or Permit.—The Secretary of Transportation shall ensure that only 1 license or permit is required from the Department of Transportation to conduct activities involving crew or space flight participants, including launch and reentry, for which a license or permit is required under this chapter. The Secretary shall ensure that all Department of Transportation regulations relevant to the licensed or permitted activity are satisfied.".

(6) Section 70105(a) of title 49, United States Code, is amended—

(A) in paragraph (1), by striking "a license is not issued" and inserting "the Secretary has not taken action on a license application"; and

(B) in paragraph (2), by inserting "(including approval procedures for the purpose of protecting the health and safety of crews and space flight participants, to the extent permitted by subsections (b) and (c))" after "or personnel".

(7) Section 70105(b)(1) of title 49, United States Code, is amended by inserting "or permit" after "for a license".

(8) Section 70105(b)(2)(B) of title 49, United States Code, is amended by striking "an additional requirement necessary to protect" and inserting "any additional requirement necessary to protect".

(9) Section 70105(b)(2)(C) of title 49, United States Code, is amended—

(A) by inserting "or permit" after "for a license"; and

(B) by striking "and" at the end thereof.

(10) Section 70105(b)(2) of title 49, United States Code, is amended by redesignating subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following new subparagraph:

"(D) additional license requirements, for a launch vehicle carrying a human being for compensation or hire, necessary to protect the health and safety of crew or space flight participants, only if such requirements are imposed pursuant to final regulations issued in accordance with subsection (c); and".

(11) Section 70105(b)(2)(E) of title 49, United States Code, as so redesignated by paragraph (11) of this subsection, is amended by inserting "or permit" after "for a license".

(12) Section 70105(b)(3) of title 49, United States Code, is amended by adding at the end the following: "The Secretary may not grant a waiver under this paragraph that would permit the launch or reentry of a launch vehicle or a reentry vehicle without a license or permit if a human being will be on board.".

(13) Section 70105(b) of title 49, United States Code, is amended by adding at the end the following new paragraphs:

"(4) The holder of a license or a permit under this chapter may launch or reenter crew only if—

"(A) the crew has received training and has satisfied medical or other standards specified in the license or permit in accordance with regulations promulgated by the Secretary;

"(B) the holder of the license or permit has informed any individual serving as crew in writing, prior to executing any contract or other arrangement to employ that individual (or, in the case of an individual already employed as of the date of enactment of the Commercial Space Launch Amendments Act of 2004, as early as possible, but in any event prior to any launch in which the individual will participate as crew), that the United States Government has not certified the launch vehicle as safe for carrying crew or space flight participants; and

"(C) the holder of the license or permit and crew have complied with all requirements of the laws of the United States that apply to crew.

"(5) The holder of a license or a permit under this chapter may launch or reenter a space flight participant only if—

"(A) in accordance with regulations promulgated by the Secretary, the holder of the license or permit has informed the space flight participant in writing about the risks of the launch and reentry, including the safety record of the launch or reentry vehicle type, and the Secretary has informed the space flight participant in writing of any relevant information related to risk or probable loss during each phase of flight gathered by the Secretary in making the determination required by section 70112(a)(2) and (c);

"(B) the holder of the license or permit has informed any space flight participant in writing, prior to receiving any compensation from that space flight participant or (in the case of a space flight participant not providing compensation) otherwise concluding any agreement to fly that space flight participant, that the United States Government has not certified the launch vehicle as safe for carrying crew or space flight participants;

"(C) in accordance with regulations promulgated by the Secretary, the space flight participant has provided written informed consent to participate in the launch and reentry and written certification of compliance with any regulations promulgated under paragraph (6)(A); and

"(D) the holder of the license or permit has complied with any regulations promulgated by the Secretary pursuant to paragraph (6).

"(6)(A) The Secretary may issue regulations requiring space flight participants to undergo an appropriate physical examination prior to a launch or reentry under this chapter. This subparagraph shall cease to be in effect three years after the date of enactment of the Commercial Space Launch Amendments Act of 2004.

"(B) The Secretary may issue additional regulations setting reasonable requirements for space flight participants, including medical and training requirements. Such regulations shall not be effective before the expiration of 3 years after the date of enactment of the Commercial Space Launch Amendments Act of 2004.".

(14) Section 70105 of title 49, United States Code, is amended by redesignating subsection (c) as subsection (d), and by adding after subsection (b) the following new subsection:

"(c) SAFETY REGULATIONS.—(1) The Secretary may issue regulations governing the design or operation of a launch vehicle to protect the health and safety of crew and space flight participants.

"(2) Regulations issued under this subsection shall—

"(A) describe how such regulations would be applied when the Secretary is determining whether to issue a license under this chapter;

"(B) apply only to launches in which a vehicle will be carrying a human being for compensation or hire;

"(C) be limited to restricting or prohibiting design features or operating practices that—

"(i) have resulted in a serious or fatal injury (as defined in 49 CFR 830, as in effect on November 10, 2004) to crew or space flight participants during a licensed or permitted commercial human space flight; or

"(ii) contributed to an unplanned event or series of events during a licensed or permitted commercial human space flight that posed a high risk of causing a serious or fatal injury (as defined in 49 CFR 830, as in effect on November 10, 2004) to crew or space flight participants; and

"(D) be issued with a description of the instance or instances when the design feature or operating practice being restricted or prohibited contributed to a result or event described in subparagraph (C).

"(3) Beginning 8 years after the date of enactment of the Commercial Space Launch Amendments Act of 2004, the Secretary may propose regulations under this subsection without regard to paragraph (2)(C) and (D). Any such regulations shall take into consideration the evolving standards of safety in the commercial space flight industry.

"(4) Nothing in this subsection shall be construed to limit the authority of the Secretary to issue requirements or regulations to protect the public health and safety, safety of property, national security interests, and foreign policy interests of the United States.".

(15) Section 70105(d) of title 49, United States Code, as so redesignated by paragraph (15) of this subsection, is amended by inserting "or permit" after "of a license".

(16) Chapter 701 of title 49, United States Code, is amended by inserting after section 70105 the following new section:

"§ 70105a. Experimental permits

"(a) A person may apply to the Secretary of Transportation for an experimental permit under this section in the form and manner the Secretary prescribes. Consistent with the protection of the public health and safety, safety of property, and national security and foreign policy interests of the United States, the Secretary, not later than 120 days after receiving an application pursuant to this section, shall issue a permit if the Secretary decides in writing that the applicant complies, and will continue to comply, with this chapter and regulations prescribed under this chapter. The Secretary shall inform the applicant of any pending issue and action required to resolve the issue if the Secretary has not made a decision not later than 90 days after receiving an application. The Secretary shall transmit to the Committee on Science of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 15 days after any occurrence when the Secretary has failed to act on a permit within the deadline established by this section.

"(b) In carrying out subsection (a), the Secretary may establish procedures for safety approvals of launch vehicles, reentry vehicles, safety systems, processes, services, or personnel that may be used in conducting commercial space launch or reentry activities pursuant to a permit.

"(c) In order to encourage the development of a commercial space flight industry, the Secretary may when issuing permits use the authority granted under section 70105(b)(2)(C).

"(d) The Secretary may issue a permit only for reusable suborbital rockets that will be launched or reentered solely for—

"(1) research and development to test new design concepts, new equipment, or new operating techniques;

"(2) showing compliance with requirements as part of the process for obtaining a license under this chapter; or

"(3) crew training prior to obtaining a license for a launch or reentry using the design of the rocket for which the permit would be issued.

"(e) Permits issued under this section shall—

"(1) authorize an unlimited number of launches and reentries for a particular suborbital rocket design for the uses described in subsection (d); and

"(2) specify the type of modifications that may be made to the suborbital rocket without changing the design to an extent that would invalidate the permit.

"(f) Permits shall not be transferable.

"(g) A permit may not be issued for, and a permit that has already been issued shall cease to be valid for, a particular design for a reusable suborbital rocket after a license has been issued for the launch or reentry of a rocket of that design.

"(h) No person may operate a reusable suborbital rocket under a permit for carrying any property or human being for compensation or hire.

"(i) For the purposes of sections 70106, 70107, 70108, 70109, 70110, 70112, 70115, 70116, 70117, and 70121 of this chapter—

"(1) a permit shall be considered a license;

"(2) the holder of a permit shall be considered a licensee;

"(3) a vehicle operating under a permit shall be considered to be licensed; and

"(4) the issuance of a permit shall be considered licensing.

This subsection shall not be construed to allow the transfer of a permit.".

(17) Section 70106(a) of title 49, United States Code, is amended—

(A) by inserting "at a site used for crew or space flight participant training," after "assemble a launch vehicle or reentry vehicle,"; and

(B) by striking "section 70104(c)" and inserting "sections 70104(c), 70105, and 70105a".

(18) Section 70107(b) of title 49, United States Code, is amended—

(A) by inserting "(1)" before "On the initiative"; and

(B) by adding the following new paragraph at the end:

"(2) The Secretary shall modify a license issued or transferred under this chapter whenever a modification is needed for the license to be in conformity with a regulation that was issued pursuant to section 70105(c) after the issuance of the license. This paragraph shall not apply to permits.".

(19) Section 70107 of title 49, United States Code, is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and by inserting after subsection (c) the following new subsection:

"(d) ADDITIONAL SUSPENSIONS.—(1) The Secretary may suspend a license when a previous launch or reentry under the license has resulted in a serious or fatal injury (as defined in 49 CFR 830, as in effect on November 10, 2004) to crew or space flight participants and the Secretary has determined that continued operations under the license are likely to cause additional serious or fatal injury (as defined in 49 CFR 830, as in effect on November 10, 2004) to crew or space flight participants.

"(2) Any suspension imposed under this subsection shall be for as brief a period as possible and, in any event, shall cease when the Secretary—

"(A) has determined that the licensee has taken sufficient steps to reduce the likelihood of a recurrence of the serious or fatal injury; or

"(B) has modified the license pursuant to subsection (b) to sufficiently reduce the likelihood of a recurrence of the serious or fatal injury.

"(3) This subsection shall not apply to permits.".

(20) Section 70110(a)(1) of title 49, United States Code, is amended by inserting "or 70105a" after "70105(a)".

(21) Section 70112(b)(2) of title 49, United States Code, is amended—

(A) by inserting "crew, space flight participants," after "transferee, contractors, subcontractors,"; and

(B) by inserting "or by space flight participants," after "its own employees".

(22) Section 70113(a)(1) of title 49, United States Code, is amended by inserting "but not against a space flight participant," after "subcontractor of a customer,".

(23) Section 70113(f) of title 49, United States Code, is amended by inserting at the end the following: "This section does not apply to permits.".

(24) Section 70115(b)(1)(D)(i) of title 49, United States Code, is amended by inserting "crew or space flight participant training site," after "site of a launch vehicle or reentry vehicle,".

(25) Section 70120 of title 49, United States Code, is amended by adding at the end the following new subsections:

"(c) AMENDMENTS.—(1) Not later than 12 months after the date of enactment of the Commercial Space Launch Amendments Act of 2004, the Secretary shall publish proposed regulations to carry out that Act, including regulations relating to crew, space flight participants, and permits for launch or reentry of reusable suborbital rockets. Not later than 18 months after such date of enactment, the Secretary shall issue final regulations.

"(2)(A) Starting 3 years after the date of enactment of the Commercial Space Launch Amendments Act of 2004, the Secretary may issue final regulations changing the definition of suborbital rocket under this chapter. No such regulation may take effect until 180 days after the Secretary has submitted the regulation to the Congress.

"(B) The Secretary may issue regulations under this paragraph only if the Secretary has determined that the definition in section 70102 does not describe, or will not continue to describe, all appropriate vehicles and only those vehicles. In making that determination, the Secretary shall take into account the evolving nature of the commercial space launch industry.

"(d) EFFECTIVE DATE.—(1) Licenses for the launch or reentry of launch vehicles or reentry vehicles with human beings on board and permits may be issued by the Secretary prior to the issuance of the regulations described in subsection (c).

"(2) As soon as practicable after the date of enactment of the Commercial Space Launch Amendments Act of 2004, the Secretary shall issue guidelines or advisory circulars to guide the implementation of that Act until regulations are issued.

"(3) Notwithstanding paragraphs (1) and (2), no licenses for the launch or reentry of launch vehicles or reentry vehicles with human beings on board or permits may be issued starting three years after the date of enactment of the Commercial Space Launch Amendments Act of 2004 unless the final regulations described in subsection (c) have been issued.".

(26) The table of sections for chapter 701 of title 49, United States Code, is amended by inserting after the item relating to 70105 the following new item:

"70105a. Experimental permits.".

SEC. 3. STUDIES.

(a) RISK SHARING.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall enter into an arrangement with a nonprofit entity for the conduct of an independent comprehensive study of the liability risk sharing regime in the United States for commercial space transportation under section 70113 of title 49, United States Code. To ensure that Congress has a full analysis of the liability risk sharing regime, the study shall assess methods by which the current system could be eliminated, including an estimate of the time required to implement each of the methods assessed. The study shall assess whether any alternative steps would be needed to maintain a viable and competitive United States space transportation industry if the current regime were eliminated. In conducting the assessment under this subsection, input from commercial space transportation insurance experts shall be sought. The study also shall examine liability risk sharing in other nations with commercial launch capability and evaluate the direct and indirect impact that ending this regime would have on the competitiveness of the United States commercial space launch industry in relation to foreign commercial launch providers and on United States assured access to space.

(b) SAFETY.—The Secretary of Transportation, in consultation with the Administrator of the National Aeronautics and Space Administration, shall enter into an arrangement with a nonprofit entity for a report analyzing safety issues related to launching human beings into space. In designing the study, the Secretary should take into account any recommendations from the Commercial Space Transportation Advisory Committee and the National Aeronautics and Space Administration's Aerospace Safety Advisory Panel. The report shall be submitted to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 4 years of the date of enactment of this Act. The report shall analyze and make recommendations about—

(1) the standards of safety and concepts of operation that should guide the regulation of human space flight and whether the standard of safety should vary by class or type of vehicle, the purpose of flight, or other considerations;

(2) the effectiveness of the commercial licensing and permitting regime under chapter 701 of title 49, United States Code, particularly in ensuring the safety of the public and of crew and space flight participants during launch, in-space transit, orbit, and reentry, and whether any changes are needed to that chapter;

(3) whether there is a need for commercial ground operations for commercial space flight, including provision of launch support, launch and reentry control, mission control, range operations, and communications and telemetry operations through all phases of flight, and if such operations developed, whether and how they should be regulated;

(4) whether expendable and reusable launch and reentry vehicles should be regulated differently from each other, and whether either of those vehicles should be regulated differently when carrying human beings;

(5) whether the Federal Government should separate the promotion of human space flight from the regulation of such activity;

(6) how third parties could be used to evaluate the qualification and acceptance of new human space flight vehicles prior to their operation;

(7) how nongovernment experts could participate more fully in setting standards and developing regulations concerning human space flight safety; and

(8) whether the Federal Government should regulate the extent of foreign ownership or control of human space flight companies operating or incorporated in the United States.

SEC. 4. TECHNICAL AMENDMENT.

Section 102(c) of the Commercial Space Act of 1998 is repealed.

The SPEAKER pro tempore (Mr. KLINE). Pursuant to the rule, the gentleman from California (Mr. ROHRABACHER) and the gentleman from Texas (Mr. LAMPSON) each will control 20 minutes.

Mr. OBERSTAR. Mr. Speaker, I would like to inquire of the gentleman from Texas if he is opposed to the bill.

The SPEAKER pro tempore. Is the gentleman from Texas (Mr. LAMPSON) opposed to the bill?

Mr. LAMPSON. I will support the bill, Mr. Speaker.

Mr. OBERSTAR. Mr. Speaker, I rise to claim the time in opposition.

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. OBERSTAR) will control 20 minutes in opposition to the bill.

GENERAL LEAVE

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROHRABACHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, let me congratulate someone who is spending his last day on the floor as an activist for America's space program. The gentleman from Texas (Mr. LAMPSON) has been a tremendous asset in our Subcommittee on Space and Aeronautics. He exemplifies the spirit of activism and the support team for our astronauts and what they have needed in order to be successful. I appreciate his support of this amendment today, knowing that we both have worked on this, along with the gentleman from Tennessee (Mr. GORDON), and it has been purely a bipartisan effort. We have had many, many hearings on this bill, and today is a culmination of his career and, I might add, it is a culmination of my career as chairman of the Subcommittee on Space and Aeronautics, as this is one of my last actions as chairman to be here before us today.

The bill we speak about, H.R. 5382, the Commercial Space Launch Amendments Act of 2004, represents a long and thorough process and also a solid bipartisan effort to make commercial human space flight a reality. Earlier this year, H.R. 3752 passed this House by a vote of 402 to 1. Thus, there is nothing to any charge to suggest that there has been anything but pure, that this bill has been operating purely in the open and with open discussion and with the input from both sides of the aisle.

That bill's central premise that passed by 402 to 1 was that, after being informed of the risks, that people can and should be able to decide to buy a ticket and achieve their lifelong dream of flying into space, even though they know that it is a risky proposition.

The House Committee on Science has worked diligently with the Senate Committee on Commerce, Science, and Transportation to craft an even more balanced, compromised bill which is being considered today, a bill that actually has more controls and more, one might say, safety in it than the first bill did, even though the central premise still is that people have a right and, especially in a developing industry, it is important to have that type of citizen input which would give them the right to waive certain safety requirements they would not waive in time when we are dealing with advanced technology and technology that has already been commercialized.

We thank the distinguished Senator from South Carolina, Mr. HOLLINGS, for helping craft this legislation in the Senate that will ensure that this new industry grows and matures, rather than is strangled in its crib by overregulation. As chairman of the Subcommittee on Space and Aeronautics, I can think of no better way to end my tenure than to see H.R. 5382 become law.

During my 8 years as chairman, I had the privilege to peer into the future to see dynamic citizen astronauts returning to and from the heavens which we can expect in the future. American entrepreneur Dennis Tito ignored the screaming agony of our own space bureaucracy to show the world that space will not be restricted simply to a chosen few. Burt Rutan's tremendous accomplishment last month caught the attention of the world and underscores the innovative and creative potential of space entrepreneurs.

It is my sincere hope that H.R. 5382 will encourage a new breed of private sector astronauts to continue leading the way in pushing the boundaries of technology and safety by building and testing earth-to-space vehicles. This fine piece of legislation carries forward my goal of eliminating and reducing the possibility of some arbitrary redirection or restructuring or abandonment of promising new space endeavors for lack of an enabling regulatory regime or a bureaucracy that wants to protect industry's rights until they are dead and can no longer function.

H.R. 5382 promotes development of an emerging commercial human space flight industry by putting in place a clear and balanced regulatory regime.

Let me add, my colleagues are going to hear today that there is not enough regulation in here to protect the consumer, but if this bill goes down, there will be no regulation to protect the consumer. A vote of no is a vote in favor of eliminating all of the regulatory safety precautions that were put in during negotiations with the Senate.

This bill is drafted as an amendment to the existing Space Commercial Launch Act to minimize disruption and confusion. The bill assigns the Secretary of Transportation jurisdiction over commercial human space flight and requires the Secretary to streamline the certification process for experimental suborbital reusable space launch vehicles. This approach will make it easier to develop new types of space launch vehicles.

The bill also addresses qualifications for crew and space flight participants.

I would like to thank the gentleman from New York (Chairman BOEHLERT), the gentleman from Tennessee (Mr. GORDON) and, as I say, the gentleman from Texas (Mr. LAMPSON) for this tremendous bipartisan effort that we have had, a purely open effort that has been open to any type of input all along. Until now, we have not had any objections except here at the last minute.

I also want to thank the FAA, the House and Senate staff for helping develop H.R. 52382. Their hard work and dedication stands as a shining example of America's cooperative, can-do spirit. Because of the tremendous efforts of all of those involved, H.R. 5382 ensures that regulatory barriers will not hinder the growth of this emerging industry, will not force this industry to go overseas, rather than provide the jobs here and the development of technology here.

This is a very worthwhile piece of legislation. To vote against it is a vote to strangle this baby in its crib. It is a vote to make sure that industry develops overseas instead of here. It is a vote for no regulation instead of reasonable regulation.

I ask my colleagues on both sides of the aisle to join me in supporting this bill, H.R. 5382.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, we are engaged in a most extraordinary process here. The chairman of the subcommittee just now said, at the last minute, now we are confronted with proposals for regulation. Well, at the last minute, we have this bill before us. If the gentleman were concerned, Mr. Speaker, about including those who are concerned about safety in flight, the Members on this side of the aisle would have been included much earlier on in this process. The bill was not even introduced until yesterday. We did not have a copy of an introduced bill to look at until yesterday afternoon or evening. That is not the way we work on our Committee on Transportation and Infrastructure. We at least include both parties in discussions.

Now, I want my colleagues to understand the language of this bill. On page 13, line 17: "Safety regulations. The Secretary may issue regulations governing the design or operation of a launch vehicle to protect the health and safety of crew and space flight participants." But, "Regulations issued under this subsection shall be limited to restricting or prohibiting design features or operating practices that have resulted in a serious or fatal injury to crew or space flight participants."

Is the gentleman going to include on the space flight ticket the disclaimer there has been no safety provided until after you are dead?

Our committee colleague of some years ago, Mr. Molinari of New York, the ranking Republican on the Subcommittee on Investigations and Oversight at the time when I was chairing hearings and we looked into FAA safety practices, he described FAA's procedure at the time as a tombstone mentality. They act only after there is a fatality.

I do not want to see people dead from a space experiment and then the Federal Government comes in to regulate.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, in the legislation, the gentleman asks whether or not someone should be able to sign off, and the legislation clearly states that someone will have to sign off, knowing that, the risk that he is taking.

I might also ask, the gentleman just read a section of the bill talking about when regulation would be justified. But on line 12 of the very same page that the gentleman was reading from, it suggests that they may come in even if there is a risk. There does not have to be a fatality. There just has to be a risk.

Mr. OBERSTAR. Mr. Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 1 minute.

This has been going on for 2 years. This has been a bill that we have worked on, and the people on the Committee on Science and the Subcommittee on Space and Aeronautics on both sides of the aisle have struggled with this for 2 years. During that entire time, we were always open to any type of discussion. We were in contact with the Committee on Transportation.

Also, let me add, talking about it not being last minute, this bill passed the House in March of 2004, months and months ago, by 402 to 1. At that time, if there were any problems with the bill, we would have been more than happy, in fact, we were more than happy to try to renegotiate the bill, which we did in the Senate, and Senator HOLLINGS raised some of the objections of my good friend, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I would respectfully say to the chairman, our side was never included, never advised, and when the bill passed the House in March of this year, it did not have any reference of this nature to safety.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 30 seconds.

This part of the bill, actually, the House voted on a bill that did not contain as much safety regulation as this bill does, and no one on that side of the aisle opposed it then. Now, after we have included safety provisions by Mr. HOLLINGS' consideration, now it is objected to.

Let me note, if this bill goes down, there will be no safety regulations. So a vote no is a vote for no safety regulations.

Mr. Speaker, I yield 4 minutes to the chairman of the full Committee on Science, the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of this bill, which is the result of laborious and painstaking bipartisan negotiations between our committee and the Committee on Commerce, Science, and Transportation in the other body.

This bill tries to strike a delicate balance between the need to give a new industry a chance to develop brand-new technology and the desire to provide enough regulation to protect the industry's customers.

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We think we have struck that balance and here is why. First, the bill gives the Federal Aviation Administration clear authority for the first time to regulate the commercial human space flight industry.

Second, the bill gives the FAA unlimited authority to regulate the industry and its rockets to make sure they do no harm to third parties, that is, people on the ground or in the air who are in no way involved with the flight.

Third, the bill sets a clear timetable for when FAA will have unlimited authority to regulate the industry and its rockets to make sure they do no harm to the people on board.

But here is what the bill does not do. It does not allow the FAA right now to guess whether some new untested rocket technology will do harm to the people onboard. Why? Because this industry is at the stage when it is the preserve of visionaries and daredevils and adventurers. These are people who will fly at their own risk to try out new technologies. These are people who do not expect and should not expect to be protected by the government. Such protection would only stifle innovation.

So instead of allowing FAA guesswork for the next several years, the bill requires that anyone participating in launch, whether it is crew or passenger, must be notified of all risk of flight and must be told explicitly that the government has not certified the vehicle as safe for crew or passengers. And the FAA can come in and prohibit rocket designs and operational procedures that have already been shown to fail.

Now, obviously, this Wild West or barnstorming or infant industry state of affairs cannot obtain forever, if the commercial space flight industry is to become more than an expensive and risky novelty. Safety must increase, and gradually the industry will start to look more like a common carrier. And that is why the bill allows FAA after 8 years to regulate commercial space flight in pretty much the same way it regulates the airline industry. But it seems to me kind of silly to regulate Burt Rutan's vehicle, which has flown three times, as if it was a Boeing 747. If we regulate it that way, then his craft will never evolve into the equivalent of a 747.

So we have a balanced bill that will enable the commercial space flight industry to experiment, and that will encourage the industry to constantly improve its record of safety, so that within a relatively short time, its technology will mature and customer base will grow to the point that more regulation is warranted.

I want to thank our outgoing subcommittee chairman, the gentleman from California (Mr. ROHRABACHER), for keeping after all of us on this bill. He has been tenacious. I also want to salute the distinguished gentleman from Texas (Mr. LAMPSON) for his leadership and perseverance. I want to thank also the chairman of our other committee, the gentleman from Alaska (Mr. YOUNG) of the Committee on Transportation and Infrastructure, for discharging this bill.

Mr. Speaker, I urge all of my colleagues to support this sensible, balanced bill which will facilitate the development of a new industry that will expand the horizons of all Americans.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, November 18, 2004.

Hon. SHERWOOD L. BOEHLERT,
Chairman, Committee on Science, Rayburn Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Transportation and Infrastructure Committee in matters being considered in H.R. 5382, the Commercial Space Launch Amendments Act of 2004.

Our Committee recognizes the importance of H.R. 5382 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over certain provisions of the bill, I will agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Transportation and Infrastructure Committee, and that a copy of this letter and of your response acknowledging our valid jurisdictional interest will be included in the Congressional Record.

Thank you for your cooperation in this matter.

Sincerely,

DON YOUNG,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, November 18, 2004.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I appreciate your decision to support H.R. 5382, the Commercial Space Launch Amendments Act of 2004. Your Committee has valid jurisdictional interests in the bill as drafted.

I recognize that by forgoing a referral in this instance, your Committee does not waive any rights involving provisions within your Committee's jurisdiction. Per your request, I will include copies of this exchange of letters in the Congressional Record during debate on the House Floor.

I will continue to work with you to define the respective jurisdiction of our Committees over this bill.

Thank you for your consideration regarding this matter.

Sincerely,

SHERWOOD L. BOEHLERT,
Chairman.

Mr. OBERSTAR. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO), our ranking member on the Subcommittee on Aviation.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me time. We all salute the innovation and the achievement that we have recently seen in the early days of private space flight, and we certainly do want to encourage that. But we go a little bit too far in this legislation.

I do not understand why the committee has inserted the references to paying passengers and that we would not regulate until after the serious injury or death of paying passengers. It took me a decade here in Congress to strip the FAA of its requirement to promote the industry. That was something adopted in the very early days. It seems to be similar to what is going on here, to say that in the early days the Civil Aeronautics Board would have a charge of promoting the industry and later regulation became more paramount. But up and to and through the 90s until a tragic accident with then Air Tran, the industry was both regulated and promoted by the same agency. I promoted it out for years as a conflict. And it was only after that incident that we finally changed the language and said, no, it would be paramount that they would regulate in the interest of public health and safety.

But here we are again trying to codify the old so-called "tombstone mentality" of the FAA by including paying passengers. It is one thing to say, here is someone who invented something or built something and they are going to try and fly it at their own risk here or here is a professional person who is going to try to fly something that was built by this person, fully knowing the risk; but it is another thing to begin to say paying passengers will fall under the same aegis in this bill.

This was not considered by the Subcommittee on Aviation in any form over the last 2 years. It was never referenced to the Subcommittee on Aviation over the last 2 years. There may have been some communication somewhere with some member of the staff or between some member of that committee and some member of our committee, but not the Subcommittee on Aviation who has jurisdiction over these matters.

So I would suggest that there is not an immediate crisis. There is no reason that this bill must be rushed through today in this form. It could well be passed next year. The liability provisions exist elsewhere and would be continued elsewhere, and then we could have a more thorough discussion of when it would be appropriate to begin to regulate for the health and safety of passengers on these space crafts, that is, I think something that is not wise to codify today because it took us from 1932 or 1933 until 1996 to remove that provision in regards to the FAA, 64 years or so that that carried over.

Even though it was long after the time when the industry needed promotion or the FAA should be conflicting itself with promoting the industry, they were still doing that. And people died because of that. And it may not be in the next year or two, but 8 years is a pretty long time to say we are going to go 8 years before there could be any regulation regarding paying passengers.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from California.

Mr. ROHRABACHER. I believe that the same level of that same criteria that the gentleman is talking about was in place when airplanes themselves were developing; but we would have had that same level of progress in the development of aviation. Does the gentleman not believe if we had the same level of regulation then that we have now would have just stifled all sorts of creativity at a time when people knew they were taking risks?

My father, I remember when he told me he got in on a plane that flew in on a dirt road and they charged $5 to get on this plane. It was an old World War I SPAD or something. It excited him so much about being able to participate, and because of that we had a whole new industry created because of that.

Mr. DEFAZIO. Reclaiming my time, here we would be looking at presumably much wealthier people paying gigabucks to have the experience. But still I think the point is that it is not necessary to attract entrepreneurs. There are already entrepreneurs out there experimenting. There are professional pilots out there willing to fly these crafts. But to take the next step and say to paying passengers who may or may not be a very knowledgeable and wealthy person or someone of lesser means would be subjected to those risks without any regulation. It just does not seem necessary to promote this industry at this point in time.

It is already moving forward. The liability exemption I believe is the key. But to say that if they are going to go to paying passengers, they could not be regulated, I think that is kind of a bright line where we could draw a line and agree.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 30 seconds.

People who are spending $200,000 or $100,000 to go into space, they are responsible enough to make a decision as to whether or not to take the risk, rather than having the government trying to say there will be no such people, and thus that contribution, that amount of money that would be available to developing new craft will no longer be available.

The rich people around the world would like to spend $100,000 or $200,000. That could help us develop new types of space craft rather than relying on the government and the taxpayer to come up with all the loot in developing new crafts.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. LAMPSON), a real activist on our committee and who will be sorely missed, who, I might add, has championed a space agenda much of which was incorporated into the President's own space agenda later on. He will be sorely missed.

Mr. LAMPSON. Mr. Speaker, I thank the gentleman from California (Mr. ROHRABACHER). It has been a pleasure working with him and the gentleman from New York (Mr. BOEHLERT) and on the Committee on Science and on the Subcommittee on Space and Aeronautics. Actually, it has been a tremendous pleasure working with the gentleman from Minnesota (Mr. OBERSTAR) on the Committee on Transportation and Infrastructure as well.

These things, hopefully, will be able, these concerns, will be able to be addressed if this makes it back into the next session of Congress.

I do want to speak in support of H.R. 5382, a bill to promote the development of the emerging commercial human space flight industry.

I was an original co-sponsor of an earlier version of this bill, H.R. 3752, which passed earlier this year and we have already heard spoken about.

While the idea of a commercial human space flight industry might have seemed like science fiction, like a science fiction dream even a few years ago, the recent successful flights of Burt Rutan's Spaceship One show that the dream may be truly moving toward reality.

So the basic purpose of H.R. 5382 is to establish a framework for regulating the emerging commercial human space flight industry. The Committee on Science has heard ample testimony that such a framework is needed if the companies are to make their plans and attract needed investment capital. At the same time, Congress needs to ensure that safety is protected as this new industry emerges.

One of the challenges in developing this legislation has been in striking an appropriate balance between encouraging innovation and providing sufficient safety regulation of this emerging industry. In that regard, our discussions with the Senate have led to language that clarifies that we care about both the growth of new industry and the protection of the crews and the passengers of these new vehicles.

Mr. Speaker, when we debated the original version of this bill on the floor earlier this year, I agreed with those who believed that there were still some areas that could be improved on. While there are always further improvements that can be made, I think that our subsequent discussions with the Senate have led to a solid piece of legislation.

I think that the legislation before us represents the most feasible compromise possible in this session of Congress. If it makes it into the next session of Congress for discussion again, I hope that we will work in as bipartisan a manner as we possibly can so we can address all of the concerns of all of our Members so it will be moved forward to provide a good framework for regulation.

I want to commend, again, my friend, the gentleman from California (Mr. ROHRABACHER), for his persistence and initiative on this issue. I urge my colleagues to support H.R. 5382.

Mr. OBERSTAR. Mr. Speaker, how much time is left on each side?

The SPEAKER pro tempore (Mr. KLINE). The gentleman from Minnesota (Mr. OBERSTAR) has 12 minutes remaining. The gentleman from California (Mr. ROHRABACHER) has 5 minutes remaining.

Mr. OBERSTAR. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, I, too, greatly regret the departure from this body of the gentleman from Texas (Mr. LAMPSON) who has been a great Member of this people's body and who among many other issues in which he has distinguished himself has led the cause of missing and exploited children, a cause that reaches throughout this great land and is a great tribute to his very noble personal character, a genuine concern for those who have been taken against their will, children exploited, tortured and killed.

The gentleman will have a legacy from this body that will not be surpassed in that arena. I thank the gentleman for his great contribution.

I listened with great interest to the concern of the gentleman, chairman of the subcommittee, "that this industry will be strangled in its crib by overregulation," to the chair of the full committee who said, "Protection would stifle innovation," who said, "It would be silly to regulate Burt Rutan's vehicle." I do not think safety regulation is ever silly.

□ 1430

I do not think we have ever overregulated safety.

For the record, I just want to state the language that had we been given the opportunity to present we would have submitted, which is very simply, on page 14 of the bill before us delete lines 4 to page 15, line 7, replace with the following: Prescribe minimum standards necessary for safety of design featuers and operation of a launched vehicle, taking into account the inherently risky nature of human space flight.

That is not a straitjacket. That is not strangling in its crib. That is not language that I would, in any way, associate myself with for commercial aviation. But in this era of uncertain exploration of space for commercial purposes and carrying passengers, not scientists and astronauts, I think we could put that language in, taking into account the inherently risky nature of space flight. It gives a great deal of latitude in the early regulatory period of this commercial space launch activity. That is not protecting, as the gentleman called it, the Chairman, protecting industry until they are dead.

On the contrary, I propose to put in place a regulatory framework of at least a minimal stature to protect people before they are dead. That is the issue.

I had a discussion pursuant to the request of the chairman of the full committee and chairman of the subcommittee with the advocates for this technology, the representative of Xcor company and their attorney representing the company here in Washington, and their concern was FAA might not have the technology skills to deal with new materials, new engines, new power plants, a new class of vehicle. They would be groping around with this new class of vehicle and would not think creatively.

Oh, my goodness. After all, the FAA is under the jurisdiction of this administration, and if they are not thinking creatively, I think we would have some ability to encourage them to do so.

Secondly, the FAA, with a regulatory safety framework in place, approved the entry into service and development of the new jet aircraft in 1958, within a regulatory framework. Jet aviation did not stifle, was not strangled in its crib by overregulation.

When technology brought new materials, composites to be used in tail sections and wing sections, FAA did not strangle that new technology in its crib but nurtured it along in a safe manner so that it could be safely deployed.

When a general aviation aircraft manufacturer who is located in Minnesota proposed an all-composite general aviation aircraft that had never been attempted before, this regulatory framework of safety worked with this company, and in 5-years that aircraft was certificated, built, flying, and Cirrus Aviation is now the largest general aviation aircraft manufacturer in the world. They were not strangled in their crib. They were not suffocated, and no passenger has died because of a safety framework put in place.

We do not propose to strangle industry but rather to protect the public.

Mr. DeFAZIO. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Oregon.

Mr. DeFAZIO. Mr. Speaker, I thank the gentleman for yielding.

I would like to reflect on the compromise language he talked about, and, again, since we have not gone through a regular legislative process here, since our committee had no opportunity to review this and it is not amendable on the floor and they would not accept that in good faith, let me point to an unintended effect here.

The way the bill is written, they are granting a blanket exemption to the industry, including paying passengers, until such a point as there is a serious injury or death, and then the full scope of the FAA's current regulations would come to bear.

What the gentleman is proposing here would essentially sanction the experimentation with lighter touch regulation at the outset, and I think that that might actually get us further down this road than what is being proposed here. But the unwillingness of the other side to even consider the implications of extending this to passengers and then whether or not that ever gets sunset or it takes some Member of Congress half a century from now to get that stripped from law, because you know it is 8 years in this bill, but then I can see it being extended and extended and extended and becoming a mature industry, just as the aviation industry did, with that provision still in place, until there is a horrible tragedy.

So I think having this light touch regulation for public interest and safety at the outset, given the expertise of the FAA, would be preferable to all concerned, and it would not stifle or strangle the industry in its nature.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, my colleagues have been suggesting over and over again that the FAA will be restricted from any regulation unless someone has died, and I believe that is an inaccurate reading of this bill.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, the language of the bill is limited to restricting or prohibiting design features or operating practices that have resulted in serious or fatal injury.

Mr. ROHRABACHER. Mr. Speaker, if the gentleman will yield, in the paragraph right after that says "or" at the end of the paragraph the gentleman is reading, or contributed to an unplanned event or series of events after licensed or permitted commercial human space flight that posed a high risk concerning a serious fatality.

What that means is that if there is a chance, if there is something to indicate——

The SPEAKER pro tempore (Mr. KLINE). The gentleman will suspend.

The gentleman from Minnesota's (Mr. OBERSTAR) time has expired. There are 4 minutes remaining for the gentleman from Minnesota (Mr. OBERSTAR), and there are 5 minutes remaining for the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I yield myself 1 minute to finish this point.

Obviously, the gentleman is reading one paragraph, but the very next paragraph negates the criticism of the bill, and that is the very next paragraph underneath the one he is reading suggests that if there is a reason for the FAA to be concerned, if there is a flaw that can be pointed out, then it may step in to prevent a fatality or a serious accident.

The question is whether the FAA and the bureaucracy should be able to control the design of a new space launch vehicle before there are any problems. Should then the space launch bureaucrats, the people who are in government, who are in public service override the entrepreneur, overside the scientist, override the experts and should they be in the pilot seat even if there is no indication that there is any problem with the design?

Now I think that would strangle the baby in the crib. In fact, it would destroy this fledgling industry and send it overseas.

What we are talking about is an aerospace industry that needs all the help it can get being limited from anybody paying for a flight and then sending their job overseas. That makes no sense at all.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 2 minutes.

Let us read further. After the language in the bill that says regulation shall be limited to restricting or prohibiting design features or operating practices that have resulted in serious or fatal injury to crew or space flight participants, it goes on to say, or contributed to an unplanned event or series of events. There is a whole series of conditions after this, but it is still subject to the first language that says you have got to die first, serious fatal accident, and I do not agree with what the gentleman is saying, that this is going to strangle.

First of all, we have time to come back next year in due course, in careful, thoughtful deliberation, in public hearings to expose this issue, have a discussion of it and report a bill back to the House with the appropriate safeguards and appropriately designate it the Rohrabacher space commercial space amendments bill so that the gentleman's parentage will be protected, but we should not have that parentage associated with fatalities.

Why would the gentleman object? Why would the gentleman not have discussed with us the safety issues when it is the jurisdiction of this committee, and we do have some experience and expertise with it, give us appropriate time during this very rushed period?

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, the bill was referred to the Committee on Science and referred to the Subcommittee on Space and Aeronautics. We have spent 2 years of hard work on this. It was common knowledge in this body that this bill was in this committee. It was referred to us officially. It even came for a vote on the floor so that between that time we could have negotiated.

But let me note, before the bill passed on the floor there were two public hearings, a policy roundtable with the experts from all over the country and 6 months to negotiate.

Mr. OBERSTAR. Mr. Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 1½ minutes. Let us take a look at what this bill will do and what is going to happen if it is voted down.

If this bill is voted down, we are told to vote this bill down because there is not enough regulation in the bill, regulatory power given to the FAA in the bill to protect the public. Well, there is protection in the bill, and there would be no protection, zero protection, if this bill goes down.

Voting against this bill will also expose the Federal Government to liability for licensed launches. All of a sudden, we have a situation where it is not a question of whether or not we are going to have something a year or 2 from now, after some magical time period, after working on this 2 years, if it is just brought back next year, after a short period of time, the problems will be solved. We are going to go through a time period when we basically have zero protection, and the Federal Government will be totally exposed to liability claims.

This bill will basically convince people who want to create this new industry, the space launch industry, that they should not do it in the United States of America. They will go overseas. This will strangle the industry in the cradle, as I said over and over again, and it will force these people to launch their rockets and build them overseas.

I would say that this bill actually prevents the government from regulating passenger safety, and this bill will go, yes, maybe not all the way we want, but we can come back in the next few years and add what we want. But, right now, to kill this bill would be totally going in the wrong direction.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from California (Mr. ROHRABACHER) has 2½ minutes remaining. The gentleman from Minnesota (Mr. OBERSTAR) has 2 minutes remaining.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me time.

Again, we could move forward with the liability exemptions absent this language, and the gentleman says that that would then mean that there would be a more dangerous situation prevailing, or is he perhaps saying we would not do the liability at all? Is that what he is saying, we would do nothing? Why not just move forward the liabilities, absent these provisions and these exclusions in the current legislation?

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, if I might add, because it puts the government and it puts the bureaucracy in the control of the project, rather than the designer, the entrepreneur and the scientist.

Mr. DEFAZIO. Mr. Speaker, how did we get to this point? If the government is so in control, how did they have this first flight if the government is overregulating and overcontrolling them?

Mr. ROHRABACHER. If the gentleman would further yield, that is what happens when we give the government the right to say yes or no to people who are making new designs on technology.

Mr. DEFAZIO. Mr. Speaker, reclaiming my time, if we just extended the existing liability exemptions and we were silent on these other issues, how would that be different than the circumstances which led to these first flights?

□ 1445

Mr. ROHRABACHER. How much time remains, Mr. Speaker?

The SPEAKER pro tempore (Mr. KLINE). The gentleman from California (Mr. ROHRABACHER) has 2½ minutes remaining, and the gentleman from Minnesota (Mr. OBERSTAR) has 1 minute remaining.

Mr. ROHRABACHER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BOEHLERT), the chairman of the full Committee on Science.

Mr. BOEHLERT. Mr. Speaker, let me remind my colleagues that the House passed earlier this year, by a vote of 402 to 1, an earlier version of this bill that gave the FAA less regulatory authority over commercial human space flight than does the bill before us today. Without this bill, the FAA will continue to license private space flights without adequate authority to protect either the safety of the public or the finances of the government. Please support H.R. 5382, just as you voted for the initial version back in March.

Today's bill is the equivalent of a conference report, as it reflects bipartisan negotiations within this body and with the other body. This is good legislation; let us move it forward. Let us not stifle it. Let us not take the position of the equivalent of not letting the Wright Brothers test their ideas without first convincing Federal officials that nothing could go wrong.

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of my time in recognition that the other side has the right to close.

Yes, this bill was considered by the House earlier this year, but without this language; without any reference to safety and without any consideration.

And I disagree that there is no protection if this language were stricken. Under current law, and I am familiar with the commercial space flight activities of DOT and FAA, under current law, the DOT must issue a license to launch; and in the process of issuing that license to launch can insist on safety regulations if it takes an assertive stance and is concerned about safety of flight for experimental personnel and for commercial passengers.

But, again, I come back to our very modest proposal of language that, had we been included in the discussions that have been going on between the Committee on Science in the other body, if our side would have been included, we would have proposed language to prescribe minimum standards necessary for safety of design features and operation of a launch vehicle, taking into account the inherently risky nature of human space flight.

We can defeat this bill and come back later tonight with an amended version and fix it, or come back in the next Congress and do it right. Let us not do tombstone safety.

Mr. ROHRABACHER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I believe the opposition to this bill is coming from a fundamental misunderstanding of what the bill actually is all about, and there is some argument to say that Members, that the gentleman's committee was not engaged in this bill and, thus, he is upset about that and such and, thus, you do not understand it.

The fact is this bill is very clear. The staff of the Committee on Transportation and Infrastructure was always available to look at what we were doing. This was an open process. We have had negotiations on both sides of the aisle. The gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. LAMPSON) played important roles in developing this, as have all the Democrats on our committee. This has been a totally bipartisan effort.

But, Mr. Speaker, there is a misread that we are hearing today. We are hearing that the opposition comes from the fact that, well, the FAA can already regulate. That is a total misreading of what their FAA regulations are. The FAA can only regulate in terms of the safety of people who are not on that craft, meaning the safety of the people on the ground. They cannot regulate based on the safety of people on the craft. That is what this is all about.

We want to develop spacecraft that people can ride on. And if we have the bureaucrats being able to control that, it will put a stranglehold on those people trying to develop these craft. It is fundamentally different than what the FAA has now with airplanes.

And, also, we have heard a total misreading of the bill again and again that there is no right in here for there to be regulation unless there has already been a fatality. That is not the case.

I urge Members to vote for this legislation. Do not strangle this industry and drive these entrepreneurs offshore. Create the jobs here.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROHRABACHER) that the House suspend the rules and pass the bill, H.R. 5382.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1078

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1078, the American History and Civics Education Act of 2003.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 49 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1928

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 7 o'clock and 28 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the remaining motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which a vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

EXTENSION OF MEDICARE COST-SHARING FOR THE MEDICARE PART B PREMIUM FOR QUALIFYING INDIVIDUALS THROUGH SEPTEMBER 2005

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2618) to amend title XIX of the Social Security Act to extend medicare cost-sharing for the medicare part B premium for qualifying individuals through September 2005.

The Clerk read as follows:

S. 2618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF MEDICARE COST-SHARING FOR THE MEDICARE PART B PREMIUM FOR QUALIFYING INDIVIDUALS.

(a) In General.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking "2004" and inserting "2005".

(b) Total Amount Available for Allocation.—Section 1933(g) of the Social Security Act (42 U.S.C. 1396u–3(g)) is amended to read as follows:

"(g) Special Rules.—

"(1) In general.—With respect to each period described in paragraph (2), a State shall select qualifying individuals, subject to paragraph (3), and provide such individuals with assistance, in accordance with the provisions of this section as in effect with respect to calendar year 2003, except that for such purpose—

"(A) references in the preceding subsections of this section to a year, whether fiscal or calendar, shall be deemed to be references to such period; and

"(B) the total allocation amount under subsection (c) for such period shall be the amount described in paragraph (2) for that period.

"(2) Periods and total allocation amounts described.—For purposes of this subsection—

"(A) for the period that begins on January 1, 2004, and ends on September 30, 2004, the total allocation amount is $300,000,000;

"(B) for the period that begins on October 1, 2004, and ends on December 31, 2004, the total allocation amount is $100,000,000; and

"(C) for the period that begins on January 1, 2005, and ends on September 30, 2005, the total allocation amount is $300,000,000.

"(3) Rules for periods that begin after January 1.—For any specific period described in subparagraph (B) of paragraph (2), the following applies:

"(A) The specific period shall be treated as a continuation of the immediately preceding period in that calendar year for purposes of applying subsection (b)(2) and qualifying individuals who received assistance in the last month of such immediately preceding period shall be deemed to be selected for the specific period (without the need to complete an application for assistance for such period).

"(B) The limit to be applied under subsection (b)(3) for the specific period shall be the same as the limit applied under such subsection for the immediately preceding period.

"(C) The ratio to be applied under subsection (c)(2) for the specific period shall be the same as the ratio applied under such subsection for the immediately preceding period.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from Massachusetts (Mr. OLVER) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. BARTON).

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to, first of all, commend the gentleman from Michigan (Mr. DINGELL) and the gentleman from Ohio (Mr. BROWN) for helping to expedite this piece of legislation. They could not be on the floor, so we have the distinguished gentleman from Massachusetts who is going to control their floor time, and I want to thank him for his help.

I am reluctantly doing this this evening, not because of the merits of the bill. I support the merits of the bill, but I do not support the procedure under which we are doing this and the reluctance of the other body to find a way to help pay for what we are about to do.

□ 1930

This Congress should be taking serious steps to address our budget problems and our growing Federal debt. The President who just won reelection, 52 percent of the vote, has told America that deficit reduction will be one of his highest priorities, and I would like to have the other body begin to join this body and the President of the United States in making that a reality.

Senate 2618 is a good bill. It will extend for one year additional funding for the Medicare Qualified Individual Program, better known as the QI program. This program will allow approximately 160,000 low-income beneficiaries enrolled in the program to continue to receive assistance to pay for their Medicare part B premium which is optional. That is fair and appropriate.

We began to help subsidize those premium payments back in 1997, so we have been doing it now for the last 7 years. I support that. I think it is appropriate to help our low-income seniors help pay for their Medicare option part B coverage, but I also think we ought to have a way to help pay for that subsidy. This bill does not do that.

I think we need to begin to address the problem of mandatory automatic entitlement growth, and to extend a program like this where we could have an offset to pay for it, in my opinion, is inexcusable.

It has been said that nobody notices a deficit until its weight finally collapses the government. I do not intend to ever let that happen, and we could be taking a small step to lessen that load today. Regrettably we are not.

Let me state what we have done in the last 2 weeks. Again, the underlying bill that we are passing is a good piece of legislation, and I support that. The Speaker of the House supports it. The majority leader supports it. The ranking member on the Committee on Energy and Commerce, the ranking member on the subcommittee, the subcommittee chairman, the full committee chairman, we all support it; but we found a way to pay for this bill. We found out that under existing law people that receive prescription drug benefits that are paid for by Medicare, the person that actually provides a prescription can file paperwork to get an automatic rebate from the drug manufacturer. It is in the law. We do not force the person who is providing the prescription to actually apply for the rebate. So we have some providers of prescriptions who for whatever reason do not fill out the necessary paperwork to get the automatic rebate that has already been negotiated.

The offset that we came out with in the House was to simply say that if there was a drug rebate that had already been negotiated, you had to file for it and receive it so you could give that rebate to the State and the Federal Government. That would save approximately $140 million over the life of the extension. The White House supported it. CNS supported it. The House supported it, but the other body did not support it. They wanted to extend the program but not provide an offset to help pay for the extension.

Now, I offered this afternoon to pull this bill back and try to work out something that when we first got back in the next Congress we could do the offset. The Speaker and the majority leader felt like we needed to go ahead and pass this bill this evening, and I am going to go ahead and do that. It is a good bill. It needs to be passed. We need to provide this additional supplemental assistance for low-income seniors to pay for their part B prescription drug benefit. But this is the last time as chairman of the Committee on Energy and Commerce that I am going to extend an entitlement program without some sort of an offset.

So for tonight we can say that this is the beginning of the Barton doctrine. I hope in the next year or so it becomes the Bush-Hastert-Frist, even the Pelosi, redoctrine, that we can work on a bipartisan basis, bicameral with the administration, that as we extend the existing entitlement programs and create new ones, we come up with a way to pay for them. But for this evening I rise to support the passage of this bill.

It will provide much needed assistance for 160,000 low-income seniors for the next year. In the next year, I am going to work with interested parties in the administration, the other body and this body to come up with reforms that continue these necessary benefits but also come up with a way to pay for them.

Mr. Speaker, I reserve the balance of my time.

Mr. OLVER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to confirm what the gentleman from Texas (Mr. BARTON) has already indicated, that the ranking member of the Committee on Commerce is in full support of this bill.

The chairman has also indicated that the ranking member of the subcommittee, the gentleman from Ohio (Mr. BROWN), is in full support of the legislation, and I think that indicates that the Committee on Commerce members on our side of the aisle are in support of the legislation, and I think our whole caucus would be very supportive of that legislation.

Mr. DINGELL. Mr. Speaker, I rise in support of this legislation to reauthorize the Qualified Individual program, or QI. This program helps low-income Medicare beneficiaries, who earn just a little too much to qualify for Medicaid assistance, but are still struggling with living and health care costs. The QI program pays the cost of the Medicare Part B premium for seniors with incomes of approximately $11,000 to $12,500 a year. This is a good program that helps thousands of low-income seniors each year.

The initial program was a block grant enacted in 1997. Because it expired in 2002, Congress has had to reauthorize this program a number of times since then. However, the uncertainty surrounding funding for this program has had a dampening effect on enrollment. States are hesitant to reach out to eligible individuals, resulting in artificially low enrollment figures. I hope that my colleagues across the aisle will join me in fixing this problem in the future—but, I am pleased that we are at least extending this program an additional year, through September 2005.

I thank Senators GRASSLEY, BAUCUS, BINGAMAN, LAUTENBERG, and SMITH for their work in the Senate, and thank Chairman BARTON, Chairman BILIRAKIS, and Ranking Member BROWN for their work in the House.

Mr. ISRAEL. Mr. Speaker, this past September I was contacted by officials in the two counties that I represent urging me to do everything I could to extend the Qualifying Individual–1, QI–1, program. This important program gives Federal money to State Medicaid programs to pay for the Part B premium for low-income seniors. They stressed extending the program is particularly important this year as the Medicare Part B premiums are increasing over 17 percent from $66.60 to $78.20.

Medicare Part B is theoretically voluntary, but in reality is necessary for any senior who does not have some form supplemental insurance. Medicare Part B covers outpatient services, doctor visits, and other health care services not covered by the Hospital Insurance component of Medicare Part A.

Unfortunately, seniors must pay a premium for Medicare Part B. Low-income seniors live on very tight budgets. If Congress allowed this program to expire, there would be a number of low-income seniors who would have to decide if the monthly $78.20 would be better spent on food rather than on their health care premium.

I responded to local officials by introducing legislation that would extend this program for another year. My legislation is identical to the Senate bill that we are voting on today. It extends this vital program for another year, and I am proud to have sponsored it in the House.

I was not the only Member to respond to this call. Representative JIM SAXTON and I both introduced this bill. Two Members of Congress in different parties introducing the same bill shows the universal support for this bill.

The QI–1 program has been to the brink of expiring before. It was enacted as part of the Balanced Budget Agreement of 1997 and was originally scheduled to expire in December of 2002. Since the program has proved to be vital for low-income seniors, it has been extended a number of times through continuing resolutions, TANF reauthorization, and it was last extended in the Medicare Modernization Act. The last extension expired on September 30, 2004; however, it was extended through a continuing resolution through November 20, 2004.

I am very happy and relieved that QI–1 program will be extended for another year. It is my hope that next year, Congress will enact legislation that permanently extends this program. Our low-income seniors and their advocates should not be made to deal with the emotional roller coaster each year, while this program comes so close to ending.

I urge my colleagues to pass this legislation and I look forward to working with them to enact legislation that makes this program permanent.

Mr. OLVER. Mr. Speaker, I yield back the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the Senate bill, S. 2618.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PETRIFIED FOREST NATIONAL PARK EXPANSION ACT OF 2004

Mr. RENZI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1630) to revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

On page 2, line 9, strike "June" and insert "July".

Mr. RENZI (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Arizona?

There was no objection.

A motion to reconsider was laid on the table.

NATIONAL VISITING NURSE ASSOCIATION WEEK

Mr. MURPHY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 8) expressing the sense of Congress that there should be established a National Visiting Nurse Association Week, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the consideration of the concurrent resolution?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 8

Whereas visiting nurse associations ("VNAs") are nonprofit home health agencies that, for more than 120 years, have been united in their mission to provide cost-effective and compassionate home and community-based health care to individuals, regardless of the individuals' condition or ability to pay for services;

Whereas there are approximately 500 visiting nurse associations, which employ more than 90,000 clinicians, provide health care to more than 4,000,000 people each year, and provide a critical safety net in communities by developing a network of community support services that enable individuals to live independently at home;

Whereas visiting nurse associations have historically served as primary public health care providers in their communities, and are today one of the largest providers of mass immunizations in the medicare program (delivering more than 2,500,000 influenza immunizations annually);

Whereas visiting nurse associations are often the home health providers of last resort, serving the most chronic of conditions (such as congestive heart failure, chronic obstructive pulmonary disease, AIDS, and quadriplegia) and individuals with the least ability to pay for services (more than 50 percent of all medicaid home health admissions are by visiting nurse associations);

Whereas any visiting nurse association budget surplus is reinvested in supporting the association's mission through services, including charity care, adult day care centers, wellness clinics, Meals-on-Wheels, and immunization programs;

Whereas visiting nurse associations and other nonprofit home health agencies care for the highest percentage of terminally ill and bedridden patients;

Whereas thousands of visiting nurse association volunteers across the Nation devote time serving as individual agency board members, raising funds, visiting patients in their homes, assisting in wellness clinics, and delivering meals to patients;

Whereas the establishment of a National Visiting Nurse Association Week would increase public awareness of the charity-based missions of visiting nurse associations and of their ability to meet the needs of chronically ill and disabled individuals who prefer to live at home rather than in a nursing home, and would spotlight preventive health clinics, adult day care programs, and other customized wellness programs that meet local community needs; and

Whereas the second week of May 2005 is an appropriate week to establish as National Visiting Nurse Association Week: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that there should be established a National Visiting Nurse Association Week.

Mr. MURPHY. Mr. Speaker, I rise in support of S. Con. Res. 8, a resolution to establish an annual National Visiting Nurse Associations Week in honor of these health care heroes who are dedicated to service in the ultimate caring profession.

The Visiting Nurse Associations, VNAs, of today are founded on the principle that people who are sick, disabled and elderly benefit most from health care when it is offered in their own homes.

Home care is an increasingly important part of our health care system today.

The kinds of highly skilled—and often technically complex—services that the VNAs provide have enabled millions of our most frail and vulnerable patients to avoid hospitals and nursing homes and stay just where they want to be—in the comfort and security of their own homes.

They made a critical difference when they started in the late 19th century, and are making a critical difference now as we embark upon the 21st.

There currently are approximately 500 VNAs nationwide.

Through these exceptional organizations, 90,000 clinicians dedicate their lives to bringing health care into the homes of an estimated 3 million Americans every year.

VNAs are truly the heart of home care in this country today, and it is time for Congress to recognize the vital services that visiting nurses provide to their patients and their families.

I urge my colleagues to support this resolution establishing an annual National Visiting Nurse Associations' Week.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

DONALD G. BROTZMAN POST OFFICE BUILDING

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the bill (H.R. 5370) to designate the facility of the United States Postal Service located at 4985 Moorhead Avenue in Boulder, Colorado, as the "Donald G. Brotzman Post Office Building," and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5370

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DONALD G. BROTZMAN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4985 Moorhead Avenue in Boulder, Colorado, shall be known and designated as the "Donald G. Brotzman Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Donald G. Brotzman Post Office Building.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. Con. Res. 8 and H.R. 5370.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

HONORING THE LIFE OF ASTRONAUT LEROY GORDON COOPER, JR.

Mr. BALLENGER. Mr. Speaker, I ask unanimous consent that the Committee on Science be discharged from further consideration of the resolution (H. Res. 847) honoring the life of astronaut Leroy Gordon Cooper, Jr., and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 847

Whereas Leroy Gordon Cooper, Jr., was born on March 6, 1927, in Shawnee, Oklahoma;

Whereas Gordon Cooper served as a colonel in the United States Air Force and was selected as one of the original Project Mercury astronauts in April of 1959;

Whereas, when Gordon Cooper piloted the Faith 7 spacecraft on the final operational mission of Project Mercury from May 15 to May 16, 1963, he traveled a total of 546,167 statute miles and became the first astronaut from the United States to spend more than a day in space;

Whereas, when Gordon Cooper served as command pilot on the 8-day 120-orbit Gemini 5 mission that began on August 21, 1965, he and pilot Charles Conrad established a new space endurance record by traveling a distance of 3,312,993 miles in an elapsed time of 190 hours and 56 minutes;

Whereas Gordon Cooper was the first man to go into space for a second time;

Whereas Gordon Cooper served as backup command pilot for the Gemini 12 mission and as backup commander for the Apollo 10 flight;

Whereas Gordon Cooper logged 222 hours in space and retired from the Air Force and the National Aeronautics and Space Administration in 1970;

Whereas the special honors Gordon Cooper received during his lifetime included the Air Force Distinguished Flying Cross, the National Aeronautics and Space Administration Distinguished Service Medal, and the John F. Kennedy Trophy; and

Whereas Gordon Cooper passed away at his home in Ventura, California, on October 4, 2004, at the age of 77: Now, therefore, be it

Resolved, That the House of Representatives honors the life of astronaut Leroy Gordon Cooper, Jr.

Mr. BALLENGER. Mr. Speaker, during this Congress, the President has laid out a bold plan to return men to the moon and then go on to Mars as we begin to explore the wonders of our solar system, a vision that would not be possible were it not for a group of exceptional men who stepped forward to accept our Nation's Manifest Destiny of the 20th century. In those very early days some 45 years ago, we were behind in the race into space. The Russians had put the first satellite into orbit, sent the first living creature into space, and were the first to send an object to the Moon. American prestige was suffering around the world, and President Eisenhower and the Congress realized that things had to change.

In response to that challenge, they created NASA and along with it, Project Mercury, the initial step that got us to the moon first. But those were difficult days. Our scientists and engineers were struggling to build rockets that were capable of lifting the heavy payloads needed to get us there, and those rockets would explode in gigantic fireballs almost as often as they didn't. Being strapped inside a flying bomb and hurled into space at 17,000 miles an hour was hazardous duty of the highest order, but in April 1959, the Nation chose seven courageous men who were willing to put the interests of the Nation ahead of their own.

One of these was Leroy Gordon Cooper, Jr., a native of Shawnee, OK, a colonel in the U.S. Air Force and a test pilot who logged more than 7,000 hours flying time—4,000 of which were in jet aircraft. They called him "Gordo", and in May 1963, he became the first American to orbit the earth for more than a day. Two years later along with astronaut Peter Conrad, Gordon Cooper set a new space endurance record by traveling more than 3 million miles as the command pilot of the *Gemini 5* mission and demonstrated for the first time that men could live and work in space long enough to make the trip to the Moon and back.

He continued to support our national goal of landing a man on the Moon by serving as the backup command pilot for the *Gemini 12* mission in 1966 and as backup commander for the *Apollo 10* trip to the moon in 1969, logging a total of 222 hours in space and receiving a number of special honors along the way before he retired in 1970.

Mr. Speaker, I remain convinced that the exploration of space in many ways holds the key to our future here on earth. Just as it was when Gordon Cooper first went into space more than 40 years ago, space travel remains a dangerous business. We have experienced some setbacks along the way, and yet it remains our destiny. In future years as we explore the moon and beyond, the successes that we will enjoy and the wonders that we will find on the other side will have been made possible by the courage and devotion to country of men like Gordon Cooper, and it is with great pleasure that I rise today in support of House Resolution 847 to honor his gifts to our Nation.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BALLENGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 847.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize Members for Special Order speeches without prejudice to the possible resumption of the legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

OCEAN POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. GILCHREST) is recognized for 5 minutes.

Mr. GILCHREST. Mr. Speaker, the Republicans have been in the majority for basically 10 years, and we have done a number of very positive things. What I would like to speak to this august body about tonight is an issue of oceans.

In 1994, when the Republican majority took over, they began to reorganize the committee process. At that time, they wanted to make it more applicable to the Members to represent their districts, to represent their regions and to be more efficiently organized, to spend the taxpayers dollars wisely.

What we did, however, was to consider that we will continue to reorganize the process as the years went by to ensure that Members had an opportunity to serve on the committee that not only represented their districts, but that also represented their desire to be a visionary Member of this Congress.

□ 1945

One of the committees that was eliminated was the Merchant Marine and Fisheries Committee that dealt with oceans issues, fisheries issues, the Great Lakes and things of that nature.

The reason that one single standing committee was important was because there are billions and billions and billions of dollars that are generated in the U.S. economy as a result of the world's, and especially the jurisdiction of the oceans, that fall in the United States, of the oceans, whether that is trade, whether that is commercial fisheries, recreational fisheries, marine habitat, the weather, the climate, the rain that sustains the country. All of these issues are dealt with because of ocean and Great Lakes issues.

The committee, however, was reduced to a subcommittee and put under the jurisdiction of the Interior Committee which was renamed the Committee on Resources.

There is still a great deal of effort to put forth a good ocean policy by the Federal Government. However, since the full committee was reduced to a subcommittee, much of the jurisdiction was taken away. On the House side, there are 19 full and subcommittees that deal with a myriad of ocean issues; and, as a result of that, even though committees work well together in their area of jurisdiction, the issues dealing with oceans are relegated to a very small piece of any one single committee, even the Committee on Resources, where that full standing committee became a subcommittee.

Because the issues are so fragmented, there is no one particular center of gravity to develop policy, in my judgment, for the U.S. ocean policy.

What I am suggesting that we do in the next Congress is that we create a standing committee that has full jurisdiction over the oceans, that takes that $120 billion annual economy that is generated by oceans, that deals with the commercial fishing activity from Alaska to Hawaii, to the Pacific, to the Gulf of Mexico, to the Atlantic Ocean, an area whose jurisdiction is larger than the 50 States combined. We take all of those issues and we combine it into one full committee, and that one full committee will have jurisdiction over the issues that are dealt with as far as the oceans are concerned.

Let us just take commercial fishing activity, for example. Everybody has gone into a store and purchased fish. Everybody has gone into a restaurant and ordered fish. That generates billions upon billions of economic activity. But 75 percent of the commercial fish caught in U.S. waters spawn in tidal estuaries, and one of the problems with tidal estuaries is they are being polluted. They are being fragmented. They are being dammed. They are being degraded in a whole host of ways. And there is not really one single entity in the Federal Government that can work with the State government, the private sector and various groups to take a look at the loss, which is as much as 20,000 acres on an annual basis.

So just on the perspective of an economic agenda I feel confident that an oceans committee, which would be the center for the perspective on developing coordinated U.S. policy on oceans issues, is vital in the next Congress.

So, Mr. Speaker, I would urge my colleagues, when this comes up for an issue, to vote favorably in this direction.

ASKING ADMINISTRATION TO URGE A U.S. VOTE AGAINST AZERBAIJAN'S U.N. RESOLUTION

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to bring to our attention Azerbaijan's recent introduction of an ill-advised United Nations General Assembly resolution regarding what Azerbaijan erroneously refers to as "the situation in the occupied territories of Azerbaijan."

This intentionally disruptive resolution directly and significantly threatens efforts towards a peaceful settlement over the Nagorno-Karabagh conflict. Furthermore, it jeopardizes the principles and procedures of the Organization for Security and Cooperation in Europe and specifically the Minsk Group mediation effort, co-chaired by the United States, France and Russia, to resolve the Karabagh conflict.

Azerbaijan's proposal represents a hostile declaration against the entire peace process, aimed only at fostering increased divisiveness. Its consideration can only set back the cause of peace.

Mr. Speaker, it is disturbing to note that this resolution was recently approved to be included on the U.N. General Assembly's agenda. Even more alarming is the fact that the United States has thus far failed to compellingly address the resolution, choosing to instead abstain from every vote in which they had an opportunity to halt the advancement of this destructive measure. This failure by the administration now has the potential to undermine U.S. interests and American values in the strategically important Caucasus region.

Mr. Speaker, the vital role the United States plays as an honest broker in the Nagorno-Karabagh peace process is gravely threatened by the administration's continued lack of decisive action. Given our commitment to keeping the parties talking and moving forward, it is necessary for the U.S. to act forcefully against destabilizing steps that will unravel the peace process. Our interests are best served by the continuation of dialogue on the outstanding issues related to Nagorno-Karabagh within the OSCE framework and not by the fragmentation of this orderly process.

Since the beginning of the Nagorno-Karabagh conflict, Armenia has been committed to finding a peaceful solution. Moreover, I cannot stress enough the crucial role that the U.S. plays in the negotiations over Nagorno-Karabagh to help the people of this region find a lasting and equitable peace. These actions by Azerbaijan subvert these efforts and seriously complicate our diplomacy in the Caucasus region. A failure on our part to forcefully and publicly confront the Azerbaijani government over these destabilizing maneuvers would send extremely dangerous signals to Azerbaijan.

Mr. Speaker, the U.S. must take action to condemn Azerbaijan's desperate acts of destructive venue shopping, and we here in this Chamber must do everything that we can to ensure that all parties involved in this conflict make a genuine commitment towards peace and stability. Action on the part of the U.S. must go further than the OSCE joint statement that was released in which the members of the Minsk Group expressed their concern and opposition towards the Azeri resolution. Beyond merely releasing a statement, the U.S. must demonstrate its views by taking a stance and voting against this measure.

I urge the U.S. to forcefully renounce this proposal, secure its retraction and impress upon the Azerbaijani government that it should drop such counterproductive tactics in favor of serious and lasting commitment to the OSCE Minsk Group process.

The OSCE Minsk Group process cannot survive Azerbaijan's destabilizing tactics. Continued tampering with this process will inevitably produce a chain reaction resulting in its demise. We cannot afford to allow Azerbaijan to continue to disrupt the work of the OSCE, which, as my colleagues know, has been recognized by the U.N. itself as the lead arbiter in this conflict.

Finally, it is time for the U.S. to be more forceful with Azerbaijan and to make clear that their tactics are not helpful to a peaceful and just resolution of the Nagorno-Karabagh conflict. Once again, it is imperative, Mr. Speaker, for the U.S. to vote against this U.N. resolution, thereby clearly demonstrating that there are serious consequences to actions that disturb the regional Caucasus peace, security and prosperity.

THANKING MARY HOWARD FOR A LIFETIME OF PUBLIC SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. WILSON) is recognized for 5 minutes.

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to thank one of South Carolina's finest ladies, Mary Talbert Howard, for her lifetime of public service.

Mary will conclude her full-time service to the people of South Carolina when she retires at the end of this year. Active in the Lexington, South Carolina, community since 1973, Mary served with my predecessor and mentor, the late Congressman Floyd D. Spence. In 2001, she graciously agreed to stay on as the District Director for the Second Congressional District of South Carolina.

A native of Hartsville in Darlington County, South Carolina, Mary attended the Hartsville schools, Limestone College and graduated from the University of South Carolina with a BA in education. She began her employment with the late Congressman Floyd Spence in 1981, after successfully serving as Spence for Congress campaign office manager, and she became District Director in 1992. Her responsibilities included representing the Congressman at all events throughout the Second Congressional District, handling of all constituent concerns, meeting with the local and State government officials and attending all local and State civic group meetings.

Mary has been active in the Lexington Women's Club since 1973 and served in many of the officer positions, including president. She also served as district and State legislative chairman for the State Federation of Women's Clubs.

Mary has also served as president of the Riverbanks Zoo Society, as an active member of the Lexington Medical Center Board, as Corresponding Secretary of Friends of the Lexington County Museum, and as a board member of the Lexington Arts Association.

She has been a delegate to the State and county Republican convention since 1980.

Mary is a member of St. Peter's Lutheran Church, where she served on the Worship and Music Committee and is a former Sunday school teacher.

Mary is married to Jerry Howard, and they have three children: G.G. Howard Culpepper, Melissa Howard Henshaw and Amy Talbert Howard. She also has two grandchildren, Cate and Jerrod.

In all the years that I have worked with Mary, she has always served with grace and dignity, and I have been extremely honored to have her represent me these last 3 years. She will always be a close, personal friend of the Wilson family, and Roxanne and I wish her and her husband Jerry all the best in their future.

I ask all of my colleagues to join me in thanking Mary Howard for her commitment to serving her community with excellence.

In conclusion, God bless our troops; and we will never forget September 11.

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore (Mr. PENCE). Is there objection to the request of the gentleman from New York?

There was no objection.

HONORING CONGRESSMAN AMO HOUGHTON AND CONGRESSMAN JACK QUINN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WALSH) is recognized for 5 minutes.

Mr. WALSH. Mr. Speaker, in the rush of events at the end of this session, the New York delegation has attempted to set aside some time to recognize the distinguished careers of two of our colleagues who are retiring at the end of this session. What I intend to do is make a brief statement and then reach out to my colleagues, both sides of the aisle, to give them the opportunity to provide remarks to acknowledge the great service of these two men.

First, our colleague from Corning, New York, AMO HOUGHTON. AMORY HOUGHTON came to the Congress in 1986, was appointed to the Committee on Ways and Means, has served as a subcommittee chairman and has done great work not only on tax policy and health care policy but, also, he has been a dedicated global citizen. He has been involved in Africa and in other troubled places around the world where his gentle, thoughtful approach to problem solving has been respected and has brought great credit to not only to him but to our country.

He has been a great adviser, counselor to me; and his service to our State has been no less than remarkable. We will miss him very, very much. He will leave a tremendous void in our delegation, and we wish him all good health, and a long and enjoyable retirement with his beloved wife Priscilla.

Our other colleague who is completing his career at the end of this session is my good friend JACK QUINN, who represented Buffalo, New York. His home is in Hamburg, New York, where he served as supervisor. He came to the Congress in, I believe, 1992, was appointed to the Committee on Transportation, served as the subcommittee chairman on railroads for an extended period of time and set very important policy regarding our rail lines around the country.

□ 2000

JACK, as all of us know, has a very personable, delightful personality. He is a hard-working, dedicated family man who always brought joy and laughter wherever he traveled. He is a close personal friend, someone that we all respect, and someone we will all dearly miss as he proceeds into his next iteration, whatever that may be. We all know he will be successful at whatever he does, and we wish him all the best.

To both my colleagues, the gentleman from New York (Mr. HOUGHTON) and the gentleman from New York (Mr. QUINN), we bid them adieu. We know you are not going far away. We hope to see you on a regular basis.

Mr. RANGEL. Mr. Speaker, the House of Representatives is losing an extraordinary man in Congressman AMO HOUGHTON. He has been my colleague in the House, in the New York Delegation and the Committee on Ways & Means. I have been privileged in every way to be his colleague, as there is no one who more exemplifies public service.

AMO HOUGHTON is of a distinguished and affluent family, yet he is interested in neither wealth nor leisure, forging a career dedicated to serving his fellow man. Throughout his significant career, Mr. HOUGHTON represented one of the more economically depressed districts in New York State, a fact that never deterred him from trying to improve the economy of the New York Southern Tier. He was a successful businessman before becoming a politician, and it has been said that he would surely have become a missionary, had he not been elected.

AMO HOUGHTON quickly became one of the most beloved Members from either side of the aisle, most likely because of his unifying nature; Mr. HOUGHTON was not one to participate in partisan sniping, always calling for understanding and compromise. Never neglecting any of New York's citizens, he pledged his complete attention and support to those in New York City, the suburbs and many smaller cities and rural communities, like those in his district.

The House will find itself at a loss without the talents and graces of this remarkable man. It will miss his civility and his wisdom, his spirit and determination, but it will be his optimism for our Republic and his respect for the beauty of human life that will be missed most of all.

Mr. Speaker, I rise to honor the career of Representative JACK QUINN, one of the most optimistic Members I have met. I have had the pleasure of serving with JACK since 1993; he is a man who signified the old values of the Republican Party in New York. Mr. QUINN's respect for the working class, fiscal responsibility and civil rights are lasting testaments to his impressive legacy.

It could not have been an easy task in representing the City of Buffalo, which has suffered so many devastating economic downturns over the past few decades, yet Mr. QUINN was constantly re-elected in a district overwhelmingly comprised of registered Democrats. This fact is a tribute to his keen understanding of the needs of his constituents even where they may contradict with the leadership in the House of Representatives.

JACK QUINN is one of those Members for whom no one has a bad word and with whom no one has had a bad experience. He has the range to be comfortable with factory workers to business leaders to Democrats and Republicans alike. His independent nature and policies are deserving of the highest mark of honor; a man of JACK QUINN's poise and positive energy will be sorely missed in the halls of Congress.

HONORING DEPARTING TEXANS

The SPEAKER pro tempore (Mr. PENCE). Under a previous order of the House, the gentleman from Texas (Mr. HINOJOSA) is recognized for 5 minutes.

Mr. HINOJOSA. Mr. Speaker, it is with a sad heart that I rise to say goodbye to six of my colleagues from Texas who will not be returning to this body next year. All of these men have been dedicated patriots who have served the State of Texas and this country with honor and distinction.

The gentleman from Texas (Mr. FROST) has faced the challenges of serving as the dean of the Texas Democrats for years and has fought to ensure that the rules of this House are fairly enforced.

This Nation's farmers and ranchers have had no better friend or advocate than the gentleman from Texas (Mr. STENHOLM). He has been our conscience on fiscal responsibility, and I hope that we will take his remarks last night to heart as we begin the budget debate next year.

After the tragic events of 9/11, we created the Select Committee on Homeland Security. As the committee's first ranking member, the gentleman from Texas (Mr. TURNER), has fought to increase funding for critical infrastructure protection and has brought national attention to the serious manpower and infrastructure shortages along our southern border.

The Texas border region is losing my colleague and good friend, the gentleman from Texas (Mr. RODRIGUEZ), who has worked tirelessly to address the health care crisis that is facing the southern border communities. As the chairman of the Congressional Hispanic Caucus this past year, CIRO RODRIGUEZ has continued to focus national attention on issues important to the Hispanic community.

The gentleman from Texas (Mr. LAMPSON) has protected our children through his national leadership on the issue of missing and exploited children.

The gentleman from Texas (Mr. SANDLIN) has been a strong member of the Blue Dog Caucus and was instrumental in securing our airways through his work on the Aviation Security Act.

Finally, Mr. Speaker, I was proud to serve on the Committee on Financial Services with one of my newer members of the Texas delegation, the gentleman from Texas (Mr. BELL). He and I worked on legislation which focused on the financial literacy of all people. I appreciate his strong support of my efforts to improve math and science education in this country.

Mr. Speaker, all of these Members from Texas have given invaluable service to this Nation, and the 109th Congress will be poorer for their absence. I wish them all the best.

MEDICAL MALPRACTICE INSURANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the majority leader.

Mr. GINGREY. Mr. Speaker, we just finished our elections, and we hear a lot of browbeating and weeping and gnashing of teeth from the other side of the aisle concerning what went wrong. Goodness gracious, what in the world went wrong? We thought we ran a good campaign. We were ready to elect a President, we were ready to take over the House, we were ready to get the majority in the House and the Senate, and none of those things happened.

Of course the pundits are on television every day, 24 hours a day it seems, talking about exactly what went wrong. And there is a lot of talk, of course, about the issue of moral values, traditional family values, and Christianity. I am sure that that had something to do with it. But I will stand here today, Mr. Speaker, and say to my colleagues that I ran a race in which I won with 57.4 percent against an opponent on the other side of the aisle who I think was a very strong Christian man, a good man, and one who had great values. But he was running on a party platform that did not embrace those traditional values that mean so much to I think middle America and those of us where I come from in Georgia.

But I think it goes beyond that. I think it goes far beyond that. And I would suggest to my friends on the other side of the aisle, as they try to play Monday morning quarterback and figure out what went wrong, to think about issues like medical liability reform and the fact that the Nation, 75 percent or more, the American people in every poll that has ever been done, are very much in favor of medical liability reform. And yet an issue like that, which really should not be a partisan issue, because there is absolutely no reason why access to health care and fixing a broken system should come down along party lines, certainly did become partisan. It did in this body, and it did in the other body.

In March of 2003, the HEALTH Act was passed in this House Chamber, as my colleagues know, and there were Members of the Democratic minority who voted for the bill, but only a few, only a handful, and practically none in the other body. So today, as we stand here going into the 109th Congress and President Bush's second term, we once again have a chance, an even better chance, I think, to get medical liability reform passed because we have increased our margins in the other body.

So there are a lot of reasons you can look back and try to figure out why you lost, but that is one, I think, that my Democrat colleagues need to take a close look at. When this issue comes before us in the 109th, if you want to do something positive, if you want to respond to the will of the American people, this is certainly a great first step. I would encourage my friends on the other side of the aisle and my fellow Republicans in the House and the Members in the other body that it is time. The American people want this. They need it.

Access to health care is hugely important. We are seeing more and more physicians, and I will get to some specific numbers a little later regarding doctors in high-risk specialties, like neurosurgery, emergency room physicians, and OB-GYN, which is my specialty. I think all my colleagues know that in my prior life I practiced medicine for almost 30 years, and as a pro-life OB-GYN physician, delivering those 5,200 babies. Many of my colleagues in that specialty are dropping out at the very peak of their practice productivity, in their late 40s, early 50s. They are literally trading their stethoscopes for a fishing rod or a set of golf clubs. They do not want to do that, but they have been forced to.

I have a number of posters here, Mr. Speaker, that I want my colleagues to pay attention to, which really give testimonials to the statistics. Maybe my colleagues know some of these individuals, or individuals just like them, or families who have suffered because, when they went to the emergency room, there was no emergency-room physician to take care of their injured child or their loved one who had had a stroke and needed immediate care from a neurosurgeon.

Just look at some of these posters. This is talking about women's health care in particular. Women's Health in Jeopardy: A pregnant Texas woman was forced to drive 80 miles to a San Antonio hospital because her family doctor in her rural hometown had stopped delivering babies because of malpractice insurance concern. This was in the Fort Worth Star Telegram January of 2003.

Nationwide, doctors are leaving and patients are suffering. Look at these people. Look at these physicians. I do not know if my colleagues can see some of these posters, but they are not saying "Vote for George W. Bush, or Reelect Bush, or Vote For Kerry and Edwards, or I am a Democrat, I am a Republican." They are saying "tort reform now."

Insurance rates are driving doctors out of business. What good is insurance, health insurance, if you cannot find a doctor to provide the care, and on and on and on? Look at some of these headlines, Mr. Speaker: "Doctors Protesting Skyrocketing Malpractice Premiums." Springfield State Journal Register, February 2003. "Malpractice Insurance Prices Send Physicians to the Streets." USA Today, February 2003. "Caps on Noneconomic Damages Most Common Solution Considered by States in Crisis."

There are twelve States in crisis, and 30 more near crisis. If my colleagues do a little quick math, that is 42 out of 50 that are either in crisis or near crisis today. USA article, February 2003. "Medical Malpractice Premiums Jump 50 Percent, Average Cost Tops $1.4 Million Per Hospital." PR news wire, January of 2003.

It is not just the physicians; it is the hospitals that are suffering as well, many of whom are self-insured up to probably $10 million, $15 million, or $20 million; and it is literally driving the small rural hospitals out of business. And in so many instances, the hospitals and the school system might be the only two employers in a whole county, or the two major employers in a whole county. When you shut them down, you are talking about job loss.

So this is really an economic issue. It is a health issue, no question about that. Lack of access to health care is a real tragedy and a real crisis, but we have heard for the last 2 years, as we led up to this Presidential election year, the other side of the aisle talking about President Bush being the only President since Harry S Truman who actually lost jobs on his 4-year watch. Three million of those happened to occur after the dot-com bubble burst and the recession that started during the Clinton administration. The rest of it occurred shortly after 9/11, which cost the economy of this country almost $3 trillion.

The other side kind of changed their tactic, Mr. Speaker, as we began to grow jobs as those tax cuts for all Americans with their special emphasis on small business men and women began to put people back to work. All of a sudden, when we gained 1.7, 1.9 million jobs back, then they had to change their tactics at the last minute.

But make no mistake about it, this medical malpractice crisis and lack of access to care, and the fact that physicians are shutting their offices, it is a job issue as well because it is not simply one physician but in many cases it is 15 to 25 people who are actually employed in that office and all of them are without a job. Talk about outsourcing of jobs.

We could have done a lot to prevent that right here in our own country with some meaningful leveling of the playing field with fair and balanced tort reform in regard to medical liability.

Continuing with some of the posters, these are real-life situations that I want to bring to the attention of my colleagues.

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Michelle, a breast surgeon, serving more than 5,000 patients a year, experienced a 760 percent increase in malpractice insurance over an 8-year period of time. That is an average 76 percent increase per year. This was a testimonial on 60 Minutes in March, 2003.

Doctors in rural Mississippi can expect to pay over $70,000 in malpractice premiums. Their average salary in rural Mississippi, certainly not an affluent State, about $72,000 a year. They are literally almost as much, not more, but almost as much in malpractice premiums as they are making in income and probably working 70 hours a week.

Lehigh Valley, Pennsylvania, lost one-third of its neurosurgeons due to unrelenting problems with medical malpractice insurance. That is in Lehigh Valley, Pennsylvania.

Listen to some of these numbers. Talk about bullet points. This really cuts right to the chase. Let me give my colleagues a few numbers to ponder.

America's medical liability crisis, we all pay for a broken system. The number 19, as I said at the outset of the hour, the number of States in a full-blown medical liability crisis in which the cost of frivolous lawsuit settlements and jury awards cost physicians' medical liability premiums to skyrocket. As a result, patients lose access to care when physicians are forced to give up parts of their practice, such as delivering babies or performing high-risk surgery.

Mr. Speaker, 72 percent of Americans favor a law that guarantees full payment of lost wages and medical expenses but limits noneconomic damages. That is the point that my colleagues on the other side of the aisle seem to miss. We spend all this money on polling. We poll and run TV ads, and then we send out mailers depending on what the public perception is of an issue. And 72 percent, talk about a plurality, a supermajority of Americans understood this issue, and clearly today understand that we are a country in crisis in regard to our health care delivery system. They want change, they want fairness, and yet my colleagues who have a lot of heartburn over this recent election are still trying to figure out what went wrong. Certainly they were wrong on that issue.

The figure of $70 billion to $126 billion a year, the cost of defensive medicine which could be significantly reduced by medical liability reforms. Now we just passed yesterday an increase in the debt ceiling of $800 billion. There was a lot of rhetoric from the other side and a lot of complaining about the runaway deficits and the growing, burgeoning debt.

With medical liability reform, it is estimated that we would save the government close to $40 billion a year. Keep in mind that the Federal Government really pays about two-thirds of all of the health care in this country with four programs: Medicare, Medicaid, Tricare for our military personnel and their dependents, and our VA health care system. If we put all of those programs together, we are talking about two-thirds of the health care costs in this country the Federal Government pays. If we had some meaningful tort reform and doctors did not have to do all this defensive medicine and add all of these additional tests which we know and the hospitals know are totally unnecessary in many instances, but doctors are just trying to protect themselves from a lawsuit, if we could get all of that out of the system and go back to just practicing common-sense medicine, this is the amount of savings we would incur. Then we would not have to increase that debt limit.

I am very pleased tonight, Mr. Speaker, to be joined by one of my colleagues on my side of the aisle and a fellow physician, not only a fellow physician but also a fellow OB–GYN physician. He has not practiced quite as long as I have nor delivered quite as many babies as I have, but he is one fine doctor and a fine Congressman.

Mr. Speaker, I yield to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, I thank the gentleman from Georgia (Dr. PHIL GINGREY) or Dr. PHIL, as we say here in Congress. I need to point out that I am just a simple country doctor, and while the gentleman from Georgia will spend a lot of money on polling, my operation in Texas is far too small for that. But I do talk to a lot of my constituents, and the doctor is right that this is an issue understood by average, everyday Americans. They understand it very well. They understand it is limiting their access to medical care, and they want this situation fixed.

The Subcommittee on Health Policy met this summer and had a hearing on medical liability reform. We wanted to bring the spotlight to what are some of the successes we can point to in this country in this arena, not just simply rehash and recover old territory but what are some of the solutions. We were fortunate to be joined by a doctor from California who was actually practicing medicine in California 1975 when the California Medical Injury Compensation Reform Act of 1975 was passed.

Of course, he talked about the night-and-day difference that it made in his State as far as being able to practice medicine with the noneconomic damages capped at $250,000 and how that held down premiums and allowed doctors to continue in practice and not leave the State because they were in a crisis in 1975.

Let us remember the governor who signed this bill into law from the California legislature was none other than Jerry Brown, not known for his conservative thoughts or principles. It was truly landmark legislation when it was passed in California now some 28 or 29 years ago.

In Texas, we passed legislation this past legislative session that also limited noneconomic damages, put a cap on noneconomic damages. It was a little bit different. We might say it was a 21st century variation of capping noneconomic damages. There is a cap of $250,000 for the physician's component, a cap of $250,000 for the hospital component, and another $250,000 if a nursing home is involved. But altogether, the noneconomic damages in a case would be capped at $750,000. This has had an enormously positive impact on the State of Texas as far as liability reform is concerned.

Consider this: When I was practicing medicine in the late 1990s, there were 17 insurers who would write a liability policy for doctors in the State of Texas. As the medical liability crisis mounted in my State, the number of insurers dropped out and left the State to the point that, by 2002, there were two remaining insurers writing medical policies in Texas.

What did this mean for the average medical practitioner and their patients? When I was campaigning in 2002, when I would do speaking events, I remember a young woman came up to me. She was probably in her early 40s. She said, "I am a radiologist who studied at State schools and I did my residency at a State-supported institution. My insurance carrier left the State 3 months ago, and now I cannot buy liability coverage at any price, and I cannot afford to jeopardize my future, my husband's future, and my children's future by continuing to practice medicine without a liability policy, so I am a stay-at-home mom."

That is an admirable thing for someone to do, but the State of Texas had made a significant investment in her college and medical education. In addition, she did her residency at a publicly funded hospital. Again, a good investment made in this bright individual to practice her craft of radiology, a lot of investment was made by the State of Texas, by the people of Texas, in her medical career, and she was unable to practice her profession because of the unavailability of liability insurance at any cost, let alone liability insurance that might have been quite costly.

One of the people we heard from at that hearing was Texas Insurance Commissioner Jose Montemayor. This hearing was in June. Commissioner Montemayor talked about some of the improvements that had come to Texas as a result of this law that was passed by the Texas State legislature. We had gone down to two liability insurers. We were now up to 13. Of those that had come back into the State in 8 months time, they had done so without an increase in their rates, contrasting with the neighboring States of Oklahoma and Louisiana where those insurers were able to show and justify an increased rate of 50 percent in Oklahoma and 80 percent in Louisiana. So this is a big difference this law has made in Texas.

In addition, Cristus, a Catholic not-for-profit health care system in south Texas that self-insures, has been able to, by June of this year, 6 months into this fiscal year, had posted a $20 million savings in their insurance premiums that they were then able to directly invest in hiring nurses, direct patient care, and capital improvements in their hospitals there.

So this is a tremendous gift or tremendous savings for the people in the State of Texas, and one of the things that we were able to showcase in that hearing is one of the proven successes in the country for medical liability reform.

We also heard from an individual, and I apologize. I am blocking on his name. He was the administrator of the hospital in Uniontown, Pennsylvania, and there the story has not been as benevolent. Pennsylvania has not managed to pass medical liability reform in their last legislature. Because of the peculiarities of their State system, they will have to pass that legislation two times in the form of a constitutional amendment. So 2007 or 2008 is the soonest time they can expect any type of relief from their medical liability crisis.

The administrator at Uniontown Hospital told us he is down to one ear, nose and throat doctor who is now responsible for about 140,000 patients in that area. I did some quick math, that is about 300,000 ears for one doctor. That is a lot of work for one ENT doctor, and they cannot bring in another doctor to help him because of the cost of their liability insurance.

About a year and a half ago, we were at a field hearing up at ANWR, and we came back home through Nome, Alaska. When a group of congressmen come through Nome, Alaska, it is a big deal, and a lot of people turn out for that. They heard that one of the congressional representatives was a physician representative, and the entire medical staff of their hospital came out to lunch with us.

Over lunch, they asked questions. What it was like to serve? And one said we hope Congress gets that medical liability law passed because we cannot afford an anesthesiologist for our hospital here in Nome.

I asked what kind of medicine he practiced. He said I am an OB–GYN, just like you.

Mr. Speaker, what a deal. Practicing OB–GYN in your hospital without an anesthesiologist in Nome, forget pain relief during childbirth. We are talking what do you do if you have to do a c-section. He said, well, we get that patient on an air ambulance as soon as possible and get her to Anchorage for her c-section. Well, Anchorage is an hour and a half a way, and I am given to understand there is poor weather sometimes in Nome, Alaska.

I cannot understand how we feel that we are furthering the cause of patient safety by allowing this system to continue.

People do ask me back in Texas, they say, we have done a good job here in Texas. Why are you worried about medical liability insurance anymore? It is not an issue for us here in Texas. But as Dr. GINGREY has pointed out so clearly, it costs our country billions of dollars every year.

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In the Medicare system alone, the cost of defensive medicine from a 1996 Stanford University study was estimated to be between $30 and $50 billion a year in the cost of defensive medicine. Do the math on that. What is the average of $30 to $50 billion? It is $40 billion a year. Dr. GINGREY is quite right. We were criticized last night about increasing the debt limit. We were criticized a year ago for passing a Medicare bill that costs $40 billion a year for prescription drug coverage. We basically would save that amount of money if we would only pass meaningful medical liability reform. That is why it is a national issue, because we are all paying for that. Every taxpayer in the country is paying that freight for this medical liability system. $230 billion a year in direct costs for medical liability and about 20 percent of that actually goes to injured patients.

Do not tell me that by capping noneconomic damages that we are keeping money out of the hands of patients. The system is keeping money out of the hands of patients today under the present system and the only parties that are enriched by today's system are the trial lawyers.

With that, I see my time is about up. I appreciate so much the doctor organizing this Special Order this evening. It is of critical importance that we get this done. We did not manage to do it this year. There has been a little bit of a change across the Capitol rotunda, and I am very optimistic that as we start into the 109th Congress, this will continue to be an issue of pressing concern for it, and we will get this job done for the American people.

Mr. GINGREY. I thank my colleague from Texas for joining us this evening for this discussion, and I appreciate his very accurate remarks. I know one thing he was talking about, physician access and which specialties doctors choose today based on this liability crisis.

I want my colleagues to listen very carefully to this number: 48 percent, the proportion of American medical students in their third or fourth year of medical school who indicated that the liability crisis was a factor in their choice of specialty, threatening patients' future access to critical services. I am sure that Dr. BURGESS would agree with me that when we were in medical school a few years ago, OB–GYN was one of the most popular specialties. It was the one that everybody wanted to go in. It was the compassionate, the feel-good specialty, delivering babies, being with a family, at what usually is the happiest day, the happiest moment of their lives, the birth of a child.

Yet today because of this crisis, as he well knows, we are having fewer and fewer, not only fewer and fewer of our best and brightest students from college wanting to get into medical school and go into the practice of medicine in any specialty but particularly OB–GYN and general surgery and neurosurgery and some of these higher risk specialties.

Mr. BURGESS. If the gentleman will yield, about a year ago I was having a discussion with a woman who was in charge of the residency program at a northeast hospital. I trained at Parkland Hospital, arguably the best residency program in the country, but this one in the northeast has a good reputation as well, and she said that they were at the point now where they were taking people into their OB–GYN residency program that 5 years ago they would not even have asked in for an interview, such has been the dropoff in the quality and caliber of, as you put it, the best and the brightest not going into the specialty. These are children's doctors. These are the doctors that are going to be there for the next generation of Americans. Again, I fail to see how allowing this system to continue is furthering the cause of patient safety or excellent patient care.

Mr. GINGREY. The gentleman is absolutely right. I am pleased to have another physician Member with us tonight in my colleague from Florida, Dr. DAVID WELDON. Dr. WELDON is an internal medicine specialist. I think I am recalling correctly that he is about to begin his sixth term in this august body and has certainly been a great mentor to both Dr. BURGESS and myself as we came in 2 years ago as freshmen and really needed to get up to speed on the Medicare law and all the nuances of that. It is certainly a distinct honor and a pleasure to have Dr. WELDON join us this evening.

Mr. WELDON of Florida. I thank Dr. GINGREY for his kind words. I must confess that he did not need a lot of mentoring. All his years in the State senate prepared him quite well for the busy work that we are about here. I just want to amplify a little bit on what our good friend, Dr. BURGESS, the gentleman from Texas, was talking about, specifically the high cost of defensive medicine. As you mentioned, I was a full-time practicing internal medicine doctor. Actually, I still see patients about once a month in the veterans clinic on a voluntary basis in my district.

As an internist, internal medicine specialist, I did a lot of diagnostic tests. A lot of people come in the office saying I hurt here, I hurt there, I can't breathe when I walk. You do a physical examination, and you typically send people off for studies and tests. I regularly on a daily basis practiced defensive medicine. I would do my history and physical, and I would come to a conclusion as to what I thought that patient most likely had and then there was always that little voice in the back of my mind, what if you are wrong? What if you miss something? What if you get sued? What will happen to you if you get sued? Will it hurt your practice? Will you lose patients? Will you lose your house? These are the kinds of things that go through your mind.

What you do is you order extra tests. We had a special name for doing that. But I was one doctor in one town, and there are hundreds of thousands of doctors every day in America spending hundreds and thousands of dollars each. I was so glad Dr. BURGESS mentioned that study out of Stanford University. That was the first study that conclusively showed that defensive medicine was real and it was very, very costly and that was that famous, a famous study now, that came out of Stanford University. They looked at expenses before medical malpractice and after medical malpractice for just two diagnostic codes, two different conditions, and showed a significant reduction in Medicare charges, and what is most important in this, no increase in what we call morbidity and mortality. In other words, the patients did fine, but the charges went down. They said at the end of that article, this is the first really good scientific study that shows that defensive medicine is real.

And how much does it cost? Ladies and gentlemen, we are struggling in this body to figure out how are we going to keep Social Security solvent in the future and how are we going to keep Medicare solvent in the years ahead.

Actually, Social Security gets talked about much more in the press, but the real problem is Medicare. Social Security will be solvent for a long time to come. Medicare could start going broke before the end of this decade. The crisis in Medicare is much more serious. What did that study show? It showed that defensive medicine costs us tens of billions, maybe as much as $50 billion, $75 billion a year just in the Medicare plan.

How much money could we save over the next 5, 10 years if we on a national level can institute some kind of caps on all of this medical malpractice? Let me just say as well, the problem that we have in the State of Florida is very severe. I know there are many other States that are very severely affected, but I just want to share some statistics here. In 1975, in the State of Florida, there were 380 lawsuits for medical negligence allegations. Those 380 lawsuits resulted in $10.8 million of settlements. It cost $1.5 million for the insurers to defend. In the year 2000, the next year that we have good statistics on this, it went up to 880 lawsuits resulting in awards totaling $219 million.

So we have a serious problem. This is not just a Florida problem. This is not just a Georgia problem. It is not just a Texas problem. This is a national problem. This body, the Congress of the United States, we are the fiduciaries of the Medicare plan, and we can save the Medicare plan by putting some reasonable caps on medical malpractice settlements. Every year that I have been here, and I have been here 10 years, going into my sixth term, we have passed some form of medical malpractice reform. Typically, we have passed this $250,000 cap on what we call pain and suffering claims, or non-economic damages. The important thing there is that if people cannot work, they can be compensated for that. If they have medical bills, they can be compensated for that. And if they have pain and suffering, they can get $250,000. But gone are the days of these multimillion-dollar settlements for pain and suffering. And why do we have to do that? Because we all pay for it.

I just want to share one other thing that is critically important. Most of the job creation in my congressional district over the last 10 years has been in the small business sector. When I meet small business men and women in my congressional district and I ask them, what are the problems that you are struggling with now, what can I help you with, invariably the first words that come out of their mouths is the high cost of health insurance for their employees and that many of them cannot afford to insure their employees anymore.

What can we do to help them? Actually, one of the best things we can do is pass medical malpractice reform. I spoke earlier, Dr. BURGESS spoke earlier, Dr. GINGREY spoke earlier about the high cost of defensive medicine. That drives up health insurance premiums. If you are a small business and you employ 10 people and it is costing you $600 a month per employee to insure all those employees, you can lower that premium if we can get reasonable and sensible caps on medical malpractice.

What is going to happen there? It is going to make those businesses more competitive. It is going to make those businesses better able to hire more people. The other thing is there are a lot of small businesses that just have decided they cannot afford health insurance anymore. These are the people that I am most worried about, the working uninsured. These are people who end up using our emergency rooms for their health care services. How can we get some of these uninsured people insured? One of the things we can do is pass medical malpractice reform.

This is not just a doctor issue. As a matter of fact, the doctors complain about it all the time, but they just pass the costs on to their patients. This is really a competitiveness issue for our Nation. This is about how do we deal with the uninsured. This is about how do we keep Medicare solvent. And it is a national crisis. I want to thank Dr. GINGREY for taking the lead on this issue. It is a critically important issue. If we can finally get something done in the next Congress, it will be good for the uninsured, it will be good for America, it will be good for OB–GYNs, one of the most aggressively assaulted specialties in the Nation, constantly being sued, many OB–GYNs getting out of the business of delivering babies.

In many regions in the country, communities, they do not even have a doctor that delivers babies. They have to get in ambulances and drive or fly in helicopters to a town where there is a doctor who is willing to deliver babies. That is a sad state of affairs. It has been precipitated by the failure of the other body to really take this issue up and deal with it. We have passed it every year that I have been here. We need to do something about it in the 109th Congress. I thank the gentleman so much for his leadership on this. I really appreciate it.

Mr. GINGREY. I thank the gentleman from Florida so much. We appreciate him being with us tonight and sharing those thoughts. It is so important that he pointed out to our colleagues that this really is not just about doctors and their practice, Dr. WELDON's practice, Dr. BURGESS, Dr. GINGREY, or an individual like this Dr. Leon Smith, Jr.

I happen to know Dr. Leon Smith, Jr. He practices medicine in Athens, Georgia. I went to medical school with him. I knew him very well. Both he and his brother are OB–GYN physicians. His group, I think six or eight of them, recently stopped practicing, had to stop obstetrics and curtail their practice drastically because of this crisis. Dr. Smith was actually interviewed on "60 Minutes" on March 9, 2003. Here is what Leon said, Dr. Leon Smith, Jr.:

> We're giving up something I have always wanted to do because of the malpractice crisis after insurance premiums broke a million dollars.

This is real life. This really puts a face on this problem. But as Dr. WELDON points out so vividly, it is a jobs issue because it is not just Dr. Smith and colleagues like him that have to give up their practices. It is the fact that small business men and women over the last 5, 6, 8 years are seeing double-digit increases in the amount that they have to pay for health insurance to provide to their employees. And they cannot do it. It is becoming the highest cost of them doing business. And a lot of small businesses fail. This is one of the main reasons that they fail.

And so we are not just talking about doctors not being available to help patients. We are also talking about small businesses closing and people being out of work. I think it is so important that we keep that in mind as we try to address this crisis and try to do it in a bipartisan fashion.

□ 2045

Mr. Speaker, I want to show this last poster before I go on with some additional remarks, but this is pretty telling and the title of this poster is "Show Me the Money." "Show Me the Money." And I have heard, I am not sure who it was, maybe some wise, erudite talk show host recently say, If you want to know what the problem is, just follow the dollar. Follow the dollar.

I can remember during the Medicare Modernization, Improvement, and Prescription Drug Act debate that we had on the floor of this House last year, this Medicare modernization, which we had not done in 38 years, and this prescription drug benefit, which seniors have been begging for, pleading for, been promised by previous Presidents and previous Congresses and nobody ever delivered, we finally delivered on that promise.

And the criticism we received from the other side of the aisle was well, it was just a giveaway from the pharmaceutical industry. That is all it is. All these Republicans getting all this money from the big drug companies. And in fact, it was said, Mr. Speaker, by so many of my colleagues on the other side of the aisle that the pharmaceutical industry wrote the bill. I guess they think the doctors and hospitals wrote the original Medicare bill that was passed in 1965, but I do not think the doctors and the hospitals have done too well, but it has been a boon to seniors. Medicare has worked well. It is going to work even better. But while they were criticizing us purportedly for accepting money from pharmaceutical industry lobbyists, look at what is happening on this "Show Me the Money" poster.

Why do Democrats put trial lawyers before patients? That is my question. That is the question I want my colleagues to answer for me. Seventy-four percent of the campaign contributions made by lawyers and law firms during the 2002 election cycle went to Democrats. I am not sure what the number is in 2004, but I imagine it is probably a little higher than that with a couple of lawyers on the Democratic ticket, one a trial lawyer who made his living suing doctors like me and my colleagues. Seventy-four percent of the campaign contributions made by lawyers and law firms during the 2002 election cycle went to Democrats. Over $87 million to Democratic candidates during that cycle. Seventy-four percent came to over $87 million. In fact, the average contribution to a House Democrat totaled $57,281.

I like to think that we cannot be influenced by money, and I think that that statement is, in fact, true. I think most of my colleagues on the both sides of the aisle would agree with that. Men and women of honor and integrity. But these figures certainly have to be frightening, and maybe it is some of the explanation why, which has no reason to be partisan. A high-risk mom who desperately needs obstetrical care, she is not worrying about whether that white coat has an R or a D on its shoulders. She is looking for an M.D., of course, and this should not be a partisan issue. We need to get beyond that. It is too important.

It is hugely important. Just as Medicare modernization, Social Security, these other issues, education, none of that should be partisan. So I hope that as we go forward in the 109th that we will all join together and finally get this job done.

I was giving some numbers a little bit earlier, and I would like to give a few more. The number 29. Mr. Speaker, 29 is the number of years that California's comprehensive medical liability reforms have protected the State of California and their patients, physicians, and taxpayers. 1975 was when MICRA, Medical Injury Reform Compensation Act, was passed; 1975, 29 years ago. Since then premiums in the United States, the rest of the 49 States, have grown by 750 percent. In California premiums have increased only 245 percent. Another very telling statistic.

Listen to this one. And I want my colleagues to listen carefully to this: $778,334, that is the amount a patient would receive for a $1 million jury award,. an injured patient, a patient that deserves compensation, and we all are aware of that in many instances, $778,334, the amount a patient would receive for $1 million jury award by reforming the current contingency fee system. Now without any reform, a trial lawyer typically takes $400,000 or more of that settlement. That is not right. Mr. Speaker, that is not right.

The people who are injured, the mom, the dad, the parent, the child, in cases that are not frivolous, somebody has practiced below the standard of care. Maybe it is one of my physician colleagues. Maybe it is a hospital. Maybe something happened in the emergency room. That patient has been injured and suffered and has significant economic losses, and they deserve fair and just compensation. But they are not getting it because of this contingency fee system which causes a lottery mentality among a lot of trial attorneys. Not all of them. Certainly not all of them. Most, in fact, I think are men and women of high integrity and provide a good service to their clients as they practice this subspecialty of personal injury.

Mr. Speaker, 3.9 million, and let me repeat that, 3.9 million, the increase in the number of Americans with health insurance if Congress were to pass commonsense reform. Almost 4 million more people would be able to afford health insurance. We have been talking about that issue ever since I have been here in this Congress about the 40 million or so mostly working Americans who cannot afford to have health insurance. Either they cannot pay their part of the premium or their employer cannot provide it for them. It is estimated with meaningful leveling of the playing field, not taking away anybody's rights, that an additional 4 million people would be covered by health insurance.

I could go on and on with these numbers and statistics, but let me just talk a little bit in some of the time that we have remaining. Mr. Speaker, there are a number of provisions in the bill that we passed, the Health Act in 2003. That bill primarily puts a cap on noneconomic, so-called pain and suffering. But what it does not do is it absolutely does not limit recovery for injuries, economic losses; and in many cases those awards are in the several millions of dollars. But there is no way that one can put any estimate on pain and suffering or noneconomic losses. And that is the hallmark really of MICRA, the law that was passed in California, and it is a model that we know works. And as I said before, if this bill is passed, and I feel that we will pass it in the 109th Congress, any injured patient would be well compensated for the economic losses and any medical care that is needed as they go forward in the rest of their lives.

Another provision in this bill is something that is called joint and several liability. I want my colleagues to understand this concept: joint and several liability. That is what exists today. That means that if 10 doctors are named in a lawsuit, it does not matter who is the major culprit or the one who practiced the least close to the standard of care. One of those physicians who had very little to do with the case could end up paying the whole judgment or the whole settlement just simply because they have the deepest pockets. In this law that we passed, the Health Act of 2003, it would be proportioned depending upon their degree of responsibility, as well it should be.

Another provision is called collateral source disclosure. Collateral source disclosure simply means that a jury needs to know if an injured patient has health insurance, has disability income, because their injury has been eligible and is now receiving Social Security Disability benefits and by virtue of that is now eligible for Medicare. Under current law in most States, the jury is not permitted to know that as they calculate what a just and fair settlement or award should be. And, Mr. Speaker, that is what I would call double-dipping, and that is wrong.

Another provision of course in the bill that I talked about a little earlier was contingency lawyer fees, and I think they ought to get paid and they will get paid and they will do very well. I do not believe there is a shortage of attorneys in the State of California. I do not see any of them coming to Georgia, thank goodness. I think they are doing well out on the west coast and will continue to do well. But if we are going to have a shortage, I think most of the Members of this body, my colleagues, would agree it is probably a lot better to have a shortage of lawyers than a shortage of doctors because we need access to health care. And that is what this is all about, that and job creation and to take some relief off the men and women who are trying desperately to provide health care to their employees.

Mr. Speaker, it has been an honor, really, and a pleasure to come here tonight and talk about something that is very near and dear to me as a physician Member of this body. And in closing, my plea to my colleagues on the other side of the aisle and my fellow Republicans and those Members of the other body is to think about that statistic that I gave them a little bit earlier. Seventy-five percent of the American people want this, and they are not going to wait any longer. And if they do not get it, they are going to hold them responsible in 2006 just as they obviously did in 2004.

COMMEMORATING THE MAGNIFICENT SEVEN

The SPEAKER pro tempore (Mr. PENCE). Under the Speaker's announced policy of January 7, 2003, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 60 minutes as the designee of the minority leader.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this evening for what I think is a celebratory occasion. It is a time of recognition and celebration of the service of a number of the Members of this body. And I thought it was appropriate for myself and my colleagues from Texas to stand before this body and to be able to acknowledge a time, an era, a collegiality, a time in space, a time in the history of this body.

As I listened to my colleagues who preceded me, it makes it even more important that we come to the floor today, particularly as I listened to a litany of complaints and issues that were being raised and as I recollected of the debate we had yesterday where our friends on the other side raised the debt limit to its highest in the history of this Nation, and it makes it even more important that we acknowledge not only the legacy of these colleagues who will finish their term in the 108th Congress but to note the fact that these are Democrats, proud to be Democrats, diverse and different.

□ 2100

Certainly we are proud that they are Texans and proud to be Americans, and frankly, we are equally proud of their service.

What they brought to this body, all of them with different regional backgrounds, although coming from the State of Texas and different ideological philosophies in the political wheel of fortune, if you will, they brought a sense and a desire to serve not only their constituents but the American people. They also brought a sense of reaching out and working on both sides of the aisle.

In fact, I am reminded of less than 24 hours ago when the Ranking Member of the Committee on Agriculture, the gentleman from Texas (Mr. STENHOLM), went to the floor of the House to try and strike a reasonable response to this escalating deficit, this out-of-control budget and, frankly, seemingly no end to tax cuts and, if you will, a lack of a plan to be able to serve the American people.

So we come this evening, and my colleagues have come, and I am going to call the names of those who we seek to pay tribute to tonight, and then take time to yield to my friends, my fellow colleagues of the Texas delegation, and then I will join in with them to speak about great Members of the House.

Texas itself has had a very great history. I think of some of the names like Congressman Pickle and Congressman Brooks and Congresswoman Barbara Jordan, and I think of a number of those who no are no longer living who have been great servants of this body. Sam Rayburn, I think certainly of his leadership as the Speaker of the House. Certainly I think, and he is strong in North Texas, our good friend Jim Wright and the service that he gave. So many names that have gone down in the annals of history for their service, and Texans are proud certainly of those who have been able to serve. So I will call their names, and then I will yield to my colleagues.

As I call their names, though, let me just clarify, because it is exciting to pay tribute to them, but I just do a slight clarification. Because whenever we do these things, we obviously think of someone retiring or we think maybe of someone who decided that they wanted to choose another aspect in their life. But I want my colleagues to know that these Members of the House love this body, they love the service in this body, they love serving the American people. The reason why this is a very special Special Order is because these individuals, most of them decided to stand and fight in what we found to be a very unbalanced redrawing and redistricting of the lines that saw them, in essence, redrawn out of their seats. So this was not a race, and they lost it. This was a race that they ran and certainly would have won if the cards had not been stacked against them.

As I have said, we are celebrating their service tonight, but we want our colleagues to know that these are individuals who stood up and stood tall and through a unique set of circumstances, not of any doing of themselves, we now will lose their very great service.

We will pay tribute tonight to MARTIN FROST, CHARLIE STENHOLM, CIRO RODRIGUEZ, NICK LAMPSON, MAX SANDLIN, JIM TURNER, and CHRIS BELL.

With that, it gives me great pleasure to yield to one of our distinguished members of the Texas delegation who likewise ran a very tough, tough race and was faced with the same set of redrawn lines but is here tonight to pay tribute to our colleagues and to reflect upon the celebratory aspects of the time that we have spent together in this body. I yield to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I want to thank the gentlewoman from Houston, Texas, for hosting this tribute to seven extraordinary Texans, seven dedicated public servants. Whether Americans knew them by name, knew them personally or not, Texas will be the lesser for their loss of service, and our Nation will be the less because of their no longer being in this great body. But the good news is, Texas is a better place today and America is a better place today because of the dedicated service of these seven Texans.

Congressman MARTIN FROST of Dallas, a longtime friend of mine, a true leader of the Texas Democratic delegation, the dean of our delegation. I have never known a more dedicated public servant in my life than Congressman MARTIN FROST, a protege of Jim Wright, the Ranking Member of the Committee on Rules, a vital committee in this House. He is someone who fought for a strong national defense, for jobs and opportunity for his beloved constituents in Dallas and Fort Worth, someone who always was a voice for equal opportunity for citizens of all races in this country. We will miss MARTIN FROST.

Congressman CHARLIE STENHOLM, one of the most decent human beings I have ever known in my lifetime. Someone respected by Democrats and Republicans alike for always being one to put the interests of our State of Texas and our country above partisanship. An eloquent, passionate voice for the value and values of our family farmers and ranchers. All who respect our rural values and the importance of our agriculture producers will miss the voice of CHARLIE STENHOLM in Congress.

Congressman JIM TURNER, a colleague who is living proof that a good person can do well in life. Someone who always treated his fellow colleagues, his citizens, and neighbors with respect and decency. He committed his adult life to public service as a State representative, as a State Senator in Texas and then as a United States Congressman, rising to the terribly important position of senior Democrat on the Committee on Homeland Security, a person who, for the past 2 years, has helped lead the fight to protect all of our families from the threat of terrorism.

JIM TURNER is someone who did not just preach family values but who lived them every day of his life.

Noting that the commonality between Mr. FROST, Mr. STENHOLM, and Mr. TURNER, and something they would all be proud of, saying themselves that each one of them married above themselves. And often unheralded heroes and heroines of this public process in Congress are the spouses of our elected officials. I want to express my thanks to Kathy Frost, a general of the United States Army, and to Cindy Stenholm and to Ginny Turner for their public service. While they might not have had a voting card on the floor of this House, they have been every much a part, in every way a part of public service through this House of Representatives.

To MAX SANDLIN, who rose to the high position of Chief Democratic Deputy Whip, one of the finest legal minds I have ever known, a personal friend who always was fighting to see that the words that end our Pledge of Allegiance, "with justice for all," were not just words in a rote pledge but deeply meaningful words behind that pledge, "with justice for all." That was always MAX SANDLIN's cause in Congress.

To CIRO RODRIGUEZ, who rose to be chairman of the House Hispanic Caucus and a national leader on Hispanic issues, someone who I will always remember as a voice for those who could not afford to hire a $1 million lobbyist, for the working families of his district and people all across this country. Someone who is a national leader on civil rights and veterans affairs, never forgetting the sacrifice of those who wore our Nation's uniform.

To CHRIS BELL, who served Houston and our State of Texas and our Nation with great distinction and integrity. Someone who, along with these others, lost a seat as a result of not a loss of confidence of his own constituents but because of the partisan redrawing of congressional lines in an off year in the State of Texas. He accepted political defeat with graciousness in a way that helped bring people together in his beloved City of Houston and throughout our State.

And to NICK LAMPSON, our friend from Beaumont, someone who accomplished much in Congress on many issues, but someone who will always be remembered as the father of the fight to find missing children. And as a father of a 7-year-old son and an 8-year-old son, I think I speak for all parents in America when I say thank you to our colleague Nick Lampson for watching out for all of the children of America.

To each of these seven Members, they made a difference, and I can think of no greater compliment to pass on to anyone. They made a positive difference in the lives of their citizens, their constituents, and the people of this country. And to Susan, Susan Lampson, again, NICK would join his fellow colleagues in saying proudly that he married above himself. Thank you to her for her sacrifices throughout this career of public service.

Again, none of these lost because they lost the confidence of their constituents that they serve today. They lost or had to retire because of a highly unusual, unprecedented redistricting process in a year when redistricting was not supposed to be the case in Texas. But these are good people, decent people, great Americans who not only have made a difference in the past in our State and country, but I know in the years ahead will continue to make a difference for the American people.

I thank the gentlewoman from Houston for yielding me this time and for hosting this tribute to seven great Texans, seven extraordinary Americans and public servants.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman, first of all, for his compassion and his spirit, and to be able to add to the stories of these American leaders, which we will have the opportunity to read about in the years to come. And might I, before I yield to the distinguished gentleman from El Paso, Texas, just thank you for thanking the families, the wives, the children, because we all know, those of us in public life, that we just bring our families along. How they come along is a question, but they are there with us, and I thank the gentleman for bringing attention to the families of these very fine individuals.

Let me now yield to my good friend from El Paso, Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentlewoman from Houston for yielding me this time tonight because, in a sense, tonight is a special night for us, because we say goodbye to good friends and colleagues but, in my mind, great Texans who have given their full measure so that those that have no voice will have a voice in this, the People's House.

In Texas, we are a long ways from Texas here in this House, but in Texas, we like to live by the standard that we simply say "don't mess with Texas." And, regrettably, Texas has been messed with in the worst way possible and, unfortunately, messed with by Texans. And while that is lamentable and regrettable, we have to understand that it is not so much the individual but the actions of that individual.

As I sit here tonight and think about the many battles, the many debates, the many struggles that we have had, and I am relatively new to service in this Congress. I am finishing out my fourth term, which is 8 years, and I look at the number of years that are represented here that in one fell swoop that experience, that institutional knowledge, all of that hard work that these great Texans have done, I like to think of them as the magnificent seven. I know their representation will be missed. I know them to be men of real character, strong character, willing to stand up and fight when even the odds are stacked heavily against them and against us, but fighting the good fight nonetheless. Willing to get into that arena and willing to give their last full measure so that those issues and those programs that are so important to Texas working families receive full and complete consideration here in the People's House.

☐ 2115

So, yes, we are losing seven Texans, and Texas I think will be the lesser for it. But I also think that it is important not having been an individual that grew up in a political system; I came to politics after a long career in Federal law enforcement. In fact, most people know that being here as a Member of Congress is probably an accident for me. But I relied heavily on the advice and expertise of the gentleman from Texas (Mr. FROST), the ranking member of the Committee on Rules; the gentleman from Texas (Mr. STENHOLM), the ranking member on the Committee on Agriculture. I came here with the gentleman from Texas (Mr. TURNER) who was our ranking member on the Select Committee on Homeland Security.

I became friends with the gentleman from Texas (Mr. SANDLIN) and the gentleman from Texas (Mr. LAMPSON), also we came to Congress together. The gentleman from Texas (Mr. RODRIGUEZ) followed us by a few months. And then the rookie, the gentleman from Texas (Mr. BELL), who has been phenomenal in the short period of time that he has been here.

I think that is the real legacy that we are so proud of being Texans. We are all different. We come from different backgrounds. We focus on different priorities. We bring different expertise. But in the whole scheme of things, we make this country greater. And no one stands taller tonight in my eyes than these seven Texans, the Magnificent Seven, each one with a support system. My good friend and colleague, the gentleman from Texas (Mr. EDWARDS), who himself I think walks around with a target on his back, and we are so proud of the job that he did and of the support system that he counts on.

When we mention Kathy and Cindy and Ginny and Susan and Carolina, we mention the heart and soul of why we serve. We serve so that our children and their children can have a better future. We serve so that we can hopefully set an example of what this country can be and what it should be. And while we may have differences of opinion with those on the other side of the aisle, it is never personal in my mind, and it should never be personal.

The last thing I want to say before I yield back my time so that my good friend from San Antonio can speak as well, is that nobody from Texas walks away or runs away from a good fight or a good game. There are certain things that we expect. We expect to know what the rules of that game were. We expect that those rules will not be changed once the game starts. And most of all, we expect that win or lose, we can be proud and we can be friends because we are Texans.

In this case it was not fair. The rules were changed. And I have to say that once this story is told, we are not going to be proud of how this was done. But the one thing that we will be proud of is the work, the dedication, the professionalism of these magnificent Texans that unfortunately, through no fault of their own, because of changing the rules after the game was started, will not be able to continue their work on behalf of Texans, on behalf of Americans, and on behalf of a world that today needs great role models more than anything else. And with that, I appreciate the opportunity to pay tribute to good friends, great Texans; and they will never be forgotten by this Texan.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman. I think the power of the words this evening really define our colleagues and let everybody know that it was their will and determination that caused them to persist in the battle field of politics.

In the scheme of things, when the numbers were recorded on Tuesday night and the analysts and pundits were suggesting the numbers that the Democrats lost and our numbers went down, it is important to note on the floor tonight that the orchestration of the defeat of these colleagues again was not because the voters were dissatisfied with their work and performance, because a very unique and obviously unfair tool was utilized.

So we are here tonight putting aside that loss and really commemorating the great service that has been given to this body.

We thank the gentleman from Texas (Mr. REYES) for now giving them a new name. The Magnificent Seven has now been recorded in the annals of the CONGRESSIONAL RECORD, and I think that will be quite unique.

Let me say I am proud to yield to my good friend from San Antonio, Texas. He comes from his own skill and scholarship, a former judge, but he also will not mind us saying that we all stand on the shoulders of his predecessor and our good friend. He will have a unique story to tell us about why it is so important to pay tribute to his colleagues tonight, because I know he has been told by his dad how these things work.

Mr. GONZALEZ. Mr. Speaker, I thank my good friend and colleague from Houston.

Mr. Speaker, it is with a heavy heart that all of us from the Texas delegation on the Democratic side come to address the people's House.

We did not want to make this dinner that we had tonight earlier a wake or anything that was sad; but the truth was that there was a great amount of sadness. And at the end, I think we all learned a great deal about the true strength and character of our Members that will not be joining us in swearing-in ceremonies next January 4. I will repeat their names again because I think it is appropriate that they be repeated often so that we all are reminded what public service is about. The gentleman from Texas (Mr. SANDLIN), First Congressional District; the gentleman from Texas (Mr. TURNER), Second Congressional District of Texas; the gentleman from Texas (Mr. LAMPSON), the Ninth Congressional District; the gentleman from Texas (Mr. STENHOLM), the 17th Congressional District; the gentleman from Texas (Mr. FROST), the 24th Congressional District; the gentleman from Texas (Mr. BELL), the 25th Congressional District; my good friend, the gentleman from Texas (Mr. RODRIGUEZ), the 28th Congressional District. These were true public servants.

Tomorrow they will be casting their last vote. And of course they will have their Member's card and they will put it in the slot and they will be casting their vote. And all of those votes may not be the same because we are quite different, as my dear friend, the gentleman from Texas (Mr. REYES), was saying. We have different opinions. We come from different regions of this great State of Texas. But what motivates us all would be the cardinal rule of how we vote. What do we base it on? People sometimes do ask that.

I think this is a great lesson I learned from my father who served for 37 years in this august body, as well as from the gentleman from Missouri (Mr. GEPHARDT). The gentleman from Missouri (Mr. GEPHARDT) when I arrived here in 1999 was our minority leader. He said, if you really want to do the right thing, if you want to enjoy service in the House of Representatives, every vote that you take, it is a real simple formula. First you vote your conscience because those are your principles and your values and you must face yourself every morning and do the right thing.

Secondly, vote your district because no one else represents your district. And lastly, vote your party. And the gentleman told me that that makes his job really hard as your leader because he is trying to keep us together. But thank God that that was our cardinal rule and that is what has guided us.

The seven Members that are departing followed that rule day in and day out. It was their social conscience. It was their moral principles that guided them here every day, not as Democrats, not as Republicans, because like the gentleman from Missouri (Mr. GEPHARDT) said, that is the last factor, that is the last element that you take into consideration. But what were these individuals when they were serving here for so many years?

They were public servants. And the way they looked at it was that every citizen, every citizen in their district was their boss, whether a Democrat or a Republican, whether they were registered to vote or not, whether they were old enough to vote or not, you represented the district. And that is what was important. And you always voted the best interests of your district. And it was a simple formula.

But they also knew it was a higher calling. And that is what we lose here as an institution, men of high character and moral principles.

I am going to quote now Senator JOE LIEBERMAN in his book "In Praise of Public Life":

> Although public figures may face the same everyday pressures as the people we represent, we are not and should not be judged by the same standards. More should be expected of us. We are public officials, not private citizens. Everything we do can become public and, therefore, has serious consequences for the community. We are, whether we like it or not, role models. We have voluntarily entered a contract with the voters that is based on trust. If we violate that trust, our government, our democracy suffers. So the first question a public figure must always ask himself when making a decision about his personal behavior or actions or votes, about whether to take an opportunity is not just is it legal, but rather, is it right.

These are shining examples of individuals that made hard choices, difficult choices, but really in the final analysis were quite simple because they did the right thing.

So everyone that is listening to us tonight must wonder, well, if they were so great, why are they not coming back? Why were they not reelected? And I have my own theory, my own analysis of it. Not one of these gentlemen lost on the merits. Why they lost was really about form over substance.

Someone said it earlier, the rules were changed in the middle of the game, unfairly and in a perverse fashion. None of these gentlemen lost because they were not the very best that we had out there. They lost because of manipulation. They lost because people thought they could appeal to the most base instincts of human nature, which many times is about unfairness and injustice and fear and insecurity by Members of this House. This is repeated every day, day in and day out in this country. It is just that at this point in time it was concentrated in the State of Texas. And we see the result of seven dedicated public officials that had so much to give and did give. And we are the losers for it.

They did not lose. This Chamber lost; this country lost. They were casualties of a dangerous time. Of all things, I found a quote the other day and it is from a comedian. But it is not about comedy. And it was not about humor that he was writing about. He had time to reflect because he had a very serious thing that happened in his life, and that was that his wife had passed away. And he reflected on life and where society was today, and this is what George Carlin said:

> The paradox of our time in history is that we have taller buildings but shorter tempers, wider freeways but narrower viewpoints. We spend more but have less. We buy more but enjoy less. We have bigger houses and smaller families, more conveniences but less time. We have more degrees but less sense, more knowledge but less judgment, more experts yet more problems, more medicine but less wellness. We have multiplied our possessions but reduced our values. We talk too much, love too seldom, and hate too often. We have learned how to make a living but not a life. We have added years to life not life to years.

His observation is so applicable to what is happening in the political process in this country today. Again, I will say these seven men did not lose these elections, but rather truly were casualties of what is transpiring, what is encouraged and promoted by seven individuals in this country. This is not love of country. This is not patriotism. This is not citizenship. This is not responsible behavior.

So the truth is, what should we do about it? Well, let us go back to the way things used to be where we are going to go ahead and we are going to have our good-faith disagreements. The truth really lies somewhere in the middle. Righteousness. The best answers do not reside on that side of the aisle, and they do not reside over here. They actually reside right here in the middle of the aisle, right here.

□ 2130

The problem is we never go and talk right there in that aisle. That separates us. That is the greatest gulf in this great country, wider than the Grand Canyon because we have made it wider than the Grand Canyon.

When winning is everything, it does not matter how you do it. What is happening? We are models. It is what JOE LIEBERMAN was talking about. We are models to all citizens in this country, and do we let our citizens down and our country down? Of course we do.

Let us stop defining ourselves by our differences. Let us come to the middle. Let us have a dialogue and a discourse. Let us not corrupt a political process, a legislative process, for political gain, be it Democrat or Republican. Because what happens here, great public servants, the very best this country has to offer will be the casualties and the victim of political greed and avarice. That is what we have tonight.

It is a sad moment, way beyond the seven Texans that we lose. Sad moment for this body, sad moment for this country.

I want to end my statements with my profound gratitude and appreciation for having known these seven individuals. I will continue to know them, and I have a sense that we will be sharing a swearing-in ceremony sometime in the future because things will right themselves. That is all part of human nature. We only let things get to a certain point of excess before we know that it is truly wrong.

These are wonderful individuals, and on a personal side, the absolutely personal side, these are my friends. It is never, never a happy moment when we say good-bye to friends, and this is what we say here tonight and tomorrow after the final vote. There will be great sadness, but something tells me they will overcome the adversity of what transpired and will rise to greater heights because they are totally capable of doing it but for a better reason. Our country needs them.

So to MAX and to JIM and to NICK and CHARLIE and MARTIN and CHRIS and CIRO, we need you and we know that you will continue making your great contribution and making this country a greater one even better than the one that we live in today. Thank you for your service and all I can say is I look forward to your return.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for his remarks. It is worth hearing each of my colleagues characterize what will really be in the annals of the history pages of this body, and I think all of us came to the floor tonight just to make sure that the story was not misinterpreted, because after every election there are defeats. There are winners and losers and most of the articles are written in the first week and then nothing else is said, and oh, those guys lost.

I thought it was very important that the Texas delegation come tonight to be able to say that those guys did not lose. If anybody lost, this body lost, America lost and Texas lost, and I will take just a moment myself to add just a few points into the record, as all my colleagues have indicated in calling each of their names.

So I just simply want to say to MARTIN FROST, thank him for being the political moderate but having the balance, along with his great influence on the Committee on Rules, and I might say that any Member in this body that has ever had an opportunity to go to the Committee on Rules, the powerful Committee on Rules, knows the value of MARTIN FROST's insight and encouragement and questioning to make a bill better or to be able to see the reason in what you offered so that the others who are in the room might be able to join in his reason and vote for good amendments to make bills better.

We thank him for that. We thank him for coming as our leader in the delegation week after week, leading us and guiding us around very important issues, and might I say, for those of us who came in the last decade, I believe that we were dealing with the redistricting issue for at least 8, 10 years as it relates to the constituents.

Everybody says the Member, but it was the constituents, and those of my colleagues who are here tonight recall the hearings that were held around the State of Texas. Thousands upon thousands of witnesses came forward and said they did not want any changes.

So it is not that we are speaking here tonight for these colleagues. Their constituents, voters, who are our bosses, told them that they wanted no changes, but one manipulated the system, refused to listen to the people.

I remember a witness coming up and saying, is anybody going to listen to us? Does anybody want to do what we said or asked them to do? This is just a voter, a witness, that waited hours in the hearing room to testify before the State Senate, hours into the night. I think it was 1:00 a.m. Is anybody going to listen to us?

So, MARTIN, we thank you for understanding that representation belongs to the people, and when you engaged in redistricting, you realized it was to make the people whole and to make them large.

Thank you, also, MARTIN, for taking this very terrible crisis that we had of violence in schools and helping to organize the Bipartisan Youth Task Force Against Violence that I sat on. Thank you for doing that and making a difference.

CHARLIE STENHOLM, 26 years of service in the House and to Texas and to the Nation. I have just got to say one thing. It is this House, the gentleman from Texas (Mr. REYES) said it. He called it the People's House. We like to say that in debate. I believe it is known in that manner through history and through the concept of the Founding Fathers. They wanted people to be different in this body.

CHARLIE STENHOLM is a farmer. I mean, he grows cotton. He understands farming and ranching, and he understands a large portion of this Nation that really believes they have been left out, the farmers of America, the ranchers of America, people that maybe some of us only know about because of what we consume.

It is important to note that this is an $80 billion industry in Texas, and look what happened? Because of reckless disregard for the people of Texas and even for this House, an ill-conceived plan now found a man that had been elected in what was really a very conservative district, some might say a Republican district, had been elected over and over again because those people understood that he was their servant. Now we have lost that expertise, and as I indicated, just 24 hours ago we were on this floor listening to his reason about how can we raise the debt again, how can we allow the numbers to go up even higher. Of course, we will lose that voice.

Thank you, CHARLIE, for, as was said by colleagues, having a pure sense of what is right and never wavering from it.

Let me also thank NICK LAMPSON. As many of my colleagues know, he is my neighbor in Houston, and I was there. We were all sort of caught up in the tragedy of the loss of this precious little 12 year old as NICK was just coming to Congress, and I do not know what struck him. I remember the specifics of it. He left Congress and went and joined the search for this very dear, little girl, something like the gentleman from Texas (Mr. EDWARDS) said, none of us can even mouth the words of losing a child.

So he joined the search, and I guess out of that came the inspiration of putting forward the Missing and Exploited Children's Caucus. He has been in conferences. He has spoken. He has put it on the map. He has been about the business of organizing communities around the idea of being against child abduction, and the caucus has over 130 members. It really has made a mark in its effort to fight against child pornography and many, many other issues. So we thank him for that.

He introduced the Bring Our Children Home Act with a 103 original cosponsors, and he really made this something that is clearly a mark that will not be forgotten on this Congress. We thank him for that.

We all know that CIRO RODRIGUEZ is called the nice guy, but he is a nice guy, but he is a tough guy on the issues that are, in fact, close to his heart. Here is a guy that I would see on the floor of the House night after night after night, chairman of the Hispanic Caucus, but he was on the floor talking about health care, not only for Hispanics but for Americans, and he was always talking about it for children. He chaired the Congressional Hispanic Caucus Health Task Force, but he took it very seriously.

I traveled with him. I saw him traveling around the country, going to summits on the question of health care and recognizing that we have 44 million Americans without health coverage, and he got up all the time and said how can we do this. Thank you, CIRO.

He fought to raise the attention on diabetes and HIV/AIDS and substance abuse and mental health, and he led the fight in Washington for Hispanic health awareness, and so we cannot thank him enough. He is a guy with a big heart. I guess it is that social work degree that he has, and we simply thank you, CIRO, and your wife for working to make the NIH better, helping to get more moneys to the NIH and certainly helping to put the focus of health care improvement in Hispanic Americans clearly on the map. We thank you so very much.

He has been called many things, but he was awarded the Community Superhero Award, and that speaks to CIRO in the words that he has done and what he has done on this floor as it relates to health care.

MAX SANDLIN, someone said, is the lawyer's lawyer. I remember it is a shame that we do not do what the gentleman from Texas (Mr. GONZALEZ) said and just meet right here in the middle because MAX was a former judge, and the only thing that he wanted us to do was to be pure in our debate. If we had some issues about the law or legal procedures, he did not want us to politicize it, scapegoat lawyer, scapegoat injured individuals who have no other way of addressing their grievances, people who have been damaged by the Food and Drug Administration, poor quality drugs or someone's child has been on a playground and fallen down because the equipment does not work properly or some other product liability issue. He wants to get to the core element, debate the merits, and he brought forth some of the most crafted, thoughtful legislation dealing with balancing the rights of consumers and others that may be concerned about the costs of litigation.

He was always here, not to be carrying forth the message of the single thought of trial lawyers, our friends, of course, who helped protect many Americans, but he was prepared to craft very intelligent legal arguments. It is a shame that we could not meet right here in the middle of the floor for MAX SANDLIN's very, very articulate, and well-thought-out legislative initiatives could not be heard.

He spoke very clearly that as a judge he understood what justice was all about, and I will always admire and respect him for his leadership, his work with the Democratic Children and Health Task Forces, again his very defined work on the Committee on Ways and Means, a new Member that he was, but still a Member that was prepared to tackle those hard issues on Medicare and the legal liability issue of Medicare.

You could always count on Congressman MAX SANDLIN to explain to you and get the legal liability issue out and make the bill better to serve all of us, and I thank him for that.

Let me thank JIM TURNER. I had the pleasure of serving with JIM TURNER, and I met JIM TURNER in Crockett, Texas. He was the mayor of Crockett. I knew him has a long-standing public servant. They loved him in Crockett, Texas, he and his family, his wife. He loved them, and lo and behold he comes to be a senator out of the Senate in Texas, and then he comes here to the United States Congress.

He did not come here to think that he was going to be the ranking member on the Select Committee on Homeland Security. He did not come here knowing what would happen on 9/11, but I tell my colleagues what happened when he got to get that position, as he, even in the knowledge of having to retire because there was no district for him, he did not sit down.

Chairman of the Blue Dog Coalition, many who may not know the Blue Dogs, the Yellow Dogs, the Blue Dogs had a different perspective. He never carried around on his shoulder in a way that would be offensive. He was a team player, but he had his values.

But on this Select Committee on Homeland Security he took the bull by the horns, if you will, and constructed documents, not to poison the waters but to make our Nation safer. We Members are better informed because we have document after document after document about the lack of cargo inspection, the need for more border patrol agents and detention spaces, the need for a better bioterrorism plan, the need for a better transportation plan.

JIM TURNER, as the ranking member on this Select Committee on Homeland Security, did just that, and we are very grateful for him in and his knowledge and his sensitivity.

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Let me also say that the gentleman from Texas (Mr. TURNER), as was the gentleman from Texas (Mr. RODRIGUEZ), a big supporter, as is the gentleman from Texas (Mr. EDWARDS), of the military and the veterans. We could always, in this time when Democrats were sort of facing an uphill battle, sometimes because of the smearing that went about, about our patriotism, we were always glad that we had Texans in the room because we provided, I guess, the firewall. We could always get our colleagues, and I am pointing to the ones I am speaking about, really to be able to know that this is a diverse caucus and there is no divide on the support of this caucus for veterans and the military.

As we all know, our colleague, the gentleman from Texas (Mr. REYES), along with the gentleman from Texas (Mr. RODRIGUEZ) and the gentleman from Texas (Mr. TURNER), all served on the Committee on Armed Services. So I guess we had our share of Members on the Committee on Armed Services. And I know the work the gentleman from Texas (Mr. EDWARDS) has done on the Committee on Appropriations. And then, of course, the Committee on Veterans' Affairs, which CIRO RODRIGUEZ was on. We set the standard that there is no challenge that you can make against us in terms of our support for our troops.

In fact, let me just make a personal mention that I have got a physician in my community that is reaching beyond 50 years of age, and I know he will not mind me saying it. He has just been called up to Germany to take care of those injured persons who are coming in, and he is a Texan serving out of Fort Hood who is in the reserve and is now being called out of his practice and is going. And I pay tribute to Dr. Daley tonight. And I am only saying that I am glad he had our colleagues, Dr. Warren Daley. I am glad he had our colleagues to be able to protect him and to be able to stand up for him.

The gentleman from Texas (Mr. BELL), whom I traveled with, has been an excellent member of the Committee on International Relations and the Committee on Financial Services. He had the medical center in his district, and of course his predecessor was Mike Andrews. A number of others from the district, Mike Andrews, of course, most recently, and Ken Bentson. But I can assure he did not lose any time in getting to know the medical center's issues. After the terrible hurricane that we had, and following up with Ken Bentson, he got right in there and worked very, very meticulously on the needs of the medical center.

He was someone who had background in local government, the Houston City Council, and he brought a sense of understanding about respecting and responding to local government needs, and so we worked together on the needs of metro. He was unabashedly for light rail and was shocked that he would come to this body and find someone who is from Texas, our own colleague, would be standing up against the people of Houston getting the right kind of transportation system. So he was not afraid to stand up for transportation issues, work with the financial community in Houston, and as well he was a leader by being named senior whip and being part of the whip system. And I think that he was clearly someone who was having a great time but also was a great servant of the people.

So tonight we have the opportunity to call their names and as well to pay tribute. I wanted to just mention, and I see my colleague standing, but I wanted to just mention again names like Lyndon Baines Johnson because I had the opportunity to be with former President Johnson's two daughters just the other day at the Clinton Library. I thanked them again for their father and their mother. And I know that the gentleman from Texas (Mr. EDWARDS) talked about his predecessors, whom he named and talked about in 1970, with so many years of experience that Texans have brought to this body. They have been here in a collegiate manner. We have shared with our colleagues that are here. We are not selfish, we are not arrogant, but we are proud of our legacy and our history, and clearly we believe that we come from good stock.

Let me just say this, that Booker T. Washington said, "Character, not circumstances, makes the man." I might paraphrase and say "makes the person." We can be assured that we have got some fellow Texans who will be leaving tomorrow that have certainly been made by the character that they possess.

Mr. Speaker, I yield now to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I thank the gentlewoman from Houston, as I finish with a couple of comments on my part, Mr. Speaker.

As we celebrate the extraordinary public service of seven great Texans, I must also say as a Texan there is a lot that we will miss. As a Texan and as Texans we will miss 80 years of seniority in this body, the House of Representatives, where seniority means a lot in terms of effectiveness for our States.

Texas and I will miss having the ranking member, the senior Democrat on the Committee on Rules, one of the most important committees anywhere in Congress. We will miss having the ranking member of the Committee on Agriculture, and we will miss having the ranking member of Homeland Security. Perhaps this is Texas's gift to the States of New York, Minnesota, and Mississippi, who will now have those ranking positions.

We will miss having the chairman of the House Congressional Hispanic Caucus, an important voice for Hispanics throughout Texas and our country. We will miss having the chief deputy whip on the Democratic side and a member of the Committee on Ways and Means, and we will miss a true national leader on the issue of missing children.

I think our greatest loss, as important as it is and as sad as it is for our State to have lost 80 years of seniority in the ranking positions of key committees, our greatest loss is that we will lose people of great integrity who were truly dedicated to the principle of unselfish public service.

I do not grieve for these Magnificent Seven. They are bright, talented, hardworking, capable people with good families. They will do well. I do grieve for the 4.2 million Texas citizens who were denied the right to vote for the reelection of their present Member of Congress as a result of redistricting.

And personally I will miss the daily friendship and interactions with these good people, people who will be our friends for a lifetime. We will miss that daily interaction of these good, decent people.

I have nothing but best wishes and wish Godspeed to MARTIN FROST, CHARLIE STENHOLM, NICK LAMPSON, CIRO RODRIGUEZ, CHRIS BELL, JIM TURNER, MAX SANDLIN, and their families.

And I would finish my comments, before yielding back to the gentlewoman from Houston, with the words of Winston Churchill who once reminded us that "we make a living by what we get, but we make a life by what we give." By that very high standard, these great seven Texans have lived a rich life, and I know they will continue to give to their communities, their State, and their country; and we wish them all the best in the years ahead.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for his kind words. Mr. Speaker, I yield now to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentlewoman for yielding to me, and I will be brief because I know that, or at least I hope our colleagues are watching this evening. But we do thank them for their public service and we do recognize, as the great poet once said, that the true measure of an individual who is successful in life is the fact that when that life is done he or she will have left not only a mark but will have left a legacy of leaving the world a better place.

Our colleagues, of course, are going on to bigger and better things, and perhaps we will see them back here in the very near future. So to them, not only do we salute them tonight but we thank them for their service and their willingness to share of themselves with the rest of us here in the people's House. We wish them well. I know they are blessed, because they have left their mark in this House.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank my colleagues for being here this evening, and before I close I want to make mention of the dean of our State who will serve us in the 109th Congress, and that is the gentleman from Texas (Mr. ORTIZ), who helped to convene us for a very warm occasion this evening. We were very grateful for that.

We know that we will move on in the 109th Congress. We will pull together and we will work together. But for any of those who are wondering why we stand on the floor tonight, it is because we did not want this session to end without the appropriate knowledge and respect for these colleagues who served, and who fought, but did not prevail. They did not lose. And I think that is the point we want to make tonight, that these are people defeated, but these are people who have not lost.

Again, I want to thank MARTIN FROST, CHARLIE STENHOLM, CIRO RODRIGUEZ, NICK LAMPSON, MAX SANDLIN, JIM TURNER, and CHRIS BELL. Let it be known that the Texas delegation will remain strong and united, full of hope and full of aspirations. Let it also be known that these are our friends and colleagues who we have traveled down many roads with, both smooth and bumpy roads. But let it be known, most especially, that we wish them Godspeed.

I leave my colleagues tonight with these simple words that I paraphrase from Mary McCloud Bethune. She said, I leave you hope. I leave you the challenge of developing confidence in one another. I leave you respect for the use of power. I leave you faith. I leave you dignity.

Shakespeare said, Unto each of us is given a bag of tools and a book of rules, and each must make of life as though a stumbling stone or stepping stone. I think we have made a stepping stone tonight, and I wish for those who will be leaving us many stepping stones and many, many days of happiness and good luck.

I rise this evening to pay tribute to and bid a fond farewell to seven distinguished colleagues, leaders, and friends. As we approach the end of the 108th Congress, a legacy of successful public service will close for these gentlemen. Tonight, Mr. Speaker, I would like to personally thank 7 of my 17 Texas Democratic colleagues for what they have done for their respective congressional districts, the State of Texas, the United States of America, and to the international community.

Congressmen MARTIN FROST, CHARLIE STENHOLM, NICK LAMPSON, CIRO RODRIGUEZ, MAX SANDLIN, JIM TURNER, and CHRIS BELL will be missed for the high standard of achievement and commitment to upholding the integrity that membership in the House of Representatives connotates.

I have had the sincere honor of serving with Congressman MARTIN FROST, the senior Member of Congress from Texas. Congressman FROST is the ranking Democratic member of the influential House Rules Committee. Congressman FROST is also the senior southern Democrat in the House and has previously served as chair of the Democratic Caucus.

So it is with great sadness that Congressman FROST's long record of leadership in Congress is coming to an end after a bitter redistricting battle in Texas.

Congressman FROST brought common sense and a practical approach to a variety of senior positions. Within the Texas delegation, he is widely respected for his ability to bring together Members with different regional and ideological backgrounds, allowing the Caucus to work toward a common agenda that addresses the real concerns of working families.

A political moderate, Congressman FROST has also brought together both representatives of the business and labor communities with Democratic Members to discuss issues affecting their industries.

Congressman FROST served on the House Committee that considered the creation of the Department of Homeland Security. Congressman FROST has also served as co-chair of bipartisan panels addressing the causes of youth violence and the continuity of Congress in the event of a terrorist attack.

Congressman FROST, I have always looked to you as a leader and as a representative of all that is good in Congress. Your departure will leave a gaping hole in the Texas legislature, and you will be missed.

Let me take a few minutes to congratulate CHARLIE STENHOLM for his 26 years of service in the House to Texas and to the Nation. I've had the pleasure of working with him since I've been in Congress and as a friend and colleague in the Texas Democratic delegation. I appreciated the welcome he gave to me when I came to Washington and now I want to wish him the best as he starts his new endeavors.

CHARLIE's experience as a farmer, teacher, and head of the Rolling Plains Cotton Growers Association contributed to his skillful leadership of the Democrats on the Agriculture Committee. He was able to understand the needs of the farmers who help to feed us in balance with fiscal restraint. That's critical to Texas, where agriculture is still the State's second-largest industry, with an annual economic impact of $80 billion. In fact, CHARLIE still runs a cotton, wheat, and cattle operation in Jones County with his son Cary. He brought this great knowledge to our Congress.

Thanks CHARLIE for all your service.

Congressman NICK LAMPSON has always been fighting for what is right in the world, and that is the well being of children.

Whatever his initial ambitions coming into Congress were, things for Congressman LAMPSON were instantly changed just months into his first term, when a family in the 9th District suffered a terrible tragedy. A 12-year-old girl from Friendswood was abducted and found murdered 2 weeks later. Congressman LAMPSON wanted to take immediate action and bring Congress to their feet. He founded the Congressional Missing and Exploited Children's Caucus to build awareness around the issue of missing and exploited children for the purpose of finding children who are currently missing and to prevent future abductions. He succeeded in creating a voice within Congress on the issue of missing and exploited children and introduced legislation that would strengthen law enforcement, community organizing and school-based efforts to address child abduction. His caucus currently has over 130 members.

With the power of the Caucus behind him, the former high school science teacher has fought continuously in Congress to help families protect their children and aid communities and law enforcement searching for missing children. He has sponsored legislation to fund law enforcement efforts to stop child pornography and exploitation on the Internet.

Congressman LAMPSON introduced the Bring Our Children Home Act with 103 original cosponsors in both the 106th and 107th Congresses. This bill established a right of action in Federal court for resolution of child custody disputes and establishes a National Registry of Custody Orders. It also requires the Department of Justice and the Department of State to report to Congress on International Parental Kidnapping Crime Act warrants and extradition.

I want to close with a quote from one of my personal role models, Mary McCloud Bethune,

> I leave you hope. I leave you the challenge of developing confidence in one another. I leave you respect for the use of power. I leave you faith. I leave you . . . dignity.

Congressman NICK LAMPSON, you will be missed dearly.

The 28th Congressional District has been served by a true man for others out of San Antonio, TX, Congressman CIRO RODRIGUEZ since 1997. My colleagues and I have enjoyed his leadership in the protection of our nation's veterans through his actions in the House Committee on Veterans' Affairs. The over 50,000 veteran constituents in his district know the sincerity and conviction of his work in that body.

As a member of the Committee on Armed Services, the gentleman did great things for military healthcare facilities. Through legislative efforts, he facilitated the ability of military hospitals to recoup increased funds for civilian trauma care.

He currently serves as the chair of the 20-member Congressional Hispanic Caucus, as well as the chair of the Congressional Hispanic Caucus, CHC, Health Task Force, leading the fight to improve access to healthcare and reduce health disparities for Hispanics and all Americans. During his tenure in Congress, Congressman RODRIGUEZ organized the first ever Hispanic Health Awareness Week focusing on three diseases that disproportionately affect the Hispanic community: Diabetes, HIV/AIDS, and substance abuse/mental health. Not only has he led the fight in Washington for Hispanic Health Awareness, but he continued to aid those in his district by organizing and leading the National Hispanic Health Leadership Summit in San Antonio, TX.

This gentleman is one of a few Members of Congress with a master's degree in Social Work, was an counselor/caseworker at the Bexar County Mental Health and Mental Retardation from 1971–1974 and 1978–1980. The result of this training is that Congressman RODRIGUEZ recognized that social workers play an invaluable role within our Nation's social service infrastructure. In 2004, he reintroduced H.R. 3887, the National Center for Social Work Research Act, which would establish a research center within the National Institutes of Health. Congressman RODRIGUEZ has continued working to encourage NIH to better integrate social work research into their mission. In 2002, he helped secure language in a congressional appropriations bill directing NIH to develop a social work research plan.

CIRO has held a long and distinguished career receiving numerous awards such as the National Hispanic Medical Association's Leadership Award given earlier this year by the National Hispanic Medical Association for his leadership and his initiative on Hispanic health disparities. He earned the 2003–2002 Community Health Super Hero Award from the National Association of Community Health Centers, Inc. and Health Centers from the State of Texas recognizes the Congressman's strong and consistent support for health centers and the patients they serve in communities across the country throughout the Second Session of the 107th Congress.

I along with the other members of the Texas Congressional Delegation have been honored to serve alongside CIRO D. RODRIGUEZ. Although we will miss his friendship and leadership, I am sure that as he looks back upon his illustrious career of civil service, he will be proud to have served the constituents of 28th Congressional District of Texas.

It has been such a privilege to serve with Congressman MAX SANDLIN. As one of the most compassionate Members of Congress, he was recently appointed to serve on the Ways and Means Committee, the most powerful and esteemed committee in the House.

Congressman MAX SANDLIN and I were members of the Democratic Children and Health Task Forces. Both he and I worked hard to champion legislation that protected working families with children. I have always admired him for his strategic use of his position to gain consensus among his colleagues, identify important issues, and formulate policy.

As a Member from an urban district in Texas, I could always count on Congressman MAX SANDLIN to add the voice of rural America and fiscal responsibility to the leadership of the Democratic Party.

As we faced the harsh injustices of redistricting, Congressman SANDLIN stood strong, redoubled his efforts to maintain what he believes in, and did not back down. Even though he was not able to emerge victorious in this cycle, I am confident that a man of his caliber will return to public service.

I have had the honor and privilege of serving with Congressman JIM TURNER in the House Select Committee on Homeland Security. I always felt confident that as the ranking member of the House Select Committee on Homeland Security, JIM was working to protect the safety and security of the American people in the war on terrorism. He lead the Democratic charge for the ushering in of several pieces of important legislation that will help this nation fight back against global terrorism and keep our families safe.

Congressman TURNER retired after four terms in Congress, a decision that I know as difficult. Unfortunately, we are not able to control all the events in our life, and Congressman TURNER did not have a fair or unbiased chance for reelection.

A longtime fiscal conservative, Congressman TURNER was the cochair of the "Blue Dog" Coalition. In addition, his work in Congress focuses on promoting economic development and forestry in east Texas. He continues to work for senior citizens through his sponsorship of legislation to lower prescription drug costs.

I have always enjoyed working with Congressman TURNER, who was able to bridge the partisan divide and make friends on both sides of the aisle. I wish you the best of luck in the future.

I am honored to be here today to speak on behalf of my colleague, CHRIS BELL. Our districts border one another in Houston, so I have been privileged to know and work with CHRIS BELL during his time in Congress. Similar to my own background, CHRIS BELL is a former Houston City Council Member. Congressman BELL has earned a reputation as an independent thinker with a common sense approach to governing. He has built an exceptional public service career around defending the truth, championing the people's issues and maintaining the integrity of public office.

During the Enron debacle that affected thousands of Houstonian's, Congressman BELL and former Democratic Leader DICK GEPHARDT, held a town hall meeting calling for corporate employee retirement security and executive accountability. Additionally, BELL executed a citywide campaign to educate employees on the importance of diversification of assets. Congressman CHRIS BELL is an outstanding example of what it means to stand up for truth, something that I will always admire in him. He has taken a stand against unethical actions in this body and the public owes him a debt of gratitude for that. Congressman BELL, I applaud you for your groundbreaking courage.

Congressman BELL's leadership qualities have been noticed by many, particularly by Democratic Whip STENY HOYER, who appointed him as a "Senior Whip." There is a large void to fill with Congressman BELL's departure.

In closing, I would like to quote Booker T. Washington, who said, "Character, not circumstances, makes the man."

Gentlemen, again, thank you very much for your service, leadership, and friendship. Please know that I will always be happy to "yield back the remainder of my time to you if you ever need me." The best of luck to you and your respective families in your future lives.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to submit written statements on the subject matter of my Special Order this evening.

The SPEAKER pro tempore (Mr. PENCE). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Proceedings on H. Res. 853 and H.R. 5382 will resume tomorrow.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 53 minutes p.m.), the House stood in recess subject to the call of the Chair.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOBSON) at 12 o'clock and 18 minutes a.m.

CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005

Mr. YOUNG of Florida submitted the following conference report and statement on the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes:

CONFERENCE REPORT (H. REPT. 108–792)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4818) "making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consolidated Appropriations Act, 2005".

SEC. 2. TABLE OF CONTENTS.

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DIVISION B—DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

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Title I—Department of Defense—Civil
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Title I—Export and Investment Assistance
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DIVISION J—OTHER MATTERS

Title I—Miscellaneous Provisions and Offsets
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Title VI—Oil Region National Heritage Area Act
Title VII—Mississippi Gulf Coast National Heritage Area Act
Title VIII—Federal Lands Recreation Enhancement Act
Title IX—Satellite Home Viewer Extension and Reauthorization Act of 2004
Title X—Snake River Water Rights Act of 2004

DIVISION K—SMALL BUSINESS

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $5,124,000: Provided, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $10,317,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $14,331,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $8,228,000.

HOMELAND SECURITY STAFF

For necessary expenses of the Homeland Security Staff, $775,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $16,595,000.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service, and Rural Development mission areas for information technology, systems, and services, $125,585,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915–16 and 40 U.S.C. 1421–28: Provided, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $5,742,000: Provided, That the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center: Provided further, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

WORKING CAPITAL FUND

For the acquisition of disaster recovery and continuity of operations technology of the National Finance Center's data, $12,850,000, to remain available until expended.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, $818,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $19,889,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration, $669,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $163,870,000, to remain available until expended: Provided, That not to exceed 5 percent of amounts which are made available for space rental and related costs for the Department of Agriculture in this Act may be transferred between such appropriations to cover the costs of new or replacement space 15 days after notice thereof is transmitted to the Appropriations Committees of both Houses of Congress.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $15,532,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $22,626,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,852,000: Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $9,365,000: Provided, That not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the Inspector General Act of 1978, $78,289,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $35,861,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $592,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $74,768,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627 and 2204g, and other laws, $129,480,000, of which up to $22,405,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,110,887,000: Provided, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law: Provided further, That all rights and title of the United States in the 1.0664-acre parcel of land including improvements, as recorded at Book 1320, Page 253, records of Larimer County, State of Colorado, shall be conveyed to the Board of Governors of the Colorado State University for the benefit of Colorado State University.

None of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $187,838,000, to remain available until expended.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $660,781,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $180,148,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $22,384,000; for payments to the 1890 land-grant colleges, including Tuskegee University and West Virginia State University (7 U.S.C. 3222), $37,000,000, of which $1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), $121,284,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $15,280,000; for competitive research grants (7 U.S.C. 450i(b)), $181,000,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,098,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $1,196,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,111,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,087,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), $1,000,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $3,000,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), $5,500,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $998,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $5,645,000; for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $3,500,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $1,000,000; for aquaculture grants (7 U.S.C. 3322), $4,000,000; for sustainable agriculture research and education (7 U.S.C. 5811), $12,500,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University and West Virginia State University, $12,411,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $2,250,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), $500,000; and for necessary expenses of Research and Education Activities, $42,889,000.

None of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products: Provided, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $12,000,000.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, $449,225,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, $277,742,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,273,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,909,000; payments for the pest management program under section 3(d) of the Act, $10,000,000; payments for the farm safety program under section 3(d) of the Act, $4,600,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University and West Virginia State University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $16,912,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $7,538,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $444,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,093,000; payments for Indian reservation agents under section 3(d) of the Smith-Lever Act, $1,774,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,100,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92–419 (7 U.S.C. 2662(i)), $1,981,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University and West Virginia State University, $33,133,000, of which $1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for grants to youth organizations pursuant to section 7630 of title 7, United States Code, $2,667,000; and for necessary expenses of Extension Activities, $22,059,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $55,153,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $43,058,000, including $12,971,000 for the water quality program, $14,967,000 for the food safety program, $4,200,000 for the regional pest management centers program, $4,500,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, $1,400,000 for the crops affected by Food Quality Protection Act implementation, $3,131,000 for the methyl bromide transition program, and $1,889,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, $1,000,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89–106, as amended, $750,000, to remain available until September 30, 2006 for the critical issues program, and $1,345,000 for the regional rural development centers program; and $9,000,000 for the homeland security program authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Act of 1977, to remain available until September 30, 2006.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $5,935,000, to remain available until expended.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; $721,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $814,623,000, of which $4,119,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $47,500,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones; of which $33,197,000 shall be available for a National Animal Identification program: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building: Provided further, That no funds shall be used to implement a national animal identification system prior to notification to the Committees on Appropriations which shall include a detailed explanation of the components of such system.

In fiscal year 2005, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees *are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.*

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $4,967,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, $75,698,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $64,459,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $15,800,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $3,847,000, of which not less than $2,500,000 shall be used to make a grant under this heading.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, $37,299,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $595,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $823,760,000, of which no less than $742,305,000 shall be available for Federal food safety inspection; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): Provided, That no fewer than 63 full time equivalent positions above the fiscal year 2002 level shall be employed during fiscal year 2005 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: Provided further, That of the amount available under this heading, notwithstanding section 704 of this Act, $3,000,000, available until September 30, 2006, shall be obligated to include the Humane Animal Tracking System as part of the Field Automation and Information Management System following notification to the Committees on Appropriations, which shall include a detailed explanation of the components of such system: Provided further, That of the total amount made available under this heading, no less than $20,653,000 shall be obligated for regulatory and scientific training: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $631,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $1,007,597,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $4,000,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, $100,000, to remain available until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,610,000,000, of which $1,400,000,000 shall be for guaranteed loans and $210,000,000 shall be for direct loans; operating loans, $2,035,000,000, of which $1,100,000,000 shall be for unsubsidized guaranteed loans, $285,000,000 shall be for subsidized guaranteed loans and $650,000,000 shall be for direct loans; Indian tribe land acquisition loans, $2,000,000; and for boll weevil eradication program loans, $100,000,000: Provided, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $18,655,000, of which $7,420,000 shall be for guaranteed loans, and $11,235,000 shall be for direct loans; operating loans, $139,049,000, of which $35,530,000 shall be for unsubsidized guaranteed loans, $37,934,000 shall be for subsidized guaranteed loans, and $65,585,000 shall be for direct loans; and Indian tribe land acquisition loans, $105,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $301,764,000, of which $293,764,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $72,044,000: Provided, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the

Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): Provided, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $741,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $837,360,000, to remain available until June 30, 2006, of which not less than $10,500,000 is for snow survey and water forecasting, and not less than $14,433,000 is for operation and establishment of the plant materials centers, and of which not less than $23,500,000 shall be for the grazing lands conservation initiative: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service: Provided further, That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)).

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1009), $7,083,000: Provided, That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)).

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $75,576,000, to remain available until expended; of which up to $10,000,000 may be available for the watersheds authorized under the Flood Control Act (33 U.S.C. 701 and 16 U.S.C. 1006a): Provided, That not to exceed $35,000,000 of this appropriation shall be available for technical assistance: Provided further, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction: Provided further, That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)).

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $27,500,000, to remain available until expended: Provided, That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)).

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $51,641,000, to remain available until expended: Provided, That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)): Provided further, That the Secretary shall enter into a cooperative or contribution agreement with a national association regarding a Resource Conservation and Development program and such agreement shall contain the same matching, contribution requirements, and funding level, set forth in a similar cooperative or contribution agreement with a national association in fiscal year 2002: Provided further, That not to exceed $3,504,300 shall be available for national headquarters activities.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $632,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H and 381N of the Consolidated Farm and Rural Development Act, $716,049,000, to remain available until expended, of which $89,180,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $552,689,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act, of which not to exceed $500,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $1,000,000 shall be available for the rural utilities program described in section 306E of such Act; and of which $74,180,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: Provided, That of the total amount appropriated in this account, $25,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which $4,500,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which $250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated for rural community programs, $6,350,000 shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; $1,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any purpose under this heading: Provided further, That of the amount appropriated for rural utilities programs, not to exceed $25,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; not to exceed $26,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, with up to 2 percent available to administer the program and/or improve interagency coordination may be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses", of which $100,000 shall be provided to develop a regional system for centralized billing, operation, and management of rural water and sewer utilities through regional cooperatives, of which 25 percent shall be provided for water and sewer projects in regional hubs, and the State of Alaska shall provide a 25 percent cost share, and grantees may use up to 5 percent of grant funds, not to exceed $35,000 per community, for the completion of comprehensive community safe water plans; not to exceed $18,250,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, of which $5,600,000 shall be for Rural Community Assistance Programs and not less than $800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities; and not to exceed $13,500,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed $22,166,000 shall be available through June 30, 2005, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $1,081,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which $12,582,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which $8,503,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided further, That of the amount appropriated for rural community programs, not to exceed $21,000,000 shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with 5 percent for administration and capacity building in the State rural development offices: Provided further, That of the amount appropriated, $28,000,000 shall be transferred to and merged with the "Rural Utilities Service, High Energy Cost Grants Account" to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): Provided further, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the "Rural Utilities Service, High Energy Costs Grants Account".

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $148,452,000: Provided, That of funds appropriated under this title for salaries and expenses, not less than $5,000,000 shall be used to complete the consolidation of Rural Development activities in St. Louis, to the Goodfellow facility also in St. Louis: Provided further, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: Provided further, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,459,297,000 for loans to section 502 borrowers, as determined by the Secretary, of which $1,150,000,000 shall be for direct loans, and of which $3,309,297,000 shall be for unsubsidized guaranteed loans; $35,000,000 for section 504 housing repair loans; $100,000,000 for section 515 rental housing; $100,000,000 for section 538 guaranteed multi-family housing loans; $5,045,000 for section 524 site loans; $11,501,000 for credit sales of acquired property, of which up to $1,501,000 may be for multi-family credit sales; and $10,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $166,778,000, of which $133,170,000 shall be for direct loans, and of which $33,608,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $10,171,000; section 515 rental housing, $47,090,000; section 538 multi-family housing guaranteed loans, $3,490,000; multi-family credit sales of acquired property, $727,000: Provided, That of the total amount appropriated in this paragraph, $7,100,000 shall be available through June 30, 2005, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: Provided further, That any funds under this paragraph initially allocated by the Secretary for housing projects in the State of Alaska that are not obligated by September 30, 2005, shall be carried over until September 30, 2006, and made available for such housing projects only in the State of Alaska.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $448,342,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $592,000,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $20,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during the current fiscal year shall be funded for a four-year period: Provided further, That any unexpended balances remaining at the end of such four-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $34,000,000, to remain available until expended: Provided, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2005, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $43,992,000, to remain available until expended: Provided, That $3,000,000 shall be made available for loans to private non-profit organizations, or such non-profit organizations' affiliate loan funds and State housing finance agencies, to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects: Provided further, That loans under such demonstration program shall have an interest rate of not more than one percent direct loan to the recipient: Provided further, That the Secretary may defer the interest and principal payment to the Rural Housing Service for up to three years and the term of such loans shall not exceed 30 years: Provided further, That of the total amount appropriated, $1,800,000 shall be available through June 30, 2005, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $34,118,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $34,213,000.

For the cost of direct loans, $15,868,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be available through June 30, 2005, for Federally

Recognized Native American Tribes and of which $3,449,000 shall be available through June 30, 2005, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): Provided, That of such amount made available, the Secretary may provide up to $1,500,000 for the Delta Regional Authority (7 U.S.C. 1921 et seq.): Provided further, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That of the total amount appropriated, $2,447,000 shall be available through June 30, 2005, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,316,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $25,003,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $4,698,000, to remain available until expended.

Of the funds derived from interest on the cushion of credit payments in the current fiscal year, as authorized by section 313 of the Rural Electrification Act of 1936, $4,698,000 shall not be obligated and $4,698,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $24,000,000, of which $2,500,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed $1,500,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority; and of which not to exceed $15,500,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 6401 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note).

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

For grants in connection with second and third rounds of empowerment zones and enterprise communities, $12,500,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277): Provided, That of the funds appropriated, $1,000,000 shall be made available to third round empowerment zones, as authorized by the Community Renewal Tax Relief Act (Public Law 106–554).

RENEWABLE ENERGY PROGRAM

For the cost of a program of direct loans, loan guarantees, and grants, under the same terms and conditions as authorized by section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106), $23,000,000 for direct and guaranteed renewable energy loans and grants: Provided, That the cost of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $120,000,000; municipal rate rural electric loans, $100,000,000; loans made pursuant to section 306 of that Act, rural electric, $2,100,000,000; Treasury rate direct electric loans, $1,000,000,000; guaranteed underwriting loans pursuant to section 313A, $1,000,000,000; 5 percent rural telecommunications loans, $145,000,000; cost of money rural telecommunications loans, $250,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $125,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, $5,058,000, and the cost of telecommunications loans, $100,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $38,277,000 which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal year 2005 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $175,000,000.

In addition, for administrative expenses, including audits, necessary to carry out the loan programs, $3,152,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of direct distance learning and telemedicine loans, $50,000,000; and for the principal amount of direct broadband telecommunication loans, $550,000,000.

For the cost of direct loans and grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $35,710,000, to remain available until expended, of which $710,000 shall be for direct loans: Provided, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That $10,000,000 shall be made available to convert analog to digital operation those noncommercial educational television broadcast stations that serve rural areas and are qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934, including associated translators and repeaters, regardless of the location of their main transmitter, studio-to-transmitter links, and equipment to allow local control over digital content and programming through the use of high-definition broadcast, multi-casting and datacasting technologies.

For the cost of broadband loans, as authorized by 7 U.S.C. 901 et seq., $11,715,000, to remain available until September 30, 2006: Provided, That the interest rate for such loans shall be the cost of borrowing to the Department of the Treasury for obligations of comparable maturity: Provided further, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, $9,000,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

Office of the Under Secretary for Food, Nutrition and Consumer Services

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $595,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $11,782,000,000, to remain available through September 30, 2006, of which $6,629,038,000 is hereby appropriated and $5,152,962,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That up to $5,235,000 shall be available for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $5,277,250,000, to remain available through September 30, 2006, of which $125,000,000 shall be placed in reserve, to remain available until expended, to be allocated as the Secretary deems necessary, notwithstanding section 17(i) of such Act, to support participation should cost or participation exceed budget estimates: Provided, That of the total amount available, the Secretary shall obligate not less than $15,000,000 for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A): Provided further, That notwithstanding section 17(h)(10)(A) of such Act, $14,000,000 shall be available for the purposes specified in section 17(h)(10)(B): Provided further, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $35,154,554,000, of which $3,000,000,000 to remain available *through September 30, 2006, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), not to exceed $4,000,000 shall be used to purchase bison meat for the FDPIR from Native American bison producers as well as from producer-owned cooperatives of bison ranchers: Provided further, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: Provided further, That notwithstanding section 5(d) of the Food Stamp Act of 1977, any additional payment received under chapter 5 of title 37, United States Code, by a member of the United States Armed Forces deployed to a designated combat zone shall be excluded from household income for the duration of the member's deployment if the additional pay is the result of deployment to or while serving in a combat zone, and it was not received immediately prior to serving in the combat zone.*

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; and special assistance (in a form determined by the Secretary of Agriculture) for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $178,797,000, to remain available through September 30, 2006: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2005 to support the Senior Farmers' Market Nutrition Program, as authorized by section 4402 of Public Law 107–171, such funds shall remain available through September 30, 2006.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the domestic nutrition assistance programs funded under this Act, $139,937,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $137,822,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

PUBLIC LAW 480 TITLE I PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, $94,198,000, to remain available until expended: Provided, That the Secretary of Agriculture may implement a commodity monetization program under existing provisions of the Food for Progress Act of 1985 to provide no less than $5,000,000 in local-currency funding support for rural electrification development overseas.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83–480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83–480 are utilized, $4,034,000, of which $1,097,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $2,937,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

(INCLUDING TRANSFER OF FUNDS)

For ocean freight differential costs for the shipment of agricultural commodities under title I of the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, $22,723,000, to remain available until expended: Provided, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $1,182,501,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $4,423,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,421,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $1,002,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $87,500,000, to remain available until expended: Provided, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $1,788,478,000: Provided, That of the amount provided under this heading, $284,394,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, and shall be credited to this account and remain available until expended; $33,938,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; and $8,354,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended: Provided further, That fees derived from prescription drug, medical device, and animal drug assessments received during fiscal year 2005, including any such fees assessed prior to the current fiscal year but credited during the current year, shall be subject to the fiscal year 2005 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) $439,038,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $498,647,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $172,714,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $98,964,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $235,078,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $40,530,000 shall be for the National Center for Toxicological Research; (7) $57,722,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration for rent; (8) $129,815,000 shall be for payments to the General Services Administration for rent; and (9) $115,970,000 shall be for other activities, including the Office of the Commissioner; the Office of Management; the Office of External Relations; the Office of Policy and Planning; and central services for these offices: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $94,327,000, including not to exceed $3,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $42,350,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 388 passenger motor vehicles, of which 388 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Funds appropriated by this Act shall be available for employment pursuant to the second sentence of section 706(a) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2225) and 5 U.S.C. 3109.

SEC. 704. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, boll weevil program, low pathogen avian influenza program, up to $33,197,000 in animal health monitoring and surveillance for the animal identification system, up to $3,000,000 in the emergency management systems program for the vaccine bank, up to $1,000,000 for wildlife services methods development, up to $1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education, and Economics Information System, and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to $1,565,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 705. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b).

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 710. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 20 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 711. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 712. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to cover obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Telephone Bank program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 713. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 714. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 715. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 716. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 717. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 718. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over $25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 719. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation

or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before inplementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 720. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred in prior fiscal years, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105–185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 721. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2006 appropriations Act.

SEC. 722. None of the funds made available by this or any other Act may be used to close or relocate a state Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 723. In addition to amounts otherwise appropriated or made available by this Act, $2,500,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, through the Congressional Hunger Center.

SEC. 724. Notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f), any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

SEC. 725. Section 375(e)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)(B)) is amended by striking "$26,998,000" and inserting "$27,998,000".

SEC. 726. (a) None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to collect from the lender at the time of issuance a guarantee fee of less than 2 percent of the principal obligation of guaranteed single-family housing loans administered by the Rural Housing Service: Provided, That this section shall not apply to loans made to refinance other single-family housing loans administered by the Rural Housing Service.

(b) Section 502(h)(6)(C) of the Housing Act of 1949 (42 U.S.C. 1472(h)(6)(C)) is amended by adding, ", plus the guarantee fee as authorized by subsection (h)(7)" after the phrase, "whichever is less", in each of paragraphs (i) and (ii).

SEC. 727. Notwithstanding any other provision of law, and until receipt of the decennial Census in the year 2010, the Secretary of Agriculture shall consider—

(1) the City of Salinas, California; the City of Watsonville, California; and the City of Hollister, California, eligible for programs administered by the Rural Housing Service;

(2) the Town of Horseshoe Beach, Florida; the City of Wewahitchka, Florida; the City of Southport, Florida; the City of Resota Beach, Florida; the City of Creedmoor, North Carolina; the County of Lake, Florida; the City of St. Cloud, Florida; the City of Plantation, Florida; the Cleburne County Water Authority of Alabama; and the City of Coburg, Oregon, eligible for loans and grants funded through the rural utilities programs in the Rural Community Advancement Program account;

(3) the City of Casa Grande, Arizona, a rural area for purposes of eligibility for loans and grants provided through the Rural Housing Insurance Fund Program account, the Rural Housing Assistance Grants account and the rural utilities programs in the Rural Community Advancement Program account;

(4) the City of Coachella, California, eligible for loans and grants funded through the rural utilities programs and rural business and cooperative development programs in the Rural Community Advancement Program account and the Rural Housing Insurance Fund Program account;

(5) the City of Springfield, Ohio; the City of Lexington, Virginia; the City of Clarksdale, Mississippi; the City of Vicksburg, Mississippi; the City of Cache, Oklahoma; and the City of Elgin, Oklahoma, eligible for loans and grants funded through the rural community programs in the Rural Community Advancement Program account;

(6) the City of Carbondale, Illinois, a rural area for purposes of eligibility for loans and grants funded through the Rural Housing Insurance Fund Program account and the Rural Housing Assistance Grants account;

(7) the City of St. Joseph, Missouri, eligible for loans and grants funded through the rural business and cooperative development programs in the Rural Community Advancement Program account relating to an application submitted to the Department by a farmer-owned cooperative, a majority of whose members reside in a rural area, as determined by the Secretary, and for the purchase and operation of a facility beneficial to the purpose of the cooperative; and

(8) the fiber-to-premises broadband facilities in St. Lucie County, Florida, and the City of Port St. Lucie, Florida, collectively, to meet the eligibility requirements for loans and loan guarantees under section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb).

SEC. 728. Of any shipments of commodities made pursuant to section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not more than $25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of—

(1) agricultural commodities to—

(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities; and

(B) households in the communities, particularly individuals caring for orphaned children; and

(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and microenterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

SEC. 729. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the DuPage County, Illinois, Kress Creek Water Quality Enhancement Project, from funds available for the Watershed and Flood Prevention Operations program, not to exceed $1,000,000 and Rockhouse Creek Watershed, Leslie County, Kentucky, not to exceed $1,000,000.

SEC. 730. Notwithstanding any other provision of law, the Natural Resources Conservation Service may provide financial and technical assistance through the Watershed and Flood Prevention Operations program for the Kuhn Bayou project in Arkansas, the Matanuska River erosion control project in Alaska, the DuPage County watershed project in Illinois, and the Coal Creek project in Utah.

SEC. 731. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriation Act.

SEC. 732. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to 20 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

SEC. 733. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 734. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

SEC. 735. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out subtitle I of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd through dd–7).

SEC. 736. Agencies and offices of the Department of Agriculture may utilize any unobligated salaries and expenses funds to reimburse the Office of the General Counsel for salaries and expenses of personnel, and for other related expenses, incurred in representing such agencies and offices in the resolution of complaints by employees or applicants for employment, and in cases and other matters pending before the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, or the Merit Systems Protection Board with the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 737. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 6405 of Public Law 107–171 (7 U.S.C. 2655).

SEC. 738. The Agricultural Marketing Service and the Grain Inspection, Packers and Stockyards Administration, that have statutory authority to purchase interest bearing investments outside of the Treasury, are not required to establish obligations and outlays for those investments, provided those investments are insured *by the Federal Deposit Insurance Corporation or are collateralized at the Federal Reserve with securities approved by the Federal Reserve, operating under the guidelines of the United States Department of the Treasury.*

SEC. 739. Of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to $10,000,000 for costs associated with the distribution of commodities.

SEC. 740. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to enroll in excess of 154,500 acres in the calendar year 2005 wetlands reserve program as authorized by 16 U.S.C. 3837.

SEC. 741. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of $1,017,000,000.

SEC. 742. Hereafter, the Secretary of Agriculture is authorized to permit employees of the United States Department of Agriculture to carry and use firearms for personal protection while conducting field work in remote locations in the performance of their official duties.

SEC. 743. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the $23,000,000 made available by section 9006(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(f)).

SEC. 744. With the exception of funds provided in fiscal year 2003, none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the $40,000,000 made available by section 601(j)(1)(A) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(j)(1)(A)).

SEC. 745. None of the funds made available in fiscal year 2005 or preceding fiscal years for programs authorized under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 746. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the $80,000,000 made available by section 6401(a) of Public Law 107–171.

SEC. 747. Notwithstanding subsections (c) and (e)(2) of section 313A of the Rural Electrification Act (7 U.S.C. 940c(c) and (e)(2)) in implementing section 313A of that Act, the Secretary shall, with the consent of the lender, structure the schedule for payment of the annual fee, not to exceed an average of 30 basis points per year for the term of the loan, to ensure that sufficient funds are available to pay the subsidy costs for note guarantees under that section.

SEC. 748. Notwithstanding any other provision of law, the Natural Resources Conservation Service may provide from appropriated funds financial and technical assistance to the Dry Creek project, Utah.

SEC. 749. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a Conservation Security Program authorized by 16 U.S.C. 3838, et seq., in excess of $202,411,000.

SEC. 750. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2502 of Public Law 107–171 in excess of $47,000,000.

SEC. 751. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2503 of Public Law 107–171 in excess of $112,000,000.

SEC. 752. The Secretary of Agriculture shall use $30,000,000 of the funds of the Commodity Credit Corporation, to remain available until expended, to compensate commercial citrus and lime growers in the State of Florida for tree replacement and for lost production with respect to trees removed to control citrus canker, and with respect to certified citrus nursery stocks within the citrus canker quarantine areas, as determined by the Secretary. For a grower to receive assistance for a tree under this section, the tree must have been removed after September 30, 2001.

SEC. 753. Not more than $10,000,000 for fiscal year 2005 of the funds appropriated or otherwise made available by this or any other Act shall be used to carry out Section 6029 of Public Law 107–171.

SEC. 754. None of the funds appropriated or otherwise made available in this Act shall be expended to violate Public Law 105–264.

SEC. 755. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a ground and surface water conservation program authorized by section 2301 of Public Law 107–171 in excess of $51,000,000.

SEC. 756. None of the funds made available by this Act may be used to issue a final rule in furtherance of, or otherwise implement, the proposed rule on cost-sharing for animal and plant health emergency programs of the Animal and Plant Health Inspection Service published on July 8, 2003 (Docket No. 02-062-1; 68 Fed. Reg. 40541).

SEC. 757. None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.

SEC. 758. Notwithstanding any other provision of law, the Secretary of Agriculture may use appropriations available to the Secretary for activities authorized under sections 426-426c of title 7, United States Code, under this or any other Act, to enter into cooperative agreements, with a State, political subdivision, or agency thereof, a public or private agency, organization, or any other person, to lease aircraft if the Secretary determines that the objectives of the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Animal and Plant Health Inspection Service, Wildlife Services; and (2) all parties will contribute resources to the accomplishment of these objectives; award of a cooperative agreement authorized by the Secretary may be made for an initial term not to exceed 5 years.

SEC. 759. There is hereby appropriated $1,491,000, to remain available until September 30, 2006, to carry out section 6028 of Public Law 107–171: Provided, That notwithstanding section 383B(g)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb–1(g)(1)), the Federal share of the administrative expenses of the Northern Great Plains Regional Authority for fiscal year 2005 shall be 100 percent.

SEC. 760. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 9010 of Public Law 107–171 in excess of $100,000,000.

SEC. 761. (a) The matter under the heading "Rural Community Advancement Program" in division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Programs Appropriations, 2004, title III—Rural Development Programs, in Public Law 108–199 is amended by striking "$1,750,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.); and not less than $2,000,000 shall be available for grants in accordance with section 310B(f) of the Consolidated Farm and Rural Development Act" and inserting "and not less than $2,000,000 shall be available for grants in accordance with section 310B(f) of the Consolidated Farm and Rural Development Act: Provided further, That of the total amount appropriated in this account, $1,750,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any Rural Community Advancement Program purpose".

(b) Consistent with any legal commitments made by the Delta Regional Authority, at the request of the Authority and if the Secretary of Agriculture agrees, the Secretary may deobligate any unexpended Rural Community Advancement Program grant funds made to the Authority pursuant to division A of Public Law 108–7: Provided, That such reobligated funds are used by the Authority for projects that are consistent with the purposes of the Rural Housing Service Community Facilities Program.

SEC. 762. Of the unobligated balances available in the Rural Housing Assistance Grant Program account, $1,000,000 is hereby rescinded.

SEC. 763. Agencies and offices of the Department of Agriculture may utilize any available discretionary funds to cover the costs of preparing, or contracting for the preparation of, final agency decisions regarding complaints of discrimination in employment or program activities arising within such agencies and offices.

SEC. 764. Of the unobligated balances available in the Rural Housing Insurance Fund Program account, $3,000,000 is hereby rescinded.

SEC. 765. Notwithstanding any other provision of law, for any fiscal year and hereafter, in the case of a high cost isolated rural area in Alaska that is not connected to a road system, the maximum level for the single family housing assistance shall be 150 percent of the average income level in the metropolitan areas of the State and 115 percent of all other eligible areas of the State.

SEC. 766. Funds made available under section 12401 and section 1241(a) of the Food Security Act of 1985 in fiscal years 2002, 2003, 2004, and 2005 shall remain available until expended to cover obligations made in fiscal years 2002, 2003, 2004, and 2005, respectively, and are not available for new obligations.

SEC. 767. There is hereby appropriated $1,500,000, to remain available until expended, for the Denali Commission to address deficiencies in solid waste disposal sites which threaten to contaminate rural drinking water supplies.

SEC. 768. Notwithstanding any other provision of law—

(1)(A) the Alaska Department of Community and Economic Development shall be eligible to receive a water and waste disposal grant under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) in an amount that is equal to not more than 75 percent of the total cost of providing water and sewer service to the proposed hospital in the Matanuska-Susitna Borough, Alaska; and

(B) the Alaska Department of Community and Economic Development shall be allowed to pass

the grant funds through to the local government entity that will provide water and sewer service to the hospital;

(2) or any percentage of cost limitation in current law or regulations, the construction projects known as the Tri-Valley Community Center addition in Healy, Alaska; the Cold Climate Housing Research Center in Fairbanks, Alaska; and the University of Alaska-Fairbanks Allied Health Learning Center skill labs/classrooms shall be eligible to receive Community Facilities grants in amounts that are equal to not more than 75 percent of the total facility costs: Provided, That for the purposes of this paragraph, the Cold Climate Housing Research Center is designated an "essential community facility" for rural Alaska;

(3) the Secretary shall consider the City of Guymon, Oklahoma; the City of Shawnee, Oklahoma; the Village of New Miami, Ohio; the City of Vicksburg, Mississippi; and the City of Altus, Oklahoma, to be eligible for loans and grants provided through the Rural Housing Insurance Fund until receipt of the decennial Census in the year 2010;

(4) grants made under section 306(a)(19) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(19)) using funds made available under this Act for the cities of Ellisville and Waynesboro, Mississippi, shall be made without a non-Federal cost share requirement;

(5) the City of Great Falls, Montana, shall be considered a rural area for purposes of eligibility for business and industry guaranteed loans under section 310B(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(1)) until receipt of the decennial Census in the year 2010;

(6) the Secretary may consider the Piedmont Municipal Power Agency of South Carolina eligible to participate in programs administered by the Rural Utilities Service until receipt of the decennial Census in the year 2010; and

(7) until receipt of the decennial Census for the year 2010, for all activities under programs of the Rural Development Mission Area within the County of Honolulu, Hawaii, the Secretary may designate any portion of the county as a rural area or eligible rural community that the Secretary determines is not urban in character: Provided, That the Secretary shall not include in any such rural area or eligible rural community any area included in the Honolulu Census Designated Place as determined by the Secretary of Commerce.

SEC. 769. Section 501 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737) is amended—

(1) in subsection (b)(1), by inserting "and Doug Bereuter" after "John Ogonowski"; and

*(2) in the heading, by inserting "**AND DOUG BEREUTER**" after "**JOHN OGONOWSKI**".*

SEC. 770. Notwithstanding the provisions of the Consolidated Farm and Rural Development Act (including the associated regulations) governing the Community Facilities Program, the Secretary may allow all Community Facility Program facility borrowers and grantees to enter into contracts with not-for-profit third parties for services consistent with the requirements of the Program, grant, and/or loan: Provided, That the contracts protect the interests of the Government regarding cost, liability, maintenance, and administrative fees.

SEC. 771. Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to make funding and other assistance available through the emergency watershed protection program under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to repair and prevent damage to non-Federal land in watersheds that have been impaired by fires initiated by the Federal Government and shall waive cost sharing requirements for the funding and assistance.

SEC. 772. None of the funds made available in this Act may be used to provide credits or credit guarantees for agricultural commodities provided for use in Iraq in violation of subsection (e) or (f) of section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622).

SEC. 773. None of the funds provided in this Act may be used for salaries and expenses to carry out any regulation or rule insofar as it would make ineligible for enrollment in the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) land that is planted to hardwood trees as of the date of enactment of this Act and was enrolled in the conservation reserve program under a contract that expired prior to calendar year 2002.

SEC. 774. None of the funds made available in this Act may be used to restrict to prescription use a contraceptive that is determined to be safe and effective for use without the supervision of a practitioner licensed by law to administer prescription drugs under section 503(b) of the Federal Food, Drug, and Cosmetic Act.

SEC. 775. Of the unobligated balances in the Local Television Loan Guarantee Program account, $88,000,000 are hereby rescinded.

SEC. 776. PRIVACY PROTECTION OF CERTAIN SELLERS OF FARM PRODUCTS. Section 1324(c) of the Food Security Act of 1985 (7 U.S.C. 1631(c)) is amended—

(1) in subsection (c)—

(A) in paragraph (2)(C)(ii)(II), by inserting ", or other approved unique identifier," after both "social security number" and "identification number";

(B) in paragraph (4)(C)(iii), by inserting ", or other approved unique identifier," after both "social security number" and "identification number"; and

(C) by adding the following at the end:

"(5) The term 'approved unique identifier' means a number, combination of numbers and letters, or other identifier selected by the Secretary of State using a selection system or method approved by the Secretary of Agriculture."

(2) in subsection (e)(1)(A)(ii)(III), by inserting ", or other approved unique identifier," after both "social security number" and "identification number"; and

(3) in subsection (g)(2)(A)(ii)(III), by inserting ", or other approved unique identifier," after both "social security number" and "identification number".

SEC. 777. Section 532 of the Equity in Educational Land Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 193-382) is amended—

(1) by redesignating paragraphs (23) through (32) as paragraphs (24) through (33), respectively; and

(2) by inserting after paragraph (22) the following: "(23) Tohono O'odham Community College.".

SEC. 778. Of the unobligated balances of funds in the Agricultural Conservation Program account, $3,500,000 are hereby rescinded.

SEC. 779. Notwithstanding any other provision of law, the amounts made available to the Dakota Value Capture Cooperative under section 747 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (Public Law 107–76; 115 Stat. 738) shall remain available until expended for a project conducted by the Dakota Value Capture Cooperative at South Dakota State University.

SEC. 780. None of the funds made available under this Act shall be available to pay the administrative expenses of a State agency that, after the date of enactment of this Act, authorizes any new for-profit vendor(s) to transact food instruments under the Special Supplemental Nutrition Program for Women, Infants, and Children if it is expected that more than 50 percent of the annual revenue of the vendor from the sale of food items will be derived from the sale of supplemental foods that are obtained with WIC food instruments, except that the Secretary may approve the authorization of such a vendor if the approval is necessary to assure participant access to program benefits.

SEC. 781. Of the unobligated balances under section 32 of the Act of August 24, 1935, $163,000,000 are hereby rescinded.

SEC. 782. Of the unobligated balances available to the Foreign Agricultural Service for the Public Law 480 Title I Program at the beginning of fiscal year 2005, $191,108,000 are hereby rescinded: Provided, That for purposes of determining the amount of funds available for transfer under section 412(b) of Public Law 83-480, as amended, the maximum amount of funds available for transfer shall be calculated based upon the total funds available prior to this rescission.

SEC. 783. The Secretary of Agriculture may use any unobligated carryover funds made available for any program administered by the Rural Utilities Service (not including funds made available under the heading "Rural Community Advancement Program" in any Act of appropriation) to carry out section 315 of the Rural Electrification Act of 1936 (7 U.S.C. 940e).

SEC. 784. None of the funds made available by this or any other Act may be used to reduce the mission, resources, staffing, facilities, or capabilities of the Wildlife Habitat Management Institute in Mississippi as in existence on December 17, 2003.

SEC. 785. LIVESTOCK ASSISTANCE. (a) IN GENERAL.—In carrying out a livestock assistance, compensation, or feed program, the Secretary of Agriculture shall include elk, reindeer, and bison within the definition of "livestock" covered by the program.

(b) CONFORMING AMENDMENTS.—

(1) Section 602(2) of the Agricultural Act of 1949 (7 U.S.C. 1471(2)) is amended by inserting "elk, reindeer, bison," after "cattle,".

(2) Section 10104 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1472) is amended—

(A) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively; and

(B) by inserting before subsection (b) (as so redesignated) the following:

"(a) DEFINITION OF LIVESTOCK.—In this section, the term 'livestock' includes elk, reindeer, and bison.".

(3) Section 203(d) of the Agricultural Assistance Act of 2003 (Public Law 108–7; 117 Stat. 541) is amended—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following:

"(2) LIVESTOCK.—The term 'livestock' includes elk, reindeer, and bison.".

SEC. 786. There is hereby appropriated $1,000,000, to remain available until expended, to carry out provisions of Section 751 of Division A of Public Law 108–7.

SEC. 787. There is hereby appropriated $500,000 for a grant to Alaska Village Initiatives, for the purpose of administering a private lands wildlife management program in Alaska.

SEC. 788. TECHNICAL CORRECTIONS. (a) Section 104(b)(1) of the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108–265) is amended by striking the closing quotation marks and the following period at the end of section 9(b)(5)(A)(iv) of the Richard B. Russell National School Lunch Act (as added by that section 104(b)(1) of Public Law 108–265).

(b) Section 13(a)(10) of the Richard B. Russell National School Lunch Act (42 U.S.C.

1761(a)(10)) (as added by section 116(d) of Public Law 108–265) is amended—

(1) in subparagraph (C), by striking "2005" and inserting "2006"; and

(2) in subparagraph (D)—

(A) in clause (i), by striking "2007" and inserting "2008"; and

(B) in clause (ii), by striking "2008" and inserting "2009".

(c) Section 21(e)(2)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1(e)(2)(A)) (as amended by section 125(c)(2)(B) of Public Law 108–265) is amended by inserting "and" after "2005".

(d) Section 17(f)(1)(C)(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(1)(C)(i) (as amended by section 203(e)(10)(B) of Public Law 108–265) is amended by striking the period after "subsection (h)(11)".

(e) Section 17(h)(8)(A)(vi) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)(A)(vi) (as added by section 203(e)(5) of Public Law 108–265) is amended by striking "Each State" and inserting "Effective beginning October 1, 2004, each State".

(f) Section 502(b) of the Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108–265) is amended—

(1) in paragraph (2), by striking "203(e)(5),"; and

(2) in paragraph (4), by striking "104" and inserting "104 (other than section 104(a)(1))".

SEC. 789. Section 104 of Chapter 1 of the Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act, 2005, Public Law 108–324, is amended by adding "and tropical storms" after "hurricanes".

SEC. 790. There is hereby appropriated $1,000,000, to remain available until expended, for a grant to the Ohio Livestock Expo Center in Springfield, Ohio.

SEC. 791. There is hereby appropriated $1,000,000, to remain available until expended, for a grant to the Virginia Horse Center in Lexington, Virginia.

SEC. 792. Notwithstanding any other provision of law, unobligated funding balances in the Great Plains Conservation Program authorized under section 16(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p(b)); the Forestry Incentives Program authorized by Section 4 and Section 6 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103); The Water Bank Program authorized by The Water Bank Act of 1970 (Public Law 91–559); and funding for the John's Creek, TN Watershed and Flood Prevention Operations project are hereby rescinded.

SEC. 793. There is hereby appropriated $2,250,000, to remain availdble until expended, for a grant to the Wisconsin Federation of Cooperatives for pilot Wisconsin-Minnesota health care cooperative purchasing alliances.

SEC. 794. (a) Section 1240B of the Food Security Act of 1985, 16 U.S.C. 3839 aa–2, is amended at the end by adding the following:

"(h) FUNDING FOR FEDERALLY RECOGNIZED NATIVE AMERICAN INDIAN TRIBES AND ALASKA NATIVE CORPORATIONS.—The Secretary may enter into alternative funding arrangements with federally recognized Native American Indian Tribes and Alaska Native Corporations (including their affiliated membership organizations) if the Secretary determines that the goals and objectives of the program will be met by such arrangements, and that statutory limitations regarding contracts with individual producers as defined under this Subtitle will not be exceeded by any Tribal or Native Corporation member.".

(b) Section 1240G of the Food Security Act of 1985, 16 U.S.C. 3839aa–7, is amended by inserting after "2007," "(excluding funding arrangements with federally recognized Native American Indian Tribes or Alaska Native Corporations under section 1240B(h))".

SEC. 795. There is hereby appropriated $6,000,000, to remain available until expended, for a grant to the Florida Department of Citrus.

SEC. 796. Notwithstanding any other provision of law, effective with funds made available in fiscal year 2004 to states administering the Child and Adult Care Food Program, for the purpose of conducting audits of participating institutions, funds identified by the Secretary as having been unused during the initial fiscal year of availability may be recovered and reallocated by the Secretary: Provided, That states may use the reallocated funds until expended for the purpose of conducting audits of participating institutions.

SEC. 797. Section 1238Q of the Food Security Act of 1985 is amended—

(a) In subsection (a), by striking "permit" and inserting "transfer title of ownership to an easement under this subchapter to"; and

(b) By striking subsection (d) and inserting the following new subsection:

"(d) TRANSFER OF TITLE OF OWNERSHIP OF EASEMENT.—Reversion—If a private organization or state agency holding an easement on land under this subchapter dissolves or fails to enforce the terms of the easement, the easement shall revert to the Secretary.".

This division may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005".

DIVISION B—DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $124,100,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 45 permanent positions and 46 full-time equivalent workyears and $11,078,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2004: Provided further, That not to exceed 26 permanent positions, 21 full-time equivalent workyears and $3,305,000 shall be expended for the Office of Legislative Affairs: Provided further, That not to exceed 17 permanent positions, 21 full-time equivalent workyears and $2,470,000 shall be expended for the Office of Public Affairs: Provided further, That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the preceding two provisos.

JOINT AUTOMATED BOOKING SYSTEM

For expenses necessary for the nationwide deployment of a Joint Automated Booking System including automated capability to transmit fingerprint and image data, $20,185,000, to remain available until September 30, 2006.

AUTOMATED BIOMETRIC IDENTIFICATION SYSTEM/INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM

For necessary expenses for the planning, development, and deployment of an integrated fingerprint identification system, including automated capability to transmit fingerprint and image data, $5,054,000, to remain available until September 30, 2006.

LEGAL ACTIVITIES OFFICE AUTOMATION

For necessary expenses related to the design, development, engineering, acquisition, and implementation of office automation systems for the organizations funded under the headings "Salaries and Expenses, General Legal Activities", and "General Administration, Salaries and Expenses", and the United States Attorneys, the United States Marshals Service, the Antitrust Division, the United States Trustee Program, the Executive Office for Immigration Review, the Community Relations Service, the Bureau of Prisons, the Office of Justice Programs, and the United States Parole Commission, $40,510,000, to remain available until September 30, 2006.

NARROWBAND COMMUNICATIONS

For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, $100,000,000, to remain available until September 30, 2006: Provided, That the Attorney General shall transfer to the "Narrowband Communications" account all funds made available to the Department of Justice for the purchase of portable and mobile radios: Provided further, That any transfer made under the preceding proviso shall be subject to section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $203,965,000.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, $885,994,000, to remain available until expended: Provided, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System and for overseeing housing related to such detention: Provided further, That any unobligated balances available in prior years from the funds appropriated under the heading "Federal Prisoner Detention" shall be transferred to and merged with the appropriation under the heading "Detention Trustee" and shall be available until expended. Provided further, That the Trustee, working in consultation with the Bureau of Prisons, shall submit a plan for collecting information related to evaluating the health and safety of Federal prisoners in non-Federal institutions no later than 180 days following the enactment of this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $63,813,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $10,638,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $634,193,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, *That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.*

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $6,333,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $138,763,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, not to exceed $101,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2005, so as to result in a final fiscal year 2005 appropriation from the general fund estimated at not more than $37,763,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $1,547,519,000; of which not to exceed $2,500,000 shall be available until September 30, 2006, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: Provided further, That not to exceed $2,500,000 for the operation of the National Advocacy Center shall remain available until expended: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 10,212 positions and 10,273 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys: Provided further, That of the funds made available under this heading, $1,500,000 shall only be available to continue "Operation Streetsweeper": Provided further, That of the total amount appropriated, $5,000,000 shall be for Project Seahawk and shall remain available until expended.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $173,602,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $173,602,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2005, so as to result in a final fiscal year 2005 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,220,000.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $751,985,000; of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which $4,000,000 for information technology systems shall remain available until expended; of which not less than $11,580,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until September 30, 2006: Provided, That, in addition to reimbursable full-time equivalent workyears available to the United States Marshals Service, not to exceed 4,543 positions and 4,387 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Marshals Service.

CONSTRUCTION

For construction of United States Marshals Service prisoner-holding space in United States courthouses and Federal buildings, $5,734,000, to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, $177,585,000, to remain available until expended; of which not to exceed $8,000,000 may be made available for construction of buildings for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $7,000,000 may be made available for the purchase, installation, maintenance and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $9,664,000: Provided, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), $21,759,000, to be derived from the Department of Justice Assets Forfeiture Fund.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

In addition to amounts appropriated by subsection 3(e) of the Radiation Exposure Compensation Act (42 U.S. Code 2210 note), $27,800,000 for payment to the Radiation Exposure Compensation Trust Fund, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $561,033,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 2,988 passenger motor vehicles, of which 2,619 will be for replacement only; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C, $5,205,028,000; of which not to exceed $150,000,000 shall remain available until expended; of which $1,017,000,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which $56,349,000 shall be for the operations, equipment, and facilities of the Foreign Terrorist Tracking Task Force; and of which not to exceed $20,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, gang-related crime, cybercrime, and drug investigations: Provided, That not to exceed $200,000 shall be available for official reception and representation expenses: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Federal Bureau of Investigation, not to exceed 30,039 positions and 29,082 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Federal Bureau of Investigation: Provided further, That up to $6,800,000 of prior year unobligated balances shall be available for the necessary expense of construction of an aviation hangar, to remain available until September 30, 2006.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of Federally-owned buildings; and preliminary planning and design of projects; $10,242,000, to remain available until expended: Provided, That $9,000,000 shall be available to lease a records management facility, including equipment and relocation expenses, in Frederick County, Virginia.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; and purchase of not to exceed 1,461 passenger motor vehicles, *of which 1,346 will be for replacement only, for police-type use, $1,653,265,000; of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $100,000 shall be available for official reception and representation expenses: Provided, That, in addition to reimbursable full-time equivalent workyears available to the Drug Enforcement Administration, not to exceed 8,361 positions and 8,250 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Drug Enforcement Administration: Provided further, That not to exceed $8,100,000 from prior year unobligated balances shall be available for the design, construction and ownership of a clandestine laboratory training facility and shall remain available until expended.*

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, including the purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only; not to exceed $25,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $890,357,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $10,000,000 shall remain available until expended: Provided, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: Provided further, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2005: Provided further, That no funds appropriated under this or any other Act with respect to any fiscal year may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms, and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), to anyone other than a Federal, State, or local law enforcement agency or a prosecutor solely in connection with and for use in a bona fide criminal investigation or prosecution and then only such information as pertains to the geographic jurisdiction of the law enforcement agency requesting the disclosure and not for use in any civil action or proceeding other than an action or proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, or a review of such an action or proceeding, to enforce the provisions of chapter 44 of such title, and all such data shall be immune from legal process and shall not be subject to subpoena or other discovery in any civil action in a State or Federal court or in any administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms, and Explosives to enforce the provisions of that chapter, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title): Provided further, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: Provided further, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986: Provided further, That of the total amount provided under this paragraph, $5,600,000 shall be for the construction and establishment of the Federal Firearms Licensing Center at the Bureau of Alcohol, Tobacco, Firearms and Explosives National Tracing Center Facility and shall remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 780, of which 649 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $4,627,696,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $365,836,000 shall remain available for prison activations until September 30, 2006: Provided further, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, for the care and security in the United States of Cuban and Haitian entrants: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $189,000,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,411,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386); $387,275,000, including amounts for administrative costs, to remain available until expended: Provided, That all balances, unobligated and obligated, from grants and activities administered by the Office on Violence Against Women shall be transferred from the Office of Justice Programs to the Office on Violence Against Women within 60 days of enactment of this Act: Provided further, That of the amount provided—

(1) $11,897,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(2) $1,925,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(3) $983,000 for grants for televised testimony, as authorized by Part N of the 1968 Act;

(4) $187,086,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, of which:

(A) $5,000,000 shall be for the National Institute of Justice for research and evaluation of violence against women;

(B) $10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, as authorized by the 1974 Act; and

(C) $12,500,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by Public Law 108–21;

(5) $63,491,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(6) $39,685,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295(a) of the 1994 Act;

(7) $4,415,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(8) $2,950,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act;

(9) $9,175,000 to reduce violent crimes against women on campus, as authorized by section 1108(a) of Public Law 106–386;

(10) $39,740,000 for legal assistance for victims, as authorized by section 1201(c) of Public Law 106–386;

(11) $4,600,000 for enhancing protection for older and disabled women from domestic violence and sexual assault, as authorized by section 40802 of the 1994 Act;

(12) $14,078,000 for the safe havens for children pilot program, as authorized by section 1301(a) of Public Law 106–386; and

(13) $7,250,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402(a) of Public Law 106–386.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Missing Children's Assistance Act, including salaries and expenses in connection therewith, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21), and the Victims of Crime Act of 1984, $227,900,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); and other programs; $1,295,510,000 (including amounts for administrative costs, which shall be transferred to and merged with the "Justice Assistance" account): Provided, That funding provided under this heading shall remain available until expended, as follows—

(1) $634,000,000 for the Edward Byrne Memorial Justice Assistance Grant program pursuant to the amendments made by section 201 of H.R. 3036 of the 108th Congress, as passed by the House of Representatives on March 30, 2004 (except that the special rules for Puerto Rico established pursuant to such amendments shall not apply for purposes of this Act), of which—

(A) $85,000,000 shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement, as authorized by section 401 of Public Law 104–294 (42 U.S.C. 13751 note);

(B) $10,000,000 shall be available for the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement; and

(C) $2,500,000 for USA Freedom Corps activities;

(2) $305,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act;

(3) $30,000,000 is for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local United States Attorneys offices;

(4) $18,000,000 for assistance to Indian tribes, of which—

(A) $5,000,000 shall be available for grants under section 20109(a)(2) of subtitle A of title II of the 1994 Act;

(B) $8,000,000 shall be available for the Tribal Courts Initiative; and

(C) $5,000,000 shall be available for demonstration projects on alcohol and crime in Indian Country;

(5) $170,027,000 for discretionary grants authorized by subpart 2 of part E, of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act;

(6) $10,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386;

(7) $883,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(8) $40,000,000 for Drug Courts, as authorized by Part EE of the 1968 Act;

(9) $2,000,000 for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act;

(10) $10,000,000 for a prescription drug monitoring program;

(11) $37,000,000 for prison rape prevention and prosecution programs as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79), of which $1,000,000 shall be transferred to the National Prison Rape Elimination Commission for authorized activities;

(12) $25,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by part S of the 1968 Act;

(13) $10,500,000 for a program to improve State and local law enforcement intelligence capabilities including training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process;

(14) $1,000;000 for a State and local law enforcement hate crimes training and technical assistance program;

(15) $2,000,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; and

(16) $100,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act:

Provided, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $62,000,000, to remain available until September 30, 2006, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government engaged in the investigation and prosecution of violent and gang-related crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act: Provided further, That of the funds appropriated for the Executive Office for Weed and Seed, $2,000,000 shall be directed for comprehensive community development training and technical assistance.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (including administrative costs), $606,446,000, to remain available until expended: Provided, That funds that become available as a result of deobligations from prior year balances may not be obligated except in accordance with section 605 of this Act: Provided further, That of the funds under this heading, not to exceed $2,575,000 shall be available for the Office of Justice Programs for reimbursable services associated with programs administered by the Community Oriented Policing Services Office: Provided further, That section 1703(b) and (c) of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act") shall not apply to non-hiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.). Of the amounts provided—

(1) $10,000,000 is for the hiring of law enforcement officers, including $5,000,000 for school resource officers;

(2) $15,000,000 is for training and technical assistance;

(3) $20,000,000 is for improving tribal law enforcement including equipment and training;

(4) $100,000,000 is for the COPS Interoperable Communications Technology Program;

(5) $7,500,000 is for a police integrity program;

(6) $25,000,000 is for the matching grant program for law enforcement armor vests as authorized by section 2501 of part Y of the 1968 Act: Provided, That not to exceed 2 percent of such funds shall be available to the Office of Justice Programs for testing of and research relating to law enforcement armor vests;

(7) $52,556,000 is for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in "drug hot spots";

(8) $15,000,000 is for Police Corps education and training: Provided, That the out-year program costs of new recruits shall be fully funded from funds currently available;

(9) $138,615,000 is for a law enforcement technology program;

(10) $25,000,000 is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

(11) $28,450,000 is for grants, contracts and other assistance to States under section 102(b) of

the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

(12) $110,000,000 is for a DNA analysis and capacity enhancement program;

(13) $15,000,000 is for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act (42 U.S.C. 3797j et seq.);

(14) $10,000,000 is for an offender re-entry program, as authorized by Public Law 107–273;

(15) $4,325,000 is for the Safe Schools Initiative; and

(16) not to exceed $30,000,000 is for program management and administration.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the Act"), and other juvenile justice programs, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $384,177,000, to remain available until expended, as follows—

(1) $3,000,000 for concentration of Federal efforts, as authorized by section 204 of the Act;

(2) $84,000,000 for State and local programs authorized by section 221 of the Act, including training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(3) $102,177,000 for demonstration projects, as authorized by sections 261 and 262 of the Act;

(4) $10,000,000 for research, evaluation, training and technical assistance, as authorized by sections 251 and 252 of the Act;

(5) $15,000,000 for juvenile mentoring programs;

(6) $80,000,000 for delinquency prevention, as authorized by section 505 of the Act, of which—

(A) $10,000,000 shall be for the Tribal Youth Program;

(B) $25,000,000 shall be for a gang resistance education and training program to be administered by the Bureau of Justice Assistance and to be coordinated with the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Office of Juvenile Justice and Delinquency Prevention; and

(C) $25,000,000 shall be for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(7) $5,000,000 for Project Childsafe;

(8) $15,000,000 for the Secure Our Schools Act as authorized by Public Law 106–386;

(9) $15,000,000 for programs authorized by the Victims of Child Abuse Act of 1990; and

(10) $55,000,000 for the Juvenile Accountability Block Grants program as authorized by Public Law 107–273 and Guam shall be considered a State:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: Provided further, That not more than 2 percent of each amount may be used for training and technical assistance.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and $3,615,000, to remain available until expended for payments as authorized by section 1201(b) of said Act; and $2,795,000 for educational assistance, as authorized by section 1212 of the 1968 Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $60,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 102. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 103. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 104. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 103 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 105. Authorities contained in the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273) shall remain in effect until the effective date of a subsequent Department of Justice appropriations authorization Act.

SEC. 106. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section: Provided further, That none of the funds appropriated to "Buildings and Facilities, Federal Prison System" in this or any other Act may be transferred to "Salaries and Expenses, Federal Prison System", or any other Department of Justice account, unless the President certifies that such a transfer is necessary to the national security interests of the United States, and such authority shall not be delegated, and shall be subject to Section 605 of this Act.

SEC. 107. Section 114 of Public Law 107–77 shall remain in effect during fiscal year 2005.

SEC. 108. In addition to the amounts provided under "Salaries and Expenses, United States Attorneys", $15,000,000 shall be for Project Seahawk and shall remain available until expended.

SEC. 109. The Attorney General is authorized to extend through September 30, 2006, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.

SEC. 110. (a) None of the funds made available in this Act may be used by the Drug Enforcement Administration to establish a procurement quota following the approval of a new drug application or an abbreviated new drug application for a controlled substance.

(b) The limitation established in subsection (a) shall not apply until 180 days after enactment of this Act.

SEC. 111. The limitation established in the preceding section shall not apply to any new drug application or abbreviated new drug application for which the Drug Enforcement Administration has reviewed and provided public comments on labeling, promotion, risk management plans, and any other documents.

SEC. 112. (a) Section 8335(b) of title 5, United States Code, is amended—

(1) by striking "(b)" and inserting "(b)(1)"; and

(2) by adding at the end the following:

"(2) In the case of employees of the Federal Bureau of Investigation, the second sentence of paragraph (1) shall be applied by substituting '65 years of age' for '60 years of age'. The authority to grant exemptions in accordance with the preceding sentence shall cease to be available after December 31, 2009.".

(b) Section 8425(b) of title 5, United States Code, is amended—

(1) by striking "(b)" and inserting "(b)(1)"; and

(2) by adding at the end the following:

"(2) In the case of employees of the Federal Bureau of Investigation, the second sentence of paragraph (1) shall be applied by substituting '65 years of age' for '60 years of age'. The authority to grant exemptions in accordance with the preceding sentence shall cease to be available after December 31, 2009.".

SEC. 113. (a) Subchapter IV of chapter 57 of title 5, United States Code, is amended by adding at the end the following:

"§5759. Retention and relocation bonuses for the Federal Bureau of Investigation

"(a) AUTHORITY.—The Director of the Federal Bureau of Investigation, after consultation with the Director of the Office of Personnel Management, may pay, on a case-by-case basis, a bonus under this section to an employee of the Bureau if—

"(1)(A) the unusually high or unique qualifications of the employee or a special need of the Bureau for the employee's services makes it essential to retain the employee; and

"(B) the Director of the Federal Bureau of Investigation determines that, in the absence of such a bonus, the employee would be likely to leave—

"(i) the Federal service; or

"(ii) for a different position in the Federal service; or

"(2) the individual is transferred to a different geographic area with a higher cost of living (as determined by the Director of the Federal Bureau of Investigation).

"(b) SERVICE AGREEMENT.—Payment of a bonus under this section is contingent upon the employee entering into a written service agreement with the Bureau to complete a period of service with the Bureau. Such agreement shall include—

"(1) the period of service the individual shall be required to complete in return for the bonus; and

"(2) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed, and the effect of the termination.

"(c) LIMITATION ON AUTHORITY.—A bonus paid under this section may not exceed 50 percent of the employee's basic pay.

"(d) IMPACT ON BASIC PAY.—A retention bonus is not part of the basic pay of an employee for any purpose.

"(e) TERMINATION OF AUTHORITY.—The authority to grant bonuses under this section shall cease to be available after December 31, 2009.".

(b) The analysis for chapter 57 of title 5, United States Code, is amended by adding at the end the following:

"5759. Retention and relocation bonuses for the Federal Bureau of Investigation.".

SEC. 114. (a) Chapter 35 of title 5 of the United States Code is amended by adding at the end the following:

"SUBCHAPTER VII—RETENTION OF RETIRED SPECIALIZED EMPLOYEES AT THE FEDERAL BUREAU OF INVESTIGATION

"§3598. Federal Bureau of Investigation Reserve Service

"(a) ESTABLISHMENT.—The Director of the Federal Bureau of Investigation may provide for the establishment and training of a Federal Bureau of Investigation Reserve Service (hereinafter in this section referred to as the 'FBI Reserve Service') for temporary reemployment of employees in the Bureau during periods of emergency, as determined by the Director.

"(b) MEMBERSHIP.—Membership in the FBI Reserve Service shall be limited to individuals who previously served as full-time employees of the Bureau.

"(c) ANNUITANTS.—If an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes temporarily reemployed pursuant to this section, such annuity shall not be discontinued thereby. An annuitant so reemployed shall not be considered an employee for the purposes of chapter 83 or 84.

"(d) NO IMPACT ON BUREAU PERSONNEL CEILING.—FBI Reserve Service members reemployed on a temporary basis pursuant to this section shall not count against any personnel ceiling applicable to the Bureau.

"(e) EXPENSES.—The Director may provide members of the FBI Reserve Service transportation and per diem in lieu of subsistence, in accordance with applicable provisions of this title, for the purpose of participating in any training that relates to service as a member of the FBI Reserve Service.

"(f) LIMITATION ON MEMBERSHIP.—Membership of the FBI Reserve Service is not to exceed 500 members at any given time.".

(b) The analysis for chapter 35 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VII—RETENTION OF RETIRED SPECIALIZED EMPLOYEES AT THE FEDERAL BUREAU OF INVESTIGATION

"3598. Federal Bureau of Investigation reserve servcie.".

SEC. 115. Section 5377(a)(2) of title 5, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(3) by inserting after subparagraph (F) the following:

"(G) a position at the Federal Bureau of Investigation, the primary duties and responsibilities of which relate to intelligence functions (as determined by the Director of the Federal Bureau of Investigation).".

SEC. 116. Notwithstanding any other provision of law, Public Law 102–395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation initiated by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 117. Section 1344 of Title 31 of the United States Code, is amended in subsection (b) paragraph (6) by inserting after "Federal Bureau of Investigation," the words "Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives". This amendment shall take effect as if enacted on January 1, 2004.

SEC. 118. Within 45 days of enactment of this Act, the Bureau of Prisons will submit a comprehensive financial plan for the Federal Prison System to the Committees on Appropriations.

SEC. 119. The Bureau of Prisons shall implement a pilot program in the Southern District of Florida which would allow the Federal Public Defender to transfer computers to the local detention facility to review electronic discovery. These computers will be used according to schedules and protocols developed by the staff of the local facility in consultation with the Federal Defender and the District Court's Criminal Justice Act Selection Committee.

SEC. 120. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 121. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 122. Section 3(e) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) in paragraph (1), by striking "through fiscal year 2011"; and

(2) in paragraph (2), by striking subparagraphs (E) through (J).

SEC. 123. The Prison Rape Elimination Act of 2003 is amended—

(1) in section 7—

(A) in the heading by striking "**REDUCTION**" and inserting "**ELIMINATION**"; and

(B) in subsection (a) by striking "Reduction" and inserting "Elimination"; and

(2) in section 1(b), by striking "Reduction" in the item relating to section 7 and inserting "Elimination".

SEC. 124. (a) The President shall award and present a 9/11 Heroes Medal of Valor of appropriate design, with ribbons and appurtenances, to an appropriate representative of those individuals who were members of public safety agencies and were killed in the terrorist attacks in the United States on September 11, 2001, as certified by the Attorney General, on behalf of such individuals.

(b) The presentation of medals pursuant to subsection (a) shall be made as close as feasible to the 4th anniversary of the terrorist attacks described in that subsection.

(c)(1) To be eligible for the medal referred to in subsection (a), an individual shall have been a public safety officer (as defined in section 5 of the Public Safety Officer Medal of Valor Act of 2001) who—

(A) was present in New York, Virginia, or Pennsylvania on September 11, 2001;

(B) participated in the response that day to the terrorist attacks on the World Trade Center, the terrorist attack on the Pentagon, or the terrorist attack that resulted in the crash of the fourth airplane in Pennsylvania; and

(C) died as a result of such participation.

(2) An individual who was killed in one of the attacks referred to in paragraph (1)(B) shall be deemed, for purposes of the eligibility requirement of that paragraph, to have participated in the response.

(3) The certification of eligible recipients of the medal under subsection (a) shall be completed by the Attorney General by July 1, 2005.

(d)(1)(A) The design of the medal under this section shall be selected by the Attorney General after consultation with—

(i) the Commission of Fine Arts; and

(ii) the Institute of Heraldry within the Department of Defense, regarding the design and artistry of the 9/11 Heroes Medal of Valor.

(B) The Attorney General may also consider suggestions received by the Department of Justice regarding the design of the medal, including those made by persons not employed by the Department of Justice.

(2) After such consultation and selection of design, the Attorney General shall make necessary arrangements with the Secretary of the Treasury for the Secretary to prepare and strike, on a reimbursable basis, such number of medals as may be required to carry out this section.

(3) The medals struck under this section are national medals for purposes of chapter 51 of title 31, United States Code.

(e) The Attorney General shall establish such procedures and requirements as may be necessary to carry out this section.

(f) There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out this section.

SEC. 125. (a) The Attorney General shall transfer, without reimbursement, to the Secretary of the Army a parcel of real property, including any improvements thereon, consisting of approximately 57.8 acres located on River Road in Prince George County, Virginia. The real property is currently under the administrative jurisdiction of the Bureau of Prisons. Upon transfer of the real property under this subsection, the Secretary of the Army shall assume administrative and jurisdictional accountability over property and include the property as part of Fort Lee, Virginia.

(b) The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army.

SEC. 126. The Department of Justice shall establish an Office of Justice for Victims of Overseas Terrorism.

This title may be cited as the "Department of Justice Appropriations Act, 2005".

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $41,552,000, of which $1,000,000 shall remain available until expended: Provided, That not to exceed $124,000 shall be available for official reception and representation expenses: Provided further, That not less than $2,000,000 provided under this heading shall be for expenses authorized by 19 U.S.C. 2451 and 1677b(c): Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: Provided further, That there is established a position of Chief Negotiator for Intellectual Property Enforcement.

NATIONAL INTELLECTUAL PROPERTY LAW ENFORCEMENT COORDINATION COUNCIL

For necessary expenses of the National Intellectual Property Law Enforcement Coordination Council to coordinate domestic and international intellectual property protection and law enforcement relating to intellectual property among Federal and foreign entities, $2,000,000, to remain available until September 30, 2006: Provided, That there shall be at the head of the National Intellectual Property Law Enforcement

Coordination Council a Coordinator for International Intellectual Property Enforcement: Provided further, That the Coordinator for International Intellectual Property Enforcement shall be appointed by the President: Provided further, That no person shall serve as the Coordinator for International Intellectual Property Enforcement while serving in any other position in the Federal Government: Provided further, That the co-chairs of the National Intellectual Property Law Enforcement Coordination Council, as designated by Public Law 106–58, shall report to the Coordinator for International Intellectual Property Enforcement on matters concerning the National Intellectual Property Law Enforcement Coordination Council: Provided further, That the National Intellectual Property Law Enforcement Coordination Council shall—

(1) establish policies, objectives, and priorities concerning international intellectual property protection and intellectual property law enforcement;

(2) promulgate a strategy for protecting American intellectual property overseas; and

(3) coordinate and oversee implementation by agencies with responsibilities for intellectual property protection and intellectual property law enforcement of the policies, objectives, and priorities established under paragraph (1) and the fulfillment of the responsibilities assigned to such agencies in the strategy described in paragraph (2):

Provided further, That the Coordinator for International Intellectual Property Enforcement shall develop for each fiscal year, with the advice of the members of the National Intellectual Property Law Enforcement Coordination Council and any other departments and agencies with responsibilities for intellectual property protection and intellectual property law enforcement, a budget proposal to implement the strategy described in paragraph (2) and for the operations of the National Intellectual Property Law Enforcement Coordination Council, and shall transmit such budget proposal to the President and to the Congress: Provided further, That the Coordinator for International Intellectual Property Enforcement may select, appoint, employ, and fix compensation of such officers and employees as may be necessary to carry out the functions of the National Intellectual Property Law Enforcement Coordination Council: Provided further, That the Coordinator for International Intellectual Property Enforcement may direct, with the concurrence of the Secretary of a department or head of an agency, the temporary reassignment within the Federal Government of personnel employed by such department or agency.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $61,700,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $401,513,000, to remain available until expended, of which $8,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That $48,509,000 shall be for Manufacturing and Services; $40,087,000 shall be for Market Access and Compliance; $64,544,000 shall be for the Import Administration of which not less than $3,000,000 is for the Office of China Compliance; $222,365,000 shall be for the United States and Foreign Commercial Service of which $1,500,000 is for the Advocacy Center, $2,500,000 is for the Trade Information Center, and $2,100,000 is for a China and Middle East Business Center; and $26,008,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: Provided further, That of the amount provided, $1,000,000 is for a grant to the United States Air and Trade Show Inc. to study the feasibility of the establishment and operation of a biennial United States international air trade show to promote international exports from the United States and for initial expenses of implementing the recommendations set forth in the study: Provided further, That for purposes of section 31.205(d)(2) of the Federal Acquisition Regulation, any international air and trade show conducted by the grantee shall be considered to be a trade show containing a significant effort to promote exports from the United States.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $68,393,000, to remain available until expended, of which $7,200,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, $257,423,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $30,483,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $29,899,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $80,000,000, to remain available until September 30, 2006, of which $2,000,000 is for a grant to the National Academy of Public Administration to study impacts of off-shoring on the economy and workforce of the United States.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $198,765,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses related to the 2010 decennial census, $393,515,000, to remain available until September 30, 2006: Provided, That of the total amount available related to the 2010 decennial census, $165,196,000 is for the Re-engineered Design Process for the Short-Form Only Census, $146,009,000 is for the American Community Survey, and $82,310,000 is for the Master Address File/Topologically Integrated Geographic Encoding and Referencing (MAF/TIGER) system.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $162,601,000, to remain available until September 30, 2006, of which $73,473,000 is for economic statistics programs and $89,128,000 is for demographic statistics programs: Provided, That regarding construction of a facility at the Suitland Federal Center, quarterly reports regarding the expenditure of funds and project planning, design and cost decisions shall be provided by the Bureau, in cooperation with the General Services Administration, to the Committees on Appropriations *of the Senate and the House of Representatives: Provided further, That none of the funds provided in this or any other Act under the heading "Bureau of the Census, Periodic Censuses and Programs" shall be used to fund the construction and tenant build-out costs of a facility at the Suitland Federal Center: Provided further, That none of the funds provided in this or any other Act for any fiscal year may be used for the collection of Census data on race identification that does not include "some other race" as a catagory.*

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $17,433,000, to remain available until September 30, 2006: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of grants authorized by section 392 of the Communications Act of 1934, $21,769,000, to remain available until expended as authorized by section 391 of the Act: Provided, That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For the administration of prior year grants, recoveries and unobligated balances of funds previously appropriated for grants are available only for the administration of all open grants until their expiration.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,336,000,000, to remain available until expended, which shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses: Provided, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2005, so as to result in a fiscal year 2005 appropriation from the general fund estimated at $0: Provided further, That during fiscal year 2005, should the total amount of offsetting fee collections be less than $1,356,000,000, this amount shall be reduced accordingly: Provided further, That not less than 526 full-time equivalents, 530 positions and $72,899,000 shall be for the examination of trademark applications; and not less than 5,057 full-time equivalents, 5,139 positions and $759,021,000 shall be for the examination and searching of patent applications: Provided further, That not more than 244 full-time equivalents, 251 positions and $31,906,000 shall be for the Office of the General Counsel: Provided further, That of amounts made available under this heading, $20,000,000 shall only be available for initiatives to protect United States intellectual property overseas: Provided further, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2005 for official reception and representation expenses: Provided further, That notwithstanding section 1353 of title 31, United States Code, no employee of the United States Patent and Trademark Office may accept payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an employee to attend and participate in a convention, conference, or meeting when the entity offering payment or reimbursement is a person or corporation subject to regulation by the Office, or represents a person or corporation subject to regulation by the Office, unless the person or corporation is an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986.

In addition, fees authorized by title VIII of this Act may be collected and credited to this account as offsetting collections: Provided, That not to exceed $218,754,000 derived from such offsetting collections shall be available until expended for authorized purposes: Provided further, That not less than 58 full-time equivalents, 72 positions and $5,551,000 shall be for the examination of trademark applications; and not less than 378 full-time equivalents, 709 positions and $106,986,000 shall be for the examination and searching of patent applications: Provided further, That not more than 20 full-time equivalents, 20 positions and $4,955,000 shall be for the Office of the General Counsel: Provided further, That the total amount appropriated from fees collected in fiscal year 2005, including such increased fees, shall not exceed $1,574,754,000: Provided further, That in fiscal year 2005, from the amounts made available for "Salaries and Expenses" for the United States Patent and Trademark Office (PTO), the amounts necessary to pay (1) the difference between the percentage of basic pay contributed by the PTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all PTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology Office of Technology Policy, $6,547,000: Provided, That section 8(a) of the Technology Administration Act of 1998 (15 U.S.C. 1511e(a)) is amended by deleting "Technology Administration of" after "within the": Provided further, That $200,000 is for the World Congress on Information Technology.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $383,892,000, to remain available until expended, of which not to exceed $2,900,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $109,000,000, to remain available until expended: Provided, That the Secretary of Commerce shall not recompete any existing Manufacturing Extension Partnership Center prior to 2007: Provided further, That hereafter the Manufacturing Extension Partnership Program authorized under 15 U.S.C. 278k shall be renamed the Hollings Manufacturing Partnership Program and the centers established and receiving funding under 15 U.S.C. 278k paragraph (a) shall be named the Hollings Manufacturing Extension Centers.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $142,300,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $73,500,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $2,804,065,000, to remain available until September 30, 2006, except for funds provided for cooperative enforcement which shall remain available until September 30, 2007: Provided, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, $3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management" and in addition $65,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That of the $2,872,065,000 provided for in direct obligations under this heading $2,804,065,000 is appropriated from the General Fund: Provided further, That no general administrative charge shall be applied against an assigned activity included in this Act or the report accompanying this Act except for additional costs above the fiscal year 2004 level of $2,600,000 for automating and modernizing the NOAA grant processing systems up to a total of $5,000,000: Provided further, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $171,530,000: Provided further, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed $39,500,000: Provided further, That any deviation from the amounts designated for specific activities in the report accompanying this Act shall be subject to the procedures set forth in section 605 of this Act: Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of

1972, as amended, shall not exceed $2,000,000, unless funds provided for "Coastal Zone Management Grants" exceed funds provided in the previous fiscal year: Provided further, That if funds provided for "Coastal Zone Management Grants" exceed funds provided in the previous fiscal year, then no State shall receive more than 5 percent or less than 1 percent of the additional funds: Provided further, That none of the funds under this heading are available to alter the existing structure, organization, function, and funding of the National Marine Fisheries Service Southwest Region and Fisheries Science Center and Northwest Region and Fisheries Science Center: Provided further, That notwithstanding any other provision of law, $600,000 shall be available only for the National Oceanic and Atmospheric Administration Office of Space Commercialization: Provided further, That the personnel management demonstration project established at the National Oceanic and Atmospheric Administration pursuant to 5 U.S.C. 4703 may be expanded by 3,500 full-time positions to include up to 6,925 full-time positions and may be extended indefinitely: Provided further, That the Administrator of the National Oceanic and Atmospheric Administration may engage in formal and informal education activities, including primary and secondary education, related to the agency's mission goals.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $1,053,436,000 to remain available until September 30, 2007, except funds provided for construction of facilities which shall remain available until September 30, 2009, and funds provided for the Honolulu Laboratory and the Marine Environmental Health Research Laboratory which shall remain available until expended: Provided, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense: Provided further, That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: Provided further, That any deviation from the amounts designated for specific activities in the report accompanying this Act shall be subject to the procedures set forth in section 605 of this Act: Provided further, That none of the funds provided in this Act or any other Act under the heading "National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction" shall be used to fund the General Services Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center: Provided further, That beginning in fiscal year 2006 and for each fiscal year thereafter, the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, 10 United States Code) an estimate for each National Oceanic and Atmospheric Administration procurement, acquisition and construction program having a total multiyear program cost of more than $5,000,000 and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such program for each of the five subsequent fiscal years.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $90,000,000: Provided, That section 628(2)(A) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 (16 U.S.C. 3645) is amended—

(1) by striking "2000, 2001, 2002, and 2003" and inserting "2005", and

(2) by inserting "Idaho," after "Oregon,".

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,000,000 shall be transferred to the "Operations, Research, and Facilities" account to offset the costs of implementing such Act.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $499,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the costs of direct loans, $287,000, as authorized by the Merchant Marine Act of 1936: Provided, That such costs, including the cost of modifying such loans, shall be as defined in the Federal Credit Reform Act of 1990: Provided further, That these funds are only available to subsidize gross obligations for the principal amount of direct loans not to exceed $5,000,000 for Individual Fishing Quota loans, and not to exceed $59,000,000 for traditional direct loans, of which $40,000,000 may be used for direct loans to the United States distant water tuna fleet, and of which $19,000,000 may be used for direct loans to the United States menhaden fishery: Provided further, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

OTHER

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official entertainment, $48,109,000: Provided, That not to exceed 12 full-time equivalents and $1,621,000 shall be expended for the legislative affairs function of the Department.

UNITED STATES TRAVEL AND TOURISM PROMOTION

For necessary expenses of the United States Travel and Tourism Promotion Program, as authorized by section 210 of Public Law 108–7, for programs promoting travel to the United States including grants, contracts, cooperative agreements and related costs, $10,000,000, to remain available until September 30, 2006.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $21,660,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this or any other Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act.

SEC. 204. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 205. Hereafter, none of the funds made available by this or any other Act for the Department of Commerce shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses authorized by section 8501 of title 5, United States Code, for services performed by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the decennial censuses of population.

SEC. 206. Of the amount available from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries", $10,000,000 shall be provided to the Alaska Fisheries Marketing Board, $1,000,000 shall be available for the "Wild American Shrimp Initiative", and $1,000,000 shall be available for the Gulf Oyster Industry Education Program: Provided, That (1) the Alaska Fisheries Marketing Board (hereinafter "the Board") shall be a nonprofit organization and not an agency or establishment of the United States, (2) the Secretary may appoint, assign, or otherwise designate as Executive Director an employee of the Department of Commerce, who may serve in an official capacity in such position, with or without reimbursement, and such appointment or assignment shall be without interruption or loss of civil service status or privilege, and (3) the Board may adopt bylaws consistent with the purposes of this section, and may undertake other acts necessary to carry out the provisions of this section.

SEC. 207. (a) Hereafter, the Secretary of Commerce is authorized to operate a marine laboratory in South Carolina in accordance with a *memorandum of agreement, including any future amendments, among the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, the State of South Carolina, the Medical University of South Carolina, and the College of Charleston as a partnership for collaborative, interdisciplinary marine scientific research.*

(b) To carry out subsection (a), the agencies that are partners in the Laboratory may accept, apply for, use, and spend Federal, State, private and grant funds as necessary to further the mission of the Laboratory without regard to the source or of the period of availability of these funds and may apply for and hold patents, as well as share personnel, facilities, and property. Any funds collected or accepted by any partner may be used to offset all or portions of its costs, including overhead, without regard to 31 U.S.C. section 143302(b); to reimburse other participating agencies for all or portions of their costs; and to fund research and facilities expansion. Funds for management and operation of the Laboratory may be used to sustain basic laboratory operations for all participating entities. The Secretary of Commerce is authorized to charge fees and enter into contracts, grants, cooperative agreements and other arrangements with Federal, State, private entities, and other entities, domestic and foreign, to further the mission of the Laboratory. Any funds collected from such fees or arrangements shall be used to support cooperative research, basic operations, and facilities enhancement at the Laboratory.

SEC. 208. Funds made available for salaries and administrative expenses to administer the Emergency Steel Loan Guarantee Program in section 211(b) of Public Law 108–199 shall remain available until expended.

SEC. 209. A fishing capacity reduction program for the Southeast Alaska purse seine fishery is authorized to be financed through a capacity reduction loan of $50,000,000 pursuant to sections 1111 and 1112 of title XI of the Merchant Marine Act of 1936 (46 U.S.C. App. 1279f and 1279g) subject to the conditions of this section. In accordance with the Federal Credit Reform Act of 1990, 2 U.S.C. §661 et seq., $500,000 is made available from funds appropriated for "Pacific Coastal Salmon Recovery" in this Act for the cost of the loan authorized by this section. The loan shall have a term of 30 years, except that the amount to be repaid in any one year shall not exceed 2 percent of the total value of salmon landed in the fishery and such repayment shall begin with salmon landed after January 1, 2006.

SEC. 210. Section 653(a) of Public Law 106–58 is amended by adding "(7) The Coordinator for International Intellectual Property Enforcement." after "Under Secretary of Commerce for International Trade.".

SEC. 211. Notwithstanding any other provision of law, of the amounts made available elsewhere in this title to the "National Institute of Standards and Technology, Construction of Research Facilities", $20,000,000 is for a cooperative agreement with the Medical University of South Carolina; $10,000,000 is for the Cancer Research Center in Hawaii; $4,000,000 is for the Thayer School of Engineering, of which $1,000,000 is for a biomass energy research project, $2,000,000 is for a smart laser beam project, and $1,000,000 is for research relating to biomaterials; $1,000,000 is for civic education programs at the New Hampshire Institute of Politics; $1,500,000 is for the Franklin Pierce Community Center; $2,000,000 is for the Southern New Hampshire University School of Community Economic Development; and $5,000,000 is for the Boston Museum of Science.

SEC. 212. Section 3(f) of Public Law 104–91 is amended by striking "and 2005" and inserting "2005, 2006, and 2007".

SEC. 213. Hereafter, notwithstanding any other Federal law related to the conservation and management of marine mammals, the State of Hawaii may enforce any State law or regulation with respect to the operation in State waters of recreational and commercial vessels, for the purpose of conservation and management of humpback whales, to the extent that such law or regulation is no less restrictive than Federal law.

SEC. 214. ESTABLISHMENT OF THE ERNEST F. HOLLINGS SCHOLARSHIP PROGRAM. (a) ESTABLISHMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall establish and administer the Ernest F. Hollings Scholarship Program. Under the program, the Administrator shall award scholarships in oceanic and atmospheric science, research, technology, and education to be known as Ernest F. Hollings Scholarships.

(b) PURPOSES.—The purposes of the Ernest F. Hollings Scholarships Program are—

(1) to increase undergraduate training in oceanic and atmospheric science, research, technology, and education and foster multidisciplinary training opportunities;

(2) to increase public understanding and support for stewardship of the ocean and atmosphere and improve environmental literacy; and

(3) to recruit and prepare students for public service careers with the National Oceanic and Atmospheric Administration and other natural resource and science agencies at the Federal, State and Local levels of government; and

(4) to recruit and prepare students for careers as teachers and educators in oceanic and atmospheric science and to improve scientific and environmental education in the United States.

(c) AWARD.—Each Ernest F. Hollings Scholarship—

(1) shall be used to support undergraduate studies in oceanic and atmospheric science, research, technology, and education that support the purposes of the programs and missions of the National Oceanic and Atmospheric Administration;

(2) shall recognize outstanding scholarship and ability;

(3) shall promote participation by groups underrepresented in oceanic and atmospheric science and technology; and

(4) shall be awarded competitively in accordance with guidelines issued by the Administrator and published in the Federal Register.

(d) ELIGIBILITY.—In order to be eligible to participate in the program, an individual must—

(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965) in an academic field or discipline described in subsection (c);

(2) be a United States citizen;

(3) not have received a scholarship under this section for more than 4 academic years, unless the Administrator grants a waiver; and

(4) submit an application at such time, in such manner, and containing such information, agreements, or assurances as the Administrator may require.

(e) DISTRIBUTION OF FUNDS.—The amount of each Ernest F. Hollings Scholarship shall be provided directly to a recipient selected by the Administrator upon receipt of certification that the recipient will adhere to a specific and detailed plan of study and research approved by an institution of higher education.

(f) FUNDING.—Of the total amount appropriated for fiscal year 2005 and annually hereafter to the National Oceanic and Atmospheric Administration, the Administrator shall make available for the Ernest F. Hollings Scholarship program one-tenth of one percent of such appropriations.

(g) SCHOLARSHIP REPAYMENT REQUIREMENT.—The Administrator shall require an individual receiving a scholarship under this section to repay the full amount of the scholarship to the National Oceanic and Atmospheric Administration if the Administrator determines that the individual, in obtaining or using the scholarship, engaged in fraudulent conduct or failed to comply with any term or condition of the scholarship. Such repayments shall be deposited in the NOAA Operations, Research, and Facilities Appropriations Account and treated as an offsetting collection and only be available for financing additional scholarships.

SEC. 215. Section 402(f) of Public Law 107–372 is amended—

(1) in paragraph (1), by striking "All right" and inserting "For the period ending April 3, 2008, all right"; and

(2) in paragraph (3), by inserting "for the period ending April 3, 2008" after "and annually thereafter".

SEC. 216. Of the amounts made available under this heading for the National Oceanic and Atmospheric Administration, the Secretary of Commerce shall pay by March 1, 2005, $5,000,000 to the National Marine Sanctuaries Foundation to capitalize a fund for ocean activities.

SEC. 217. Any funding provided under this Title used to implement the Department of Commerce's E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

SEC. 218. A fishing capacity reduction program for the Federal Gulf of Mexico Reef Fish Fishery Management Plan principally intended for commercial long line vessels is authorized to be financed through a capacity reduction loan of $35,000,000 pursuant to sections 1111 and 1112 of title XI of the Merchant Marine Act of 1936 (46 U.S.C. App. 1279f and 1279g) subject to the conditions of this section. In accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. SEC. 661 et seq.), $350,000 is hereby appropriated for the subsidy cost of the loan authorized under this section and shall remain available until expended. The Secretary of Commerce, working in close coordination with active fishery participants, is hereby authorized to design and implement a comprehensive voluntary capacity reduction program using the loan authorized under this section. The Secretary shall set the loan term at 35 years and repayment shall begin within one year of final implementation of the program. In addition to the authority of the Gulf of Mexico Regional Fishery Management Council to develop and recommend conservation and management measures for the Gulf of Mexico reef fish fishery, the Secretary of Commerce is authorized to develop and implement a limited access program pursuant to the standards set forth in Section 303(b)(6) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853(b)(6)).

SEC. 219. (a) DEFINITIONS.—In this section:

(1) AFA TRAWL CATCHER PROCESSOR SUBSECTOR.—The term "AFA trawl catcher processor subsector" means the owners of each catcher/processor listed in paragraphs (1) through (20) of section 208(e) of the American Fisheries Act (16 U.S.C. 1851 note).

(2) BSAI.—The term "BSAI" has the meaning given the term "Bering Sea and Aleutian Islands Management Area" in section 679.2 of title 50, Code of Federal Regulations (or successor regulation).

(3) CATCHER PROCESSOR SUBSECTOR.—The term "catcher processor subsector" means, as appropriate, one of the following:

(A) The longline catcher processor subsector.

(B) The AFA trawl catcher processor subsector.

(C) The non-AFA trawl catcher processor subsector.

(D) The pot catcher processor subsector.

(4) COUNCIL.—The term "Council" means the North Pacific Fishery Management Council established in section 302(a)(1)(G) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(G)).

(5) LLP LICENSE.—The term "LLP license" means a Federal License Limitation program groundfish license issued pursuant to section 679.4(k) of title 50, Code of Federal Regulations (or successor regulation).

(6) LONGLINE CATCHER PROCESSOR SUBSECTOR.—The term "longline catcher processor subsector" means the holders of an LLP license that is noninterim and transferable, or that is interim and subsequently becomes noninterim and transferable, and that is endorsed for Bering Sea or Aleutian Islands catcher processor fishing activity, C/P, Pcod, and hook and line gear.

(7) NON-AFA TRAWL CATCHER PROCESSOR SUBSECTOR.—The term "non-AFA trawl catcher processor subsector" means the owner of each trawl catcher processor—

(A) that is not an AFA trawl catcher processor;

(B) to whom a valid LLP license that is endorsed for Bering Sea or Aleutian Islands trawl catcher processor fishing activity has been issued; and

(C) that the Secretary determines has harvested with trawl gear and processed not less than a total of 150 metric tons of non-pollock groundfish during the period January 1, 1997 through December 31, 2002.

(8) NON-POLLOCK GROUNDFISH FISHERY.—The term "non-pollock groundfish fishery" means target species of Atka mackerel, flathead sole, Pacific cod, Pacific Ocean perch, rock sole, turbot, or yellowfin sole harvested in the BSAI.

(9) POT CATCHER PROCESSOR SUBSECTOR.—The term "pot catcher processor subsector" means the holders of an LLP license that is noninterim and transferable, or that is interim and subsequently becomes noninterim and transferable, and that is endorsed for Bering Sea or Aleutian Islands catcher processor fishing activity, C/P, Pcod, and pot gear.

(10) SECRETARY.—Except as otherwise provided in this Act, the term "Secretary" means the Secretary of Commerce.

(b) AUTHORITY FOR BSAI CATCHER PROCESSOR CAPACITY REDUCTION PROGRAM.—

(1) IN GENERAL.—A fishing capacity reduction program for the non-pollock groundfish fishery in the BSAI is authorized to be financed through a capacity reduction loan of not more than $75,000,000 under sections 1111 and 1112 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f and 1279g).

(2) RELATIONSHIP TO MERCHANT MARINE ACT, 1936.—The fishing capacity reduction program authorized by paragraph (1) shall be a program for the purposes of subsection (e) of section 1111 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f), except, notwithstanding subsection (b)(4) of such section, the capacity reduction loan authorized by paragraph (1) may have a maturity not to exceed 30 years.

(c) AVAILABILITY OF CAPACITY REDUCTION FUNDS TO CATCHER PROCESSOR SUBSECTORS.—

(1) IN GENERAL.—The Secretary shall make available the amounts of the capacity reduction loan authorized by subsection (b)(1) to each catcher processor subsector as described in this subsection.

(2) INITIAL AVAILABILITY OF FUNDS.—The Secretary shall make available the amounts of the capacity reduction loan authorized by subsection (b)(1) as follows:

(A) Not more than $36,000,000 for the longline catcher processor subsector.

(B) Not more than $6,000,000 for the AFA trawl catcher processor subsector.

(C) Not more than $31,000,000 for the non-AFA trawl catcher processor subsector.

(D) Not more than $2,000,000 for the pot catcher processor subsector.

(3) OTHER AVAILABILITY OF FUNDS.—After January 1, 2009, the Secretary may make available for fishing capacity reduction to one or more of the catcher processor subsectors any amounts of the capacity reduction loan authorized by subsection (b)(1) that have not been expended by that date.

(d) BINDING REDUCTION CONTRACTS.—

(1) REQUIREMENT FOR CONTRACTS.—The Secretary may not provide funds to a person under the fishing capacity reduction program authorized by subsection (b) if such person does not enter into a binding reduction contract between the United States and such person, the performance of which may only be subject to the approval of an appropriate capacity reduction plan under subsection (e).

(2) REQUIREMENT TO REVOKE LICENSES.—The Secretary shall revoke all Federal fishery licenses, fishery permits, and area and species endorsements issued for a vessel, or any vessel named on an LLP license purchased through the fishing capacity reduction program authorized by subsection (b).

(e) DEVELOPMENT, APPROVAL, AND NOTIFICATION OF CAPACITY REDUCTION PLANS.—

(1) DEVELOPMENT.—Each catcher processor subsector may, after notice to the Council, submit to the Secretary a capacity reduction plan for the appropriate subsector to promote sustainable fisheries management through the removal of excess harvesting capacity from the non-pollock groundfish fishery.

(2) APPROVAL BY THE SECRETARY.—The Secretary is authorized to approve a capacity reduction plan submitted under paragraph (1) if such plan—

(A) is consistent with the requirements of section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(b)) except—

(i) the requirement that a Council or Governor of a State request such a program set out in paragraph (1) of such subsection; and

(ii) the requirements of paragraph (4) of such subsection;

(B) contains provisions for a fee system that provides for full and timely repayment of the capacity reduction loan by a catcher processor subsector and that may provide for the assessment of such fees based on methods other than ex-vessel value of fish harvested;

(C) does not require a bidding or auction process;

(D) will result in the maximum sustained reduction in fishing capacity at the least cost and in the minimum amount of time; and

(E) permits vessels in the catcher processor subsector to be upgraded to achieve efficiencies in fishing operations provided that such upgrades do not result in the vessel exceeding the applicable length, tonnage, or horsepower limitations set out in Federal law or regulation.

(3) APPROVAL BY REFERENDUM.—

(A) IN GENERAL.—Following approval by the Secretary under paragraph (2), the Secretary shall conduct a referendum for approval of a capacity reduction plan for the appropriate catcher processor subsector. The capacity reduction plan and fee system shall be approved if the referendum votes which are cast in favor of the proposed system by the appropriate catcher processor subsector are—

(i) 100 percent of the members of the AFA trawl catcher processor subsector; or

(ii) not less than ⅔ of the members of—

(I) the longline catcher processor subsector;

(II) the non-AFA trawl catcher processor subsector; or

(III) the pot catcher processor subsector.

(B) NOTIFICATION PRIOR TO REFERENDUM.—Prior to conducting a referendum under subparagraph (A) for a capacity reduction plan, the Secretary shall—

(i) identify, to the extent practicable, and notify the catcher processor subsector that will be affected by such plan; and

(ii) make available to such subsector information about any industry fee system contained in such plan, a description of the schedule, procedures, and eligibility requirements for the referendum, the proposed program, the estimated capacity reduction, the amount and duration, and any other terms and conditions of the fee system proposed in such plan.

(4) IMPLEMENTATION.—

(A) NOTICE OF IMPLEMENTATION.—Not later than 90 days after a capacity reduction plan is approved by a referendum under paragraph (3), the Secretary shall publish a notice in the Federal Register that includes the exact terms and conditions under which the Secretary shall implement the fishing capacity reduction program authorized by subsection (b).

(B) INAPPLICABILITY OF IMPLEMENTATION PROVISION OF MAGNUSON.—Section 312(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(e)) shall not apply to a capacity reduction plan approved under this subsection.

(5) AUTHORITY TO COLLECT FEES.—The Secretary is authorized to collect fees to fund a fishing capacity reduction program and to repay debt obligations incurred pursuant to a plan approved under paragraph (3)(A).

(f) ACTION BY OTHER ENTITIES.—Upon the request of the Secretary, the Secretary of the Department in which the National Vessel Documentation Center operates or the Secretary of the Department in which the Maritime Administration operates, as appropriate, shall, with respect to any vessel or any vessel named on an LLP license purchased through the fishing capacity reduction program authorized by subsection (b)—

(1)(A) permanently revoke any fishery endorsement issued to the vessel under section 12108 of title 46, United States Code;

(B) refuse to grant the approval required under section 9(c)(2) of the Shipping Act, 1916 (46 U.S.C. App. 808(c)(2)) for the placement of the vessel under foreign registry or the operation of the vessel under the authority of a foreign country; and

(C) require that the vessel operate under United States flag and remain under Federal documentation; or

(2) require that the vessel be scrapped as a reduction vessel under section 600.1011(c) of title 50, Code of Federal Regulations.

(g) NON-POLLOCK GROUNDFISH FISHERY.—

(1) PARTICIPATION IN THE FISHERY.—Only a member of a catcher processor subsector may participate in—

(A) the catcher processor sector of the BSAI non-pollock groundfish fishery; or

(B) the fishing capacity reduction program authorized by subsection (b).

(2) PLANS FOR THE FISHERY.—It is the sense of Congress that—

(A) the Council should continue on its path toward rationalization of the BSAI non-pollock groundfish fisheries, complete its ongoing work with respect to developing management plans for the BSAI non-pollock groundfish fisheries in a timely manner, and take actions that promote stability of these fisheries consistent with the goals of this section and the purposes and policies of the Magnuson-Stevens Fishery Conservation and Management Act; and

(B) such plans should not penalize members of any catcher processor subsector for achieving capacity reduction under this Act or any other provision of law.

(h) REPORTS.—

(1) REQUIREMENT.—The Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives 5 reports on the fishing capacity reduction program authorized by subsection (b).

(2) CONTENT.—Each report shall contain the following:

(A) A description of the fishing capacity reduction program carried out under the authority in subsection (b).

(B) An evaluation of the cost and cost-effectiveness of such program.

(C) An evaluation of the effectiveness of such program in achieving the objective set out in section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(b)).

(3) SCHEDULE.—

(A) INITIAL REPORT.—The Secretary shall submit the first report under paragraph (1) not later than 90 days after the date that the first referendum referred to in subsection (e)(3) is held.

(B) SUBSEQUENT REPORTS.—During each of the 4 years after the year in which the report is submitted under subparagraph (A), the Secretary shall submit to Congress an annual report as described in this subsection.

(i) CONFORMING AMENDMENT.—Section 214 of the Department of Commerce and Related Agencies Appropriations Act, 2004 (title II of division B of Public Law 108–199; 118 Stat. 75) is amended by striking "that—" and all that follows, and inserting "under the capacity reduction program authorized in section 219 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.".

SEC. 220. None of the funds appropriated in this Act or any other Act may be used to disqualify any community which was a participant in the Bering Sea Community Development Quota program on January 1, 2004, from continuing to receive quota allocations under that program.

SEC. 221. In addition to amounts made available under section 214 of the Department of Commerce and Related Agencies Appropriations Act, 2004 (title II of division B of Public Law 108-199; 118 Stat. 75), of the funding provided in this Act under the heading "NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION", "OPERATIONS, RESEARCH, AND FACILITIES", $250,000, to remain available until expended, for the Federal Credit Reform Act cost of a reduction loan under sections 1111 and 1112 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f and 1279g), not to exceed an additional $25,000,000 in principal, for the capacity reduction program authorized in section 219.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 2005".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $58,122,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $9,979,000, which shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $21,780,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $14,888,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $4,177,244,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects; of which not to exceed $2,800,000 shall be available for a national probation and pretrial services training program; of which $1,300,000 of the funds provided for the Judiciary Information Technology Fund will be for the Edwin L. Nelson Local Initiatives Program, within which $1,000,000 will be reserved for local court grants.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $3,298,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); and for necessary training and general administrative expenses, $676,385,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $61,535,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to providing protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Department of Homeland Security, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $332,000,000, of which not to exceed $10,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $68,200,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $21,737,000; of which $1,800,000 shall remain available through September 30, 2006, to provide education and training to Federal court personnel; and of which not to exceed $1,500 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $32,000,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $2,000,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $2,700,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $13,304,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of

Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for Courts of Appeals, District Courts, and Other Judicial Services shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. (a) Section 3006A(d)(2) of title 18, United States Code, is amended—

(1) by striking "5,200" and inserting "7,000";

(2) by striking "1,500" and inserting "2,000";

(3) by striking "3,700" and inserting "5,000";

(4) by striking "1,200" each place it appears and inserting "1,500"; and

(5) by striking "3,900" and inserting "5,000".

(b) Section 3006A(e) of title 18, United States Code is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "300" and inserting "500"; and

(B) in subparagraph (B), by striking "300" and inserting "500"; and

(2) in paragraph (3) in the first sentence by striking "1,000" and inserting "1,600".

SEC. 305. Within 90 days of enactment of this Act, the Administrative Office of the U.S. Courts shall submit to the Committees on Appropriations a comprehensive financial plan for the Judiciary allocating all sources of available funds including appropriations, fee collections, and carryover balances, to include a separate and detailed plan for the Judiciary Information Technology fund.

SEC. 306. Pursuant to section 140 of Public Law 97–92, and from funds appropriated in this Act, Justices and judges of the United States are authorized during fiscal year 2005, to receive a salary adjustment in accordance with 28 U.S.C. 461.

SEC. 307. (a) Section 1914(a) of title 28, United States Code, is amended by striking out "$150" and inserting in lieu thereof "$250".

(b) Section 1931(a) of title 28, United States Code, is amended—

(1) in subsection (a) by striking out "$90" and inserting in lieu thereof "$190"; and

(2) in subsection (b)—

(A) by striking out "$150" and inserting in lieu thereof "$250"; and

(B) by striking out "$90" and inserting in lieu thereof "$190".

(c) This section shall take effect 60 days after the date of the enactment of this Act.

SEC. 308. For fiscal year 2005 and hereafter, such fees as shall be collected for the processing of violations through the Central Violations Bureau cases as prescribed by the Judicial Conference of the United States shall be deposited to the "Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses" appropriation to be used for salaries and other expenses.

This title may be cited as the "Judiciary Appropriations Act, 2005".

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $3,570,000,000: Provided, That not to exceed 71 permanent positions shall be for the Bureau of Legislative Affairs: Provided further, That none of the funds made available under this heading may be used to transfer any full-time equivalent employees into or out of the Bureau of Legislative Affairs: Provided further, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: Provided further, That, of the amount made available under this heading, $319,994,000 shall be available only for public diplomacy international information programs: Provided further, That of the amount made available under this heading, $3,000,000 shall be available only for the operations of the Office on Right-Sizing the United States Government Overseas Presence: Provided further, That funds available under this heading may be available for a United States Government interagency task force to examine, coordinate and oversee United States participation in the United Nations headquarters renovation project: Provided further, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action: Provided further, That of the amount made available under this heading, $185,128,000 is for Near Eastern Affairs, $80,234,000 is for South Asian Affairs, and $251,706,000 is for African Affairs: Provided further, That, of the amount made available under this heading, $2,000,000 shall be available for a grant to conduct an international conference on the human rights situation in North Korea: Provided further, That of the amount made available under this heading, $200,000 is for a grant to the Center for the Study of the Presidency and $1,900,000 is for a grant to Shared Hope International to combat international sex tourism: Provided further, That the Intellectual Property Division shall be elevated to office-level status and shall be renamed the Office of International Intellectual Property Enforcement within 60 days of enactment of this Act.

In addition, not to exceed $1,426,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, $658,702,000, to remain available until expended: Provided, That of the amounts made available under this paragraph, $5,000,000 is for the Center for Antiterrorism and Security Training.

Beginning in fiscal year 2005 and thereafter, the Secretary of State is authorized to charge surcharges related to consular services in support of enhanced border security that are in addition to the passport and immigrant visa fees in effect on January 1, 2004: Provided, That funds collected pursuant to this authority shall be credited to this account, and shall be available until expended for the purposes of such account: Provided further, That such surcharges shall be $12 on passport fees, and $45 on immigrant visa fees.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $52,149,000, to remain available until expended, as authorized: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

CENTRALIZED INFORMATION TECHNOLOGY MODERNIZATION PROGRAM

For expenses relating to the modernization of the information technology systems and networks of the Department of State, $77,851,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $30,435,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $360,750,000, to remain available until expended: Provided, That not to exceed $2,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs; and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $8,640,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $9,894,000, to remain available until September 30, 2006.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $611,680,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies: Provided further, That the United States Embassy Annex building in Rome, Italy, previously known as the "INA Building", shall hereafter be known and designated as the "Mel Sembler Building".

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $912,320,000, to remain available until expended: Provided, That funds appropriated to this account in Public Law 108–287 may also be used for non-interim facilities for the United States Mission in Iraq, including associated planning, site preparation and pre-construction activities.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $1,000,000, to remain available until expended as authorized, of which such sums as necessary may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions: Provided, That funds previously appropriated under this heading for rewards for an indictee of the Special Court for Sierra Leone shall be transferred to the Special Court for Sierra Leone within 15 days of enactment of this Act: Provided further, That any transfer of funds provided under this heading shall be treated as a reprogramming of funds under section 605 of this Act.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $612,000, as authorized: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $19,482,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $132,600,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,182,000,000, of which up to $6,000,000, to remain available until expended, may be used for the cost of a direct loan to the United Nations for the cost of renovating its headquarters in New York: Provided, That such costs, including the cost of modifying such loan, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal of up to $1,200,000,000: Provided further, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations of the Senate and of the House of Representatives the most recent biennial budget prepared by the United Nations for the operations of the United Nations: Provided further, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed the adopted budget for the biennium 2004–2005 of $3,160,860,000: Provided further, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings, except that such restriction shall not apply to loans to the United Nations for renovation of its headquarters.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $490,000,000: Provided, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: Provided further, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $27,244,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $5,310,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $9,594,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $21,982,000: Provided, That the United States' share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), $13,000,000, to remain available until expended, as authorized.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE

For a grant to the Center for Middle Eastern-Western Dialogue Trust Fund, $6,750,000, for operation of the Center for Middle Eastern-Western Dialogue in Istanbul, Turkey, to remain available until expended.

In addition, for the operations of the Steering Committee of the Center for Middle Eastern-Western Dialogue, $250,000, to remain available until expended.

In addition, for necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, the total amount of the interest and earnings accruing to such Fund before October 1, 2005, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2005, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2005, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $19,500,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $60,000,000 to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, including the purchase, installation, rent, and improvement of facilities for radio and television transmission and reception to Cuba, and to make and supervise grants for radio and television broadcasting to the Middle East, $591,000,000, of which $27,629,000 is for Broadcasting to Cuba: Provided, That of the total amount in this heading, not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $8,560,000, to remain available until expended, as authorized.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 404. (a) The Senior Policy Operating Group on Trafficking in Persons, established under section 406 of division B of Public Law 108–7 to coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons, shall coordinate all such policies related to the activities of traffickers and victims of severe forms of trafficking.

(b) None of the funds provided in this or any other Act shall be expended to perform functions that duplicate coordinating responsibilities of the Operating Group.

(c) The Operating Group shall continue to report only to the authorities that appointed them pursuant to section 406 of division B of Public Law 108–7.

SEC. 405. (a) Subsection (b) of section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) in paragraph (5) by striking "or" at the end;

(2) in paragraph (6) by striking the period and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(7) the disruption of financial mechanisms of a foreign terrorist organization, including the use by the organization of illicit narcotics production or international narcotics trafficking—

"(A) to finance acts of international terrorism; or

"(B) to sustain or support any terrorist organization.".

(b) Subsection (e)(1) of such section is amended—

(1) by striking "$5,000,000" and inserting "$25,000,000";

(2) by striking the second period at the end; and

(3) by adding at the end the following new sentence: "Without first making such determination, the Secretary may authorize a reward of up to twice the amount specified in this paragraph for the capture or information leading to the capture of a leader of a foreign terrorist organization.".

(c) Subsection (e) of such section is amended by adding at the end the following new paragraph:

"(6) FORMS OF REWARD PAYMENT.—The Secretary may make a reward under this section in the form of money, a nonmonetary item (including such items as automotive vehicles), or a combination thereof.".

(d) Such section is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following new subsection:

"(i) MEDIA SURVEYS AND ADVERTISEMENTS.—

"(1) SURVEYS CONDUCTED.—For the purpose of more effectively disseminating information about the rewards program, the Secretary may use the resources of the rewards program to conduct media surveys, including analyses of media markets, means of communication, and levels of literacy, in countries determined by the Secretary to be associated with acts of international terrorism.

"(2) CREATION AND PURCHASE OF ADVERTISEMENTS.—The Secretary may use the resources of the rewards program to create advertisements to disseminate information about the rewards program. The Secretary may base the content of such advertisements on the findings of the surveys conducted under paragraph (1). The Secretary may purchase radio or television time, newspaper space, or make use of any other means of advertisement, as appropriate.".

(e) Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations of the House of Representatives and of the Senate, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a plan to maximize awareness of the reward available under section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708 et seq.) for the capture or information leading to the capture of a leader of a foreign terrorist organization who may be in Pakistan or Afghanistan. The Secretary may use the resources of the rewards program to prepare the plan.

SEC. 406. For the purposes of registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon request of the citizen, record the place of birth as Israel.

SEC. 407. The Secretary of State shall provide to a member of the Committee on Appropriations of the Senate or the Committee on Appropriations of the House of Representatives a copy of each cable sent to or by a Department of State employee that pertains to any topic specified by the requesting member, regardless of the level of classification of the cable, not later than 15 days after the date on which the member makes a written or verbal request for such copies.

SEC. 408. There is established within the Department of State the Office of the Coordinator for Reconstruction and Stabilization: Provided, That the head of the Office shall be the Coordinator for Reconstruction and Stabilization, who shall report directly to the Secretary of State: Provided further, That the functions of the Office of the Coordinator for Reconstruction and Stabilization shall include—

(1) cataloguing and monitoring the non-military resources and capabilities of Executive agencies (as that term is defined in section 105 of title 5, United States Code), State and local governments, and entities in the private and non-profit sectors that are available to address crises in countries or regions that are in, or are in transition from, conflict or civil strife;

(2) monitoring political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for countries or regions described in paragraph (1);

(3) assessing crises in countries or regions described in paragraph (1) and determining the appropriate non-military United States, including but not limited to demobilization, policing, human rights monitoring, and public information efforts;

(4) planning for response efforts under paragraph (3);

(5) coordinating with relevant Executive agencies the development of interagency contingency plans for such response efforts; and

(6) coordinating the training of civilian personnel to perform stabilization and reconstruction activities in response to crises in such countries or regions described in paragraph (1).

SEC. 409. (a) The Secretary of State shall require each chief of mission to review, not less than once every 5 years, every staff element under chief of mission authority, including staff from other departments or agencies of the United States, and recommend approval or disapproval of each staff element. Each such review shall be conducted pursuant to a process established by the President for determining appropriate staffing at diplomatic missions and overseas constituent posts (commonly referred to as the "NSDD–38 process").

(b) The Secretary of State, as part of the process established by the President referred to in subsection (a), shall take actions to carry out the recommendations made in each such review.

(c) Not later than one year after the date of enactment of this Act, and annually thereafter, the Secretary of State shall submit a report on such reviews that occurred during the previous 12 months, together with the Secretary's recommendations regarding such reviews to the appropriate committees of Congress, the heads of all affected departments or agencies, and the Inspector General of the Department of State.

SEC. 410. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 411. During fiscal year 2005, section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law

103-236; 22 U.S.C. 287e note), shall be administered as though the matter following clause (iii) reads as follows:

"(v) For assessments made during calendar year 2005, 27.1 percent.".

SEC. 412. (a) Section 402(a) of the Foreign Service Act of 1980 (22 U.S.C. 3962(a)) is amended—

(1) in paragraph (1), by striking the second and third sentences and inserting the following new sentences: "The President shall also prescribe ranges of basic salary rates for each class. Except as provided in paragraph (3), basic salary rates for the Senior Foreign Service may not exceed the maximum rate or be less than the minimum rate of basic pay payable for the Senior Executive Service under section 5382 of title 5, United States Code."; and

(2) by striking paragraph (2) and inserting the following new paragraphs:

"(2) The Secretary shall determine which basic salary rate within the ranges prescribed by the President under paragraph (1) shall be paid to each member of the Senior Foreign Service based on individual performance, contribution to the mission of the Department, or both, as determined under a rigorous performance management system. Except as provided in regulations prescribed by the Secretary and, to the extent possible, consistent with regulations governing the Senior Executive Service, the Secretary may adjust the basic salary rate of a member of the Senior Foreign Service not more than once during any 12-month period.

"(3) Upon a determination by the Secretary that the Senior Foreign Service performance appraisal system, as designed and applied, makes meaningful distinctions based on relative performance—

"(A) the maximum rate of basic pay payable for the Senior Foreign Service shall be level II of the Executive Schedule; and

"(B) the applicable aggregate pay cap shall be equivalent to the aggregate pay cap set forth in section 5307(d)(1) of title 5, United States Code, for members of the Senior Executive Service.".

(b) Section 405(b)(4) of such Act (22 U.S.C. 3965(b)(4)) is amended by inserting before the period the following: ", or the limitation under section 402(a)(3), whichever is higher".

(c) Section 401(a) of such Act (22 U.S.C. 3961(a)) is amended by striking "shall not exceed the annual rate of pay payable for level I of such Executive Schedule" and inserting "shall be subject to the limitation on certain payments under section 5307 of title 5, United States Code, or the limitation under section 402(a)(3), whichever is higher".

SEC. 413. (a) Section 2 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669) is amended by adding at the end the following:

"(o) make administrative corrections or adjustments to an employee's pay, allowances, or differentials, resulting from mistakes or retroactive personnel actions, as well as provide back pay and other categories of payments under section 5596 of title 5, United States Code, as part of the settlement or compromise of administrative claims or grievances filed against the Department.".

(b) Such section is further amended—

(1) in subsection (k), by striking "and";

(2) by transferring subsection (m) within such section to appear after subsection (l);

(3) in subsections (l) and (m), by striking the period at the end of each subsection and inserting a semicolon; and

(4) in subsection (n), by striking the period at the end and inserting a semicolon and "and".

This title may be cited as the "Department of State and Related Agency Appropriations Act, 2005".

TITLE V—RELATED AGENCIES

ANTITRUST MODERNIZATION COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Antitrust Modernization Commission, as authorized by Public Law 107–273, $1,187,000, to remain available until expended.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $499,000, as authorized by section 1303 of Public Law 99-83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,096,000: Provided, That not to exceed $50,000 may be used to employ consultants: Provided further, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $3,000,000, to remain available until expended: Provided, That in fiscal year 2005, the Commission may procure temporary services for the purpose of conducting a study on conditions of the right to freedom of religion or belief in North Korea, notwithstanding Section 208(c)(1) of Public Law 105–292 (22 U.S.C. 6435a(c)(1)).

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,831,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $1,900,000, including not more than $3,000 for the purpose of official representation, to remain available until expended: Provided, That $100,000 shall be for the Political Prisoner Database.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964 (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $33,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $331,228,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds: Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming provisions of section 605 of this Act: Provided further, That the Commission shall not have fewer field position in fiscal year 2005 than in fiscal year 2004.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $281,098,000: Provided, That $280,098,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2005 so as to result in a final fiscal year 2005 appropriation estimated at $1,000,000: Provided further, That any offsetting collections received in excess of $280,098,000 in fiscal year 2005 shall remain available until expended, but shall not be available for obligation until October 1, 2005: Provided further, That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed $85,000,000 for fiscal year 2005.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $205,430,000, to remain available until expended: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: Provided further, That, notwithstanding any other provision of law, not to exceed $101,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: Provided further, That $21,901,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telephone Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2005, so as to result in a final fiscal year 2005 appropriation from the general fund estimated at not more than $82,529,000: Provided further, That none of the funds made available to the Federal Trade Commission may be used to enforce subsection (e) of section 43 of the Federal Deposit Insurance Act

(12 U.S.C. 1831t) or section 151(b)(2) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1831t note).

HELP COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the HELP Commission, $1,000,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $335,282,000, of which $316,604,000 is for basic field programs and required independent audits; $2,573,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $13,000,000 is for management and administration; $1,272,000 is for client self-help and information technology; and $1,833,000 is for grants to offset losses due to census adjustments: Provided, That not to exceed $1,000,000 from amounts previously appropriated under this heading may be used for a student loan repayment pilot program.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2004 and 2005, respectively, and except that section 501(a)(1) of Public Law 104–134 (110 Stat. 1321–51, et seq.) shall not apply to the use of the $1,833,000 to address loss of funding due to Census-based reallocations.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $1,890,000.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

For necessary expenses of the National Veterans Business Development Corporation as authorized under section 33(a) of the Small Business Act, $2,000,000, to remain available until expended.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $913,000,000, to remain available until expended; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: Provided, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: Provided further, That not to exceed $856,000,000 of such offsetting collections shall be available until expended for necessary expenses of this account: Provided further, That $57,000,000 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: Provided further, That the total amount appropriated under this heading from the general fund for fiscal year 2005 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2005 appropriation from the general fund estimated at not more than $0.

Not later than May 1, 2005, the Securities and Exchange Commission shall submit a report to the Committee on Appropriations of the Senate that provides a justification for final rules issued by the Commission on June 30, 2004 (amending title 17, Code of Federal Regulations, Parts 239, 240, and 274), requiring that the chair of the board of directors of a mutual fund be an independent director: Provided, That such report shall analyze whether mutual funds chaired by disinterested directors perform better, have lower expenses, or have better compliance records than mutual funds chaired by interested directors: Provided further, That the Securities and Exchange Commission shall act upon the recommendations of such report not later than January 1, 2006.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 106–554, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $322,335,000: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: Provided further, That $89,000,000 shall be available to fund grants for performance in fiscal year 2005 or fiscal year 2006 as authorized: Provided further, That the Small Business Administration is authorized to award grants under the Women's Business Center Sustainability Pilot Program established by section 4(a) of Public Law 106–165 (15 U.S.C. 656(l)): Provided further, That, of the amounts provided for Women's Business Centers, not less than 48 percent shall be available to continue Women's Business Centers in sustainability status.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $13,014,000.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act, as amended, $2,900,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $1,455,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2005 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, shall not exceed $5,000,000,000: Provided further, That subsection 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697(f)), as amended by section 2 of Public Law 108–217, is further amended by striking "October 1, 2004" and inserting "October 1, 2005": Provided further, That during fiscal year 2005 commitments for general business loans authorized under section 7(a) of the Small Business Act, shall not exceed $16,000,000,000: Provided further, That during fiscal year 2005 commitments to guarantee loans for debentures and participating securities under section 303(b) of the Small Business Investment Act of 1958, shall not exceed the levels established by section 20(i)(1)(C) of the Small Business Act: Provided further, That during fiscal year 2005 guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $10,000,000,000.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $126,653,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by section 7(b), of the Small Business Act, $113,159,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which $104,409,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, to remain available until expended; and of which $8,250,000 is for indirect administrative expenses: Provided, That any amount in excess of $8,250,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572), $2,613,000: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, $3,000,000, including not more than $5,000 for the purpose of official representation, to remain available until expended.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $23,000,000: Provided, That $1,500,000 is for necessary expenses for the Task Force on the United Nations: Provided further, That the Task Force on the United Nations shall submit a report on its findings to the Committees on Appropriations of the House of Representatives and Senate not later than 180 days after the date of the enactment of this Act.

UNITED STATES SENATE-CHINA INTERPARLIAMENTARY GROUP

SALARIES AND EXPENSES

For necessary expenses of the United States Senate-China Interparliamentary Group, as authorized under Section 153 of the Consolidated Appropriations Act, 2004 (22 U.S.C. 276n; Public Law 108–199; 118 Stat. 448), $100,000, to remain available until expended.

TITLE VI—GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices; (6) reorganizes programs or activities; or (7) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $750,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. Hereafter, none of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 608. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 609: None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds that: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 610. The Departments of Commerce, Justice, and State, the Judiciary, the Federal Communications Commission, the Securities and Exchange Commission and the Small Business Administration shall provide to the Committees on Appropriations of the Senate and of the House of Representatives a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 611. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2005.

SEC. 612. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 613. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 614. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2005.

SEC. 615. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 616. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $625,000,000 shall not be available for obligation until the following fiscal year.

SEC. 617. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 618. None of the funds appropriated or otherwise made available to the Department of State shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the determination of the Secretary of State under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Secretary of Homeland Security has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 619. (a) For additional amounts under the heading "Small Business Administration, Salaries and Expenses", $500,000 shall be available for the Adelante Development Center, Inc.; $150,000 shall be available for the Advanced Polymer Processing Institute; $150,000 shall be available for the Alaska Procurement Technical Assistance Center; $250,000 shall be available for Business and Professional Women of Alaska; $75,000 shall be available for the Center for Applied Research and Economic Development at *the University of Southern Indiana; $300,000 shall be available for the Center for Emerging Technologies; $225,000 shall be available for the Center for Entrepreneurship and Technology at the Nevada Commission for Economic Development; $100,000 shall be available for the Central Connecticut State University Institute of Technology and Business Development; $600,000 shall be available for the Des Moines Higher Education Pappajohn Center; $150,000 shall be available for the East Central Indiana Business Incubator at Ball State University; $100,000 shall be available for the Entrepreneurial Venture Assistance Demonstration Project at the Iowa Department of Economic Development; $75,000 shall be available for the Idaho Virtual Incubator at Lewis-Clark State College for an E-Commerce Certification program; $600,000 shall be available for the Industrial Outreach Service at Mississippi State University; $2,000,000 shall be available for the Innovation and Commercialization Center at the University of Southern Mississippi; $100,000 shall be available for the Kennebec Valley Council of Governments' Business Development Program; $100,000 shall be available for the Knoxville College Small Business Incubator Program; $250,000 shall be available for the Louisiana State University Law School's Latin American Commercial Law Program; $250,000 shall be available for the Minority Business Development Center at Alcorn State University; $600,000 shall be available for the Mississippi Technology Alliance; $200,000 shall be available for the Montana Department of Commerce for a State government information sharing initiative; $125,000 shall be available for the Myrtle Beach International Trade and Convention Center; $250,000 shall be available for the Nanotechnology Research Program at the Oregon Health and Science University; $550,000 shall be available for the New Product Development and Commercialization Center for Rural Manufacturers; $125,000 shall be available for the New Hampshire Women's Business Center; $500,000 shall be available for Operation Safe Commerce; $200,000 shall be available for the Southern University Foundation's Martin Luther King Initiative; $75,000 shall be available for Technology 2020; $1,000,000 shall be available for the Technology Venture Center/InvestNet Partnership for Alaska and Montana; $500,000 shall be available for the Textile Marking System; $300,000 shall be available for the Towson University International Business Incubator; $1,000,000 shall be available for the Tuck School of Business/MBDA Partnership; $325,000 shall be available for the University of Colorado Nanotechnology and Characterization Facility; $8,000,000 shall be available for the University of South Carolina Thomas Cooper Library; $100,000 shall be available for the Virginia Electronic Commerce Technology Center at Christopher Newport University; $125,000 shall be available for the Women's Business Development Center in Stamford, Connecticut; and $100,000 shall be available for the World Trade Center of Greater Philadelphia; $50,000 shall be available for a grant to the Center for Excellence in Education; $100,000 shall be available for a grant to The Cedar Creek Battlefield Foundation; $100,000 shall be available for a grant to Belle Grove Plantation; $150,000 shall be available for a grant to the City of Manassas Park for economic development; $100,000 shall be available for a grant to the Shenandoah Valley Travel Association; $1,200,000 shall be available for a grant to Shenandoah University to develop a facility for a business program; $115,000 shall be available for a grant to Economic Alliance Houston Port Region; $20,000 shall be available for a grant to the Town of South Boston, Virginia, for small business development; $100,000 shall be available for a grant to Patrick Henry Community College for a workforce training program; $100,000 shall be available for a grant for Danville Community College for a workforce training program; $1,000,000 shall be available for a grant to the University of Illinois for the Information Trust Institute initiative; $500,000 shall be available for a grant to Wittenberg University for a technology initiative; $500,000 shall be available for a grant to the Dayton Development Coalition; $250,000 shall be available for a grant for REI Rural Business Resources Center in Seminole, Oklahoma; $50,000 shall be available for a grant to Experience Works to expand opportunities for older workers; $50,000 shall be available for a grant to Project Listo for workforce development and procurement opportunities; $100,000 shall be available for a grant to North Iowa Area Community College for a small business incubator; $450,000 shall be available for a grant to California State University, in San Bernardino, California, for development of the Center for the Commercialization of Advanced Technology; $50,000 shall be available for a grant to Rowan University for a workforce training program; $200,000 shall be available for a grant to the Freeport Downtown Development Foundation for a small business economic development initiative; $1,500,000 shall be available for a grant to the Rockford Area Convention and Visitors Bureau for a manufacturing program; $200,000 shall be available for a grant to Jefferson County Development Council; $200,000 shall be available for a grant to Clearfield County Economic Development Corporation; $500,000 shall be available for a grant to the Columbus College of Art and Design for facilities development to build partnerships with businesses; $115,000 shall be available for a grant to Ohio Business Connection; $1,000,000 shall be available for a grant to the Southern and Eastern Kentucky Tourism Development Association; $500,000 shall be available for a grant to the Bridgeport Regional Business Council for an economic integration initiative; $100,000 shall be available for a grant to Cedarbridge Development Corporation for a redevelopment initiative; $900,000 shall be available for a grant to Western Carolina University for a computer engineering program; $100,000 shall be available for a grant to Asheville-Buncombe Technical Community College for an economic development initiative; $100,000 shall be available for a grant to Jubilee Homes for the Southwest Economic Business Resource Center; $400,000 shall be available for a grant for the Connect the Valley initiative; $400,000 shall be available for a grant to the University of Tennessee Corridor Initiative; $500,000 shall be available for a grant to the Illinois Institute for Technology to examine and assess advancements in biotechnologies; $250,000 shall be available for a grant to the City of Largo, Florida, for business information; $250,000 shall be available for a grant to Pro Co Technology, Inc. in the Bronx, New York, for a computer training center; $50,000 shall be available for a grant for the Promesa Foundation in the Bronx, New York, to provide community growth funding; $200,000 shall be available for a grant to Bronx Shepherds for community programs; $150,000 shall be available for a grant to HOGAR, Inc. in the Bronx, New York; $200,000 shall be available for a grant to Promesa Enterprises to provide services and support to community based organizations in the Bronx, New York; $200,000 for the Arthur Avenue Retail Market in the Bronx, New York, for facility, improvement, and maintenance needs to meet the Market's business requirements; $200,000 shall be available for a grant to Pregones Theater in the Bronx, New York for business infrastructure; $200,000 shall be available for a grant to Presbyterian Senior Services for their Grandparent Family Apartments project and programs in the Bronx, New York; $100,000 shall be available for a grant to Thorpe Family Residence, Inc. to continue its services and programs in the Bronx, New York; $100,000 shall be available for a grant to the Puerto Rican Traveling Theater in the Bronx, New York for outreach and programs; $100,000 shall be available for Casita Maria's Career and College Placement Preparation to be implemented in coordination with business partners in New York City; $1,100,000 shall be available for a grant to the MountainMade Foundation to fulfill its charter purposes and to continue the initiative developed by the NTTC for outreach and promotion, business and sites development, the education of artists and craftspeople, and to promote small businesses, artisans and their products through market development, advertisement, commercial sale and other promotional means; $1,000,000 shall be available for a grant for Northwest Shoals Community College to complete the Center for Business and Industry; $1,000,000 shall be available for the Rhode Island School of Design in Providence, Rhode Island for the continued modernization of the Mason Building; $1,000,000 shall be available for a grant to the Norwegian American Foundation to fulfill its charter purposes; $750,000 shall be available for a grant to St. Mary's College for a telecommunications initiative; $400,000 shall be available for a grant to the Economic Growth Council Procurement Assistance Program; $500,000 shall be available for a grant to Johnstown Area Regional Industries in Pennsylvania for an enhanced economic development initiative; $300,000 shall be available for a grant to the Good Old Lower East Side organization for a small business economic development initiative for the Lower East Side, New York; $200,000 shall be available for a grant for the Sunnyside Chamber of Commerce to conduct a redevelopment study for Sunnyside, Queens, NY and to implement improvements.*

(b) Section 621 of Division B of Public Law 108–199 is amended—

(1) by striking "$1,000,000 shall be available for the Providence, Rhode Island Center for Women and Enterprise for infrastructure development;" and inserting "$100,000 shall be available for the Providence, Rhode Island Center for Women and Enterprise for small business development programs and infrastructure development; $900,000 shall be available for the Rhode Island School of Design in Providence, Rhode Island for the continued modernization of the Mason Building;",

(2) by inserting "for the purpose of conducting the program and providing financial assistance" after "the Economic Growth Connection Paperless Procurement Program", and

(3) by inserting "and to implement improvements" after "the Ridgewood Myrtle Avenue Business Improvement District to conduct a redevelopment study".

SEC. 620. All disaster loans issued in Alaska shall be administered by the Small Business Administration and shall not be sold during fiscal year 2005.

SEC. 621. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 622. The Departments of Commerce, Justice, State, the Judiciary, the Securities and Exchange Commission and the Small Business Administration shall, not later than two months after the date of the enactment of this Act, certify that telecommuting opportunities are made available to 100 percent of the eligible workforce: Provided, That, of the total amounts appropriated to the Departments of Commerce, Justice, State, the Judiciary, the Securities and Exchange Commission and the Small Business Administration, $5,000,000 shall be available only upon such certification: Provided further, That each Department or agency shall provide quarterly reports to the Committees on Appropriations on the status of telecommuting programs, including the number of Federal employees eligible for, and participating in, such programs: Provided further, That each Department or agency shall designate a "Telework Coordinator" to be responsible for overseeing the implementation and operations of telecommuting programs, and serve as a point of contact on such programs for the Committees on Appropriations.

SEC. 623. With the consent of the President, the Secretary of Commerce shall represent the United States Government in negotiating and monitoring international agreements regarding fisheries, marine mammals, or sea turtles: Provided, That the Secretary of Commerce shall be responsible for the development and interdepartmental coordination of the policies of the United States with respect to the international negotiations and agreements referred to in this section.

SEC. 624. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 625. None of the funds made available in this Act may be used in violation of section 212(a)(10)(C) of the Immigration and Nationality Act.

SEC. 626. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 627. None of the funds made available in this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has provided support for acts of international terrorism.

SEC. 628. (a) The Department of Justice, the Department of Homeland Security, and the Department of State shall jointly conduct a thorough study of all matters relating to the efficiency and effectiveness of the interagency process used to review applications for nonimmigrant visas issued under section 221(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1201(a)(1)(B)). The Department of Justice, the Department of Homeland Security, and the Department of State shall, in conducting this study, develop recommendations on—

(1) clearance procedures for nonimmigrant visas that should be eliminated;

(2) such procedures that should be continued;

(3) the appropriate Federal agencies or departments or entities that should participate in each such procedure; and

(4) legislation that could be enacted to increase the efficiency and effectiveness of such procedures.

(b) Not later than 1 year after the date of enactment of this Act, the Department of Justice, the Department of Homeland Security, and the Department of State shall jointly submit a report to the Committees on Appropriations of the Senate and House of Representatives which shall contain a detailed statement of the findings and conclusions of the study referred to in subsection (a), together with recommendations for such legislation and administrative actions as the Department of Justice, the Department of Homeland Security, and the Department of State consider appropriate. The report may be submitted in a classified and unclassified form.

SEC. 629. Section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of H.R. 3427, as enacted by section 1000(a)(7) of Public Law 106–113) is amended by adding the following new subsection at the end:

"(e) CAPITAL SECURITY COST SHARING.—

"(1) AUTHORITY.—Notwithstanding any other provision of law, all agencies with personnel overseas subject to chief of mission authority pursuant to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) shall participate and provide funding in advance for their share of costs of providing new, safe, secure United States diplomatic facilities, without offsets, on the basis of the total overseas presence of each agency as determined annually by the Secretary of State in consultation with such agency. Amounts advanced by such agencies to the Department of State shall be credited to the Embassy Security, Construction and Maintenance account, and remain available until expended.

"(2) IMPLEMENTATION.—Implementation of this subsection shall be carried out in a manner that encourages right-sizing of each agency's overseas presence.

"(3) EXCLUSION.—For purposes of this subsection 'agency' does not include the Marine Security Guard.".

SEC. 630. (a) Except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–453), as added by section 629 of this Act.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the Marine Corps.

SEC. 631. It is the sense of the Congress that the Secretary of State, at the most immediate opportunity, should—

(1) make a determination as to whether recent events in the Darfur region of Sudan constitute genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide; and

(2) support the investigation and prosecution of war crimes and crimes against humanity committed in the Darfur region of Sudan.

SEC. 632. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 633. (a) Section 111(b) of Public Law 102–395 (21 U.S.C. 886a) is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), and indenting accordingly;

(2) in subparagraph (B), as redesignated, by striking "program." and inserting "program. Such reimbursements shall be made without distinguishing between expenses related to controlled substance activities and expenses related to chemical activities.";

(3) by striking "There is established" and inserting the following: "(1) IN GENERAL.—There is established"; and

(4) by adding at the end the following:

"(2) DEFINITIONS.—In this section:

"(A) DIVERSION CONTROL PROGRAM.—The term 'diversion control program' means the controlled substance and chemical diversion control activities of the Drug Enforcement Administration.

"(B) CONTROLLED SUBSTANCE AND CHEMICAL DIVERSION CONTROL ACTIVITIES.—The term 'controlled substance and chemical diversion control activities' means those activities related to the registration and control of the manufacture, distribution, dispensing, importation, and exportation of controlled substances and listed chemicals.".

(b) Section 301 of the Controlled Substances Act (21 U.S.C. 821) is amended by striking "the registration and control of regulated" and all that follows through the period, and inserting "listed chemicals."

(c) Section 1088(f) of the Controlled Substances Import and Export Act (21 U.S.C. 958(f)) is amended—

(1) by inserting "and control" after "the registration"; and

(2) by striking "list I chemicals under this section." and inserting "listed chemicals.".

SEC. 634. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

SEC. 635. The unobligated balance of the amount appropriated by title V of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107–77; 115 Stat. 798) for necessary expenses of the United States-Canada Alaska Rail Commission shall be transferred as a direct lump-sum payment to the University of Alaska.

SEC. 636. Section 33(a) of the Small Business Act (15 U.S.C. 657c(a)) is amended by adding at the end the following: "Notwithstanding any other provision of law, the Corporation is a private entity and is not an agency, instrumentality, authority, entity, or establishment of the United States Government.".

SEC. 637. Of the amounts made available in this Act, $160,186,300 from "Department of State"; $14,449,118 from "Department of Justice"; $3,095,206 from "Department of Commerce"; $213,154 from "United States Trade Representative"; and $302,985 from "Broadcasting Board of Governors" shall be available for the purposes of implementing the Capital Security Cost Sharing program, as provided in section 629 of the Act.

SEC. 638. Notwithstanding 40 U.S.C. 524, 571, and 572, the Federal Communications Commission may sell the monitoring facilities in Honolulu, Hawaii, and Livermore, California, including all real property: Provided, That any sale shall be made in accordance with section 605 of this Act.

SEC. 639. None of the funds made available in this Act may be used in contravention of the provisions of subsections (e) and (f) of section 301 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25; 22 U.S.C. 7631(e) and (f)).

SEC. 640. (a) There is hereby rescinded an amount equal to 0.54 percent of the budget authority provided for in fiscal year 2005 for any discretionary account in this Act.

(b) Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $60,000,000 are rescinded.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $61,800,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

(RESCISSION)

Of the unobligated balances available under this heading, $1,619,000 are rescinded.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(RESCISSION)

Of the unobligated balances available under this heading, $29,380,000 are rescinded.

COMMUNITY ORIENTED POLICING SERVICES

(RESCISSION)

Of the unobligated balances available under this heading, $99,000,000 are rescinded.

JUVENILE JUSTICE

(RESCISSION)

Of the unobligated balances available under this heading, $3,500,000 are rescinded.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the unobligated balances available under this heading for the Advanced Technology Program, $3,900,000 are rescinded.

RELATED AGENCIES

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $12,000,000 are rescinded.

TITLE VIII—PATENT AND TRADEMARK FEES

SEC. 801. FEES FOR PATENT SERVICES.

(a) GENERAL PATENT FEES.—During fiscal years 2005 and 2006, subsection (a) of section 41 of title 35, United States Code, shall be administered as though that subsection reads as follows:

"(a) GENERAL FEES.—The Director shall charge the following fees:

"(1) FILING AND BASIC NATIONAL FEES.—

"(A) On filing each application for an original patent, except for design, plant, or provisional applications, $300.

"(B) On filing each application for an original design patent, $200.

"(C) On filing each application for an original plant patent, $200.

"(D) On filing each provisional application for an original patent, $200.

"(E) On filing each application for the reissue of a patent, $300.

"(F) The basic national fee for each international application filed under the treaty defined in section 351(a) of this title entering the national stage under section 371 of this title, $300.

"(G) In addition, excluding any sequence listing or computer program listing filed in an electronic medium as prescribed by the Director, for any application the specification and drawings of which exceed 100 sheets of paper (or equivalent as prescribed by the Director if filed in an electronic medium), $250 for each additional 50 sheets of paper (or equivalent as prescribed by the Director if filed in an electronic medium) or fraction thereof.

"(2) EXCESS CLAIMS FEES.—In addition to the fee specified in paragraph (1)—

"(A) on filing or on presentation at any other time, $200 for each claim in independent form in excess of 3;

"(B) on filing or on presentation at any other time, $50 for each claim (whether dependent or independent) in excess of 20; and

"(C) for each application containing a multiple dependent claim, $360.

For the purpose of computing fees under this paragraph, a multiple dependent claim referred to in section 112 of this title or any claim depending therefrom shall be considered as separate dependent claims in accordance with the number of claims to which reference is made. The Director may by regulation provide for a refund of any part of the fee specified in this paragraph for any claim that is canceled before an examination on the merits, as prescribed by the Director, has been made of the application under section 131 of this title. Errors in payment of the additional fees under this paragraph may be rectified in accordance with regulations prescribed by the Director.

"(3) EXAMINATION FEES.—

"(A) For examination of each application for an original patent, except for design, plant, provisional, or international applications, $200.

"(B) For examination of each application for an original design patent, $130.

"(C) For examination of each application for an original plant patent, $160.

"(D) For examination of the national stage of each international application, $200.

"(E) For examination of each application for the reissue of a patent, $600.

The provisions of section 111(a) of this title relating to the payment of the fee for filing the application shall apply to the payment of the fee specified in this paragraph with respect to an application filed under section 111(a) of this title. The provisions of section 371(d) of this title relating to the payment of the national fee shall apply to the payment of the fee specified in this paragraph with respect to an international application.

"(4) ISSUE FEES.—

"(A) For issuing each original patent, except for design or plant patents, $1,400.

"(B) For issuing each original design patent, $800.

"(C) For issuing each original plant patent, $1,100.

"(D) For issuing each reissue patent, $1,400.

"(5) DISCLAIMER FEE.—On filing each disclaimer, $130.

"(6) APPEAL FEES.—

"(A) On filing an appeal from the examiner to the Board of Patent Appeals and Interferences, $500.

"(B) In addition, on filing a brief in support of the appeal, $500, and on requesting an oral hearing in the appeal before the Board of Patent Appeals and Interferences, $1,000.

"(7) REVIVAL FEES.—On filing each petition for the revival of an unintentionally abandoned application for a patent, for the unintentionally delayed payment of the fee for issuing each patent, or for an unintentionally delayed response by the patent owner in any reexamination proceeding, $1,500, unless the petition is filed under section 133 or 151 of this title, in which case the fee shall be $500.

"(8) EXTENSION FEES.—For petitions for 1-month extensions of time to take actions required by the Director in an application—

"(A) on filing a first petition, $120;

"(B) on filing a second petition, $330; and

"(C) on filing a third or subsequent petition, $570.".

(b) PATENT MAINTENANCE FEES.—During fiscal years 2005 and 2006, subsection (b) of section 41 of title 35, United States Code, shall be administered as though that subsection reads as follows:

"(b) MAINTENANCE FEES.—The Director shall charge the following fees for maintaining in force all patents based on applications filed on or after December 12, 1980:

"(1) 3 years and 6 months after grant, $900.

"(2) 7 years and 6 months after grant, $2,300.

"(3) 11 years and 6 months after grant, $3,800.

Unless payment of the applicable maintenance fee is received in the United States Patent and Trademark Office on or before the date the fee is due or within a grace period of 6 months thereafter, the patent will expire as of the end of such grace period. The Director may require the payment of a surcharge as a condition of accepting within such 6-month grace period the payment of an applicable maintenance fee. No fee may be established for maintaining a design or plant patent in force.".

(c) PATENT SEARCH FEES.—During fiscal years 2005 and 2006, subsection (d) of section 41 of title 35, United States Code, shall be administered as though that subsection reads as follows:

"(d) PATENT SEARCH AND OTHER FEES.—

"(1) PATENT SEARCH FEES.—

"(A) The Director shall charge a fee for the search of each application for a patent, except for provisional applications. The Director shall establish the fees charged under this paragraph to recover an amount not to exceed the estimated average cost to the Office of searching applications for patent either by acquiring a search report from a qualified search authority, or by causing a search by Office personnel to be made, of each application for patent. For the 3-year period beginning on the date of enactment of this Act, the fee for a search by a qualified search authority of a patent application described in clause (i), (iv), or (v) of subparagraph (B) may not exceed $500, of a patent application described in clause (ii) of subparagraph (B) may not exceed $100, and of a patent application described in clause (iii) of subparagraph (B) may not exceed $300. The Director may not increase any such fee by more than 20 percent in each of the next three 1-year periods, and the Director may not increase any such fee thereafter.

"(B) For purposes of determining the fees to be established under this paragraph, the cost to the Office of causing a search of an application to be made by Office personnel shall be deemed to be—

"(i) $500 for each application for an original patent, except for design, plant, provisional, or international applications;

"(ii) $100 for each application for an original design patent;

"(iii) $300 for each application for an original plant patent;

"(iv) $500 for the national stage of each international application; and

"(v) $500 for each application for the reissue of a patent.

"(C) The provisions of section 111(a)(3) of this title relating to the payment of the fee for filing the application shall apply to the payment of the fee specified in this paragraph with respect to an application filed under section 111(a) of this title. The provisions of section 371(d) of this title relating to the payment of the national fee shall apply to the payment of the fee specified in this paragraph with respect to an international application.

"(D) The Director may by regulation provide for a refund of any part of the fee specified in this paragraph for any applicant who files a written declaration of express abandonment as prescribed by the Director before an examination has been made of the application under section 131 of this title, and for any applicant who provides a search report that meets the conditions prescribed by the Director.

"(E) For purposes of subparagraph (A), a 'qualified search authority' may not include a commercial entity unless——

"(i) the Director conducts a pilot program of limited scope, conducted over a period of not more than 18 months, which demonstrates that searches by commercial entities of the available prior art relating to the subject matter of inventions claimed in patent applications——

"(I) are accurate; and

"(II) meet or exceed the standards of searches conducted by and used by the Patent and Trademark Office during the patent examination process;

"(ii) the Director submits a report on the results of the pilot program to Congress and the Patent Public Advisory Committee that includes——

"(I) a description of the scope and duration of the pilot program;

"(II) the identity of each commercial entity participating in the pilot program;

"(III) an explanation of the methodology used to evaluate the accuracy and quality of the search reports; and

"(IV) an assessment of the effects that the pilot program, as compared to searches conducted by the Patent and Trademark Office, had and will have on——

"(aa) patentability determinations;

"(bb) productivity of the Patent and Trademark Office;

"(cc) costs to the Patent and Trademark Office;

"(dd) costs to patent applicants; and

"(ee) other relevant factors;

"(iii) the Patent Public Advisory Committee reviews and analyzes the Director's report under clause (ii) and the results of the pilot program and submits a separate report on its analysis to the Director and the Congress that includes——

"(I) an independent evaluation of the effects that the pilot program, as compared to searches conducted by the Patent and Trademark Office, had and will have on the factors set forth in clause (ii)(IV); and

"(II) an analysis of the reasonableness, appropriateness, and effectiveness of the methods used in the pilot program to make the evaluations required under clause (ii)(IV); and

"(iv) Congress does not, during the 1-year period beginning on the date on which the Patent Public Advisory Committee submits its report to the Congress under clause (iii), enact a law prohibiting searches by commercial entities of the available prior art relating to the subject matter of inventions claimed in patent applications.

"(F) The Director shall require that any search by a qualified search authority that is a commercial entity is conducted in the United States by persons that——

"(i) if individuals, are United States citizens; and

"(ii) if business concerns, are organized under the laws of the United States or any State and employ United States citizens to perform the searches.

"(G) A search of an application that is the subject of a secrecy order under section 181 or otherwise involves classified information may only be conducted by Office personnel.

"(H) A qualified search authority that is a commercial entity may not conduct a search of a patent application if the entity has any direct or indirect financial interest in any patent or in any pending or imminent application for patent filed or to be filed in the Patent and Trademark Office.

"(2) OTHER FEES.—The Director shall establish fees for all other processing, services, or materials relating to patents not specified in this section to recover the estimated average cost to the Office of such processing, services, or materials, except that the Director shall charge the following fees for the following services:

"(A) For recording a document affecting title, $40 per property.

"(B) For each photocopy, $.25 per page.

"(C) For each black and white copy of a patent, $3.

The yearly fee for providing a library specified in section 12 of this title with uncertified printed copies of the specifications and drawings for all patents in that year shall be $50.".

(d) ADJUSTMENTS.—During fiscal years 2005 and 2006, subsection (f) of section 41 of title 35, United States Code, shall apply to the fees established under this section.

(e) FEES FOR SMALL ENTITIES.—During fiscal years 2005 and 2006, subsection (h) of section 41 of title 35, United States Code, shall be administered as though that subsection is amended—

(1) in paragraph (1), by striking "Fees charged under subsection (a) or (b)" and inserting "Subject to paragraph (3), fees charged under subsections (a), (b), and (d)(1)"; and

(2) by adding at the end the following new paragraph:

"(3) The fee charged under subsection (a)(1)(A) shall be reduced by 75 percent with respect to its application to any entity to which paragraph (1) applies, if the application is filed by electronic means as prescribed by the Director.".

SEC. 802. ADJUSTMENT OF TRADEMARK FEES.

(a) FEE FOR FILING APPLICATION.—During fiscal years 2005 and 2006, under such conditions as may be prescribed by the Director, the fee under section 31(a) of the Trademark Act of 1946 (15 U.S.C. 1113(a)) for: (a) the filing of a paper application for the registration of a trademark shall be $375; (b) the filing of an electronic application shall be $325; and (c) the filing of an electronic application meeting certain additional requirements prescribed by the Director shall be $275. During fiscal years 2005 and 2006, the provisions of the second and third sentences of section 31(a) of the Trademark Act of 1946 shall apply to the fees established under this section.

(b) REFERENCE TO TRADEMARK ACT OF 1946.—For purposes of this section, the "Trademark Act of 1946" refers to the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes.", approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 803. EFFECTIVE DATE, APPLICABILITY, AND TRANSITIONAL PROVISION.

(a) EFFECTIVE DATE.—Except as otherwise provided in this title (including this section), the provisions of this title shall take effect on the date of the enactment of this Act and shall apply only with respect to the remaining portion of fiscal year 2005 and fiscal year 2006.

(b) APPLICABILITY.—

(1)(A) Except as provided in subparagraphs (B) and (C), the provisions of section 801 shall apply to all patents, whenever granted, and to all patent applications pending on or filed after the effective date set forth in subsection (a) of this section.

(B)(i) Except as provided in clause (ii), subsections (a)(1) and (3) and (d)(1) of section 41 of title 35, United States Code, as administered as provided in this title, shall apply only to—

(I) applications for patents filed under section 111 of title 35, United States Code, on or after the effective date set forth in subsection (a) of this section, and

(II) international applications entering the national stage under section 371 of title 35, United States Code, for which the basic national fee specified in section 41 of title 35, United States Code, was not paid before the effective date set forth in subsection (a) of this section.

(ii) Section 41(a)(1)(D) of title 35, United States Code, as administered as provided in this title, shall apply only to applications for patent filed under section 111(b) of title 35, United States Code, before, on, or after the effective date set forth in subsection (a) of this section in which the filing fee specified in section 41 of title 35, United States Code, was not paid before the effective date set forth in subsection (a) of this section.

(C) Section 41(a)(2) of title 35, United States Code, as administered as provided in this title, shall apply only to the extent that the number of excess claims, after giving effect to any cancellation of claims, is in excess of the number of claims for which the excess claims fee specified in section 41 of title 35, United States Code, was paid before the effective date set forth in subsection (a) of this section.

(2) The provisions of section 802 shall apply to all applications for the registration of a trademark filed or amended on or after the effective date set forth in subsection (a) of this section.

(c) TRANSITIONAL PROVISIONS.—

(1) SEARCH FEES.—During fiscal years 2005 and 2006, the Director shall charge—

(A) for the search of each application for an original patent, except for design, plant, provisional, or international application, $500;

(B) for the search of each application for an original design patent, $100;

(C) for the search of each application for an original plant patent, $300;

(D) for the search of the national stage of each international application, $500; and

(E) for the search of each application for the reissue of a patent, $500.

(2) TIMING OF FEES.—The provisions of section 111(a)(3) of title 35, United States Code, relating to the payment of the fee for filing the application shall apply to the payment of the fee specified in paragraph (1) with respect to an application filed under section 111(a) of title 35, United States Code. The provisions of section 371(d) of title 35, United States Code, relating to the payment of the national fee shall apply to the payment of the fee specified in paragraph (1) with respect to an international application.

SEC. 804. DEFINITION.

In this title, the term "Director" means the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

TITLE IX—OCEANS AND HUMAN HEALTH ACT

SEC. 901. SHORT TITLE.

This title may be cited as the "Oceans and Human Health Act".

SEC. 902. INTERAGENCY OCEANS AND HUMAN HEALTH RESEARCH PROGRAM.

(a) COORDINATION.—The President, through the National Science and Technology Council,

shall coordinate and support a national research program to improve understanding of the role of the oceans in human health.

(b) IMPLEMENTATION PLAN.—Within 1 year after the date of enactment of this Act, the National Science and Technology Council, through the Director of the Office of Science and Technology Policy shall develop and submit to the Congress a plan for coordinated Federal activities under the program. Nothing in this subsection is intended to duplicate or supersede the activities of the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia established under section 603 of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 note). In developing the plan, the Committee will consult with the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia. Such plan will build on and complement the ongoing activities of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other departments and agencies and shall—

(1) establish, for the 10-year period beginning in the year it is submitted, the goals and priorities for Federal research which most effectively advance scientific understanding of the connections between the oceans and human health, provide usable information for the prediction of marine-related public health problems and use the biological potential of the oceans for development of new treatments of human diseases and a greater understanding of human biology;

(2) describe specific activities required to achieve such goals and priorities, including the funding of competitive research grants, ocean and coastal observations, training and support for scientists, and participation in international research efforts;

(3) identify and address, as appropriate, relevant programs and activities of the Federal agencies and departments that would contribute to the program;

(4) identify alternatives for preventive unnecessary duplication of effort among Federal agencies and departments with respect to the program;

(5) consider and use, as appropriate, reports and studies conducted by Federal agencies and departments, the National Research Council, the Ocean Research Advisory Panel, the Commission on Ocean Policy and other expert scientific bodies;

(6) make recommendations for the coordination of program activities with ocean and human health-related activities of other national and international organizations; and

(7) estimate Federal funding for research activities to be conducted under the program.

(c) PROGRAM SCOPE.—The program may include the following activities related to the role of oceans in human health:

(1) Interdisciplinary research among the ocean and medical sciences, and coordinated research and activities to improve understanding of processes within the ocean that may affect human health and to explore the potential contribution of marine organisms to medicine and research, including—

(A) vector- and water-borne diseases of humans and marine organisms, including marine mammals and fish;

(B) harmful algal blooms and hypoxia (through the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia);

(C) marine-derived pharmaceuticals;

(D) marine organisms as models for biomedical research and as indicators of marine environmental health;

(E) marine environmental microbiology;

(F) bioaccumulative and endocrine-disrupting chemical contaminants; and

(G) predictive models based on indicators of marine environmental health or public health threats.

(2) Coordination with the National Ocean Research Leadership Council (10 U.S.C. 7902(a)) to ensure that any integrated ocean and coastal observing system provides information necessary to monitor and reduce marine public health problems including health-related data on biological populations and detection of contaminants in marine waters and seafood.

(3) Development through partnerships among Federal agencies, States, academic institutions, or non-profit research organizations of new technologies and approaches for detecting and reducing hazards to human health from ocean sources and to strengthen understanding of the value of marine biodiversity to biomedicine, including—

(A) genomics and proteomics to develop genetic and immunological detection approaches and predictive tools and to discover new biomedical resources;

(B) biomaterials and bioengineering;

(C) in situ and remote sensors used to detect, quantify, and predict the presence and spread of contaminants in marine waters and organisms and to identify new genetic resources for biomedical purposes;

(D) techniques for supplying marine resources, including chemical synthesis, culturing and aquaculturing marine organisms, new fermentation methods and recombinant techniques; and

(E) adaptation of equipment and technologies from human health fields.

(4) Support for scholars, trainees and education opportunities that encourage an interdisciplinary and international approach to exploring the diversity of life in the oceans.

(d) ANNUAL REPORT.—Beginning with the first year occurring more than 24 months after the date of enactment of this Act, the National Science and Technology Council, through the Director of the Office of Science and Technology Policy shall prepare and submit to the President and the Congress not later than January 31st of each year an annual report on the activities conducted pursuant to this title during the preceding fiscal year, including—

(1) a summary of the achievements of Federal oceans and human health research, including Federally supported external research, during the preceding fiscal year;

(2) an analysis of the progress made toward achieving the goals and objectives of the plan developed under subsection (b), including identification of trends and emerging trends;

(3) a copy or summary of the plan and any changes made in the plan;

(4) a summary of agency budgets for oceans and human health activities for that preceding fiscal year; and

(5) any recommendations regarding additional action or legislation that may be required to assist in achieving the purposes of this title.

SEC. 903. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OCEANS AND HUMAN HEALTH INITIATIVE.

(a) ESTABLISHMENT.—As part of the interagency oceans and human health research program, the Secretary of Commerce is authorized to establish an Oceans and Human Health Initiative to coordinate and implement research and activities of the National Oceanic and Atmospheric Administration related to the role of the oceans, the coasts, and the Great Lakes in human health. In carrying out this section, the Secretary shall consult with other Federal agencies conducting integrated oceans and human health research and research in related areas, including the National Science Foundation. The Oceans and Human Health Initiative is authorized to provide support for—

(1) centralized program and research coordination;

(2) an advisory panel;

(3) one or more National Oceanic and Atmospheric Administration national centers of excellence;

(4) research grants; and

(5) distinguished scholars and traineeships.

(b) ADVISORY PANEL.—The Secretary is authorized to establish an oceans and human health advisory panel to assist in the development and implementation of the Oceans and Human Health Initiative. Membership of the advisory group shall provide for balanced representation of individuals with multi-disciplinary expertise in the marine and biomedical sciences. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the oceans and human health advisory panel.

(c) NATIONAL CENTERS.—

(1) The Secretary is authorized to identify and provide financial support through a competitive process to develop, within the National Oceanic and Atmospheric Administration, for one or more centers of excellence that strengthen the capabilities of the National Oceanic and Atmospheric Administration to carry out its programs and activities related to the oceans' role in human health.

(2) The centers shall focus on areas related to agency missions, including use of marine organisms as indicators for marine environmental health, ocean pollutants, marine toxins and pathogens, harmful algal blooms, hypoxia, seafood testing, identification of potential marine products, and biology and pathobiology of marine mammals, and on disciplines including marine genomics, marine environmental microbiology, ecological chemistry and conservation medicine.

(3) In selecting centers for funding, the Secretary will give priority to proposals with strong interdisciplinary scientific merit that encourage educational opportunities and provide for effective partnerships among the Adminisiration, other Federal entities, State, academic, nonprofit research organizations, medical, and industry participants.

(d) EXTRAMURAL RESEARCH GRANTS.—

(1) The Secretary is authorized to provide grants of financial assistance to the scientific community for critical research and projects that explore the relationship between the oceans and human health and that complement or strengthen programs and activities of the National Oceanic and Atmospheric Administration related to the ocean's role in human health. Officers and employees of Federal agencies may collaborate with, and participate in, such research and projects to the extent requested by the grant recipient. The Secretary shall consult with the oceans and human health advisory panel established under subsection (b) and may work cooperatively with other agencies participating in the interagency program to establish joint criteria for such research and projects.

(2) Grants under this subsection shall be awarded through a competitive peer-reviewed, merit-based process that may be conducted jointly with other agencies participating in the interagency program.

(e) TRAINEESHIPS.—The Secretary of Commerce is authorized to establish a program to provide traineeships, training, and experience to pre-doctoral and post-doctoral students and to scientists at the beginning of their careers who are interested in the oceans in human health research conducted under the NOAA initiative.

SEC. 904. PUBLIC INFORMATION AND OUTREACH.

(a) IN GENERAL.—The Secretary of Commerce, in consultation with other Federal agencies, and in cooperation with the National Sea Grant program, shall design and implement a program to disseminate information developed under the NOAA Oceans and Human Health Initiative, including research, assessments, and findings regarding the relationship between oceans and

human health, on both a regional and national scale. The information, particularly with respect to potential health risks, shall be made available in a timely manner to appropriate Federal or State agencies, involved industries, and other interested persons through a variety of means, including through the Internet.

(b) REPORT.—As part of this program, the Secretary shall submit to Congress an annual report reviewing the results of the research, assessments, and findings developed under the NOAA Oceans and Human Health Initiative, as well as recommendations for improving or expanding the program.

SEC. 905. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce to carry out the National Oceanic and Atmospheric Administration Oceans and Human Health Initiative, $60,000,000 for fiscal years 2005 through 2008. Not less than 50 percent of the amounts appropriated to carry out the initiative shall be utilized in each fiscal year to support the extramural grant and traineeship programs of the Initiative.

This division may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005".

DIVISION C—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2005

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, $144,500,000, to remain available until expended: Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $300,000 for the continued preconstruction, engineering, and design of Waikiki Beach, Oahu, Hawaii, the project to be designed and evaluated, as authorized and that any recommendations for a National Economic Development Plan shall be accepted notwithstanding the extent of recreation benefits supporting the project features, in view of the fact that recreation is extremely important in sustaining and increasing the economic well-being of the State of Hawaii and the nation: Provided further, That in conducting the Southwest Valley Flood Damage Reduction Study, Albuquerque, New Mexico, the Secretary of the Army, acting through the Chief of Engineers, shall include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage areas, and the amount of runoff: Provided further, That for the Ohio Riverfront, Cincinnati, Ohio, project, the cost of planning and design undertaken by non-Federal interests shall be credited toward the non-Federal share of project design costs.

CONSTRUCTION, GENERAL

For expenses necessary for the construction of river and harbor, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); and for the benefit of federally listed species to address the effects of civil works projects owned or operated by the United States Army Corps of Engineers, $1,796,089,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction and rehabilitation of inland waterways projects, (including the rehabilitation costs for Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 19, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; and Lock and Dam 3, Mississippi River, Minnesota) shall be derived from the Inland Waterways Trust Fund: Provided, That using $12,500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: Provided further, That the Secretary of the Army is directed to accept advance funds, pursuant to section 11 of the River and Harbor Act of 1925, from the non-Federal sponsor of the Los Angeles Harbor, California, project authorized by section 101(b)(5) of Public Law 106–541: Provided further, That the Secretary of the Army is directed to accept advance funds, or any portion thereof, pursuant to section 11 of the River and Harbor Act of 1925, from the non-Federal sponsor of the Oakland Harbor, California, project authorized by section 101(a)(7) of Public Law 106–53: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $500,000 of the funds provided herein to continue construction of the Hawaii Water Management Project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $3,000,000 of the funds appropriated herein to continue construction of the navigation project at Kaumalapau Harbor, Hawaii: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $3,000,000 of the funds provided herein for the Dam Safety and Seepage/Stability Correction Program to complete construction of seepage control features and repairs to the tainter gates at Waterbury Dam, Vermont: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $9,000,000 of the funds appropriated herein to proceed with planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $15,000,000 of the funds appropriated herein to continue with the planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the Dickenson County Detailed Project Report as generally defined in Plan 4 of the Huntington District Engineer's Draft Supplement to the section 202 General Plan for Flood Damage Reduction dated April 1997, including all Russell Fork tributary streams within the County and special considerations as may be appropriate to address the unique relocations and resettlement needs for the flood prone communities within the County: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $8,750,000 of the funds appropriated herein for the Clover Fork, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Harlan County in accordance with the Draft Detailed Project Report dated January 2002, Floyd County, Martin County, Johnson County, and Knox County, Kentucky, detailed project report, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue with the construction of the Seward Harbor, Alaska, project, in accordance with the Report of the Chief of Engineers, dated June 8, 1999, and the economic justification contained therein: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue with the construction of the False Pass, Alaska, project, in accordance with the Report of the Chief of Engineers, dated December 29, 2000: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with construction of the Sand Point Harbor, Alaska project, in accordance with the Report of the Chief of Engineers, dated October 13, 1998, and the economic justification contained therein: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to design and construct modifications to the Federal navigation project at Thomsen Harbor, Sitka, Alaska, authorized by Section 101 of the Water Resources Development Act of 1992: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, shall correct the design deficiency at Thomsen Harbor, Sitka, Alaska, by adding to, or extending, the existing breakwaters to reduce wave and swell motion within the harbor at an additional cost of $1,000,000 at full Federal expense: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed and authorized to continue the work to replace and upgrade the dam and all connections to the existing system at Kake, Alaska: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue with the construction of the Wrangell Harbor, Alaska, project in accordance with the Chief of Engineer's report dated December 23, 1999: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the New York and New Jersey Harbor project, 50-foot deepening element, upon execution of the Project Cooperation Agreement: Provided further, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the construction of the Port Jersey element of the New York and New Jersey Harbor or reimbursement to the Local Sponsor for the construction of the Port Jersey element until commitments for construction of container handling facilities are obtained from the non-Federal sponsor for a second user along the Port Jersey element: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated for the navigation project, Tampa Harbor, Florida, to carry out, as part of the project, construction of passing lanes in an area approximately 3.5 miles long, centered on Tampa Bay Cut B, if the Secretary determines that such construction is technically sound, environmentally acceptable, and cost effective: Provided further, That using $750,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to plan, design, and initiate reconstruction of the Cape Girardeau, Missouri, project, originally authorized by the Flood Control Act of 1950, at an estimated total cost of $9,000,000, with cost sharing on the same basis as cost sharing for the project as originally authorized, if the Secretary determines that the reconstruction is technically sound and environmentally acceptable: Provided further, That the planned reconstruction shall be based on the most cost-effective engineering solution and shall require no further economic justification: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed without further delay with work on the permanent bridge to replace Folsom Bridge Dam Road, Folsom, California, as authorized by the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137), and, of the $8,000,000 available for the American River Watershed (Folsom Dam Mini-Raise), California, project, up to $5,000,000 of those funds be directed for the permanent bridge, with all remaining devoted to the Mini-Raise: Provided further, That the Secretary of the Army is directed to use $1,365,000 of the funds appropriated herein to construct a project for flood control, Cass River, Spaulding Township, Michigan, pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), notwithstanding that the benefits of the project may not exceed the estimated costs of the project: Provided further, That the non-Federal interest for the project shall receive credit towards its share of project costs in the amount of $345,000 for work carried out by the non-Federal interest on the project prior to entering into a project cooperation agreement: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake and fund a demonstration project utilizing the Bidlocker system of escrowing contract bid documents: Provided further, that the system should provide a method of securing bidder documents prior to the award of the contracts, thus allowing the contractor to provide those documents to the Government in the case of disputes: Provided further, that the demonstration project should include use of the system on at least three contracts: Provided further, that a report on the results of the demonstration project shall be provided within one year of the date of enactment of this Act.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for the flood damage reduction program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $324,500,000, to remain available until expended: Provided, That the Secretary of the Army, acting through the Chief of Engineers, using $12,000,000 of the funds provided herein, is directed to continue design and real estate activities and to initiate the pump supply contract for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi: Provided further, That the pump supply contract shall be performed by awarding continuing contracts in accordance with 33 U.S.C. 621: Provided further, That the Secretary of the Army, acting through the Chief of Engineers is directed, with $500,000 appropriated herein, to continue construction of water withdrawal features of the Grand Prairie, Arkansas, project.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; for the benefit of federally listed species to address the effects of civil works projects owned or operated by the United States Army Corps of Engineers; for providing security for infrastructure owned and operated by, or on behalf of, the United States Army Corps of Engineers, including administrative buildings and facilities, laboratories, and the Washington Aqueduct; for the maintenance of harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; and for surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation, $1,959,101,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for coastal harbors and channels shall be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662 may be derived from that fund; of which such sums as become available from the special account for the United States Army Corps of Engineers established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)), may be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104–303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected: Provided, That utilizing funds appropriated herein, for the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, the Secretary of the Army, acting through the Chief of Engineers, is directed to reimburse the State of Delaware for normal operation and maintenance costs incurred by the State of Delaware for the SR1 Bridge from station 58+00 to station 293+00 between October 1, 2003, and September 30, 2004: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to rehabilitate the existing dredged material disposal site for the project for navigation, Bodega Bay Harbor, California, and to continue maintenance dredging of the Federal channel: Provided further, That the Secretary shall make suitable material excavated from the Bodega Bay Harbor, California, disposal site as part of the rehabilitation effort available to the non-Federal sponsor, at no cost to the Federal Government, for use by the non-Federal sponsor in the development of public facilities: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake, at full federal expense, a detailed evaluation of the Albuquerque levees for purposes of determining structural integrity, impacts of vegetative growth, and performance under current hydrological conditions: Provided further, That using $175,000 provided herein, the Secretary of the Army, acting through the Chief of Engineers is authorized to remove the sunken vessel. State of Pennsylvania from the Christina River in Delaware: Provided further, That the Corps of Engineers shall not allocate any funds to deposit dredged material along the Laguna Madre portion of the Gulf Intracoastal Waterway except at the placement areas specified in the Dredged Material Management Plan in section 2.11 of the Final Environmental Impact Statement for Maintenance Dredging of the Gulf Intracoastal Waterway, Laguna Madre, Texas, Nueces, Kleberg, Kenedy, Willacy, and Cameron Counties, Texas, prepared by the Corps of Engineers dated September 2003: Provided further, That nothing in the above proviso shall prevent the Corps of Engineers from performing necessary maintenance operations along the Gulf Intracoastal Waterway if the following conditions are met: if the Corps proposes to use any placement areas that are not currently specified in the Dredged Material Management Plan and failure to use such alternative placement areas will result in the closure of any segment of the Gulf Intracoastal Waterway, then such proposal shall be analyzed in an Environmental Impact Statement (EIS) and comply with all other applicable requirements of the National Environmental Policy Act, 42 U.S.C. 4321, et seq., and all other applicable State and Federal laws, including the Clean Water Act, 33 U.S.C. 1251 et seq., the Endangered Species Act, 16 U.S.C. 1531 et seq., and the Coastal Zone Management Act, 16 U.S.C. 1451 et seq.: Provided further, That, of the funds made available, $7,000,000 is to be used to perform work authorized in Section 136 of Public Law 108–357.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $145,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $165,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related civil works functions in the headquarters of the United States Army Corps of Engineers, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, $167,000,000, to remain available until expended: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: Provided further, That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For expenses necessary for the Office of Assistant Secretary of the Army (Civil Works), as authorized by 10 U.S.C. 3016(b)(3), $4,000,000.

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. Beginning in fiscal year 2005 and thereafter, agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor

Act of 1915, Public Law 64–291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75–208; section 215 of the Flood Control, Act of 1968, as amended, Public Law 90–483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended, Public Law 99–662; section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102–580; section 211 of the Water Resources Development Act of 1996, Public Law 104–303; and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed $10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed $50,000,000 in each fiscal year, except that for environmental infrastructure projects, the $10,000,000 limitation shall apply to each state wherein such projects are undertaken.

SEC. 102. None of the funds appropriated in this or any other Act may be used by the United States Army Corps of Engineers to support activities related to the proposed Ridge Landfill in Tuscarawas County, Ohio.

SEC. 103. None of the funds appropriated in this or any other Act shall be used to demonstrate or implement any plans divesting or transferring any Civil Works missions, functions, or responsibilities of the United States Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 104. ALAMOGORDO, NEW MEXICO. The project for flood protection at Alamogordo, New Mexico, authorized by the Flood Control Act of 1962 (Public Law 87–874), is modified to authorize and direct the Secretary to construct a flood detention basin to protect the north side of the City of Alamogordo, New Mexico, from flooding. The flood detention basin shall be constructed to provide protection from a 100-year flood event. The project cost share for the flood detention basin shall be consistent with section 103(a) of the Water Resources Development Act of 1986, notwithstanding section 202(a) of the Water Resources Development Act of 1996.

SEC. 105. None of the funds appropriated in this or any other Act may be used by the United States Army Corps of Engineers to support activities related to the proposed Indian Run Sanitary Landfill in Sandy Township, Stark County, Ohio.

SEC. 106. ST. GEORGES BRIDGE, DELAWARE. None of the funds made available in this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.

SEC. 107. WATER REALLOCATION, LAKE CUMBERLAND, KENTUCKY. (a) IN GENERAL.—Subject to subsection (b), none of the funds made available by this Act may be used to carry out any water reallocation project or component under the Wolf Creek Project, Lake Cumberland, Kentucky, authorized under the Act of June 28, 1938 (52 Stat. 1215, chapter 795) and the Act of July 24, 1946 (60 Stat. 636, chapter 595).

(b) EXISTING REALLOCATIONS.—Subsection (a) shall not apply to any water reallocation for Lake Cumberland, Kentucky, that is carried out subject to an agreement or payment schedule in effect on the date of enactment of this Act.

SEC. 108. LAKE TAHOE BASIN RESTORATION, NEVADA AND CALIFORNIA. (a) DEFINITION.—In this section, the term "Lake Tahoe Basin" means the entire watershed drainage of Lake Tahoe including that portion of the Truckee River 1,000 feet downstream from the U.S. Bureau of Reclamation dam in Tahoe City, California.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program for providing environmental assistance to non-Federal interests in Lake Tahoe Basin.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of planning, design, and construction assistance for water-related environmental infrastructure and resource protection and development projects in Lake Tahoe Basin—

(1) urban stormwater conveyance, treatment and related facilities;

(2) watershed planning, science and research;

(3) environmental restoration; and

(4) surface water resource protection and development.

(d) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State and Regional officials, of appropriate environmental documentation, engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of project costs under each local cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of planning and design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(C) LAND, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations provided by the non-Federal interest toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(D) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for the period beginning with fiscal year 2005, $25,000,000, to remain available until expended.

SEC. 109. WATERSHED MANAGEMENT AND DEVELOPMENT. Section 503 of the Water Resources Development Act of 1996 (110 Stat. 3756) is amended in subsection (c) by inserting the following: "The non-Federal share of the cost to provide assistance for the Lake Tahoe watershed, California and Nevada, and Walker River Basin, Nevada may be provided as work-in-kind.".

SEC. 110. The Assistant Secretary of the Army for Civil Works shall enter into an agreement with the Orange County Water District, Orange County, California for purposes of water conservation storage and operations to provide at a minimum a conservation level up to elevation 498 feet mean sea level during the flood season, and up to elevation 505 feet mean sea level during the non-flood season at Prado Dam, California. The Orange County Water District shall pay to the Government only the separable costs associated with implementation and operation and maintenance of Prado Dam for water conservation.

SEC. 111. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA. (a) IN GENERAL.—The Secretary is authorized to construct a new project management office located in the city of Tuscaloosa, Alabama, at a location within the vicinity of the city, at full Federal expense.

(b) TRANSFER OF LAND AND STRUCTURES.—The Secretary is authorized to convey, or otherwise transfer to the city of Tuscaloosa, Alabama, at fair market value, the land and structures associated with the existing project management office, if the city agrees to assume full responsibility for demolition of the existing project management office.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) $32,000,000.

SEC. 112. Within 75 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 113. Within 90 days of the date of enactment of this Act, the Assistant Secretary of the Army (Civil Works) shall transmit to Congress his report on any water resources matter on which the Chief of Engineers has reported.

SEC. 114. COASTAL WETLAND CONSERVATION PROJECT FUNDING. (a) FUNDING.—Section 306 of the Coastal Wetlands Planning, Protection, and Restoration Act (16 U.S.C. 3955) is amended—

(1) in subsection (a), by striking ", not to exceed $70,000,000,";

(2) in subsection (b), by striking ", not to exceed $15,000,000"; and

(3) in subsection (c), by striking ", not to exceed $15,000,000,".

(b) PERIOD OF AUTHORIZATION.—Section 4(a) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(a)) is amended in the second sentence by striking "2009" and inserting "2019".

SEC. 115. The Secretary of the Army, acting through the Chief of Engineers, is directed to design and construct a marina and associated facilities project capable of remaining in operation through extended drought conditions at Federal expense at Lake Sakakawea, North Dakota.

SEC. 116. CENTRAL CITY, FORT WORTH, TEXAS. The project for flood control and other purposes on the Trinity River and Tributaries, Texas, authorized by the River and Harbor Act of 1965 (Public Law 89–298), as modified, is further modified to authorize the Secretary to undertake the Central City River Project, as generally described in the Trinity River Vision Master Plan, dated April 2003, as amended, at a total cost not to exceed $220,000,000, at a Federal cost of $110,000,000, and a non-Federal cost of $110,000,000, if the Secretary determines the work is technically sound and environmentally acceptable. The cost of work undertaken by the non-Federal interests before the date of execution of a project cooperation agreement shall be credited against the non-Federal share of *project costs if the Secretary determines that the work is integral to the project.*

Sec. 117. Notwithstanding any other provision of law, the Secretary of the Army is authorized to carry out, at full Federal expense, structural and non-structural projects for storm damage prevention and reduction, coastal erosion, and ice and glacial damage in Alaska, including relocation of affected communities and construction of replacement facilities.

Sec. 118. Cook Inlet, Alaska. (a) Anchorage Harbor.—

(1) Harbor depth.—The project for navigation improvements, Cook Inlet, Alaska (Anchorage Harbor, Alaska), authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299) and modified by section 199 of the Water Resources Development Act of 1976 (90 Stat. 2944), is further modified to direct the Secretary of the Army to construct a harbor depth of minus 45 feet mean lower low water for a length of 10,860 feet at the modified Port of Anchorage intermodal marine facility at each phase of facility modification as such phases are completed and thereafter as the entire project is completed.

(2) Cost-sharing.—If the Secretary determines that the modified Port of Anchorage will be used by vessels operated by the Department of Defense that have a draft of greater than 35 feet, the modification referred to in paragraph (1) shall be at full federal expense.

(3) Transitional dredging.—Before completion of the project modification described in paragraph (1), the Secretary may conduct dredging to a depth of at least minus 35 feet mean lower low water in such locations as will allow maintenance of navigation and vessel access to the Port of Anchorage intermodal marine facility during modification of such facility. Such work shall be carried out by the Secretary in accordance with section 101 of the River and Harbor Act of 1958.

(4) Facilitating facility modification.—Before establishing the harbor depth of minus 45 feet mean lower low water, the Secretary may undertake dredging in accordance with section 101 of the River and Harbor Act of 1958 within the design footprint of the modified intermodal marine facility referred to in paragraph (1) to facilitate modification. The Secretary may carry out such dredging as part of operation and maintenance of the project modified by paragraph (1).

(5) Maintenance.—Federal maintenance shall continue for the existing project until the modified intermodal marine facility is completed. Federal maintenance of the modified project shall be in accordance with section 101 of the River and Harbor Act of 1958; except that the project shall be maintained at a depth of minus 45 feet mean lower low water for 10,860 feet referred to in paragraph (1).

(b) Navigation Channel.—The Secretary shall modify the channel in the exiting Cook Inlet Navigation Channel approach to Anchorage Harbor, Alaska, to run the entire length of Fire Island Range and Point Woronzof Range and shall modify the depth of that channel to minus 45 feet mean lower low water. The channel shall be maintained at a depth of minus 45 feet mean lower low water.

(c) Hydrodynamic Modeling.—The Secretary shall carry out hydrodynamic modeling of the Knik Arm to identify causes of, and measures to address, shoaling at the Port of Anchorage, at a total cost of $3,000,000.

(d) Alternatives Analysis.—No alternative other than the alternative authorized in this section shall be considered in any analysis of the modified project to be carried out by the Secretary in accordance with this section.

Sec. 119. Northern Wisconsin. Section 154(c) of title I of division B of the Miscellaneous Appropriations Act, 2001, enacted into law by the Consolidated Appropriations Act, 2001 (114 Stat. 2763A–252), is amended—

(1) by inserting after "design" the following: ", construction,"; and

(2) by inserting before "wastewater treatment" the following: "navigation and inland harbor improvement and expansion,".

Sec. 120. St. Croix Falls Environmental Infrastructure, Wisconsin. Additional Assistance.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 335; 114 Stat. 2763A–220) is amended by adding at the end the following:

"(73) St. Croix Falls, Wisconsin.—$5,000,000 for waste water infrastructure, St. Croix Falls, Wisconsin.".

Sec. 121. Burns Harbor, Indiana. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to dredge sediments, at 100 percent federal cost, in the vicinity of the Bailey (NIPSCO) intake structure that is approximately 5,000 feet east of and 2,300 feet north of the northern most point of the Burns Waterway Harbor Breakwater authorized by Public Law 89-298.

Sec. 122. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to transfer the unexpended balance of funds appropriated in Fiscal Years 2003 and 2004 for the Duck River Water Supply Infrastructure Project, Cullman, Alabama, to the Appalachian Regional Commission.

(b) Funds transferred pursuant to subsection (a) of this section may be used for planning, engineering, and construction activities on the Duck River Water Supply Infrastructure Project under the Memorandum of Agreement between the Appalachian Regional Commission and the Army Corps of Engineers and may be used to reimburse the City of Cullman, Alabama for expenses incurred by the City for planning and environmental work associated with the Project.

Sec. 123. With the funds previously provided under the account heading "Flood Control and Coastal Emergencies", the Secretary of the Army, acting through the Chief of Engineers, is directed to provide assistance to Yakutat, Alaska Dam.

Sec. 124. The Secretary of the Army, acting through the Chief of Engineers, shall not implement changes to existing shoreline protection policies that have not been specifically authorized by Congress.

TITLE II

DEPARTMENT OF THE INTERIOR

Central Utah Project

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $46,275,000, to remain available until expended, of which $15,469,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,734,000, to remain available until expended.

Bureau of Reclamation

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $859,481,000, to remain available until expended, of which $53,299,000 shall be available for transfer to the Upper Colorado River Basin Fund and $33,794,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: Provided further, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601–6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That $250,000 is provided under the Weber Basin project for the Park City, Utah feasibility study: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $54,695,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: Provided further, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $58,153,000 to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINSITRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 14 passenger motor vehicles, of which 11 are for replacement only.

General Provisions, Department of the Interior

Sec. 201. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program-Alternative Repayment Plan" and the "SJVDP-Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 202. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 203. LOWER COLORADO RIVER BASIN DEVELOPMENT. (a) IN GENERAL.—Notwithstanding section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)), no amount from the Lower Colorado River Basin Development Fund shall be paid to the general fund of the Treasury until each provision of the revised Stipulation Regarding a Stay and for Ultimate Judgment Upon the Satisfaction of Conditions, filed in United States District Court on April 24, 2003, in Central Arizona Water Conservation District v. United States (No. CIV 95–625–TUC–WDB (EHC), No. CIV 95–1720–OHX–EHC (Consolidated Action)), and any amendment or revision thereof, is met.

(b) PAYMENT TO GENERAL FUND.—If any of the provisions of the stipulation referred to in subsection (a) are not met by the date that is 10 years after the date of enactment of this Act, payments to the general fund of the Treasury shall resume in accordance with section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)).

(c) AUTHORIZATION.—Amounts in the Lower Colorado River Basin Development Fund that but for this section would be returned to the general fund of the Treasury shall not be expended until further Act of Congress.

SEC. 204. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: Provided, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

SEC. 205. (a) Notwithstanding any other provision of law and hereafter, the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, may not obligate funds, and may not use discretion, if any, to restrict, reduce or reallocate any water stored in Heron Reservoir or delivered pursuant to San Juan-Chama Project contracts, including execution of said contracts facilitated by the Middle Rio Grande Project, to meet the requirements of the Endangered Species Act, unless such water is acquired or otherwise made available from a willing seller or lessor and the use is in compliance with the laws of the State of New Mexico, including but not limited to, permitting requirements.

(b) Complying with the reasonable and prudent alternatives and the incidental take limits defined in the Biological Opinion released by the United States Fish and Wildlife Service dated March 17, 2003 combined with efforts carried out pursuant to Public Law 106–377, Public Law 107–66, and Public Law 108–7 fully meet all requirements of the Endangered Species Act (16 U.S.C. 1531 et seq.) for the conservation of the Rio Grande Silvery Minnow (Hybognathus amarus) and the Southwestern Willow Flycatcher (Empidonax trailii extimus) on the Middle Rio Grande in New Mexico.

(c) This section applies only to those Federal agency and non-Federal actions addressed in the March 17, 2003 Biological Opinion.

(d) Subsection (b) will remain in effect until March 16, 2013.

SEC. 206. The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, is authorized to enter into grants, cooperative agreements, and other agreements with irrigation or water districts and States to fund up to 50 percent of the cost of planning, designing, and constructing improvements that will conserve water, increase water use efficiency, or enhance water management through measurement or automation, at existing water supply projects within the states identified in the Act of June 17, 1902, as amended, and supplemented: Provided, That when such improvements are to federally owned facilities, such funds may be provided in advance on a non-reimbursable basis to an entity operating affected transferred works or may be deemed non-reimbursable for non-transferred works: Provided further, That the calculation of the non-Federal contribution shall provide for consideration of the value of any in-kind contributions, but shall not include funds received from other Federal agencies: Provided further, That the cost of operating and maintaining such improvements shall be the responsibility of the non-Federal entity: Provided further, That this section shall not supercede any existing project-specific funding authority: Provided further, That the Secretary is also authorized to enter into grants or cooperative agreements with universities or non-profit research institutions to fund water use efficiency research.

SEC. 207: ANIMAS-LA PLATA NON-INDIAN SPONSOR OBLIGATIONS. In accordance with the non-tribal repayment obligation specified in Subsection 6(a)(3)(B) of the Colorado Ute Indian Rights Settlement Act of 1988 (Public Law 100-585), as amended by the Colorado Ute Settlement Act Amendments of 2000 (Public Law 106–554), the reimbursable cost upon which the cost allocation shall be based shall not exceed $43,000,000, plus interest during construction for those parties not utilizing the up front payment option, of the first $500,000,000 (January 2003 price level) of the total project costs. Consequently, the Secretary may forgive the obligation of the non-Indian sponsors relative to the $163,000,000 increase in estimated total project costs that occurred in 2003.

SEC. 208. MONTANA WATER CONTRACTS EXTENSION. (a) AUTHORITY TO EXTEND.—The Secretary of the Interior may extend each of the water contracts listed in subsection (b) until the earlier of—

(1) the expiration of the 2-year period beginning on the date on which the contract would expire but for this section; or

(2) the date on which a new long-term water contract is executed by the parties to the contract listed in subsection (b).

(b) EXTENDED CONTRACTS.—The water contracts referred to in subsection (a) are the following:

(1) Contract Number 14–06–600–2078, as amended, for purchase of water between the United States of America and the City of Helena, Montana.

(2) Contract Number 14–06–600–2079, as amended, between the United States of America and the Helena Valley Irrigation District for water service.

(3) Contract Number 14–06–600–8734, as amended, between the United States of America and the Toston Irrigation District for water service.

(4) Contract Number 14–06–600–3592, as amended, between the United States and the Clark Canyon Water Supply Company, Inc., for water service and for a supplemental supply.

(5) Contract Number 14–06–600–3593, as amended, between the United States and the East Bench Irrigation District for water service.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 9 passenger motor vehicles for replacement only, and one ambulance, $946,272,000, to remain available until expended.

NON-DEFENSE SITE ACCELERATION COMPLETION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management site acceleration completion activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $151,850,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, as amended, and title X, subtitle A, of the Energy Policy Act of 1992, $499,007,000, to be derived from the Fund, to remain available until expended, of which $80,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

NON-DEFENSE ENVIRONMENTAL SERVICES

For Department of Energy expenses necessary for non-defense environmental services activities that indirectly support the accelerated cleanup and closure mission at environmental management sites, including the purchase, construction, and acquisition of plant and capital equipment and other necessary expenses, $291,296,000, to remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed four passenger motor vehicles for replacement only, including not to exceed one ambulance, $3,628,902,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as *amended, including the acquisition of real property or facility construction or expansion, $346,000,000, to remain available until expended: Provided, That of the funds made available in this Act for Nuclear Waste Disposal, $2,000,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended: Provided further, That $8,000,000 shall be provided to affected units of local governments, as defined in Public Law 97–425, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act: Provided further, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: Provided further, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97–425 and this Act: Provided further, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.*

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $240,426,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $122,000,000 in fiscal year 2005 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2005, and any related unappropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2005 appropriation from the general fund estimated at not more than $118,426,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $41,508,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 19 passenger motor vehicles, for replacement only, including not to exceed two buses; $6,226,471,000, together with $300,000,000 to be derived by transfer from the Department of Defense, to remain available until expended: Provided, That the Secretary of Defense shall reduce proportionately each program, project, and activity funded by appropriations in titles I through VI of the Department of Defense Appropriations Act, 2005 (Public Law 108–287) to fund this transfer: Provided further, That $91,100,000 is authorized to be appropriated for Project 01–D–108, Microsystems and engineering sciences applications (MESA), Sandia National Laboratories, Albuquerque, New Mexico: Provided further, That $40,000,000 is authorized to be appropriated for Project 04–D–125, chemistry and metallurgy facility replacement project, Los Alamos Laboratory, Los Alamos, New Mexico: Provided further, That $1,500,000 is authorized to be appropriated for Project 04–D–103, Project engineering and design (PED), various locations: Provided further, That a plant or construction project for which amounts are made available under this heading but not exclusive to the Atomic Energy Defense Weapons Activities account, with a current estimated cost of less than $10,000,000 is considered for purposes of section 3622 of Public Law 107–314 as a plant project for which the approved total estimated cost does not exceed the minor construction threshold and for purposes of section 3623 of Public Law 107–314 as a construction project with a current estimated cost of less than the minor construction threshold.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,420,397,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $807,900,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses (not to exceed $12,000), $356,200,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE SITE ACCELERATION COMPLETION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense site acceleration completion activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $6,096,429,000, to remain available until expended.

DEFENSE ENVIRONMENTAL SERVICES

For Department of Energy expenses necessary for defense-related environmental services activities that indirectly support the accelerated cleanup and closure mission at environmental management sites, including the purchase, construction, and acquisition of plant and capital equipment and other necessary expenses, and the purchase of not to exceed three ambulances for replacement only, $937,976,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $692,691,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $231,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2005, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $5,200,000, to remain available until expended: Provided, That notwithstanding the provisions of 31 U.S.C. 3302, up to $34,000,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $29,352,000, to remain available until expended: Provided, That, notwithstanding the provisions of 31 U.S.C. 3302, up to $2,900,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures; in addition, notwithstanding 31 U.S.C. 3302, beginning in fiscal year 2005 and thereafter, such funds as are received by the Southwestern Power Administration from any State, municipality, corporation, association, firm, district, or individual as advance payment for work that is associated with Southwestern's transmission facilities, consistent with that authorized in section 5 of the Flood Control Act, shall be credited to this account and be available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500; $173,100,000, to remain available until expended, of which $167,236,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That of the amount herein appropriated, $10,000,000 shall be available until expended on a nonreimbursable basis to the Western Area Power Administration to design, construct, operate and maintain transmission facilities and services for the Animas-LaPlata Project as authorized by section 301(b)(10) of Public Law 106–554: Provided further, That of the amount herein appropriated, $6,200,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That of the amount herein appropriated, $6,000,000 shall be available until expended on a nonreimbursable basis to the Western Area Power Administration for Topock-Davis-Mead Transmission Line Upgrades: Provided further, That notwithstanding the provision of 31 U.S.C. 3302, up to $227,600,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,827,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $210,000,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $210,000,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2005 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2005 so as to result in a final fiscal year 2005 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a)(1) None of the funds in this or any other appropriations Act for fiscal year 2005 or any previous fiscal year may be used to make payments for a noncompetitive management and operating contract unless the Secretary of Energy has published in the Federal Register and submitted to the Committees on Appropriations of the House of Representatives and the Senate a written notification, with respect to each such contract, of the Secretary's decision to use competitive procedures for the award of the contract, or to not renew the contract, when the term of the contract expires.

(2) Paragraph (1) does not apply to an extension for up to two years of a noncompetitive management and operating contract, if the extension is for purposes of allowing time to award competitively a new contract, to provide continuity of service between contracts, or to complete a contract that will not be renewed.

(b) In this section:

(1) The term "noncompetitive management and operating contract" means a contract that was awarded more than 50 years ago without competition for the management and operation of Ames Laboratory, Argonne National Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, and Los Alamos National Laboratory.

(2) The term "competitive procedures" has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) and includes procedures described in section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) other than a procedure that solicits a proposal from only one source.

(c) For all management and operating contracts other than those listed in subsection (b)(1), none of the funds appropriated by this Act may be used to award a management and operating contract, or award a significant extension or expansion to an existing management and operating contract, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver. At least 60 days before a contract award for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Committees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy, under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 307. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. The Administrator of the National Nuclear Security Administration may authorize the manager of a covered nuclear weapons research, development, testing or production facility to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such facility in order to maintain and enhance such capabilities at such facility: Provided, That of the amount allocated to a covered nuclear weapons facility each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: Provided further, That for purposes of this section, the term "covered nuclear weapons facility" means the following:

(1) the Kansas City Plant, Kansas City, Missouri;

(2) the Y–12 Plant, Oak Ridge, Tennessee;

(3) the Pantex Plant, Amarillo, Texas;

(4) the Savannah River Plant, South Carolina; and

(5) the Nevada Test Site.

SEC. 309. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are *deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2005 until the enactment of the Intelligence Authorization Act for fiscal year 2005.*

SEC. 310. (a) The Secretary of Energy was directed to file a permit modification to the Waste Analysis Plan (WAP) and associated provisions contained in the Hazardous Waste Facility Permit for the Waste Isolation Pilot Plant (WIPP). For purposes of determining hereafter compliance of the modifications to the WAP with the hazardous waste analysis requirements of the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), or other applicable laws waste confirmation for all waste received for storage and disposal shall be limited to: (1) confirmation that the waste contains no ignitable, corrosive, or reactive waste through the use of either radiography or visual examination of a statistically representative subpopulation of the waste; and (2) review of the Waste Stream Profile Form to verify that the waste contains no ignitable, corrosive, or reactive waste and that assigned Environmental Protection Agency hazardous waste numbers are allowed for storage and disposal by the WIPP Hazardous Waste Facility Permit.

(b) Compliance with the disposal room performance standards of the WAP hereafter shall be demonstrated exclusively by monitoring airborne volatile organic compounds in underground disposal rooms in which waste has been emplaced until panel closure.

SEC. 311. Section 3113 of Public Law 102–486 (42 U.S.C. 2297h–11) is amended by adding a new paragraph (4) to subsection (a), as follows:

"(4) In the event that a licensee requests the Secretary to accept for disposal depleted uranium pursuant to this subsection, the Secretary shall be required to take title to and possession of such depleted uranium at an existing DUF6 storage facility.".

SEC. 312. The Department of Energy may use the funds appropriated by this Act to undertake any procurement action necessary to achieve its small business contracting goals set forth in Section (g) of the Small Business Act, 15 U.S.C. §644(g): Provided, That, none of the funds appropriated by this Act may be used by the Department of Energy for procurement actions resulting from the break-out of requirements from current facility management and operating contracts unless, consistent with requirements of Subpart 19.4 of the Federal Acquisition Regulation, the Secretary of Energy or his duly authorized designee formally requests, considers, and renders an appropriate decision on the views of the Small Business Administration Breakout Procurement Center Representative or the Representative's duly authorized designee concerning cost effectiveness, mission performance, security, safety, small business participation, and other legitimate acquisition objectives of procurement actions at issue. No later than April 1, 2005, the Secretary of Energy shall submit a report to the Comptroller General and to Congress discussing the Secretary's plans required by Section 15(h) of the Small Business Act, 15 U.S.C. §644(h), for meeting the Department's statutory small business contracting goals while taking into account other legitimate acquisition objectives. In preparing the report, the Secretary shall request and consider the views of the Administrator of the Small Business Administration and the Director of the Office of Small and Disadvantaged Business Utilization of the Department of Energy. The report shall discuss the Department's policies and activities concerning break-outs of procurement requirements from current management and operating contracts, consistent with requirements of this Act, Section 15(h) of the Small Business Act, and Subpart 19.4 of the Federal Acquisition Regulations.

SEC. 313. None of the funds appropriated by this Act may be used by the Department of Energy to require its management and operating contractors to perform contract management, oversight, or administration functions prohibited by Section 7.503 of the Federal Acquisition Regulation in connection with any small business prime contract awarded by the Department of Energy.

SEC. 314. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date. For the purpose of this section, the material categories of transuranic waste at the Rocky Flats Environmental Technology Site include: (1) ash residues; (2) salt residue; (3) wet residues; (4) direct repackage residues; and (5) scrub alloy as referenced in the "Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site".

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $66,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $20,268,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), and 382M(b) of said Act, $6,048,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $67,000,000 nothwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998, $2,500,000, to remain available until expended: Provided, That of the amounts provided to the Denali Commission, $5,000,000 is for community showers and washeteria in villages with homes with no running water; $13,000,000 is for the Juneau/Green's Creek/Hoonah Intertie project; $3,200,000 is for the Swan Lake/Tyee Intertie project; $5,000,000 is for multi-purpose community facilities including the Bering Straits Region, Dillingham, Moose Pass, Sterling, Funny River, Eclutna, and Anchor Point; $10,000,000 is for teacher housing in remote villages such as Savoogna, Allakakaet, Hughes, Huslia, Minto, Nulato, and Ruby where there is limited housing available for teachers; $10,000,000 is for facilities serving Native elders and senior citizens; and $5,000,000 is for (1) the Rural Communications service to provide broadcast facilities in communities with no television or radio station, (2) the Public Broadcasting Digital Distribution Network to link rural broadcasting facilities together to improve economies of scale, share programming, and reduce operating costs and (3) rural public broadcasting facilities and equipment upgrades.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), and purchase of promotional items for use in the recruitment of individuals for employment, $662,777,000, to remain available until expended: Provided, That of the amount appropriated herein, $69,050,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $534,354,000 in fiscal year 2005 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2005 so as to result in a final fiscal year 2005 appropriation estimated at not more than $128,423,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $7,518,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $6,766,200 in fiscal year 2005 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2005 so as to result in a final fiscal year 2005 appropriation estimated at not more than $751,800.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,177,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 503. None of the funds made available in this Act may be used to deny requests for the public release of documents or evidence obtained through or in the Western Energy Markets: Enron Investigation (Docket No. PA02–2), the California Refund case (Docket No. EL00–95), the Anomalous Bidding Investigation (Docket No. IN03–10), or the Physical Withholding Investigation.

SEC. 504. EXTENSION OF PROHIBITION OF OIL AND GAS DRILLING IN THE GREAT LAKES. Section 503 of the Energy and Water Development Appropriations Act, 2002, (115 Stat. 512), as amended, is amended by striking "2005" and inserting in lieu thereof "2007".

SEC. 505. The Secretary of the Army is hereby authorized, without further appropriation, to transfer and advance funds to the Administrator of the Bonneville Power Administration for the purposes necessary to carry out joint activities in connection with Section 2406 of the Energy Policy Act of 1992.

SEC. 506. VOTING METHOD FOR DELTA REGIONAL AUTHORITY. Section 382B(c)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa-1(c)(1)) is amended—

(1) in subparagraph (A), by striking "2004" and inserting "2008"; and

(2) in subparagraph (B), by striking "2005" and inserting "2009".

TITLE VI—REFORM OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY

SEC. 601. CHANGE IN COMPOSITION, OPERATION, AND DUTIES OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY.

The Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.) is amended by striking section 2 and inserting the following:

"SEC. 2. MEMBERSHIP, OPERATION, AND DUTIES OF THE BOARD OF DIRECTORS.

"(a) MEMBERSHIP.—

"(1) APPOINTMENT.—The Board of Directors of the Corporation (referred to in this Act as the 'Board') shall be composed of 9 members appointed by the President by and with the advice and consent of the Senate, at least 7 of whom shall be a legal resident of the service area of the Corporation.

"(2) CHAIRMAN.—The members of the Board shall select 1 of the members to act as chairman of the Board.

"(b) QUALIFICATIONS.—To be eligible to be appointed as a member of the Board, an individual—

"(1) shall be a citizen of the United States;

"(2) shall have management expertise relative to a large for-profit or nonprofit corporate, government, or academic structure;

"(3) shall not be an employee of the Corporation;

"(4) shall make full disclosure to Congress of any investment or other financial interest that the individual holds in the energy industry; and

"(5) shall affirm support for the objectives and missions of the Corporation, including being a national leader in technological innovation, low-cost power, and environmental stewardship.

"(c) RECOMMENDATIONS.—In appointing members of the Board, the President shall—

"(1) consider recommendations from such public officials as—

"(A) the Governors of States in the service area;

"(B) individual citizens;

"(C) business, industrial, labor, electric power distribution, environmental, civic, and service organizations; and

"(D) the congressional delegations of the States in the service area; and

"(2) seek qualified members from among persons who reflect the diversity, including the geographical diversity, and needs of the service area of the Corporation.

"(d) TERMS.—

"(1) IN GENERAL.—A member of the Board shall serve a term of 5 years. A member of the Board whose term has expired may continue to serve after the member's term has expired until the date on which a successor takes office, except that the member shall not serve beyond the end of the session of Congress in which the term of the member expires.

"(2) VACANCIES.—A member appointed to fill a vacancy on the Board occurring before the expiration of the term for which the predecessor of the member was appointed shall be appointed for the remainder of that term.

"(e) QUORUM.—

"(1) IN GENERAL.—Five of the members of the Board shall constitute a quorum for the transaction of business.

"(2) VACANCIES.—A vacancy on the Board shall not impair the power of the Board to act.

"(f) COMPENSATION.—

"(1) IN GENERAL.—A member of the Board shall be entitled to receive—

"(A) a stipend of—

"(i) $45,000 per year; or

"(ii)(I) in the case of the chairman of any committee of the Board created by the Board, $46,000 per year; or

"(II) in the case of the chairman of the Board, $50,000 per year; and

"(B) travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under section 5703 of title 5, United States Code.

"(2) ADJUSTMENTS IN STIPENDS.—The amount of the stipend under paragraph (1)(A)(i) shall be adjusted by the same percentage, at the same time and manner, and subject to the same limitations as are applicable to adjustments under section 5318 of title 5, United States Code.

"(g) DUTIES.—

"(1) IN GENERAL.—The Board shall—

"(A) establish the broad goals, objectives, and policies of the Corporation that are appropriate to carry out this Act;

"(B) develop long-range plans to guide the Corporation in achieving the goals, objectives, and policies of the Corporation and provide assistance to the chief executive officer to achieve those goals, objectives, and policies;

"(C) ensure that those goals, objectives, and policies are achieved;

"(D) approve an annual budget for the Corporation;

"(E) adopt and submit to Congress a conflict-of-interest policy applicable to members of the Board and employees of the Corporation;

"(F) establish a compensation plan for employees of the Corporation in accordance with subsection (i);

"(G) approve all compensation (including salary or any other pay, bonuses, benefits, incentives, and any other form of remuneration) of all managers and technical personnel that report directly to the chief executive officer (including any adjustment to compensation);

"(H) ensure that all activities of the Corporation are carried out in compliance with applicable law;

"(I) create an audit committee, composed solely of Board members independent of the management of the Corporation, which shall—

"(i) in consultation with the inspector general of the Corporation, recommend to the Board an external auditor;

"(ii) receive and review reports from the external auditor of the Corporation and inspector general of the Corporation; and

"(iii) make such recommendations to the Board as the audit committee considers necessary;

"(J) create such other committees of Board members as the Board considers to be appropriate;

"(K) conduct such public hearings as it deems appropriate on issues that could have a substantial effect on—

"(i) the electric ratepayers in the service area; or

"(ii) the economic, environmental, social, or physical well-being of the people of the service area;

"(L) establish the electricity rates charged by the Corporation; and

"(M) engage the services of an external auditor for the Corporation.

"(2) MEETINGS.—The Board shall meet at least 4 times each year.

"(h) CHIEF EXECUTIVE OFFICER.—

"(1) APPOINTMENT.—The Board shall appoint a person to serve as chief executive officer of the Corporation.

"(2) QUALIFICATIONS.—

"(A) IN GENERAL.—To serve as chief executive officer of the Corporation, a person—

"(i) shall have senior executive-level management experience in large, complex organizations;

"(ii) shall not be a current member of the Board or have served as a member of the Board within 2 years before being appointed chief executive officer; and

"(iii) shall comply with the conflict-of-interest policy adopted by the Board.

"(B) EXPERTISE.—In appointing a chief executive officer, the Board shall give particular consideration to appointing an individual with expertise in the electric industry and with strong financial skills.

"(3) TENURE.—The chief executive officer shall serve at the pleasure of the Board.

"(i) COMPENSATION PLAN.—

"(1) IN GENERAL.—The Board shall approve a compensation plan that specifies all compensation (including salary or any other pay, bonuses, benefits, incentives, and any other form of remuneration) for the chief executive officer and employees of the Corporation.

"(2) ANNUAL SURVEY.—The compensation plan shall be based on an annual survey of the prevailing compensation for similar positions in private industry, including engineering and electric utility companies, publicly owned electric utilities, and Federal, State, and local governments.

"(3) CONSIDERATIONS.—The compensation plan shall provide that education, experience, level of responsibility, geographic differences, and retention and recruitment needs will be taken into account in determining compensation of employees.

"(4) POSITIONS AT OR BELOW LEVEL IV.—The chief executive officer shall determine the salary and benefits of employees whose annual salary is not greater than the annual rate payable for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(5) POSITIONS ABOVE LEVEL IV.—On the recommendation of the chief executive officer, the Board shall approve the salaries of employees whose annual salaries would be in excess of the annual rate payable for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.".

SEC. 602. CHANGE IN MANNER OF APPOINTMENT OF STAFF.

Section 3 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831b) is amended—

(1) by striking the first undesignated paragraph and inserting the following:

"(a) APPOINTMENT BY THE CHIEF EXECUTIVE OFFICER.—The chief executive officer shall appoint, with the advice and consent of the Board, and without regard to the provisions of the civil service laws applicable to officers and employees of the United States, such managers, assistant managers, officers, employees, attorneys, and agents as are necessary for the transaction of the business of the Corporation."; and

(2) by striking "All contracts" and inserting the following:

"(b) WAGE RATES.—All contracts".

SEC. 603. CONFORMING AMENDMENTS.

(a) The Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.) is amended—

(1) by striking "board of directors" each place it appears and inserting "Board of Directors"; and

(2) by striking "board" each place it appears and inserting "Board".

(b) Section 9 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831h) is amended—

(1) by striking "The Comptroller General of the United States shall audit" and inserting the following:

"(c) AUDITS.—The Comptroller General of the United States shall audit"; and

(2) by striking "The Corporation shall determine" and inserting the following:

"(d) ADMINISTRATIVE ACCOUNTS AND BUSINESS DOCUMENTS.—The Corporation shall determine".

(c) Title 5, United States Code, is amended—

(1) in section 5314, by striking "Chairman, Board of Directors of the Tennessee Valley Authority."; and

(2) in section 5315, by striking "Members, Board of Directors of the Tennessee Valley Authority.".

SEC. 604. APPOINTMENTS; EFFECTIVE DATE; TRANSITION.

(a) APPOINTMENTS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the President shall submit to the Senate nominations of 6 persons to serve as members of the Board of Directors of the Tennessee Valley Authority in addition to the members serving on the date of enactment of this Act.

(2) INITIAL TERMS.—Notwithstanding section 2(d) of the Tennessee Valley Authority Act of 1933 (as amended by this title), in making the appointments under paragraph (1), the President shall appoint—

(A) 2 members for a term to expire on May 18, 2007;

(B) 2 members for a term to expire on May 18, 2009; and

(C) 2 members for a term to expire on May 18, 2011.

(b) EFFECTIVE DATE.—The amendments made by this title take effect on the later of—

(1) the date on which at least 3 persons nominated under subsection (a) take office; or

(2) May 18, 2005.

(c) SELECTION OF CHAIRMAN.—The Board of Directors of the Tennessee Valley Authority shall select 1 of the members to act as chairman of the Board not later than 30 days after the effective date specified in subsection (b).

(d) CONFLICT-OF-INTEREST POLICY.—The Board of Directors of the Tennessee Valley Authority shall adopt and submit to Congress a conflict-of-interest policy, as required by section 2(g)(1)(E) of the Tennessee Valley Authority Act of 1933 (as amended by this title), as soon as practicable after the effective date specified in subsection (b).

(e) TRANSITION.—A person who is serving as a member of the board of directors of the Tennessee Valley Authority on the date of enactment of this Act—

(1) shall continue to serve until the end of the current term of the member; but

(2) after the effective date specified in subsection (b), shall serve under the terms of the Tennessee Valley Authority Act of 1933 (as amended by this title).

This Division may be cited as the "Energy and Water Development Appropriations Act, 2005".

DIVISION D—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2005

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: Provided further, That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through October 1, 2005.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $59,800,000, to remain available until September 30, 2008: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until September 30, 2023 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2005, 2006, 2007, and 2008: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any Eastern European country, any Baltic State or any agency or national thereof: Provided further, That not later than 30 days after the date of enactment of this Act, the Export-Import Bank shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, containing an analysis of the economic impact on United States producers of ethanol of the extension of credit and financial guarantees for the development of an ethanol dehydration plant in Trinidad and Tobago, including a determination of whether such extension will cause substantial injury to such producers, as defined in section 2(e)(4) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)(4)).

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, $73,200,000: Provided, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2005.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $42,885,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $24,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Non-Credit Account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2005 and 2006: Provided further, That such sums shall remain available through fiscal year 2013 for the disbursement of direct and guaranteed loans obligated in fiscal year 2005, and through fiscal year 2014 for the disbursement of direct and guaranteed loans obligated in fiscal year 2006: Provided further, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: Provided further, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $51,500,000, to remain available until September 30, 2006.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2005, unless otherwise specified herein, as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, in addition to funds otherwise available for such purposes, $1,550,000,000, to remain available until September 30, 2006: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases, and for assistance to communities severely affected by HIV/AIDS, including children displaced or orphaned by AIDS; and (6) family planning/reproductive health: Provided further, That none of the *funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: Provided further, That of the funds appropriated under this heading, not to exceed $250,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: Provided further, That the following amounts should be allocated as follows: $345,000,000 for child survival and maternal health; $30,000,000 for vulnerable children; $350,000,000 for HIV/AIDS including not less than $30,000,000 to support the development of microbicides as a means for combating HIV/AIDS; $200,000,000 for other infectious diseases; and $375,000,000 for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species: Provided further, That of the funds appropriated under this heading, and in addition to funds allocated under the previous proviso, not less than $250,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108–25), for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (the "Global Fund"), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That of the funds appropriated under this heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004, that were withheld from obligation to the Global Fund, not less than $87,800,000 shall be made available to the Global Fund, notwithstanding section 202(d)(4) of Public Law 108–25 which required such withholding from the Global Fund in fiscal year 2004: Provided further, That the funds made available in the previous proviso shall be subject to any withholding required by section 202(d)(4) of Public Law 108–25 for contributions made to the Global Fund in fiscal year 2005: Provided further, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2005 may be made available to the United States Agency for International Development for technical assistance related to the activities of the Global Fund: Provided further, That of the funds appropriated under this heading that are available for HIV/AIDS programs and activities, not less than $27,000,000 should be made available for the International AIDS Vaccine Initiative: Provided further, That of the funds appropriated under this heading, $65,000,000 should be made available for a United States contribution to The Vaccine Fund, and up to $6,000,000 may be transferred to and merged with funds appropriated by this Act under the heading "Operating Expenses of the United States Agency for International Development" for costs directly related to international health, but funds made available for such costs may not be derived from amounts made available for contribution under this and preceding provisos: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion: Provided further, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That to the maximum extent feasible, taking into consideration cost, timely availability, and best health practices, funds appropriated in this Act or prior appropriations Acts that are made available for condom procurement shall be made available only for the procurement of condoms manufactured in the United States: Provided further, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.*

DEVELOPMENT ASSISTANCE

For necessary expenses of the United States Agency for International Development to carry out the provisions of sections 103, 105, 106, and 131, and chapter 10 of part I of the Foreign Assistance Act of 1961, $1,460,000,000, to remain available until September 30, 2006: Provided, That $194,000,000 should be allocated for trade capacity building: Provided further, That $300,000,000 should be allocated for basic education: Provided further, That of the funds appropriated under this heading and managed by the United States Agency for International Development Bureau of Democracy, Conflict, and Humanitarian Assistance, not less than $15,000,000 shall be made available only for programs to improve women's leadership capacity in recipient countries: Provided further, That such funds may not be made available for construction: Provided further, That of the aggregate amount of the funds appropriated by this Act that are made available for agriculture and rural development programs, $25,000,000 should be made available for plant biotechnology research and development: Provided further, That not less than $2,300,000 should be made available for core support for the International Fertilizer Development Center: Provided further, That of the funds appropriated under this heading, not less than $20,000,000 should be made available for the American Schools and Hospitals Abroad program: Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $37,500, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That funds appropriated under this heading should be made available for programs in sub-Saharan Africa to address sexual and gender-based violence: Provided further, That of the funds appropriated under this heading, $2,000,000 should be made available to develop clean water treatment activities in developing countries: Provided further, That of the funds appropriated by this Act, $100,000,000 shall be made available for drinking water supply projects and related activities.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For necessary expenses of the United States Agency for International Development to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, $335,500,000, to remain available until expended.

In addition, for necessary expenses for assistance for famine prevention and relief, including for mitigation of the effects of famine, $34,500,000, to remain available until expended: Provided, That such funds shall be made available utilizing the general authorities of section 491 of the Foreign Assistance Act of 1961, and shall be in addition to amounts otherwise available for such purposes: Provided further, That funds appropriated by this paragraph shall be available for obligation subject to prior consultation with the Committees on Appropriations.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $49,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, *That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: Provided further, That if the President determines that is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: Provided further, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.*

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 108 and 635 of the Foreign Assistance Act of 1961, funds may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading "Assistance for Eastern Europe and the Baltic States": Provided, That such funds shall not exceed $21,000,000, which shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of the Act: Provided further, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $8,000,000, which may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: Provided, That funds made available under this heading shall remain available until September 30, 2007.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $42,500,000.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $618,000,000, of which up to $25,000,000 may remain available until September 30, 2006: Provided, That none of the funds appropriated under this heading and under the heading "Capital Investment Fund" may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long-term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: Provided further, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long-term lease of offices does not exceed $1,000,000: Provided further, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through fiscal year 2006: Provided further, That none of the funds in this Act may be used to open a new overseas mission of the United States Agency for International Development without the prior written notification of the Committees on Appropriations: Provided further, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to "Operating Expenses of the United States Agency for International Development" in accordance with the provisions of those sections.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, $59,000,000, to remain available until expended: Provided, That this amount is in addition to funds otherwise available for such purposes: Provided further, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations: Provided further, That of the amounts appropriated under this heading, not to exceed $19,709,000 may be made available for the purposes of implementing the Capital Security Cost Sharing Program.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $35,000,000, to remain available until September 30, 2006, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,482,500,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, not less than $360,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act: Provided further, That not less than $535,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which $200,000,000 should be provided as Commodity Import Program assistance: Provided further, That with respect to the provision of assistance for Egypt for democracy and governance activities, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the Government of Egypt: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: Provided further, That of the funds appropriated under this heading, not less than $250,000,000 should be made available only for assistance for Jordan: Provided further, That $13,500,000 of the funds appropriated under this heading shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: Provided further, That $35,000,000 of the funds appropriated under this heading shall be made available for assistance for Lebanon, of which not less than $4,000,000 should be made available for scholarships and direct support of American educational institutions in Lebanon: Provided further, That funds appropriated under this heading may be used, notwithstanding any other provision of law, to provide assistance to the National Democratic Alliance of Sudan to strengthen its ability to protect civilians from attacks, slave raids, and aerial bombardment by the Sudanese Government forces and its militia allies, and the provision of such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That in the previous proviso, the term "assistance" includes non-lethal, non-food aid such as blankets, medicine, fuel, mobile clinics, water drilling equipment, communications equipment to notify civilians of aerial bombardment, non-military vehicles, tents, and shoes: Provided further, That not to exceed $200,000,000 of the funds appropriated under this heading may be used for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Pakistan: Provided further, That amounts that are made available under the previous proviso for the costs of modifying direct loans and guarantees shall not be considered "assistance" for the purposes of provisions of law limiting assistance to a country: Provided further, That of the funds appropriated under this heading, not less than $22,000,000 shall be made available for assistance for the Democratic Republic of Timor-Leste, of which up to $1,000,000 may be available for administrative expenses of the United States Agency for International Development: Provided further, That of the funds available under this heading for assistance for Indonesia, $3,000,000 should be made available to promote freedom of the media in Indonesia: Provided further, That of the funds appropriated under this heading, $5,000,000 shall be made available to continue to support the provision of wheelchairs for needy persons in developing countries: Provided further, That funds appropriated under this heading that are made available for a Middle East Financing Facility, Middle East Enterprise Fund, or any other similar entity in the Middle East shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That with respect to funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, the responsibility for policy decisions and justifications for the use of such funds, including whether there will be a program for a country that uses those funds and the amount of each such program, shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $18,500,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until September 30, 2006.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $396,600,000, to remain available until September 30, 2006, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: Provided, That of the funds appropriated under this heading that are made available for assistance for Bulgaria, $2,000,000 should be made available to enhance safety at nuclear power plants.

(b) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(c) The provisions of section 529 of this Act shall apply to funds appropriated under this heading: Provided, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 529 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

(d) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between state sponsors of terrorism and terrorist organizations and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $560,000,000, to remain available until September 30, 2006: Provided, That the provisions of such chapters shall apply to funds appropriated by this paragraph: Provided further, That funds made available for the Southern Caucasus region may be used, notwithstanding any other provision of law, for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: Provided further, That of the funds appropriated under this heading, $3,859,000 should be available only to meet the health and other assistance needs of victims of trafficking in persons: Provided further, That of the funds appropriated under this heading, $17,500,000 shall be made available solely for assistance for the Russian Far East: Provided further, That, notwithstanding any other provision of law, funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, that are made available pursuant to the provisions of section 807 of Public Law 102–511 shall be subject to a 6 percent ceiling on administrative expenses.

(b) Of the funds appropriated under this heading that are made available for assistance for Ukraine, not less than $5,000,000 should be made available for nuclear reactor safety initiatives, and not less than $1,500,000 shall be made available for coal mine safety programs.

(c) Of the funds appropriated under this heading, not less than $55,000,000 should be made available, in addition to funds otherwise available for such purposes, for assistance for child survival, environmental and reproductive health, and to combat HIV/AIDS, tuberculosis and other infectious diseases, and for related activities.

(d)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation:

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(e) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

INDEPENDENT AGENCIES

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $18,000,000, to remain available until September 30, 2006.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, $19,000,000, to remain available until September 30, 2006: Provided, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the board of directors of the Foundation: Provided further, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), $320,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 2006.

MILLENNIUM CHALLENGE CORPORATION

For necessary expenses for the "Millennium Challenge Corporation", $1,500,000,000, to remain available until expended: Provided, That of the funds appropriated under this heading, up to $50,000,000 may be available for administrative expenses of the Millennium Challenge Corporation: Provided further, That none of the funds appropriated under this heading may be made available for the provision of assistance until the Chief Executive Officer of the Millennium Challenge Corporation provides a written budget justification to the Committees on Appropriations: Provided further, That up to 10 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003: Provided further, That none of the funds available to carry out section 616 of such Act may be made available until the Chief Executive Officer of the Millennium Challenge Corporation provides a report to the Committees on Appropriations listing the candidate countries that will be receiving assistance under section 616 of such Act, the level of assistance proposed for each such country, a description of the proposed programs, projects and activities, and the implementing agency or agencies of the United States Government: Provided further, That section 605(e)(4) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: Provided further, That funds appropriated under this heading, and funds appropriated under this heading in division D of Public Law 108–199, may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: Provided further, That the previous proviso shall be effective on the date of enactment of this Act.

DEPARTMENT OF STATE

GLOBAL HIV/AIDS INITIATIVE

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, $1,385,000,000, to remain available until expended: Provided, That of the funds appropriated under this heading, not more than $8,818,000 may be made available for administrative expenses of the Office of the Coordinator of United States Government Activities to Combat HIV/AIDS Globally of the Department of State: Provided further, That of the funds appropriated under this heading, not less than $27,000,000 should be made available for a United States contribution to UNAIDS.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $328,820,000, to remain available until September 30, 2007: Provided, That during fiscal year 2005, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: Provided further, That of the funds appropriated under this heading, not less than $11,900,000 should be made available for training programs and activities of the International Law Enforcement Academies: Provided further, That of the funds appropriated under this heading, not less than $4,000,000 should be made available for assistance for the Philippines for police training and other related activities: Provided further, That $10,000,000 of the funds appropriated under this heading shall be made available for demand reduction programs: Provided further, That $40,000,000 of the funds appropriated under this heading should be made available for assistance for Mexico: Provided further, That $10,500,000 of the funds appropriated under this heading should be made available for assistance for countries and programs in Africa: Provided further, That of the funds appropriated under this heading, $3,000,000 shall be made available for assistance for the Government of Malta for the purchase of helicopters to enhance its ability to control its borders and deter terrorists: Provided further, That of the funds appropriated under this heading, not more than $30,300,000 may be available for administrative expenses.

ANDEAN COUNTERDRUG INITIATIVE

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support counterdrug activities in the Andean region of South America, $731,000,000, to remain available until September 30, 2007: Provided, That in fiscal year 2005, funds available to the Department of State for assistance to the Government of Colombia shall be available to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: Provided further, That this authority shall cease to be effective if the Secretary of State has credible evidence that the Colombian Armed Forces are not conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations: Provided further, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of any illegal self-defense group or illegal security cooperative, such helicopter shall be immediately returned to the United States: Provided further, That none of the funds appropriated by this Act may be made available to support a Peruvian air interdiction program until the Secretary of State and Director of Central Intelligence certify to the Congress, 30 days before any resumption of United States involvement in a Peruvian air interdiction program, that an air interdiction program that permits the ability of the Peruvian Air Force to shoot down aircraft will include enhanced safeguards and procedures to prevent the occurrence of any incident similar to the April 20, 2001 incident: Provided further, That the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: Provided further, That of the funds appropriated under this heading, not less than $264,600,000 shall be made available for alternative development/institution building, of which $237,000,000 shall be apportioned directly to the United States Agency for International Development, including $125,700,000 for assistance for Colombia: Provided further, That with respect to funds apportioned to the United States Agency for International Development under the previous proviso, the responsibility for policy decisions for the use of such funds, including what activities will be funded and the amount of funds that will be provided for each of those activities, shall be the responsibility of the Administrator of the United States Agency for International Development in consultation with the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs: Provided further, That of the funds appropriated under this heading, not less than $6,000,000 should be made available for judicial reform programs in Colombia: Provided further, That of the funds appropriated under this heading, in addition to funds made available pursuant to the previous proviso, not less than $6,000,000 shall be made available to the United States Agency for International Development for organizations and programs to protect human rights: Provided further, That funds made available in this Act for demobilization/reintegration of members of foreign terrorist organizations in Colombia shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: Provided further, That not more than 20 percent of the funds appropriated by this Act that are used for the procurement of chemicals for aerial coca and poppy fumigation programs may be made available for such programs unless the Secretary of State certifies to the Committees on Appropriations that: (1) the herbicide mixture is being used in accordance with EPA label requirements for comparable use in the United States and with Colombian laws; and (2) the herbicide mixture, in the manner it is being used, does not pose unreasonable risks or adverse effects to humans or the environment: Provided further, That such funds may not be made available unless the Secretary of State certifies to the Committees on Appropriations that complaints of harm to health or licit crops caused by such fumigation are evaluated and fair compensation is being paid for meritorious claims: Provided further, That such funds may not be made available for such purposes unless programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers whose illicit crops are targeted for fumigation: Provided further, That of the funds appropriated under this heading, $2,000,000 should be made available through nongovernmental organizations for programs to protect biodiversity and indigenous reserves in Colombia: Provided further, That funds appropriated by this Act may be used for aerial fumigation in Colombia's national parks or reserves only if the Secretary of State determines that it is in accordance with Colombian laws and that there are no effective alternatives to reduce drug cultivation in these areas: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: Provided further, That funds appropriated under this heading that are available for assistance for the Bolivian military and police may be made available for such purposes only if the Bolivian military and police are respecting human rights and cooperating with civilian judicial authorities, and the Bolivian Government is prosecuting and punishing those responsible for violations of human rights: Provided further, That of the funds appropriated under this heading, not more than $16,285,000 may be available for administrative expenses of the Department of State, and not more than $7,800,000 may be available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $770,000,000, which shall remain available until expended: Provided, That not more than $22,000,000 may be available for administrative expenses: Provided further, That not less than $50,000,000 of the funds made available under this heading shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel: Provided further, That funds appropriated under this heading may be made available for a headquarters contribution to the International Committee of the Red Cross only if the Secretary of State determines (and so reports to the appropriate committees of Congress) that the Magen David Adom Society of Israel is not being denied participation in the activities of the International Red Cross and Red Crescent Movement.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $30,000,000, to remain available until expended: Provided, That funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of such Act which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $402,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That of this amount not to exceed $32,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That funds available during fiscal year 2005 for a contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission and that are not necessary to make the United States contribution to the Commission in the amount assessed for fiscal year 2005 shall be made available for a voluntary contribution to the International Atomic Energy Agency and shall remain available until September 30, 2006: Provided further, That of the funds made available for demining and related activities, not to exceed $690,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: Provided further, That funds appropriated under this heading that are available for "Anti-terrorism Assistance" and "Export Control and Border Security" shall remain available until September 30, 2006.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, $19,000,000, to remain available until September 30, 2007, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, and concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113, $100,000,000, to remain available until September 30, 2007: Provided, That not less than $20,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: Provided further, That up to $75,000,000 of the funds appropriated under this heading may be used by the Secretary of the Treasury to pay to the Heavily Indebted Poor Countries (HIPC) Trust Fund administered by the International Bank for Reconstruction and Development amounts for the benefit of countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113: Provided further, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

(1) the Inter-American Development Bank;

(2) the African Development Fund;

(3) the African Development Bank; and

(4) the Central American Bank for Economic Integration:

Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: Provided further, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: Provided further, That the Secretary of the Treasury shall inform the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: Provided further, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

(1) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institutions to export-oriented commercial projects that generate foreign exchange which are generally referred to as "enclave" loans; and

(2) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: Provided further, That none of the funds made available under this heading in this or any other appropriations Act shall be made available for Sudan or Burma unless the Secretary of the Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office: Provided further, That none of the funds appropriated under this heading may be paid to the HIPC Trust Fund for the benefit of any country that has accepted loans from an international financial institution between such country's decision point and completion point: Provided further, That the terms "decision point" and "completion point" shall have the same meaning as defined by the International Monetary Fund.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $89,730,000, of which up to $3,000,000 may remain available until expended: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for military education and training for Guatemala may only be available for expanded international military education and training, and funds made available for Haiti, the Democratic Republic of the Congo, and Nigeria may only be provided through the regular notification procedures of the Committees on Appropriations.

FOREIGN MILITARY FINANCING PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,783,500,000: Provided, That of the funds appropriated under this heading, not less than $2,220,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $580,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, $206,000,000 should be made available for assistance for Jordan: Provided further, That in addition to the funds appropriated under this heading, up to $150,000,000 for assistance for Pakistan may be derived by transfer from unobligated balances of funds appropriated under the headings "Economic Support Fund" and "Foreign Military Financing Program" in prior appropriations Acts and not otherwise designated in those Acts for a specific country, use, or purpose: Provided further, That of the funds appropriated under this heading, not more than $2,000,000 may be made available for assistance for Uganda and only for non-lethal military equipment if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Uganda has made significant progress in: (1) the protection of human rights, especially preventing acts of torture; (2) the protection of civilians in northern and eastern Uganda; and (3) the professionalization of the Ugandan armed forces: Provided further, That funds appropriated or otherwise made available by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Guatemala: Provided further, That none of the funds appropriated under this heading may be made available for assistance for Haiti except pursuant to the regular notification procedures of the Committees on Appropriations: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $40,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than $367,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2005 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2005 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $104,000,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $107,500,000 to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $850,000,000, to remain available until expended.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, $11,000,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $100,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $4,100,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $79,532,933.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $106,000,000, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,431,111 for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $121,996,662.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, $15,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $328,394,000: Provided, That none of the funds appropriated under this heading may be made available to the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 501. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 502. None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the United States Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $125,000 shall be available for representation allowances for the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $4,000 shall be available for entertainment expenses and not to exceed $130,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $55,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds *made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $4,000 shall be available for representation and entertainment allowances: Provided further, That of the funds made available by this Act under the heading "Millennium Challenge Corporation", not to exceed $115,000 shall be available for representation and entertainment allowances.*

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 506. (a) PROHIBITION ON TAXATION.—None of the funds appropriated by this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2005 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2006 and allocated for the central government of such country and for the West Bank and Gaza Program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) DETERMINATIONS.—

(1) The provisions of this section shall not apply to any country or entity the Secretary of State determines—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the policy of this section to ensure that United States assistance is not subject to taxation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

(f) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section—

(1) the terms "taxes" and "taxation" refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term "bilateral agreement" refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Libya, North Korea, Iran, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by decree or military coup: Provided, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: Provided further, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: Provided further, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFERS

SEC. 509. (a)(1) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—None of the funds made available by this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(b) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than five days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

(c) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Office of the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: Provided, That funds transferred under such authority may be made available for the cost of such audits.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 510. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, chapters 4, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available for an additional four years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Health Programs Fund", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Andean Counterdrug Initiative", "Assistance for Eastern Europe and the Baltic States", "Assistance for the Independent States of the Former Soviet Union", "Economic Support Fund", "Global HIV/AIDS Initiative", "Peacekeeping Operations", "Capital Investment Fund", "Operating Expenses of the United States Agency for International Development", "Operating Expenses of the United States Agency for International Development Office of Inspector General", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Millennium Challenge Corporation" (by country only), "Foreign Military Financing Program", "International Military Education and Training", "Peace Corps", and "Migration and Refugee Assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under title II of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2006.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(b) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(c) Funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" for the Russian Federation, Armenia, Georgia, and Ukraine shall be subject to the regular notification procedures of the Committees on Appropriations.

(d) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(e) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading "Assistance for the Independent States of the Former Soviet Union" and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to Europe and Eurasia and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

PROHIBITION OF FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 519. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2005, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for Liberia, Serbia, Sudan, Zimbabwe, Pakistan, or Cambodia except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development "program, project, and activity" shall also be considered to include central, country, regional, and program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND HEALTH ACTIVITIES

SEC. 522. Up to $13,500,000 of the funds made available by this Act for assistance under the heading "Child Survival and Health Programs Fund", may be used to reimburse United States

Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: Provided, That up to $3,500,000 of the funds made available by this Act for assistance under the heading "Development Assistance" may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by titles II and III of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for the provisions under the heading "Child Survival and Health Programs Fund" and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: Provided further, That of the funds appropriated under title II of this Act, not less than $441,000,000 shall be made available for family planning/reproductive health.

AFGHANISTAN

SEC. 523. Of the funds appropriated by titles II and III of this Act, not less than $980,000,000 should be made available for humanitarian, reconstruction, and related assistance for Afghanistan: Provided, That of the funds made available pursuant to this section, not less than $2,000,000 should be made available for reforestation activities: Provided further, That funds made available pursuant to the previous proviso should be matched, to the maximum extent possible, with contributions from American and Afghan businesses: Provided further, That of the funds made available pursuant to this section, not less than $2,000,000 should be made available for the Afghan Independent Human Rights Commission and for other Afghan human rights organizations: Provided further, That to the maximum extent practicable members of the Afghan National Army should be vetted for involvement in terrorism, human rights violations, and drug trafficking: Provided further, That of the funds allocated for assistance for Afghanistan from this Act and other Acts making appropriations for foreign operations, export financing, and related programs for fiscal year 2005, not less than $50,000,000 should be made available to support programs that directly address the needs of Afghan women and girls, of which not less than $7,500,000 shall be made available for small grants to support training and equipment to improve the capacity of women-led Afghan nongovernmental organizations and to support the activities of such organizations.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 524. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

HIV/AIDS

SEC. 525. (a)(1) Notwithstanding any other provision of this Act, 25 percent of the funds that are appropriated by this Act for a contribution to support the Global Fund to Fight AIDS, Tuberculosis and Malaria (the "Global Fund") shall be withheld from obligation to the Global Fund until the Secretary of State certifies to the Committees on Appropriations that the Global Fund—

(A) is establishing a full time, professional, independent office which reports directly to the Global Fund Board regarding, among other things, the integrity of processes for consideration and approval of grant proposals, and the implementation, monitoring and evaluation of grants made by the Global Fund;

(B) is strengthening domestic civil society participation, especially for people living with HIV/AIDS, in country coordinating mechanisms;

(C) is establishing procedures to assess the need for, and coordinate, technical assistance for Global Fund activities, in cooperation with bilateral and multilateral donors;

(D) has established clear progress indicators upon which to determine the release of incremental disbursements;

(E) is releasing such incremental disbursements only if positive results have been attained based on those indicators; and

(F) is providing support and oversight to country-level entities, such as country coordinating mechanisms, principal recipients, and local Fund agents, to enable them to fulfill their mandates.

(2) The Secretary of State may waive paragraph (1) of this subsection if he determines and reports to the Committees on Appropriations that such waiver is important to the national interest of the United States.

(b)(1) In furtherance of the purposes of section 104A of the Foreign Assistance Act of 1961, and to assist in providing a safe, secure, reliable, and sustainable supply chain of pharmaceuticals and other products needed to provide care and treatment of persons with HIV/AIDS and related infections, the Coordinator of the United States Government Activities to Combat HIV/AIDS Globally (the "Coordinator") is authorized to establish an HIV/AIDS Working Capital Fund (in this section referred to as the "HIV/AIDS Fund").

(2) Funds deposited during any fiscal year in the HIV/AIDS Fund shall be available without fiscal year limitation and used for pharmaceuticals and other products needed to provide care and treatment of persons with HIV/AIDS and related infections, including, but not limited to—

(A) anti-retroviral drugs;

(B) other pharmaceuticals and medical items needed to provide care and treatment to persons with HIV/AIDS and related infections;

(C) laboratory and other supplies for performing tests related to the provision of care and treatment to persons with HIV/AIDS and related infections;

(D) other medical supplies needed for the operation of HIV/AIDS treatment and care centers, including products needed in programs for the prevention of mother-to-child transmission;

(E) pharmaceuticals and health commodities needed for the provision of palliative care; and

(F) laboratory and clinical equipment, as well as equipment needed for the transportation and care of HIV/AIDS supplies, and other equipment needed to provide prevention, care and treatment of HIV/AIDS described above.

(3) There may be deposited during any fiscal year in the HIV/AIDS Fund payments for HIV/AIDS pharmaceuticals and products provided from the HIV/AIDS Fund received from applicable appropriations and funds of the United States Agency for International Development, the Department of Health and Human Services, the Department of Defense, or other Federal agencies and other sources at actual cost of the HIV/AIDS pharmaceuticals and other products, actual cost plus the additional costs of providing such HIV/AIDS pharmaceuticals and other products, or at any other price agreed to by the Coordinator or his designee.

(4) There may be deposited in the HIV/AIDS Fund payments for the loss of, or damage to, HIV/AIDS pharmaceuticals and products held in the HIV/AIDS Fund, rebates, reimbursements, refunds and other credits applicable to the operation of the HIV/AIDS Fund.

(5) At the close of each fiscal year the Coordinator may transfer out of the HIV/AIDS Fund to other HIV/AIDS programmatic areas such amounts as the Coordinator determines to be in excess of the needs of the HIV/AIDS Fund.

(6) At the close of each fiscal year the Coordinator shall submit a report to the Committees on Appropriations detailing the financial activities of the HIV/AIDS Fund, including sources of income and information regarding disbursements.

DEMOCRACY PROGRAMS

SEC. 526. (a) Notwithstanding any other provision of law, of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $19,000,000 shall be made available for assistance for activities to support democracy, human rights, and the rule of law in the People's Republic of China and Hong Kong: Provided, That funds appropriated under the heading "Economic Support Fund" should be made available for assistance for Taiwan for the purposes of furthering political and legal reforms: Provided further, That such funds shall only be made available to the extent that they are matched from sources other than the United States Government: Provided further, That funds made available pursuant to the authority of this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(b)(1) In addition to the funds made available in subsection (a), of the funds appropriated by this Act under the heading "Economic Support Fund" not less than $15,000,000 shall be made available for programs and activities to foster democracy, human rights, civic education, women's development, press freedom, and the rule of law in countries with a significant Muslim population, and where such programs and activities would be important to United States efforts to respond to, deter, or prevent acts of international terrorism: Provided, That funds made available pursuant to the authority of this subsection should support new initiatives and activities in those countries: Provided further, That of the funds appropriated under this heading, $3,000,000 shall be made available for programs and activities that provide professional training for journalists: Provided further, That notwithstanding any other provision of law, not less than $3,000,000 of such funds may be used for making grants to educational, humanitarian and nongovernmental organizations and individuals inside Iran to support the advancement of democracy and human rights in Iran: Provided further, That notwithstanding any other provision of law, funds appropriated pursuant to the authority of this subsection may be made available for democracy, human rights, and rule of law programs for Syria: Provided further, That funds made available pursuant to this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(2) In addition to funds made available under subsections (a) and (b)(1), of the funds appropriated by this Act under the heading "Economic Support Fund" not less than $4,500,000 shall be made available for programs and activities of the National Endowment for Democracy to foster democracy, human rights, civic education, women's development, press freedom, and the rule of law in countries in sub-Saharan Africa.

(c) Of the funds made available under subsection (a), not less than $15,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, to support the activities described in subsection (a), and of the funds made available under subsection (b)(1), not less than $11,000,000 shall be made available for such Fund to support the activities described in subsection (b)(1): Provided, That up to $1,200,000 may be used for the Reagan/Fascell Democracy Fellows program: Provided further, That the total amount of funds made available by this Act under "Economic Support Fund" for activities of the Bureau of Democracy, Human Rights and Labor, Department of State, including funds available in this section, shall be not less than $37,000,000.

(d) Of the funds made available under subsection (a), not less than $4,000,000 shall be made available for the National Endowment for Democracy to support the activities described in subsection (a), and of the funds made available under subsection (b)(1), not less than $4,000,000 shall be made available for the National Endowment for Democracy to support the activities described in subsection (b)(1): Provided, That the Secretary of State shall provide a report to the Committees on Appropriations within 120 days of the date of enactment of this Act on the status of the allocation and obligation of such funds.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

DEBT-FOR-DEVELOPMENT

SEC. 528. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 529. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

SEC. 530. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

(b) Funds made available by this Act for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

BURMA

SEC. 531. (a) The Secretary of the Treasury shall instruct the United States executive director to each appropriate international financial institution in which the United States participates, to oppose and vote against the extension by such institution of any loan or financial or technical assistance or any other utilization of funds of the respective bank to and for Burma.

(b) Of the funds appropriated under the heading "Economic Support Fund", not less than $8,000,000 shall be made available to support democracy activities in Burma, along the Burma-Thailand border, for activities of Burmese student groups and other organizations located outside Burma, and for the purpose of supporting the provision of humanitarian assistance to displaced Burmese along Burma's borders: Provided, That funds made available under this heading may be made available notwithstanding any other provision of law: Provided further, That in addition to assistance for Burmese refugees provided under the heading "Migration and Refugee Assistance" in this Act, not less than $4,000,000 shall be allocated to the United States Agency for International Development for humanitarian assistance for displaced Burmese and host communities in Thailand: Provided further, That funds made available under this section shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) The President shall include amounts expended by the Global Fund to Fight AIDS, Tuberculosis and Malaria to the State Peace and Development Council in Burma, directly or through groups and organizations affiliated with the Global Fund, in making determinations regarding the amount to be withheld by the United States from its contribution to the Global Fund pursuant to section 202(d)(4)(A)(ii) of Public Law 108–25.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 532. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act.

The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 533. None of the funds appropriated by this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That the application of section 507(4) (D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

SEC. 534. (a) AFGHANISTAN, PAKISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated by this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 512 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated in titles I and II of this Act that are made available for Lebanon, Montenegro, Pakistan, and for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law.

(b) TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: Provided, That not more than 10 of such contractors shall be assigned to any bureau or office: Provided further, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(e) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(f) CONTINGENCIES.—During fiscal year 2005, the President may use up to $45,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding the funding ceiling in section 451(a).

(g) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(h) WORLD FOOD PROGRAM.—Of the funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance of the United States Agency for International Development, from this or any other Act, not less than $6,000,000 shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

(i) NATIONAL ENDOWMENT FOR DEMOCRACY.—Funds appropriated by this Act that are provided to the National Endowment for Democracy may be provided notwithstanding any other provision of law or regulation.

(j) TECHNICAL AMENDMENT.—Section 201(a)(2) of the North Korean Human Rights Act of 2004 (Public Law 108–333) is amended by striking "paragraphs (1) through (4) of section 202(b)" and inserting "subparagraphs (A) through (D) of section 202(b)(1)".

(k) REPORT MODIFICATION.—Section 406(b)(4) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246; 22 U.S.C. 2414a(b)(4)) is amended by inserting after "United States" the following: ", including a separate listing of all plenary votes cast by member countries of the United Nations in the General Assembly on resolutions specifically related to Israel that are opposed by the United States".

(l) UNIVERSITY PROGRAMS.—Notwithstanding any other provision of law, funds made available in this Act under the heading "Development Assistance" may be made available to American educational institutions for programs and activities in the People's Republic of China relating to the environment, democracy, and the rule of law: Provided, That funds made available pursuant to this authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(m) INDOCHINESE PAROLEES.—Section 586 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001 (8 U.S.C. 1255 note), as enacted into law by section 101(a) of Public Law 106–429, is amended—

(1) by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security";

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "she" and inserting "the Secretary of Homeland Security"; and

(B) in paragraph (1), by striking "within three years after the date of promulgation by the Attorney General of regulations in connection with this title";

(3) in subsection (c), by striking "212(8)(A)" and inserting "212(a)(8)(A)";

(4) by striking subsection (d);

(5) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively;

(6) by adding at the end the following new subsection:

"(f) ADJUDICATION OF APPLICATIONS.—The Secretary of Homeland Security shall—

"(1) adjudicate applications for adjustment under this section, notwithstanding any limitation on the number of adjustments under this section or any deadline for such applications that previously existed in law or regulation; and

"(2) not charge a fee in addition to any fee that previously was submitted with such application."; and

(7) The amendments made by this subsection shall take effect as if enacted as part of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001.

(n) EXTENSION OF AUTHORITY.—Public Law 107–57, as amended, is further amended—

(1) in section 1(b) by striking "2004" wherever appearing (including in the caption), and inserting in lieu thereof "2005";

(2) in section 3(2), by striking "and 2004" and inserting in lieu thereof "2004 and 2005"; and

(3) in section 6, by striking "2004" and inserting in lieu thereof "2005".

(o) ENDOWMENTS.—

(1) Of the funds appropriated by this Act and prior Acts making appropriations for foreign operations, export financing, and related programs, that are available for assistance for Cambodia, the following amounts should be made available as follows:

(A) $2,000,000 for an endowment for a Cambodian nongovernmental organization to document genocide and crimes against humanity in Cambodia; and

(B) $3,750,000 for an endowment for an American nongovernmental organization to sustain rehabilitation programs in Cambodia for persons suffering from physical disabilities.

(2) Such organizations may place amounts made available under this subsection in interest bearing accounts and any interest earned on such investment shall be used for the purpose for which funds were made available under this subsection.

(p) EXTENSION OF AUTHORITY.—Chapter 5 of title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11), is amended under the heading "Loan Guarantees to Israel"—

(1) by striking "During the period beginning March 1, 2003, and ending September 30, 2005," and inserting "During the period beginning March 1, 2003, and ending September 30, 2007,"; and

(2) by striking "That if less than the full amount of guarantees authorized to be made available is issued prior to September 30, 2005," and inserting "That if less than the full amount of guarantees authorized to be made available is issued prior to September 30, 2007,".

(q) DEFINITION.—Section 603 of title VI of Division D of the Consolidated Appropriations Act, 2004, Public Law 108–199, is amended by adding the following paragraph:

"(8) INVESTMENTS IN THE PEOPLE.—The term "investments in the people" means government policies or programs of an eligible country that promote the health, education, and other factors which contribute to the well-being and productivity of their people, such as decent, affordable housing for all."

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 535. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) the three Arab League countries with diplomatic and trade relations with Israel should return their ambassadors to Israel, should refrain from downgrading their relations with Israel, and should play a constructive role in securing a peaceful resolution of the Israeli-Arab conflict;

(4) the remaining Arab League states should normalize relations with their neighbor Israel;

(5) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(6) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ELIGIBILITY FOR ASSISTANCE

SEC. 536. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States": Provided, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2005, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

RESERVATIONS OF FUNDS

SEC. 537. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 538. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 539. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 540. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

SEC. 541. None of the funds appropriated or made available pursuant to this Act shall be available to a nongovernmental organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 542. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver authority of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN COUNTRIES

SEC. 543. (a) Subject to subsection (c), of the funds appropriated by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties and unpaid property taxes owed by the central government of such country shall be withheld from obligation for assistance for the central government of such country until the Secretary of State submits a certification to the appropriate congressional committees stating that such parking fines and penalties and unpaid property taxes are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regular notification procedures of the appropriate congressional committees, provided that no such funds shall be made available for assistance for the central government of a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties and unpaid property taxes owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d)(1) The Secretary of State may waive the requirements set forth in subsection (a) with respect to parking fines and penalties no sooner than 60 days from the date of enactment of this Act, or at any time with respect to a particular country, if the Secretary determines that it is in the national interests of the United States to do so.

(2) The Secretary of State may waive the requirements set forth in subsection (a) with respect to the unpaid property taxes if the Secretary of State determines that it is in the national interests of the United States to do so.

(e) Not later than 6 months after the initial exercise of the waiver authority in subsection (d), the Secretary of State, after consultations with the City of New York, shall submit a report to the Committees on Appropriations describing a strategy, including a timetable and steps currently being taken, to collect the parking fines and penalties and unpaid property taxes and interest owed by nations receiving foreign assistance under this Act.

(f) In this section:

(1) The term "appropriate congressional committees" means the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(2) The term "fully adjudicated" includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment of or challenge to the summons has lapsed.

(3) The term "parking fines and penalties" means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997 through September 30, 2004.

(4) The term "unpaid property taxes" means the amount of unpaid taxes and interest determined to be owed by a foreign country on real property in the District of Columbia or New York, New York in a court order or judgment entered against such country by a court of the United States or any State or subdivision thereof.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 544. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 545. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: Provided further, That funds made available for tribunals other than Yugoslavia, Rwanda, or the Special Court for Sierra Leone shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 546. Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 547. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 548. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Child Survival and Health Programs Fund", "Development Assistance", and "Economic Support Fund" may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

HAITI

SEC. 549. (a) Of the funds appropriated by this Act, not less than the following amounts shall be made available for assistance for Haiti—

(1) $20,000,000 from "Child Survival and Health Programs Fund";

(2) $25,000,000 from "Development Assistance", of which funds should be made available for poverty reduction, agriculture, environment, and basic education programs; and

(3) $40,000,000 from "Economic Support Fund", of which funds should be made available for judicial reform programs, police training, and activities in support of national elections.

(b) The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 550. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure. The report shall also include a description of how funds will be spent and the accounting procedures in place to ensure that they are properly disbursed.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 551. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

FOREIGN MILITARY TRAINING REPORT

SEC. 552. The annual foreign military training report required by section 656 of the Foreign Assistance Act of 1961 shall be submitted by the Secretary of Defense and the Secretary of State to the Committees on Appropriations of the House of Representatives and the Senate by the date specified in that section.

AUTHORIZATION REQUIREMENT

SEC. 553. Funds appropriated by this Act, except funds appropriated under the headings "Trade and Development Agency", "Millennium Challenge Corporation", "Overseas Private Investment Corporation", and "Global HIV/AIDS Initiative", may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

CAMBODIA

SEC. 554. (a) The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to meet basic human needs.

(b)(1) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia.

(2) Paragraph (1) shall not apply to assistance for basic education, reproductive and maternal and child health, cultural and historic preservation, programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, malaria, polio and other infectious diseases, development and implementation of legislation and implementation of procedures on inter-country adoptions consistent with international standards, rule of law programs, counternarcotics programs, programs to combat human trafficking that are provided through nongovernmental organizations, and for the Ministry of Women and Veterans Affairs to combat human trafficking.

(c) Notwithstanding subsection (b), of the funds appropriated by this Act under the heading "Economic Support Fund", up to $4,000,000 may be made available for activities to support democracy, including assistance for democratic political parties.

(d) Funds appropriated by this Act to carry out provisions of section 541 of the Foreign Assistance Act of 1961 may be made available notwithstanding subsection (b) only if at least 15 days prior to the obligation of such funds, the Secretary of State provides to the Committees on

Appropriations a list of those individuals who have been credibly alleged to have ordered or carried out extrajudicial and political killings that occurred during the March 1997 grenade attack against the Khmer Nation Party.

(e) None of the funds appropriated or otherwise made available by this Act may be used to provide assistance to any tribunal established by the Government of Cambodia unless the Secretary of State determines and reports to the Committees on Appropriations that: (1) Cambodia's judiciary is competent, independent, free from widespread corruption, and its decisions are free from interference by the executive branch; and (2) the proposed tribunal is capable of delivering justice, that meets internationally recognized standards, for crimes against humanity and genocide in an impartial and credible manner.

PALESTINIAN STATEHOOD

SEC. 555. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated by this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) a new leadership of a Palestinian governing entity has been democratically elected through credible and competitive elections;

(2) the elected governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures;

(C) is establishing a new Palestinian security entity that is cooperative with appropriate Israeli and other appropriate security organizations; and

(3) the Palestinian Authority (or the governing body of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgement of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the newly elected governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if he determines that it is vital to the national security interests of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or a newly elected governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 550 of this Act ("Limitation on Assistance to the Palestinian Authority").

COLOMBIA

SEC. 556. (a) DETERMINATION AND CERTIFICATION REQUIRED.—Notwithstanding any other provision of law, funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, may be made available as follows:

(1) Up to 75 percent of such funds may be obligated prior to a determination and certification by the Secretary of State pursuant to paragraph (2).

(2) Up to 12.5 percent of such funds may be obligated only after the Secretary of State certifies and reports to the appropriate congressional committees that:

(A) The Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank who, according to the Minister of Defense or the Procuraduria General de la Nacion, have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations.

(B) The Colombian Government is vigorously investigating and prosecuting those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations, and is promptly punishing those members of the Colombian Armed Forces found to have committed such violations of human rights or to have aided or abetted paramilitary organizations.

(C) The Colombian Armed Forces have made substantial progress in cooperating with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information).

(D) The Colombian Armed Forces have made substantial progress in severing links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at the command, battalion, and brigade levels, with paramilitary organizations, especially in regions where these organizations have a significant presence.

(E) The Colombian Government is dismantling paramilitary leadership and financial networks by arresting commanders and financial backers, especially in regions where these networks have a significant presence.

(3) The balance of such funds may be obligated after July 31, 2005, if the Secretary of State certifies and reports to the appropriate congressional committees, after such date, that the Colombian Armed Forces are continuing to meet the conditions contained in paragraph (2) and are conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations.

(b) CONGRESSIONAL NOTIFICATION.—Funds made available by this Act for the Colombian Armed Forces shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) CONSULTATIVE PROCESS.—Not later than 60 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2006, the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the conditions contained in that subsection.

(d) DEFINITIONS.—In this section:

(1) AIDED OR ABETTED.—The term "aided or abetted" means to provide any support to paramilitary groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) PARAMILITARY GROUPS.—The term "paramilitary groups" means illegal self-defense groups and illegal security cooperatives.

ILLEGAL ARMED GROUPS

SEC. 557. (a) DENIAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(1) has willfully provided any support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC), including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(2) has committed, ordered, incited, assisted, or otherwise participated in the commission of gross violations of human rights, including extra-judicial killings, in Colombia.

(b) WAIVER.—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 558. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

WEST BANK AND GAZA PROGRAM

SEC. 559. (a) OVERSIGHT.—For fiscal year 2005, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading "Economic Support Fund" for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which he has determined to be involved in or advocating terrorist activity.

(c) PROHIBITION.—None of the funds appropriated by this Act for assistance under the West Bank and Gaza program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed, acts of terrorism.

(d) AUDITS.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and subgrantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act under the heading "Economic Support Fund" that are made available for assistance for the West Bank and Gaza, up to $1,000,000 may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of

this subsection. Such funds are in addition to funds otherwise available for such purposes.

CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

SEC. 560. (a) LIMITATIONS ON AMOUNT OF CONTRIBUTION.—Of the amounts made available under "International Organizations and Programs" and "Child Survival and Health Programs Fund" for fiscal year 2005, $34,000,000 shall be made available for the United Nations Population Fund (hereafter in this section referred to as the "UNFPA"): Provided, That of this amount, not less than $25,000,000 shall be derived from funds appropriated under the heading "International Organizations and Programs".

(b) AVAILABILITY OF FUNDS.—Funds appropriated under the heading "International Organizations and Programs" in this Act that are available for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to "Child Survival and Health Programs Fund" and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

(c) REPROGRAMMING OF FUNDS.—Of the funds appropriated in Public Law 108–199 that were available for the UNFPA, $12,500,000 shall be made available for anti-trafficking programs: Provided, That of the funds appropriated in Public Law 108–199 that were available for the UNFPA, $12,500,000 shall be made available for the family planning, maternal, and reproductive health activities of the United States Agency for International Development in Albania, Azerbaijan, the Democratic Republic of the Congo, Ethiopia, Georgia, Haiti, Kazakhstan, Kenya, Nigeria, Romania, Russia, Rwanda, Tanzania, Uganda, and the Ukraine: Provided further, That such programs and activities shall be deemed to have been justified to Congress.

(d) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under "International Organizations and Programs" may be made available for the UNFPA for a country program in the People's Republic of China.

(e) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under "International Organizations and Programs" for fiscal year 2005 for the UNFPA may not be made available to UNFPA unless—

(1) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(2) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums; and

(3) the UNFPA does not fund abortions.

WAR CRIMINALS

SEC. 561. (a)(1) None of the funds appropriated or otherwise made available pursuant to this Act may be made available for assistance, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to vote against any new project involving the extension by such institutions of any financial or technical assistance, to any country, entity, or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia (the "Tribunal") all persons in their territory who have been indicted by the Tribunal and to otherwise cooperate with the Tribunal.

(2) The provisions of this subsection shall not apply to humanitarian assistance or assistance for democratization.

(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate congressional committees that the competent authorities of such country, entity, or municipality are—

(1) cooperating with the Tribunal, including access for investigators to archives and witnesses, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension; and

(2) are acting consistently with the Dayton Accords.

(c) Not less than 10 days before any vote in an international financial institution regarding the extension of any new project involving financial or technical assistance or grants to any country or entity described in subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committees on Appropriations a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(d) In carrying out this section, the Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of the Treasury shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (a).

(e) The Secretary of State may waive the application of subsection (a) with respect to projects within a country, entity, or municipality upon a written determination to the Committees on Appropriations that such assistance directly supports the implementation of the Dayton Accords.

(f) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term "country" means Bosnia and Herzegovina, Croatia and Serbia.

(2) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro and the Republika Srpska.

(3) MUNICIPALITY.—The term "municipality" means a city, town or other subdivision within a country or entity as defined herein.

(4) DAYTON ACCORDS.—The term "Dayton Accords" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

USER FEES

SEC. 562. The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan, grant, strategy or policy of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' financing programs.

FUNDING FOR SERBIA

SEC. 563. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Serbia after May 31, 2005, if the President has made the determination and certification contained in subsection (c).

(b) After May 31, 2005, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of Serbia and Montenegro subject to the conditions in subsection (c): Provided, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Government of Serbia and Montenegro through international financial institutions.

(c) The determination and certification referred to in subsection (a) is a determination by the President and a certification to the Committees on Appropriations that the Government of Serbia and Montenegro is—

(1) cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension, including making all practicable efforts to apprehend and transfer Ratko Mladic;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

(d) This section shall not apply to Montenegro, Kosovo, humanitarian assistance or assistance to promote democracy.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 564. (a) AUTHORITY.—Funds made available by this Act to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 565. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to the funds appropriated by this Act under the heading "Debt Restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for the purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 566. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

BASIC EDUCATION

SEC. 567. Of the funds appropriated by title II of this Act, not less than $400,000,000 shall be made available for basic education.

RECONCILIATION PROGRAMS

SEC. 568. Of the funds appropriated under the heading "Economic Support Fund", not less than $12,000,000 shall be made available to support reconciliation programs and activities which bring together individuals of different ethnic, religious, and political backgrounds from areas of civil conflict and war.

SUDAN

SEC. 569. (a) AVAILABILITY OF FUNDS.—Of the funds appropriated by title II of this Act, not less than $311,000,000 should be made available for assistance for Sudan.

(b) LIMITATION ON ASSISTANCE.—Subject to section (c):

(1) Notwithstanding section 501(a) of the International Malaria Control Act of 2000 (Public Law 106-570) or any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(2) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502, of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(c) Subsection (b) shall not apply if the Secretary of State determines and certifies to the Committees on Appropriations that—

(1) the Government of Sudan has taken significant steps to disarm and disband government-supported militia groups in the Darfur region;

(2) the Government of Sudan and all government-supported militia groups are honoring their commitments made in the cease-fire agreement of April 8, 2004; and

(3) the Government of Sudan is allowing unimpeded access to Darfur to humanitarian aid organizations, the human rights investigation and humanitarian teams of the United Nations, including protection officers, and an international monitoring team that is based in Darfur and that has the support of the United States.

(d) EXCEPTIONS.—The provisions of subsection (b) shall not apply to—

(1) humanitarian assistance; and

(2) assistance for Darfur and for areas outside the control of the Government of Sudan.

(e) NOTIFICATION.—Not more than $45,000,000 of the funds appropriated by this Act under the headings "International Disaster and Famine Assistance" and "Transition Initiatives" may be made available for assistance for Sudan outside of the Darfur region unless written notice has been provided to the Committees on Appropriations not less than 5 days prior to the obligation of such funds.

(f) DEFINITIONS.—For the purposes of this Act and section 501 of Public Law 106–570, the terms "Government of Sudan", "areas outside of control of the Government of Sudan", and "area in Sudan outside of control of the Government of Sudan" shall have the same meaning and application as was the case immediately prior to June 5, 2004, and, with regard to assistance in support of a viable peace agreement, Southern Kordofan/Nuba Mountains State, Blue Nile State and Abyei.

(g) APPROPRIATION.—In addition to amounts appropriated elsewhere in this Act, $75,000,000 is hereby appropriated for "Peacekeeping Operations" to support peace and humanitarian intervention operations for Sudan, and $18,000,000 is hereby appropriated for "International Disaster and Famine Assistance" for humanitarian assistance and related activities in Sudan: Provided, That the entire amount appropriated in this subsection is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108–287: Provided further, That the Secretary of State shall consult with the Committees on Appropriations regarding the proposed uses of these funds within 30 days of the date of enactment of this Act.

(h) TECHNICAL CHANGE.—Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f–2) is amended by striking "Organization of African Unity" and inserting in lieu thereof "African Union".

TRADE CAPACITY BUILDING

SEC. 570. Of the funds appropriated by this Act, under the headings "Trade and Development Agency", "Development Assistance", "Transition Initiatives", "Economic Support Fund", "International Affairs Technical Assistance", and "International Organizations and Programs", not less than $507,000,000 should be made available for trade capacity building assistance: Provided, That $20,000,000 of the funds appropriated in this Act under the heading "Economic Support Fund" shall be made available for labor and environmental capacity building activities relating to the free trade agreement with the countries of Central America and the Dominican Republic.

EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTH EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES

SEC. 571. Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during fiscal year 2005, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to Albania, Bulgaria, Croatia, Estonia, Former Yugoslavian Republic of Macedonia, Georgia, India, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

INDONESIA

SEC. 572. (a) Funds appropriated by this Act under the heading "Foreign Military Financing Program" may be made available for assistance for Indonesia, and licenses may be issued for the export of lethal defense articles for the Indonesian Armed Forces, only if the Secretary of

State certifies to the appropriate congressional committees that—

(1) the Armed Forces are taking steps to counter international terrorism, consistent with democratic principles and the rule of law, and in cooperation with countries in the region;

(2) the Indonesian Government is prosecuting and punishing, in a manner proportional to the crime, members of the Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights or to have aided or abetted militia groups;

(3) at the direction of the President of Indonesia, the Armed Forces are cooperating with civilian judicial authorities and with international efforts to resolve cases of gross violations of human rights in East Timor and elsewhere; and

(4) at the direction of the President of Indonesia, the Armed Forces are implementing reforms to increase the transparency and accountability of their operations and financial management, including making publicly available audits of receipts and expenditures.

(b) Funds appropriated under the heading "International Military Education and Training" may be made available for assistance for Indonesia if the Secretary of State determines and reports to the Committees on Appropriations that the Indonesian Government and Armed Forces are cooperating with the Federal Bureau of Investigation's investigation into the August 31, 2002 murders of two American citizens and one Indonesian citizen in Timika, Indonesia: *Provided*, That this restriction shall not apply to expanded international military education and training, which may include English language training.

LIMITATION ON CONTRACTS

SEC. 573. None of the funds made available under this Act may be used to fund any contract in contravention of section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)).

LIMITATION ON ECONOMIC SUPPORT FUND ASSISTANCE FOR CERTAIN FOREIGN GOVERNMENTS THAT ARE PARTIES TO THE INTERNATIONAL CRIMINAL COURT

SEC. 574. (a) None of the funds made available in this Act in title II under the heading "Economic Support Fund" may be used to provide assistance to the government of a country that is a party to the International Criminal Court and has not entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(b) The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a North Atlantic Treaty Organization ("NATO") member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), or Taiwan if he determines and reports to the appropriate congressional committees that it is important to the national security interests of the United States to waive such prohibition.

(c) The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(d) The prohibition of this section shall not apply to countries otherwise eligible for assistance under the Millennium Challenge Act of 2003, notwithstanding section 606(a)(2)(B) of such Act.

PROHIBITION AGAINST DIRECT FUNDING FOR SAUDI ARABIA

SEC. 575. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance any assistance to Saudi Arabia: *Provided*, That the President may waive the prohibition of this section if he certifies to the Committees on Appropriations, 15 days prior to the obligation of funds for assistance for Saudi Arabia, that Saudi Arabia is cooperating with efforts to combat international terrorism and that the proposed assistance will help facilitate that effort.

ENVIRONMENT PROGRAMS

SEC. 576. (a) FUNDING.—Of the funds appropriated under the heading "Development Assistance", not less than $165,500,000 shall be made available for programs and activities which directly protect biodiversity, including forests, in developing countries, of which not less than $8,000,000 should be made available to implement a regional strategy for biodiversity conservation in the countries comprising the Amazon basin of South America, including to improve the capacity of indigenous communities and local law enforcement agencies to protect the biodiversity of indigenous reserves, which amount shall be in addition to the amounts requested for biodiversity activities in these countries in fiscal year 2005:

Provided, That of the funds appropriated by this Act, not less than $180,000,000 shall be made available to support clean energy and other climate change policies and programs in developing countries, of which $100,000,000 should be made available to directly promote and deploy energy conservation, energy efficiency, and renewable and clean energy, technologies, and of which the balance should be made available to directly (1) measure, monitor, and reduce greenhouse gas emissions; (2) increase carbon sequestration activities; and (3) enhance climate change mitigation and adaptation programs.

(b) CLIMATE CHANGE REPORT.—Not later than 45 days after the date on which the President's fiscal year 2006 budget request is submitted to Congress, the President shall submit a report to the Committees on Appropriations describing in detail the following—

(1) all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2005, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix; and

(2) all fiscal year 2004 obligations and estimated expenditures, fiscal year 2005 estimated expenditures and estimated obligations, and fiscal year 2006 requested funds by the United States Agency for International Development, by country and central program, for each of the following: (i) to promote the transfer and deployment of a wide range of United States clean energy and energy efficiency technologies; (ii) to assist in the measurement, monitoring, reporting, verification, and reduction of greenhouse gas emissions; (iii) to promote carbon capture and sequestration measures; (iv) to help meet such countries' responsibilities under the Framework Convention on Climate Change; and (v) to develop assessments of the vulnerability to impacts of climate change and mitigation and adaptation response strategies.

(c) EXTRACTION OF NATURAL RESOURCES.—

(1) The Secretary of the Treasury shall inform the managements of the international financial institutions and the public that it is the policy of the United States that any assistance by such institutions (including but not limited to any loan, credit, grant, or guarantee) for the extraction and export of oil, gas, coal, timber, or other natural resource should not be provided unless the government of the country has in place or is taking the necessary steps to establish functioning systems for (1) accurately accounting for revenues and expenditures in connection with the extraction and export of the type of natural resource to be extracted or exported; (2) the independent auditing of such accounts and the widespread public dissemination of the audits; and (3) verifying government receipts against company payments including widespread dissemination of such payment information in a manner that does not create competitive disadvantage or disclose proprietary information.

(2) Not later than 180 days after the enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations describing, for each international financial institution, the amount and type of assistance provided, by country, for the extraction and export of oil, gas, coal, timber, or other national resource since September 30, 2004.

UZBEKISTAN

SEC. 577. Funds appropriated by this Act may be made available for assistance for the central Government of Uzbekistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Uzbekistan is making substantial and continuing progress in meeting its commitments under the "Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America", including respect for human rights, establishing a genuine multi-party system, and ensuring free and fair elections, freedom of expression, and the independence of the media.

CENTRAL ASIA

SEC. 578. (a) Funds appropriated by this Act may be made available for assistance for the Government of Kazakhstan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Kazakhstan has made significant improvements in the protection of human rights during the preceding 6 month period.

(b) The Secretary of State may waive subsection (a) if he determines and reports to the Committees on Appropriations that such a waiver is in the national security interest of the United States.

(c) Not later than October 1, 2005, the Secretary of State shall submit a report to the Committees on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives describing the following:

(1) The defense articles, defense services, and financial assistance provided by the United States to the countries of Central Asia during the 6-month period ending 30 days prior to submission of such report.

(2) The use during such period of defense articles, defense services, and financial assistance provided by the United States by units of the armed forces, border guards, or other security forces of such countries.

(d) For purposes of this section, the term "countries of Central Asia" means Uzbekistan, Kazakhstan, Kyrgyz Republic, Tajikistan, and Turkmenistan.

DISABILITY PROGRAMS

SEC. 579. (a) Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $2,500,000 shall be made available for programs and activities to address the needs and protect the rights of people with disabilities in developing countries: *Provided*, That such funds shall be administered by the United States Agency for International Development ("USAID") and the Department of State, and shall be available for grants to nongovernmental organizations that work on behalf of people with disabilities in such countries.

(b) The Secretary of State and the USAID Administrator shall designate within their respective agencies an individual to serve as Disability "Advisor" or "Coordinator", whose function it shall be to ensure that disability rights are addressed, where appropriate, in United States policies and programs.

(c) Funds made available under subsection (a) may be made available for an international conference on the needs of people with disabilities, including disability rights, advocacy and access.

(d) The Secretary of State, the Secretary of the Treasury, and the USAID Administrator shall seek to ensure that the needs of people with disabilities are addressed, where appropriate, in democracy, human rights, and rule of law programs, projects and activities supported by the Department of State, Department of the Treasury, and USAID.

(e) The USAID Administrator shall seek to ensure that programs, projects and activities administered by USAID comply fully with USAID's "Policy Paper: Disability" issued on September 12, 1997: Provided, That not later than 90 days after enactment of this Act, USAID shall implement procedures to require that prospective grantees seeking funding from USAID specify, when relevant, how the proposed program, project or activity for which funding is being requested will include protecting the rights and addressing the needs of persons with disabilities.

ZIMBABWE

SEC. 580. The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and certifies to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

TIBET

SEC. 581. (a) The Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

(b) Notwithstanding any other provision of law, not less than $4,000,000 of the funds appropriated by this Act under the heading "Economic Support Fund" should be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China, and not less than $250,000 should be made available to the National Endowment for Democracy for human rights and democracy programs relating to Tibet.

NIGERIA

SEC. 582. The President shall submit a report to the Committees on Appropriations describing the involvement of the Nigerian Armed Forces in the incident in Benue State, the measures that are being taken to bring such individuals to justice, and whether any Nigerian Armed Forces units involved with the incident in Benue State are receiving United States assistance.

DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 583. None of the funds appropriated under this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or which has as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

CENTRAL AMERICA

SEC. 584. (a) Of the funds appropriated by this Act under the headings "Child Survival and Health Programs Fund" and "Development Assistance", not less than the amount of funds initially allocated pursuant to section 653(a) of the Foreign Assistance Act of 1961 for fiscal year 2004 should be made available for El Salvador, Guatemala, Nicaragua and Honduras.

(b) Not to exceed $3,227,000 in prior year "Military Assistance Program" funds that are available for Guatemala may be made available for non-lethal defense items for Guatemala if the Secretary of State certifies to the Committees on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House that—

(1) the role of the Guatemalan military has been limited, in doctrine and in practice, to substantially those activities in defense of Guatemala's sovereignty and territorial integrity that are permitted by the 1996 Peace Accords, and the Government of Guatemala is taking steps to pass a new governing law of the Army (Ley Constitutiva del Ejército);

(2) the Guatemalan military is cooperating with civilian judicial authorities, including providing full cooperation on access to witnesses, documents and classified intelligence files, in investigations and prosecutions of military personnel who have been implicated in human rights violations and other criminal activity;

(3) the Government of Guatemala is working with the United Nations to resolve legal impediments to the establishment of the Commission for the Investigation of Illegal Groups and Clandestine Security Organizations (CICIACS), so that CICIACS can effectively accomplish its mission of investigating and bringing to justice illegal groups and members of clandestine security organizations;

(4) the Government of Guatemala is continuing its efforts to make the military budget process transparent and accessible to civilian authorities and to the public, for both present and past expenditures;

(5) the Government of Guatemala is working to facilitate the prompt establishment of an office in Guatemala of the United Nations High Commissioner for Human Rights with the unimpeded authority to investigate and report on human rights in Guatemala; and

(6) the Government of Guatemala is taking steps to increase its efforts to combat narcotics trafficking and organized crime.

(c) Section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2370(a)) is amended by adding at the end the following new subsection:

"(i) CERTAIN CLAIMS FOR EXPROPRIATION BY THE GOVERNMENT OF NICARAGUA.—

"(1) Any action of the types set forth in subparagraphs (A), (B), and (C) of subsection (a)(1) that was taken by the Government of Nicaragua during the period beginning on January 1, 1956, and ending on January 9, 2002, shall not be considered in implementing the prohibition under subsection (a) unless the action has been presented in accordance with the procedure set forth in paragraph (2).

"(2) An action shall be deemed presented for purposes of paragraph (1) if it is—

"(A) in writing; and

"(B) received by the United States Department of State on or before 120 days after the date specified in paragraph (3) at—

"(i) the headquarters of the United States Department of State in Washington, D.C.; or,

"(ii) the Embassy of the United States of America to Nicaragua.

"(3) The date to which paragraph (2) refers is a date after enactment of this subsection that is specified by the Secretary of State, in the Secretary's discretion, in a notice published in the Federal Register.".

WAR CRIMES IN AFRICA

SEC. 585. (a) The Congress recognizes the important contribution that the democratically elected Government of Nigeria has played in fostering stability in West Africa.

(b) The Congress reaffirms its support for the efforts of the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) to bring to justice individuals responsible for war crimes and crimes against humanity in a timely manner.

(c) Funds appropriated by this Act, including funds for debt restructuring, may be made available for assistance to the central government of a country in which individuals indicted by ICTR and SCSL are credibly alleged to be living, if the Secretary of State determines and reports to the Committees on Appropriations that such government is cooperating with ICTR and SCSL, including the surrender and transfer of indictees in a timely manner: Provided, That this subsection shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961 or to project assistance under title II of this Act: Provided further, That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by ICTR and SCSL to bring to justice individuals indicted by such tribunals in a timely manner.

(d) The prohibition in subsection (c) may be waived on a country by country basis if the President determines that doing so is in the national security interest of the United States: Provided, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations, in classified form if necessary, on (1) the steps being taken to obtain the cooperation of the government in surrendering the indictee in question to SCSL or ICTR; (2) a strategy for bringing the indictee before ICTR or SCSL; and (3) the justification for exercising the waiver authority.

ADMISSION OF REFUGEES

SEC. 586. (a) The Secretary of State shall utilize private voluntary organizations with expertise in the protection needs of refugees in the processing of refugees overseas for admission and resettlement to the United States, and shall utilize such agencies in addition to the United Nations High Commissioner for Refugees in the identification and referral of refugees.

(b) The Secretary of State should maintain a system for accepting referrals of appropriate candidates for resettlement from local private, voluntary organizations and work to ensure that particularly vulnerable refugee groups receive special consideration for admission into the United States, including—

(1) long-stayers in countries of first asylum;

(2) unaccompanied refugee minors;

(3) refugees outside traditional camp settings; and

(4) refugees in woman-headed households.

(c) The Secretary of State shall give special consideration to—

(1) refugees of all nationalities who have close family ties to citizens and residents of the United States; and

(2) other groups of refugees who are of special concern to the United States.

CODE OF CONDUCT

SEC. 587. (a) None of the funds made available by title II under the heading "Migration and Refugee Assistance" or "Transition Initiatives" to provide assistance to refugees or internally displaced persons may be provided to an organization that has failed to adopt a code of conduct consistent with the Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises six core principles for the protection of beneficiaries of humanitarian assistance.

(b) In administering the amounts made available for the accounts described in subsection (a), the Secretary of State and Administrator of the United States Agency for International Development shall incorporate specific policies and programs for the purpose of identifying specific needs of, and particular threats to, women and children at the various stages of humanitarian emergencies, especially at the onset of such emergency.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT HIRING AUTHORITY

SEC. 588. (a) AUTHORITY.—Up to $37,500,000 of the funds made available in this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States", may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

(b) RESTRICTIONS.—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175, of which not more than 75 may be hired for employment in the United States.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2007.

(c) CONDITIONS.—The authority of this section may only be used—

(1) to the extent that an equivalent number of positions that are filled by personal services contractors or other nondirect-hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States", are eliminated; and

(2) after consultations between the Committees on Appropriations and the USAID Administrator on the implementation of this section and USAID work force issues more generally.

(d) PRIORITY SECTORS.—In exercising the authority of this section, primary emphasis shall be placed on enabling USAID to meet personnel positions in technical skill areas currently encumbered by contractor or other nondirect-hire personnel.

(e) CONSULTATIONS.—After the initial consultations required by subsection (c)(2), the USAID Administrator shall consult with the Committees on Appropriations at least on a quarterly basis thereafter concerning the implementation of this section.

(f) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual's responsibilities primarily relate. Funds made available to carry out this section may be transferred to and merged and consolidated with funds appropriated for "Operating Expenses of the United States Agency for International Development".

(g) RELATION TO PRIOR LAW.—Upon completion of the consultations required by subsection (c)(2), the authority contained in this section shall supersede the authority contained in section 525 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004.

(h) DISASTER SURGE CAPACITY.—Funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States", may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by the United States Agency for International Development whose primary responsibility is to carry out programs in response to natural disasters.

OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK RESTRICTIONS

SEC. 589. (a) LIMITATION ON USE OF FUNDS BY OPIC.—None of the funds made available in this Act may be used by the Overseas Private Investment Corporation to insure, reinsure, guarantee, or finance any investment in connection with a project involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(b) LIMITATION ON USE OF FUNDS BY THE EXPORT-IMPORT BANK.—None of the funds made available in this Act may be used by the Export-Import Bank of the United States to guarantee, insure, extend credit, or participate in an extension of credit in connection with the export of any goods to a country for use in an enterprise involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(c) REQUIREMENTS.—The requirements referred to in subsections (a) and (b) are that the country concerned is implementing the recommendations, obligations and requirements developed by the Kimberley Process on conflict diamonds.

SECURITY IN ASIA

SEC. 590. (a) INDONESIA.—Funds made available for assistance for Indonesia under the heading "Foreign Military Financing Program" may be made available for assistance for the Indonesian navy notwithstanding section 572 of this Act if the Secretary of State reports to the Committees on Appropriations that the Indonesian navy is not violating human rights and is cooperating with civilian judicial authorities on cases involving human rights violations: Provided, That such funds may only be made available for assistance for the Indonesian navy for the purposes of enhancing maritime security: Provided further, That such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

(b) CAMBODIA.—Funds made available for assistance for Cambodia under the heading "Foreign Military Financing Program" may be made available notwithstanding section 554 of this Act: Provided, That such funds shall only be made available subject to the regular notification procedures of the Committees on Appropriations.

(c) NEPAL.—

(1) The Congress deplores and condemns the Maoist insurgency in Nepal which has engaged in widespread atrocities against civilians and Nepalese security forces, and calls on other nations to denounce these vicious acts.

(2) Funds appropriated under the heading "Foreign Military Financing Program" may be made available for assistance for Nepal if the Secretary of State reports to the Committees on Appropriations that the Government of Nepal:

(A) has determined the number of and is making substantial progress in complying with habeas corpus orders issued by the Supreme Court of Nepal, including all outstanding orders;

(B) is cooperating with the National Human Rights Commission of Nepal to identify and resolve all security related cases involving individuals in government custody;

(C) is granting the National Human Rights Commission of Nepal unimpeded access to all places of detention; and

(D) is taking effective steps to end torture by security forces and to prosecute members of such forces who are responsible for gross violations of human rights.

(3) The Secretary of State may waive the requirements of paragraph (2) if he determines and reports to the Committees on Appropriations that to do so is in the national security interests of the United States.

HIPC DEBT REDUCTION AND TRUST FUND

SEC. 591. (a) Section 801(b)(1) of Public Law 106-429 is amended—

(1) by inserting "(i)" after "appropriated"; and

(2) by inserting before the period "; and (ii) for fiscal years 2004–2006, not more than $150,000,000, for purposes of additional United States contributions to the HIPC Trust Fund administered by the Bank, which are authorized to remain available until expended".

(b) Section 501(i) of Public Law 106-113 is amended by deleting "2003–2004" and inserting in lieu thereof "2000–2006".

COMPLIANCE WITH THE ALGIERS AGREEMENTS

SEC. 592. None of the funds appropriated by this Act may be made available for assistance for the central Governments of Ethiopia or Eritrea unless the Secretary of State certifies and reports to the Committees on Appropriations that such government is taking steps to comply with the terms of the Algiers Agreements: Provided, That this section shall not apply to democracy, rule of law, peacekeeping programs and activities, child survival and health, basic education, and agriculture programs: Provided further, That the Secretary may waive the requirements of this section if he determines that to do so is in the national security interests of the United States.

ADMINISTRATIVE PROVISIONS RELATED TO MULTILATERAL DEVELOPMENT BANKS

SEC. 593.(a) Section 1307 of the International Financial Institutions Act (22 U.S.C. 262m–7) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ASSESSMENT REQUIRED BEFORE FAVORABLE VOTE ON PROPOSAL.—The Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank not to vote in favor of any proposed action (including but not limited to any loan, credit, grant, or guarantee) which would result or be likely to result in significant impact on the environment, unless the Secretary, after consultation with the Secretary of State and the Administrators of the United States Agency for International Development and the Environmental Protection Agency, determines that for at least 120 days before the date of the vote—

"(1) an assessment analyzing the environmental impacts of the proposed action, including associated and cumulative impacts, and of alternatives to the proposed action, has been completed by the borrower or the bank and has been made available to the board of directors of the bank; and

"(2) such assessment or a comprehensive summary of the assessment (with proprietary information redacted) has been made available to affected groups and local nongovernmental organizations and notice of its availability in the country and at the bank has been posted on the bank's website."; and

(2) by striking subsection (g) and inserting the following:

"(g) MULTILATERAL DEVELOPMENT BANK DEFINED—In this title, the term "multilateral development bank" means the International Bank for Reconstruction and Development, the European Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guarantee Agency, the African Development Bank, the African Development Fund, the Asian Development Bank, the Inter-American Development Bank, the Inter-American Investment Corporation, any other institution (other than the International Monetary Fund) specified in section 1701(c)(2), and any subsidiary of any institution."

(b) Section 1303(b) of the International Financial Institutions Act (22 U.S.C. 262m–2(b)) is amended—

(1) by inserting "(1)" after "(b)" and replacing "International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank of the African Development Bank" with the phrase "multilateral development banks as defined in section 1307(g)"; and

(2) by inserting at the end of subsection (b) the following text:

"(2) The Secretary of the Treasury shall instruct such Executive Directors to work with other countries' Executive Directors and multilateral development bank management to:

"(A) improve the procedures of each multilateral development bank for providing its board of directors with a complete and accurate record regarding public consultation before they vote on proposed projects with significant environmental implications; and

"(B) revise bank procedures to consistently require public consultation on operational policy proposals or revisions that have significant environmental or social implications.

"(3) Progress under this subsection shall be incorporated into Treasury's required annual report to Congress on the environmental performance of the multilateral development banks."

VIETNAMESE REFUGEES

SEC. 594. (a) ELIGIBILITY FOR IN-COUNTRY REFUGEE PROCESSING IN VIETNAM.—For purposes of eligibility for in-country refugee processing for nationals of Vietnam during fiscal years 2004 and 2005, an alien described in subsection (b) shall be considered to be a refugee of special humanitarian concern to the United States (within the meaning of section 207 of the Immigration and Nationality Act (8 U.S.C. 1157)) and shall be admitted to the United States for resettlement if the alien would be admissible as an immigrant under the Immigration and Nationality Act (except as provided in section 207(c)(3) of that Act).

(b) ALIENS COVERED.—An alien described in this subsection is an alien who—

(1) is the son or daughter of a qualified national;

(2) is 21 years of age or older; and

(3) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program or through the United States Consulate General in Ho Chi Minh City.

(c) QUALIFIED NATIONAL.—The term "qualified national" in subsection (b)(1) means a national of Vietnam who—

(1)(A) was formerly interned in a re-education camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

(B) is the widow or widower of an individual described in subparagraph (A);

(2)(A) qualified for refugee processing under the Orderly Departure Program re-education subprogram; and

(B) is or was accepted under the Orderly Departure Program or through the United States Consulate General in Ho Chi Minh City—

(i) for resettlement as a refugee; or

(ii) for admission to the United States as an immediate relative immigrant; and

(3)(A) is presently maintaining a residence in the United States or whose surviving spouse is presently maintaining such a residence; or

(B) was approved for refugee resettlement or immigrant visa processing and is awaiting departure formalities from Vietnam or whose surviving spouse is awaiting such departure formalities.

JOINT EXPLANATORY STATEMENT

SEC. 595. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the joint explanatory statement of managers accompanying this Act:

"Economic Support Fund";

"Assistance for Eastern Europe and the Baltic States";

"Assistance for the Independent States of the Former Soviet Union";

"Andean Counterdrug Initiative";

"Nonproliferation, Anti-Terrorism, Demining and Related Programs";

"Foreign Military Financing Program"; and

"International Organizations and Programs".

(b) Any proposed increases or decreases to the amounts contained in such tables in the joint explanatory statement of managers shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

This division may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005".

DIVISION E—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

TITLE I—DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $848,939,000, to remain available until expended, of which $1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; $4,000,000 is for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487; (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l-6a(i)); and of which $3,500,000 shall be available in fiscal year 2005 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

In addition, $32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $848,939,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $743,099,000, to remain available until expended, of which not to exceed $12,374,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (A) local private, nonprofit, or cooperative entities; (B) Youth Conservation Corps crews or related partnerships with state, local, or non-profit youth groups; (C) small or micro-businesses; or (D) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,855,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account, to be available until expended without further appropriation: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $11,500,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $11,350,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $109,057,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $977,205,000, to remain available until September 30, 2006, except as otherwise provided herein: Provided, That not less than $1,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: Provided further, That $2,000,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: Provided further, That not to exceed $16,175,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $11,400,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2004: Provided further, That of the amount available for law enforcement, up to $400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $53,400,000, to remain available until expended: Provided, That notwithstanding any other provision of law, a single procurement for the construction project at the Clark R. Bavin Forensics Laboratory in Oregon may be issued which includes the full scope of the project: Provided further, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $37,526,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $750,000 is for support of acquisition of lands for waterfowl habitat in the Yukon Flats National Wildlife Refuge, and the related conveyance of Federal lands and interests in lands to Doyon, Limited, an Alaska Native Corporation organized pursuant to the Alaska Native Claims Settlement Act: Provided, That the Secretary is authorized to, and shall, execute all necessary acquisitions and exchange agreement documents in furtherance of this acquisition and exchange as soon as possible: Provided further, That notwithstanding any other law, all revenues, fees and royalties *received by the Federal Government from oil and/or gas production from the lands, and interests in land, acquired by Doyon, Limited, pursuant to the exchange of lands located within Yukon Flats National Wildlife Refuge shall be deposited in a special account in the Treasury of the United States to be called the Alaska National Wildlife Refuge Land Acquisition and Facility Account ("Acquisition Account"): Provided further, That all amounts deposited in the acquisition account shall be available until expended without further act of appropriation to the Director of the U.S. Fish and Wildlife Service for only the following purposes: (1) To acquire lands from Doyon, Limited, located within Yukon Flats National Wildlife Refuge in accordance with the Exchange Agreement; (2) To acquire lands from other willing sellers in the Yukon Flats National Wildlife Refuge, or from other willing sellers in other units of the National Wildlife Refuge System located within the State of Alaska; and, (3) To construct facilities and infrastructure for Alaska refuges: Provided further, That none of the funds appropriated for specific land acquisition projects, other than the appropriations for the Yukon Flats National Wildlife Refuge exchange and acquisition provided for under this heading, can be used to pay for any administrative overhead, planning or other management costs: Provided further, That none of the funds in this or any other Act may be used for the acquisition of land for inclusion in the Deep Fork National Wildlife Refuge.*

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $22,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, federally recognized Indian tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish or supplement existing landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, candidate, or other at-risk species on private lands.

PRIVATE STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $7,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That the amount provided herein is for the Private Stewardship Grants Program established by the Secretary to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, candidate, or other at-risk species: Provided further, That balances from amounts previously appropriated under the heading "Stewardship Grants" shall be transferred to and merged with this appropriation and shall remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, $81,596,000, of which $32,212,000 is to be derived from the Cooperative Endangered Species Conservation Fund and $49,384,000 is to be derived from the Land and Water Conservation Fund and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $38,000,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $4,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), and the Marine Turtle Conservation Act of 2004 (Public Law 108–266; 16 U.S.C. 6601), $5,800,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $70,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That of the amount provided herein, $6,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting said $6,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: Provided further, That any amount apportioned in 2005 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2006, shall be reapportioned, together with funds appropriated in 2007, in the manner provided herein: Provided further, That balances from amounts previously appropriated under the heading "State Wildlife Grants" shall be transferred to and merged with this appropriation and shall remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 179 passenger motor vehicles, of which 161 are for replacement only (including 44 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That notwithstanding any other provision of law, the Service may use up to $2,000,000 from funds provided for contracts for employment-related legal services: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 108–330.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,707,282,000, of which $10,708,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which $96,440,000 is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps for high priority projects: Provided, That the only funds in this account which may be made available to support United

States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $81,204,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $61,832,000: Provided, That $700,000 from the Statutory and Contractual Aid Account shall be provided to the City of Tacoma, Washington for the purpose of conducting a feasibility study for the Train to the Mountain project: Provided further, That none of the funds in this Act for the River, Trails and Conservation Assistance program may be used for cash agreements, or for cooperative agreements that are inconsistent with the program's final strategic plan: Provided further, That notwithstanding section 8(b) of Public Law 102–543 (16 U.S.C. 410yy–8(b)), amounts made available under this heading to the Keweenaw National Historical Park shall be matched on not less than a 1-to-1 basis by non-Federal funds.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $72,750,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2006, of which $30,000,000 shall be for Save America's Treasures for preservation of nationally significant sites, structures, and artifacts: Provided, That any individual Save America's Treasures grant shall be matched by non-Federal funds: Provided further, That individual projects shall only be eligible for one grant: Provided further, That all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations and the President's Committee on the Arts and Humanities prior to the commitment of Save America's Treasures grant funds: Provided further, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies: Provided further, That hereinafter and notwithstanding 20 U.S.C. 951 et seq. the National Endowment for the Arts may award Save America's Treasures grants based upon the recommendations of the Save America's Treasures grant selection panel convened by the President's Committee on the Arts and the Humanities and the National Park Service.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $307,362,000, to remain available until expended, of which $500,000 for the L.Q.C. Lamar House National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: Provided, That none of the funds available to the National Park Service may be used to plan, design, or construct any partnership project with a total value in excess of $5,000,000, without advance approval of the House and Senate Committees on Appropriations: Provided further, That, notwithstanding any other provision of law, the National Park Service may not accept donations or services associated with the planning, design, or construction of such new facilities without advance approval of the House and Senate Committees on Appropriations: Provided further, That these restrictions do not apply to the Flight 93 Memorial: Provided further, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be expended consistent with the requirements of the fifth proviso under this heading in Public Law 108–108: Provided further, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations: Provided further, That the National Park Service may use funds provided herein to construct a parking lot and connecting trail on leased, non-Federal land in order to accommodate visitor use of the Old Rag Mountain Trail at Shenandoah National Park, and may for the duration of such lease use any funds available to the Service for the maintenance of the parking lot and connecting trail.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2005 by 16 U.S.C. 460l–10a are rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $148,411,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $92,500,000 is for the State assistance program including $1,500,000 to administer this program: Provided, That none of the funds provided for the State assistance program may be used to establish a contingency fund: Provided further, That in lieu of State assistance program indirect costs (as described in OMB Circular A–87), not to exceed 5 percent of apportionments under the State assistance program may be used by States, the District of Columbia, and insular areas to support program administrative costs: Provided further, That $250,000 of the amount provided under this heading for civil war battlefield protection shall be available for transfer to the "National Recreation and Preservation" account.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 249 passenger motor vehicles, of which 202 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: Provided further, That appropriations available to the National Park Service may be used to maintain the following areas in Washington, District of Columbia: Jackson Place, Madison Place, and Pennsylvania Avenue between 15th and 17th Streets, Northwest.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2005, with respect to the administration of the National Park Service park pass program by the National Park Foundation, the Secretary may pay to the Foundation administrative funds expected to be received in that fiscal year before the revenues are collected, so long as total payments in the administrative account do not exceed total revenue collected and deposited in that account by the end of the fiscal year.

If the Secretary of the Interior considers the decision of any value determination proceeding conducted under a National Park Service concession contract issued prior to November 13, 1998, to misinterpret or misapply relevant contractual requirements or their underlying legal authority, the Secretary may seek, within 180 days of any such decision, the de novo review of the value determination by the United States Court of Federal Claims, and that court may make an order affirming, vacating, modifying or correcting the determination.

In addition to other uses set forth in section 407(d) of Public Law 105–391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50

U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $948,921,000, of which $63,262,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $7,901,000 shall remain available until expended for satellite operations; and of which $21,971,000 shall be available until September 30, 2006, for the operation and maintenance of facilities and deferred maintenance; and of which $1,600,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost; and of which $174,219,000 shall be available until September 30, 2006, for the biological research activity and the operation of the Cooperative Research Units: Provided, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase and replacement of passenger motor vehicles; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: Provided further, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $169,175,000, of which $76,106,000 shall be available for royalty management activities; and an amount not to exceed $103,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That to the extent $103,730,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $103,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That $3,000,000 for computer acquisitions shall remain available until September 30, 2006: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That MMS may under the royalty-in-kind program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to the royalty-in-kind program: Provided further, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program: Provided further, That in fiscal year 2005 and thereafter, notwithstanding 30 U.S.C. 191(a) and 43 U.S.C. 1338, the Secretary shall pay amounts owed to States under the provision of 30 U.S.C. 1721(b) from amounts received as current receipts from bonuses, royalties, interest collected from lessees and designees, and rentals of the public lands and the outer continental shelf under provisions of the Mineral Leasing Act (30 U.S.C. 181 et seq.), and the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), which are not payable to a State or the Reclamation Fund.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $7,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $109,805,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2005 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $190,863,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,500,000 per State in fiscal year 2005: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects: Provided further, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and Tribal regulatory and reclamation programs.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,955,047,000, to remain available until September 30, 2006 except as otherwise provided herein, of which not to exceed $87,638,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $136,314,000 shall be *available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2005, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $456,057,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2005, and shall remain available until September 30, 2006; and of which not to exceed $61,801,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $45,348,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2004 for the operation of Bureau-funded schools, and up to $1,000,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to tribes and tribal organizations that enter into grants for the operation on or after July 1, 2004 of Bureau-operated schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2006, may be transferred during fiscal year 2007 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2007.*

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $323,626,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2005, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100-297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): Provided further, That in order to ensure timely completion of replacement school construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any tribe or tribal organization receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction of the replacement school: Provided further, That, of the funds provided for the tribal school demonstration program, notwithstanding the provisions of paragraph (b)(1) of section 122 of division F of Public Law 108–7, as amended by section 136 of Public Law 108–108, $4,500,000 is for the Eastern Band of Cherokee education campus at the Ravensford tract, $4,000,000 is for the Sac and Fox Meskwaki Settlement school, and $4,000,000 is for the Twin Buttes elementary school on the Fort Berthold Reservation: Provided further, That this Appropriation may be reimbursed from the Office of the Special Trustee for American Indians Appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $44,771,000, to remain available until expended, for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 106–554, 107–331, and 108–34, and for implementation of other land and water rights settlements, of which $10,032,000 shall be available for payment to the Quinault Indian Nation pursuant to the terms of the North Boundary Settlement Agreement dated July 14, 2000, providing for the acquisition of perpetual conservation easements from the Nation.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $6,421,000, of which $695,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $84,699,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of law, including sec. 113 of Title I of Appendix C of Public Law 106–113, if a Tribe or tribal organization in fiscal year 2003 or 2004 received indirect and administrative costs pursuant to a distribution formula based on sec. 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such Tribe or tribal organization using the sec. 5(f) distribution formula.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $76,255,000, of which: (1) $69,682,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) $6,563,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $5,499,000, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau as authorized by Public Law 99–658; Public Law 108–188; and section 221(a)(2) of the Compacts of Free Association and their related agreements between the Government of the United States and the Government of the Republic of the Marshall Islands, and the Government of the United States of the Federated States of Micronesia, respectively, as amended.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for management of the Department of the Interior, $90,855,000, of which not to exceed $8,500 may be for official reception and representation expenses, of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines, and of which $14,250,000 shall remain available until expended for a departmental financial and business management system: Provided, That of the funds provided for a departmental financial and business management system, $13,500,000 shall be derived by transfer from unobligated balances in the "Central Hazardous Materials Fund": Provided further, That none of the funds in this or previous appropriations Acts may be used to establish any additional reserves in the Working Capital Fund account other than the two authorized reserves without prior approval of the House and Senate Committees on Appropriations: Provided further, That amounts otherwise appropriated by this Act for motor vehicle lease, purchase or service costs at the Department of the Interior are reduced by $3,000,000 and, not later than 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing of the amounts by account of the reductions made pursuant to this proviso.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $230,000,000, of which not to exceed $400,000 shall be available for administrative expenses: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $52,384,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $37,800,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $195,267,000, to remain available until expended, of which not to exceed $58,000,000 shall be available for historical accounting: Provided, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Departmental Management, "Salaries and Expenses" account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2005, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $35,000,000, to remain available until expended, and which may be transferred to the Bureau of Indian Affairs and Departmental Management accounts: Provided, That funds provided under this heading may be expended pursuant to the authorities contained in the provisos under the heading "Office of Special Trustee for American Indians, Indian Land Consolidation" of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291).

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,818,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund: Provided further, That the annual budget justification for Departmental Management shall describe estimated Working Capital Fund charges to bureaus and offices, including the methodology on which charges are based: Provided further, That departures from the Working Capital Fund estimates contained in the Departmental Management budget justification shall be presented to the Committees on Appropriations for approval: Provided further, That the Secretary shall provide a semi-annual report to the Committees on Appropriations on reimbursable support agreements between the Office of the Secretary and the National Business Center and the bureaus and offices of the Department, including the amounts billed pursuant to such agreements.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108–287, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section are hereby designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108–287, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse,.on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made to the Department of the Interior shall hereafter be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall hereafter be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made to the Department of the Interior shall hereafter be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 110. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 111. Advance payments made by the Department of the Interior to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may hereafter be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities, except that total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

SEC. 113. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: Provided, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2005. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 115. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2005 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 116. (a) The Secretary of the Interior shall hereafter take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 117. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 118. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings, may hereafter be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 119.. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 120. (a) LIMITATION ON INCREASES IN CLAIMS MAINTENANCE AND LOCATION FEES.—The fees established in 30 U.S.C. 28f and 28g shall be equal to the fees in effect immediately prior to the rule of July 1, 2004 (69 Fed. Reg. 40,294) until the Department of the Interior has complied with the obligations established in subsections (b) and (c).

(b) Establishment of Permit Tracking System.—The Department of the Interior shall establish a nationwide tracking system to determine and address the length of time from submission of a plan of operations to mine on public lands to final approval of such submission.

(c) Report.—Within one year of enactment, the Department shall file a detailed report with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate providing detailed information on the length of time it takes the Department to approve proposed mining plans of operations and recommending steps to reduce current delays.

Sec. 121. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

Sec. 122. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

Sec. 123. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

Sec. 124. None of the funds in this or any other Act can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Norton litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

Sec. 125. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

Sec. 126. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from Federally operated or Federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

Sec. 127. Such sums as may be necessary from "Departmental Management, Salaries and Expenses", may be transferred to "United States Fish and Wildlife Service, Resource Management" for operational needs at the Midway Atoll National Wildlife Refuge airport.

Sec. 128. (a) In General.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001).

(b) Use of Certain Indian Land.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

Sec. 129. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

Sec. 130. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), the total amount of all fees imposed by the National Indian Gaming Commission for fiscal year 2006 shall not exceed $12,000,000.

Sec. 131. Notwithstanding any implementation of the Department of the Interior's trust reorganization or reengineering plans, or the implementation of the "To Be" Model, funds appropriated for fiscal year 2005 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima-Maricopa Indian Community, the Confederated Salish and Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation through the same methodology as funds were distributed in fiscal year 2003. This Demonstration Project shall continue to operate separate and apart from the Department of the Interior's trust reform and reorganization and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the above referenced tribes having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. Sections 458aa–458hh: Provided, That the California Trust Reform Consortium and any other participating tribe agree to carry out their responsibilities under the same written and implemented fiduciary standards as those being carried by the Secretary of the Interior: Provided further, That they demonstrate to the satisfaction of the Secretary that they have the capability to do so: Provided further, That the Department shall provide funds to the tribes in an amount equal to that required by 25 U.S.C. Section 458cc(g)(3), including funds specifically or functionally related to the provision of trust services to the tribes or their members.

Sec. 132. Notwithstanding any provision of law, including 42 U.S.C. 4321 et. seq., nonrenewable grazing permits authorized in the Jarbidge Field Office, Bureau of Land Management within the past 8 years, shall be renewed. The Animal Unit Months contained in the most recently expired nonrenewable grazing permit, authorized between March 1, 1997, and February 28, 2003, shall continue in effect under the renewed permit. Nothing in this section shall be deemed to extend the nonrenewable permits beyond the standard 1-year term.

Sec. 133. Pursuant to section 10101f(d)(3) of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f(d)(3)), the following claims shall be given notice of defect and the opportunity to cure: AKFF061472, AKFF085155–AKFF085156, AKFF061632–AKFF061633, AKFF061636–AKFF061637, and AKFF084718.

Sec. 134. Section 702(b)(2) of Public Law 107–282 (116 Stat. 2013) is amended by striking "that if the land" and all that follows through "conveyed by the Foundation." and inserting the following: "that provides that (except in a case in which the proceeds of a lease are provided to the Foundation to carry out the purposes for which the Foundation was established), if the land described in paragraph (3) is sold, leased, or otherwise conveyed by the Foundation—".

Sec. 135. Amendment of the Surface Mining Control and Reclamation Act of 1977. (a) Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking "September 30, 2004" and inserting "June 30, 2005".

(b) Section 125 of Public Law 108–309 is hereby repealed.

Sec. 136. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

Sec. 137. Ernest F. Hollings ACE Basin National Wildlife Refuge. (a) Redesignation.—The ACE Basin National Wildlife Refuge in the State of South Carolina shall be known and designated as the "Ernest F. Hollings ACE Basin National Wildlife Refuge".

(b) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the refuge referred to in subsection (a) shall be deemed to be a reference to the Ernest F. Hollings ACE Basin National Wildlife Refuge.

Sec. 138. Financial Assistance; Flood Insurance. The limitations on Federal expenditures or financial assistance in section 5 of the Coastal Barrier Resources Act (16 U.S.C. 3504) and the limitations on flood insurance coverage in section 1321(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4028(a)) shall not apply to lots 15, 16, 25, and 29 within the Jeremy Cay Subdivision on Edisto Island, South Carolina, depicted on the reference map entitled "John H. Chafee Coastal Barrier Resources System Edisto Complex M09/M09P" dated January 24, 2003.

Sec. 139. (a) There is hereby released, without consideration, all right, title, and interest of the United States in and to the surface portion of that portion of the existing building located at 615 North Burnett Road in Tipton, California, which encroaches upon land that, subject to a reversionary interest, was conveyed by the United States pursuant to the Act of July 27, 1866 (14 Stat. 292). The United States retains any subsurface mineral rights held by the United States as of the date of the enactment of this Act associated with that property. The Secretary of the Interior shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests made by this subsection.

(b) Section 314 of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3480) is amended—

(1) in subsection (c)(2), by striking "Such rights of use and occupancy shall be for not more than twenty-five years or for a term ending at the death of the owner or his or her spouse, whichever is later."; and

(2) in subsection (d)(2)(B), by inserting "and to their heirs, successors, and assigns" after "those persons who were lessees or permittees of record on the date of enactment of this Act".

(c)(1) The first section of Public Law 99–338 is amended by striking "one renewal" and inserting "3 renewals".

(2) Section 3 of Public Law 99–338 is amended to read as follows:

"SEC. 3. The permit shall contain the following provisions:

"(1) A prohibition on expansion of the Kaweah Project in Sequoia National Park.

"(2) A requirement that an independent safety assessment of the Kaweah Project be conducted, and that any deficiencies identified as a result of the assessment would be corrected.

"(3) A requirement that the Secretary prepare and submit to Congress an update of the July 1983 report on the impact of the operations of the Kaweah No. 3 facility on Sequoia National Park.

"(4) A requirement that the permittee pay the park compensation as determined by the Secretary in consultation with the permittee.

"(5) Any other reasonable terms and conditions that the Secretary of the Interior deems necessary and proper for the management and care of Sequoia National Park and the purposes for which it was established.".

(3) Public Law 99–338 is further amended by adding at the end the following new section:

"SEC. 4. The proceeds from any fees imposed pursuant to a permit issued under this Act shall be retained by Sequoia National Park and Kings Canyon National Park and shall be available, without further appropriation, for resources protection, maintenance, and other park operational needs.".

SEC. 140. (a) SHORT TITLE. This section may be cited as the "Gaylord A. Nelson Apostle Islands National Lakeshore Wilderness Act".

(b) DEFINITIONS.—In this section:

(1) MAP.—The term "map" means the map entitled "Apostle Islands Lakeshore Wilderness", numbered 633/80,058 and dated September 17, 2004.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) HIGH-WATER MARK.—The term "high-water mark" means the point on the bank or shore up to which the water, by its presence and action or flow, leaves a distinct mark indicated by erosion, destruction of or change in vegetation or other easily recognizable characteristic.

(c) DESIGNATION OF APOSTLE ISLANDS NATIONAL LAKESHORE WILDERNESS.—

(1) DESIGNATION.—Certain lands comprising approximately 33,500 acres within the Apostle Islands National Lakeshore, as generally depicted on the map referred to in subsection (b), are hereby designated as wilderness in accordance with section 3(c) of the Wilderness Act (16 U.S.C. 1132), and therefore as components of the National Wilderness Preservation System.

(2) MAP AND DESCRIPTION.—

(A) The map referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(B) As soon as practical after enactment of this section, the Secretary shall submit a description of the boundary of the wilderness areas to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the United States House of Representatives.

(C) The map and description shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the description and maps.

(3) BOUNDARY OF THE WILDERNESS.—Any portion of wilderness designated in paragraph (c)(1) that is bordered by Lake Superior shall use as its boundary the high-water mark.

(4) NAMING.—The wilderness area designated by this section shall be known as the Gaylord A. Nelson National Wilderness.

(d) ADMINISTRATION.—

(1) MANAGEMENT.—Subject to valid existing rights, the lands designated as wilderness by this section shall be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act (16 U.S.C. 1131), except that—

(A) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this section; and

(B) where appropriate, any reference to the Secretary of Agriculture shall be considered to be a reference to the Secretary on the Interior with respect to lands administered by the Secretary.

(2) SAVINGS PROVISIONS.—Nothing in this section shall—

(A) modify, alter, or in any way affect any treaty rights;

(B) alter the management of the waters of Lake Superior within the boundary of the Apostle Islands National Lakeshore in existence on the date of enactment of this section; or

(C) be construed to modify, limit, or in any way affect the use of motors on the lake waters, including snowmobiles and the beaching of motorboats adjacent to wilderness areas below the high water mark, and the maintenance and expansion of any docks existing at the time of the enactment of this section.

SEC. 141. Upon the request of the permittee for the Clark Mountain Allotment lands adjacent to the Mojave National Preserve, the Secretary shall also issue a special use permit for that portion of the grazing allotment located within the Preserve. The special use permit shall be issued with the same terms and conditions as the most recently-issued permit for that allotment and the Secretary shall consider the permit to be one transferred in accordance with section 325 of Public Law 108–108.

SEC. 142. SALE OF WILD FREE-ROAMING HORSES AND BURROS. (a) IN GENERAL.—Section 3 of Public Law 92–195 (16 U.S.C. 1333) is amended—

(1) in subsection (d)(5), by striking "this section" and all that follows through the period at the end and inserting "this section."; and

(2) by adding at the end the following:

"(e) SALE OF EXCESS ANIMALS.—

"(1) IN GENERAL.—Any excess animal or the remains of an excess animal shall be sold if—

"(A) the excess animal is more than 10 years of age; or

"(B) the excess animal has been offered unsuccessfully for adoption at least 3 times.

"(2) METHOD OF SALE.—An excess animal that meets either of the criteria in paragraph (1) shall be made available for sale without limitation, including through auction to the highest bidder, at local sale yards or other convenient livestock selling facilities, until such time as—

"(A) all excess animals offered for sale are sold; or

"(B) the appropriate management level, as determined by the Secretary, is attained in all areas occupied by wild free-roaming horses and burros.

"(3) DISPOSITION OF FUNDS.—Funds generated from the sale of excess animals under this subsection shall be—

"(A) credited as an offsetting collection to the Management of Lands and Resources appropriation for the Bureau of Land Management; and

"(B) used for the costs relating to the adoption of wild free-roaming horses and burros, including the costs of marketing such adoption.

"(4) EFFECT OF SALE.—Any excess animal sold under this provision shall no longer be considered to be a wild free-roaming horse or burro for purposes of this Act.".

(b) CRIMINAL PROVISIONS.—Section 8(a)(4) of Public Law 92–195 (16 U.S.C. 1338(a)(4)) is amended by inserting "except as provided in section 3(e)," before "processes".

SEC. 143. (a) SHORT TITLE.—This section may be cited as the "Migratory Bird Treaty Reform Act of 2004".

(b) EXCLUSION OF NON-NATIVE SPECIES FROM APPLICATION OF CERTAIN PROHIBITIONS UNDER MIGRATORY BIRD TREATY ACT.—Section 2 of the Migratory Bird Treaty Act (16 U.S.C. 703) is amended—

(1) in the first sentence by striking "That unless and except as permitted" and inserting the following: "(a) IN GENERAL.—Unless and except as permitted"; and

(2) by adding at the end the following:

"(b) LIMITATION ON APPLICATION TO INTRODUCED SPECIES.—

"(1) IN GENERAL.—This Act applies only to migratory bird species that are native to the United States or its territories.

"(2) NATIVE TO THE UNITED STATES DEFINED.—

"(A) IN GENERAL.—Subject to subparagraph (B), in this subsection the term "native to the United States or its territories" means occurring in the United States or its territories as the result of natural biological or ecological processes.

"(B) TREATMENT OF INTRODUCED SPECIES.—For purposes of paragraph (1), a migratory bird species that occurs in the United States or its territories solely as a result of intentional or unintentional human-assisted introduction shall not be considered native to the United States or it territories unless—

"(i) it was native to the United States or its territories and extant in 1918;

"(ii) it was extirpated after 1918 throughout its range in the United States and its territories; and

"(iii) after such extirpation, it was reintroduced in the United States or its territories as a part of a program carried out by a Federal agency.".

(c) PUBLICATION OF LIST.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary of the Interior shall publish in the Federal Register a list of all nonnative, human-introduced bird species to which the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) does not apply. As necessary, the Secretary may update and publish the list of species exempted from protection of the Migratory Bird Treaty Act.

(2) PUBLIC COMMENT.—Before publishing the list under paragraph (1), the Secretary shall provide adequate time for public comment.

(3) EFFECT OF SECTION.—Nothing in this subsection shall delay implementation of other provisions of this section or amendments made by this section that exclude nonnative, human-introduced bird species from the application of the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.).

(d) RELATIONSHIP TO TREATIES.—It is the sense of Congress that the language of this section is consistent with the intent and language of the 4 bilateral treaties implemented by this section.

SEC. 144. (a) SHORT TITLE.—This section may be cited as the "Foundation for Nevada's Veterans Land Transfer Act of 2004".

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION, BUREAU OF LAND MANAGEMENT LAND, CLARK COUNTY, NEVADA.—

(1) IN GENERAL.—Administrative jurisdiction over the land described in paragraph (2) is transferred from the Secretary of the Interior to the Secretary of Veterans Affairs.

(2) DESCRIPTION OF LAND.—The parcel of land referred to in paragraph (1) is the approximately 150 acres of Bureau of Land Management land in Clark County, Nevada, as generally depicted on the map entitled "Veterans Administration Conveyance" and dated September 24, 2004.

(3) USE OF LAND.—The parcel of land described in paragraph (2) shall be used by the

Secretary of Veterans Affairs for the construction and operation of medical and related facilities, as determined to be appropriate by the Secretary of Veterans Affairs.

SEC. 145. CUMBERLAND ISLAND WILDERNESS BOUNDARY ADJUSTMENT. (a) IN GENERAL.—Public Law 97–250 (96 Stat. 709) is amended by striking section 2 and inserting the following:

"SEC. 2. CUMBERLAND ISLAND WILDERNESS.

"(a) DEFINITIONS.—In this section:

"(1) MAP.—The term 'map' means the map entitled 'Cumberland Island Wilderness', numbered 640/20,0381, and dated September 2004.

"(2) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(3) WILDERNESS.—The term 'Wilderness' means the Cumberland Island Wilderness established by subsection (b).

"(4) POTENTIAL WILDERNESS.—The term 'Potential Wilderness' means the 10,500 acres of potential wilderness described in subsection (c)(2), but does not include the area at the north end of Cumberland Island known as the 'High Point Half-Moon Bluff Historic District'.

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—Approximately 9,886 acres of land in the Cumberland Island National Seashore depicted on the map as 'Wilderness' is designated as a component of the National Wilderness Preservation System and shall be known as the 'Cumberland Island Wilderness'.

"(2) EXCLUSIONS.—The 25-foot wide roadways depicted on the map as the 'Main Road', 'Plum Orchard', and the 'North Cut Road' shall not be included in the Wilderness and shall be maintained by the Secretary for continued vehicle use.

"(c) ADDITIONAL LAND.—In addition to the land designated under subsection (b), the Secretary shall—

"(1) on acquisition of the approximately 231 acres of land identified on the map as 'Areas Become Designated Wilderness upon Acquisition by the NPS'; and

"(2) on publication in the Federal Register of a notice that all uses of the approximately 10,500 acres of land depicted on the map as 'Potential Wilderness' that are prohibited under the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased, adjust the boundary of the Wilderness to include the land.

"(d) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

"(e) ADMINISTRATION.—Subject to valid existing rights, the Wilderness shall be administered by the Secretary, in accordance with the applicable provisions of the Wilderness Act (16 U.S.C. 1131 et seq.) governing areas designated by that Act as wilderness areas, except that—

"(1) any reference in such provisions to the effective date of that Act shall be deemed to be a reference to the effective date of this Act; and

"(2) where appropriate, any reference in that Act to the Secretary of Agriculture shall be deemed to be a reference to the Secretary.

"(f) EFFECT.—Any person with a right to utility service on Cumberland Island on the date of enactment of this subsection shall continue to have the right to utility service in the Wilderness after the date of enactment of this subsection.

"(g) MANAGEMENT PLAN FOR ACCESS TO MAIN ROAD AND NORTH CUT ROAD.—Not later than one year after the date of the enactment of the Cumberland Island Wilderness Boundary Adjustment Act of 2004, the Secretary shall complete a management plan to ensure that not more than 8 and not less than 5 round trips are made available daily on the Main Road north of the Plum Orchard Spur and the North Cut Road by the National Park Service or a concessionaire for the purpose of transporting visitors to and from the historic sites located adjacent to Wilderness.".

(b) TOURS OF CUMBERLAND ISLAND NATIONAL SEASHORE.—Section 6 of Public Law 92–536 (86 Stat. 1066) is amended—

(1) in subsection (b), by inserting ", except as provided in subsection (c)," before "no development of the project"; and

(2) by adding at the end the following:

"(c) TOURS OF THE SEASHORE.—Notwithstanding subsection (b), the Secretary may enter into not more than 3 concession contracts, as the Secretary determines appropriate, for the provision of tours for visitors to the seashore that are consistent with—

"(1) this Act;

"(2) the Wilderness Act (16 U.S.C. 1131 et seq.); and

"(3) Public Law 97–250 (96 Stat. 709).".

(c) SHORT TITLE.—This section may be cited as the "Cumberland Island Wilderness Boundary Adjustment Act of 2004".

SEC. 146. Notwithstanding any other provision of law, the National Park Service final winter use rules published in Part VII of the Federal Register for November 10, 2004, 69 Fed. Reg. 65348, et seq., shall be in force and effect for the winter use season of 2004–2005 that commences on or about December 15, 2004.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $280,278,000, to remain available until expended: Provided, That of the funds provided, $56,714,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $296,626,000, to remain available until expended, as authorized by law of which $57,939,000 is to be derived from the Land and Water Conservation Fund: Provided, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropriations, in writing, of specific contractual and grant details including the non-Federal cost share: Provided further, That notwithstanding any other provision of law, of the funds provided under this heading, $2,000,000 shall be made available to Kake Tribal Corporation as an advance direct lump sum payment to implement the Kake Tribal Corporation Land Transfer Act (Public Law 106–283), and $1,500,000 shall be made available to Canton, NC, as an advance direct lump sum payment for wood products waste water treatment repairs.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,400,260,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That unobligated balances under this heading available at the start of fiscal year 2005 shall be displayed by budget line item in the fiscal year 2006 budget justification: Provided further, That, through fiscal year 2009, the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands, and for the performance of cadastral surveys to designate the boundaries of such lands: Provided further, That of the funds provided under this heading for Forest Products, $5,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment: Provided further, That within funds available for the purpose of implementing the Valles Caldera Preservation Act, notwithstanding the limitations of section 107(e)(2) of the Valles Caldera Preservation Act (Public Law 106–248), for fiscal year 2005, the Chair of the Board of Trustees of the Valles Caldera Trust may receive, upon request, compensation for each day (including travel time) that the Chair is engaged in the performance of the functions of the Board, except that compensation shall not exceed the daily equivalent of the annual rate in effect for members of the Senior Executive Service at the ES–1 level, and shall be in addition to any reimbursement for travel, subsistence and other necessary expenses incurred by the Chair in the performance of the Chair's duties.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,727,008,000, to remain available until expended: Provided, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2004 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): Provided further, That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds provided, $266,238,000 is for hazardous fuels reduction activities, $13,000,000 is for rehabilitation and restoration, $22,025,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $40,745,000 is for State fire assistance, $8,000,000 is for volunteer fire assistance, $15,000,000 is for forest health activities on Federal lands and $10,000,000 is for forest health activities on State and private lands: Provided further, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", and "Forest and Rangeland Research" accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: Provided further, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report 108–330: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriations, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: Provided further, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106-393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That of the funds provided for hazardous fuels reduction, not to exceed $5,000,000, may be used to make grants, using any authorities available to the Forest Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $521,952,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: Provided, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That subject to all the authorities available to the Forest Service under the State and Private Forestry appropriation, up to $1,000,000 may be used on non-federal lands adjacent to the Chugach National Forest for the purpose of expanding recreational opportunities.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $61,866,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $65,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,962,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 124 passenger motor vehicles of which 21 will be used primarily for law enforcement purposes and of which 124 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon notification of the House and Senate Committees on Appropriations and if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned and all wildfire suppression funds under the heading "Wildland Fire Management" are obligated.

The first transfer of funds into the Wildland Fire Management account shall include unobligated funds, if available, from the Land Acquisition account and the Forest Legacy program within the State and Private Forestry account.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b.

Not less than $20,000,000 of funds under section 8002 of the Farm Security and Rural Investment Act of 2002 is hereby canceled.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in House Report 108–330.

Not more than $72,467,000 of the funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, $3,300,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, $300,000 may be used for Forest Service Centennial activities and, of the total available *to the Foundation, no more than $350,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.*

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum to aid conservation partnership projects in support of the Forest Service mission, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: Provided, That such amounts shall not exceed $1,000,000.

For fiscal years 2005 and 2006, the Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

For each fiscal year through 2009, the Secretary of Agriculture may transfer or reimburse funds available to the Forest Service, not to exceed $15,000,000, to the Secretary of the Interior or the Secretary of Commerce to expedite conferencing and consultations as required under section 7 of the Endangered Species Act, 16 U.S.C. 1536. The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing.

Beginning on June 30, 2001 and concluding on December 31, 2005, an eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service in this Act may be used for the purpose of expenses associated with primary and secondary schooling for dependents of agency personnel stationed in Puerto Rico prior to the date of enactment of this Act, who are subject to transfer and reassignment to other locations in the United States, at a cost not in excess of those authorized for the Department of Defense for the same area, when it is determined by the Chief of the Forest Service that public schools available in the locality are unable to provide adequately for the education of such dependents.

For fiscal years 2005 and 2006, the Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Wasatch-Cache National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for acquisition and construction of administrative sites on the Wasatch-Cache National Forest.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $257,000,000 shall not be available until October 1, 2005: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $579,911,000, to remain available until expended, of which $4,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania: Provided, That of the amounts provided, $18,000,000 is to continue a multi-year project coordinated with the private sector for FutureGen, without regard to the terms and conditions applicable to clean coal technology projects: Provided further, That the initial planning and research stages of the FutureGen project shall include a matching requirement from non-Federal sources of at least 20 percent of the costs: Provided further, That any demonstration component of such project shall require a matching requirement from non-Federal sources of at least 50 percent of the costs of the component: Provided further, That of the amounts provided, $50,000,000 is available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: Provided further, That no project may be selected for which sufficient funding is not available to provide for the total project: Provided further, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in 42 U.S.C. 5903d: Provided further, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: Provided further, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: Provided further, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: Provided further, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in prior appropriations: Provided further, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: Provided further, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $18,000,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2005 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $649,092,000, to remain available until expended: Provided, That $44,798,000 is for State energy program grants pursuant to 42 U.S.C. 6323, notwithstanding section 3003(d)(2) of Public Law 99–509.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $172,100,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant to the Energy Policy and Conservation Act of 2000, $5,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $85,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered, into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,633,072,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That up to $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $487,085,000 for contract medical care shall remain available for obligation until September 30, 2006: Provided further, That of the funds provided, up to $27,000,000 to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $267,398,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2005, of which not to exceed $2,500,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: Provided further, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: Provided further, That of the amounts provided to the Indian Health Service, $15,000,000 is provided for alcohol control, enforcement, prevention, treatment, sobriety and wellness, and education in Alaska: Provided further, That none of the funds may be used for tribal courts or tribal ordinance programs or any program that is not directly related to alcohol control, enforcement, prevention, treatment, or sobriety: Provided further, That no more than 15 percent may be used by any entity receiving funding for administrative overhead including indirect costs.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $394,048,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: Provided further, That not to exceed $1,000,000 from this account and the "Indian Health Services" account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That notwithstanding any other provision of law, funds appropriated for the planning, design, and construction of the replacement health care facility in Barrow, Alaska, may be used to purchase land up to approximately 8 hectares for a site upon which to construct the new health care facility: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: Provided further, That up to $2,700,000 from unobligated balances may be used for the purchase of land at two sites for the construction of the northern and southern California Youth Regional Treatment Centers subject to advance approval from the House and Senate Committees on Appropriations.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process. Personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full time equivalent level of the Indian Health Service below the level in fiscal year 2002 adjusted upward for the staffing of new and expanded facilities, funding provided for staffing at the Lawton, Oklahoma hospital in fiscal years 2003 and 2004, critical positions not filled in fiscal year 2002, and staffing necessary to carry out the intent of Congress with regard to program increases.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The Indian Health Service may purchase 8.5 acres of land for expansion of parking facilities at the W.W. Hastings hospital in Tahlequah, Oklahoma using third party collections subject to advance approval from the House and Senate Committees on Appropriations.

Notwithstanding any other provision of law, the Tulsa and Oklahoma City Clinic demonstration projects shall be permanent programs under the direct care program of the Indian Health Service; shall be treated as service units and operating units in the allocation of resources and coordination of care; shall continue to meet the requirements applicable to an Urban Indian organization under this title; and shall not be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $5,000,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $6,000,000, of which up to $1,000,000 may remain available until expended to assist with the Institute's efforts to develop a Continuing Education Lifelong Learning Center.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $495,925,000, of which not to exceed $10,108,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and of which $1,620,000 for fellowships and scholarly awards shall remain available until September 30, 2006; and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $127,900,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109: Provided, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without the advance approval of the House and Senate Committees on Appropriations.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the statement of the managers accompanying this Act.

None of the funds in this or any other Act may be used to purchase any additional buildings without prior consultation with the House and Senate Committees on Appropriations.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of *works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $93,000,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.*

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $11,100,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $17,152,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $16,334,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $8,987,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $122,972,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including $21,729,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account and "Challenge America" account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $123,877,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,122,000, to remain available until expended, of which $10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: Provided further, That the Chairperson of the National Endowment for the Arts may approve grants up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: Provided further, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,793,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $4,600,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $8,000,000: Provided, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses to host international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $41,433,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $20,000,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2004.

SEC. 307. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2005, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 308. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian

Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, 107–63, 108–7, and 108–108 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2004 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 309. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 310. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 311. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 312. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 313. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 314. Notwithstanding any other provision of law, for fiscal year 2005 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 315. Amounts deposited during fiscal year 2004 in the roads and trails fund provided for in the 14th paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 316. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 317. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in the current fiscal year, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in the current fiscal year, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska; and (ii) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 318. Section 3 of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b), is amended—

(1) by striking "The Secretary of Agriculture may, when in his" and inserting "(a) The Secretary of Agriculture may, when in his or her";

"(b) Amounts deposited under subsection (a)";

(2) by striking "may direct:" and all that follows through ":That the Secretary of Agriculture" and inserting "may direct. The Secretary of Agriculture"; and

(3) by adding at the end the following new subsection:

"(c) Any portion of the balance at the end of a fiscal year in the special fund established pursuant to this section that the Secretary of Agriculture determines to be in excess of the cost of doing work described in subsection (a) (as well as any portion of the balance in the special fund that the Secretary determined, before October 1, 2004, to be excess of the cost of doing work described in subsection (a), but which has not been transferred by that date) shall be transferred to miscellaneous receipts, National Forest Fund, as a National Forest receipt, but only if the Secretary also determines that—

"(1) the excess amounts will not be needed for emergency wildfire suppression during the fiscal year in which the transfer would be made; and

"(2) the amount to be transferred to miscellaneous receipts, National Forest Fund, exceeds the outstanding balance of unreimbursed funds transferred from the special fund in prior fiscal years for wildfire suppression.".

SEC. 319. A project undertaken by the Forest Service under the Recreation Fee Demonstration

Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency; and

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 320. Prior to October 1, 2005, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 321. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 322. EXTENSION OF FOREST SERVICE CONVEYANCES PILOT PROGRAM.—Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107–63) is amended—

(1) in subsection (b), by striking "30" and inserting "40";

(2) in subsection (c) by striking "8" and inserting "13"; and

(3) in subsection (d), by striking "2007" and inserting "2008".

SEC. 323. Section 3(c) of the Harriet Tubman Special Resource Study Act (Public Law 106–516; 114 Stat. 2405) is amended by striking "section 8 of section 8" and inserting "section 8."

SEC. 324. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: Provided, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: Provided further, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: Provided further, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 325. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2005, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

SEC. 326. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 327. None of the funds in this Act may be used to prepare or issue a permit or lease for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2005.

SEC. 328. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged business: Provided further, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: Provided further, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101–624: Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 329. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

SEC. 330. Section 338 of Public Law 108–108 is amended by striking "2003" and inserting in lieu thereof "2004".

SEC. 331. Section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134; 110 Stat. 1321–200; 16 U.S.C. 460l–6a note), is amended—

(1) in subsection (b), by inserting "subject to subsection (g) but" before "notwithstanding" in the matter preceding paragraph (1); and

(2) by adding at the end the following new subsection:

"(g) The Secretary of Agriculture may not charge or collect fees under this section for the following:

"(1) Admission to a unit of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

"(2) The use, either singly or in any combination, of the following:

"(A) undesignated parking along roads;

"(B) overlook sites or scenic pullouts;

"(C) information offices and centers that only provide general area information and limited services or interpretive exhibits; and

"(D) dispersed areas for which expenditures in facilities or services are limited.".

SEC. 332. (a) LIMITATION ON COMPETITIVE SOURCING STUDIES.—

(1) Of the funds made available by this or any other Act to the Department of Energy or the Department of the Interior for fiscal year 2005, not more than the maximum amount specified in paragraph (2) may be used by the Secretary of Energy or the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2005 for programs, projects, and activities for which funds are appropriated by this Act until such time as the Secretary concerned submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the reprogramming guidelines in House Report 108–330.

(2) For the purposes of paragraph (1) the maximum amount—

(A) with respect to the Department of Energy is $500,000; and

(B) with respect to the Department of the Interior is $3,250,000.

(3) Of the funds appropriated by this Act, not more than $2,000,000 may be used in fiscal year 2005 for competitive sourcing studies and related activities by the Forest Service.

(b) COMPETITIVE SOURCING STUDY DEFINED.—In this section, the term "competitive sourcing study" means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

(c) Section 340(b) of Public Law 108–108 is hereby repealed.

(d) COMPETITIVE SOURCING EXEMPTION FOR FOREST SERVICE STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2005.—Notwithstanding requirements of Office of Management and Budget Circular A–76, Attachment B, the Forest Service is hereby exempted from implementing the Letter of Obligation and post-competition accountability guidelines where a competitive sourcing study involved 65 or fewer full-time equivalents, the performance decision was made in favor of the agency provider; no net savings was

achieved by conducting the study, and the study was completed prior to the date of this Act.

(e) In preparing any reports to the Committees on Appropriations on competitive sourcing activities, agencies funded in this Act shall include the incremental cost directly attributable to conducting the competitive sourcing competitions, including costs attributable to paying outside consultants and contractors and, in accordance with full cost accounting principles, all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing, including personnel, consultant, travel, and training costs associated with program management.

SEC. 333. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects and activities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central office operations shall be presented in annual budget justifications. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

SEC. 334. None of the funds in this Act or prior Acts making appropriations for the Department of the Interior and Related Agencies may be provided to the managing partners or their agents for the SAFECOM or Disaster Management projects.

SEC. 335. CONVEYANCE OF A SMALL PARCEL OF PUBLIC DOMAIN LAND IN THE SAN BERNARDINO NATIONAL FOREST IN THE STATE OF CALIFORNIA. (a) FINDINGS.—The Congress finds that—

(1) a select area of the San Bernardino National Forest in California is heavily developed with recreation residences and is immediately adjacent to comparably developed private property;

(2) it is in the public interest to convey the above referenced area to the owners of the recreation residences; and

(3) the Secretary of Agriculture should use the proceeds of such conveyance for critical San Bernardino National Forest infrastructure improvements or to acquire additional lands within the boundaries of the San Bernardino National Forest.

(b) CONVEYANCE REQUIRED.—Subject to valid existing rights and such terms, conditions, and restrictions as the Secretary deems necessary or desirable in the public interest, the Secretary of Agriculture shall convey to the Mill Creek Homeowners Association (hereinafter Association) all right, title, and interest of the United States in and to the Mill Creek parcel of real estate described in subsection (c)(1). In the event the Secretary and the Association for any reason do not complete the sale within two years from the date of enactment of this Act, this authority shall expire.

(c) LEGAL DESCRIPTION AND CORRECTION AUTHORITY.—

(1) DESCRIPTION.—The Mill Creek parcel, approximately 35 acres, as shown on a map, "The Mill Creek Conveyance Parcel—San Bernardino National Forest, dated June 1, 2004" generally located in the northeast quarter of Section 8, T.1S., R.1W., San Bernardino Meridian, of the United States Public Lands Survey System, California. The map shall be on file and available for inspection in the office of the Chief, Forest Service, Washington, DC and in the office of the Forest Supervisor, San Bernardino National Forest until such time as the lands are conveyed.

(2) CORRECTIONS.—The Secretary is authorized to make minor corrections to this map and may modify the description to correct errors or to reconfigure the property in order to facilitate conveyance. In the event of a conflict between the map description and the USPLSS description of the land in paragraph (1), the map will be considered the definitive description of the land.

(d) CONSIDERATION.—Consideration for the conveyance under subsection (b) shall be equal to the appraised fair market value of the parcel of real property to be conveyed. Such appraisal shall be prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisition.

(e) ACCESS REQUIREMENTS.—Notwithstanding section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)) or any other law, the Secretary is not required to provide access over National Forest System lands to the parcel of real estate to be conveyed under subsection (b).

(f) ADMINISTRATIVE COSTS.—All costs incurred by the Secretary of Agriculture and any costs associated with the creation of a subdivided parcel, conducting and recordation of a survey, zoning, planning approval, and similar expenses with respect to the conveyance under subsection (b), shall be borne by the Association.

(g) ASSUMPTION OF LIABILITY.—By acceptance of the conveyance of the parcel of real property referred to in subsection (b), the Association and its successors and assigns will indemnify and hold harmless the United States for any and all liability to any party that is associated with the parcel.

(h) TREATMENT OF RECEIPTS.—All funds received pursuant to the conveyance of the parcel of real property referred to in subsection (b) shall be deposited in the fund established under Public Law 90–171 (16 U.S.C. 484a; commonly known as the Sisk Act), and the funds shall remain available to the Secretary, until expended, 'for critical San Bernardino National Forest infrastructure improvements or the acquisition of lands, waters, and interests in land for inclusion in the San Bernardino National Forest.

SEC. 336. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291; 114 Stat. 996), is amended—

(1) in subsection (a), by striking "Until September 30, 2004, the" and inserting "The"; and

(2) by adding at the end the following new subsections:

"(d) INCLUSION OF COLORADO BLM LANDS.—The authority provided by this section shall also be available to the Secretary of the Interior with respect to public lands in the State of Colorado administered by the Secretary through the Bureau of Land Management.

"(e) EXPIRATION OF AUTHORITY.—The authority of the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements and contracts under this section expires September 30, 2009, and the term of any cooperative agreement or contract entered into under this section shall not extend beyond that date.".

SEC. 337. FEDERAL AND STATE COOPERATIVE FOREST, RANGELAND, AND WATERSHED RESTORATION IN UTAH. (a) AUTHORITY.—Until September 30, 2006, the Secretary of Agriculture, via cooperative agreement or contract (including sole source contract) as appropriate, may permit the State Forester of the State of Utah to perform forest, rangeland, and watershed restoration services on National Forest System lands in the State of Utah. Restoration services provided are to be on a project to project basis as planned or made ready for implementation under existing authorities of the Forest Service. The types of restoration services that may be contracted under this authority include treatment of insect infected trees, reduction of hazardous fuels, and other activities to restore or improve forest, rangeland, and watershed health including fish and wildlife habitat.

(b) STATE AS AGENT.—Except as provided in subsection (c), a cooperative agreement or contract under subsection (a) may authorize the State Forester of the State of Utah to serve as agent for the Forest Service in providing services necessary to facilitate the performance and treatment of insect infested trees, reduction of hazardous fuels, and to restore or improve forest, rangeland, and watershed health including fish and wildlife habitat under subsection (a). The services to be performed by the State Forester of Utah may be conducted with subcontracts utilizing State of Utah contract procedures. Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall not apply to services performed under a cooperative agreement or contract under subsection (a).

(c) RETENTION OF NEPA RESPONSIBILITIES.—With respect to any treatment activity to restore and improve forest, rangeland, and watershed health including fish and wildlife habitat services on National Forest System lands programmed for treatment by the State Forester of the State of Utah under subsection (a), any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4821 et seq.) may not be delegated to any officer or employee of the State of Utah.

SEC. 338. (a) IN GENERAL.—An entity that enters into a contract with the United States to operate the National Recreation Reservation Service (as solicited by the solicitation numbered WO–04–06vm) shall not carry out any duties under the contract using:

(1) a contact center located outside the United States; or

(2) a reservation agent who does not live in the United States.

(b) NO WAIVER.—The Secretary of Agriculture may not waive the requirements of subsection (a).

(c) TELECOMMUTING.—A reservation agent who is carrying out duties under the contract described in subsection (a) may not telecommute from a location outside the United States.

(d) LIMITATIONS.—Nothing in this Act shall be construed to apply to any employee of the entity who is not a reservation agent carrying out the duties under the contract described in subsection (a) or who provides managerial or support services.

SEC. 339. For fiscal years 2005 through 2007, a decision made by the Secretary of Agriculture to authorize grazing on an allotment shall be categorically excluded from documentation in an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if: (1) the decision continues current grazing management of the allotment; (2) monitoring indicates that current grazing management is meeting, or satisfactorily moving toward, objectives in the land and resource management plan, as determined by the Secretary; and (3) the decision is consistent with agency policy concerning extraordinary circumstances. The total number of allotments that may be categorically excluded under this section may not exceed 900.

SEC. 340. SALMON RIVER COMMERCIAL OUTFITTER HUNTING CAMPS. Section 3(a)(24) of Public Law 90–542 (16 U.S.C. sec. 1274) is amended to add the following after paragraph (C) and redesignate subsequent paragraphs accordingly:

"(D) The established use and occupancy as of June 6, 2003, of lands and maintenance or replacement of facilities and structures for commercial recreation services at Stub Creek located in section 28, T24N, R14E, Boise Principal Meridian, at Arctic Creek located in section 21, T25N, R12E, Boise Principal Meridian and at Smith Gulch located in section 27, T25N, R12E, Boise Principal Meridian shall continue to be authorized, subject to such reasonable regulation as the Secretary deems appropriate, including rules that would provide for termination for

non-compliance, and if terminated, reoffering the site through a competitive process.".

SEC. 341. (a) IN GENERAL.—

(1) The Secretary of Agriculture and the Secretary of the Interior are authorized to make grants to the Eastern Nevada Landscape Coalition for the study and restoration of rangeland and other lands in Nevada's Great Basin in order to help assure the reduction of hazardous fuels and for related purposes.

(2) Notwithstanding 31 U.S.C. secs. 6301–6308, the Director of the Bureau of Land Management shall enter into a cooperative agreement with the Eastern Nevada Landscape Coalition for the Great Basin Restoration Project, including hazardous fuels and mechanical treatments and related work.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 342. (a) FINDINGS.—

(1) In 1953, Public Land Order 899 (PLO 899) eliminated approximately 80 acres from the Tongass National Forest, for the Community of Elfin Cove, Alaska. From 1953 until 2001, the USDA Forest Service believed two small islets within the Elfin Cove Harbor (Lots 1 and 2 of U.S. Survey 13150, approximately 0.29 acres) were included as part of PLO 899. However, due to a Bureau of Land Management rule in effect when PLO 899 was issued, ownership of unsurveyed, unmapped islets remained with the original landowner, in this case the United States.

(2) These two islets are needed by the Community of Elfin Cove to resolve public health and safety problems.

(3) The two islets serve no national forest purposes, but the Forest Service has no authority to transfer ownership of them to the Community of Elfin Cove, without receiving fair market value for the land interests.

(4) Neither the Bureau of Land Management nor the Forest Service intended to retain federal ownership of these two islets, and they remained in ownership of the United States only through an inadvertent error.

(5) Conveyance of these two islets from the United States to the Community of Elfin Cove, Alaska, without consideration, is in the public interest.

(b) Based on the findings in subsection (a) and notwithstanding any other provision of law, Congress hereby authorizes and directs the Secretary of Agriculture to convey in fee simple without compensation, Lots 1 and 2 of U.S. Survey 13150, comprising approximately 0.29 acres, to the Community of Elfin Cove, Alaska.

SEC. 343. (a) Notwithstanding any other provision of law, and until October 1, 2007, the Indian Health Service may not disburse funds for the provision of health care services pursuant to Public Law 93–638 (25 U.S.C. 450 et seq.) to any Alaska Native village or Alaska Native village corporation that is located within the area served by an Alaska Native regional health entity.

(b) Nothing in this section shall be construed to prohibit the disbursal of funds to any Alaska Native village or Alaska Native village corporation under any contract or compact entered into prior to May 1, 2004, or to prohibit the renewal of any such agreement.

(c) For the purpose of this section, Eastern Aleutian Tribes, Inc. shall be treated as an Alaska Native regional health entity to whom funds may be disbursed under this section.

SEC. 344. Notwithstanding any other provision of law and using funds previously appropriated for such purpose under Public Law 106–291 ($1,630,000) and Public Law 108–199 ($2,300,000), the National Park Service shall (1) not later than 60 days after enactment of this section purchase the seven parcels of real property in Seward, Alaska identified by Kenai Peninsula tax identification numbers 14910001, 14910002, 14911033, 14913005, 14913020, 14913007, and 14913008 that have been selected for the administrative complex, visitor facility, plaza and related parking for the Kenai Fjords National Park and Chugach National Forest which shall hereafter be known as the Mary Lowell Center; and (2) transfer to the City of Seward any remaining balance of previously appropriated funds not necessary for property acquisition and design upon the vacation by the City of Seward of Washington Street between 4th Avenue and 5th Avenue and transfer of title of the appropriate portions thereof to the federal government, provided that the City of Seward uses any such funds for the related waterfront planning, pavilions, boardwalks, trails, or related purposes that compliment the new federal facility.

SEC. 345. Section 331, of Public Law 106–113, is amended—

(1) in part (a) by striking "2004" and inserting "2005"; and

(2) in part (b) by striking "2004" and inserting "2005."

SEC. 346. FEDERAL BUILDING, SANDPOINT, IDAHO.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) MAP.—The term "map" means the map that is—

(A) entitled "Sandpoint Federal Building";

(B) dated September 12, 2002; and

(C) on file in—

(i) the Office of the Chief of the Forest Service; and

(ii) the Office of the Supervisor, Idaho National Forests, Coeur d'Alene, Idaho.

(3) PROPERTY.—The term "property" means the Sandpoint Federal Building and approximately 3.17 acres of land in Sandpoint, Idaho, as depicted on the map.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(b) CONVEYANCE OF PROPERTY.—

(1) IN GENERAL.—Notwithstanding subtitle I of title 40, United States Code, the Administrator may convey to the Secretary, all right, title, and interest of the United States in and to the property.

(2) CONDITIONS.—The conveyance of the property under paragraph (1) shall be on a noncompetitive basis, for consideration, and subject to any other terms and conditions to which the Administrator and the Secretary may agree, including a purchase period with multiple payments over multiple fiscal years.

(3) SOURCE OF FUNDS.—The Secretary may use amounts made available to the Forest Service for any of fiscal years 2005 through 2010 to acquire the property under paragraph (1).

(c) SALE OR EXCHANGE OF PROPERTY.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may use, maintain, lease, sublease, sell, or exchange all or part of the property.

(2) TERMS.—The sale or exchange of the property under paragraph (1) shall be for market value and subject to such terms as the Secretary determines to be in the public interest.

(3) METHOD OF SALE OR EXCHANGE.—The sale or exchange of the property under paragraph (1) may be on a competitive or noncompetitive basis.

(4) CONSIDERATION.—Consideration for the sale or exchange of the property may be in the form of cash, land, or improvements (including improvements to be constructed after the date of the sale or exchange).

(5) DISPOSITION AND USE OF PROCEEDS.—

(A) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds derived from any lease, sublease, sale, exchange, or any other use or disposition of the property in the fund established by Public Law 90–171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(B) USE OF PROCEEDS.—Amounts deposited under subparagraph (A) shall be available to the Secretary, without further appropriation, until expended, for the construction and maintenance of Forest Service offices and related facilities on National Forest System land in the vicinity of Sandpoint, Idaho.

SEC. 347. (a) SHORT TITLE.—This section may be cited as the "Chris Zajicek Memorial Land Exchange Act of 2004".

(b) NATIONAL FOREST SYSTEM LAND EXCHANGE IN THE STATE OF FLORIDA.—

(1) IN GENERAL.—Notwithstanding the effect of the wildfire known as the "Impassable 1 Fire" on the value of the land to be exchanged, the Secretary of Agriculture (acting through the Chief of the Forest Service) may carry out the exchange agreement entered into by the Forest Service and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and dated March 5, 2004.

(2) VALUATION.—For purposes of determining the value of the land to be exchanged under paragraph (1), the value of the land shall be considered to be the value of the land determined by the appraisal conducted on August 21, 2003.

SEC. 348. (a) SHORT TITLE.—This section may be cited as the "Grey Towers National Historic Site Act of 2004".

(b) FINDINGS; PURPOSES; DEFINITIONS.—

(1) FINDINGS.—Congress finds the following:

(A) James and Mary Pinchot constructed a home and estate that is known as Grey Towers in Milford, Pennsylvania.

(B) James and Mary Pinchot were also the progenitors of a family of notable accomplishment in the history of the Commonwealth of Pennsylvania and the Nation, in particular, their son, Gifford Pinchot.

(C) Gifford Pinchot was the first Chief of the Forest Service, a major influence in formulating and implementing forest conservation policies in the early 20th Century, and twice Governor of Pennsylvania.

(D) During the early 20th century, James and Gifford Pinchot used Grey Towers and the environs to establish scientific forestry, to develop conservation leaders, and to formulate conservation principles, thus making this site one of the primary birthplaces of the American conservation movement.

(E) In 1963, Gifford Bryce Pinchot, the son of Gifford and Cornelia Pinchot, donated Grey Towers and 102 acres to the Nation.

(F) In 1963, President John F. Kennedy dedicated the Pinchot Institute for Conservation for the greater knowledge of land and its uses at Grey Towers National Historic Landmark, thereby establishing a partnership between the public and private sectors.

(G) Grey Towers today is a place of historical significance where leaders in natural resource conservation meet, study, and share ideas, analyses, values, and philosophies, and is also a place where the public can learn and appreciate our conservation heritage.

(H) As established by President Kennedy, the Pinchot Institute for Conservation, and the Forest Service at Grey Towers operate through an established partnership in developing and delivering programs that carry on Gifford Pinchot's conservation legacy.

(I) Grey Towers and associated structures in and around Milford, Pennsylvania, can serve to enhance regional recreational and educational opportunities.

(2) PURPOSES.—The purposes of this section are as follows:

(A) To honor and perpetuate the memory of Gifford Pinchot.

(B) To promote the recreational and educational resources of Milford, Pennsylvania, and its environs.

(C) To authorize the Secretary of Agriculture—

(i) to further the scientific, policy analysis, educational, and cultural programs in natural resource conservation at Grey Towers;

(ii) to manage the property and environs more efficiently and effectively; and

(iii) to further collaborative ties with the Pinchot Institute for Conservation, and other Federal, State, and local agencies with shared interests.

(3) DEFINITIONS.—For the purposes of this section:

(A) ASSOCIATED PROPERTIES.—The term "Associated Properties" means lands and improvements outside of the Grey Towers National Historic Landmark within Pike County, Pennsylvania, and which were associated with James and Mary Pinchot, the Yale School of Forestry, or the Forest Service.

(B) GREY TOWERS.—The term "Grey Towers" means the buildings and surrounding area of approximately 303 acres, including the 102 acres donated in 1963 to the United States and so designated that year.

(C) HISTORIC SITE.—The term "Historic Site" means the Grey Towers National Historic Site, as so designated by this Act.

(D) PINCHOT INSTITUTE.—The term "Pinchot Institute" means the Pinchot Institute for Conservation, a nonprofit corporation established under the laws of the District of Columbia.

(E) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(c) DESIGNATION OF NATIONAL HISTORIC SITE.—Subject to valid existing rights, all lands and improvements formerly encompassed within the Grey Towers National Historic Landmark are designated as the "Grey Towers National Historic Site".

(d) ADMINISTRATION.—

(1) PURPOSES.—The Historic Site shall be administered for the following purposes:

(A) Education, public demonstration projects, and research related to natural resource conservation, protection, management, and use. source conservation, protection, management, and use.

(B) Leadership development within the natural resource professions and the Federal civil service.

(C) Continuing Gifford Pinchot's legacy through pursuit of new ideas, strategies, and solutions to natural resource issues that include economic, ecological, and social values.

(D) Preservation, use, and maintenance of the buildings, grounds, facilities, and archives associated with Gifford Pinchot.

(E) Study and interpretation of the life and works of Gifford Pinchot.

(F) Public recreation and enjoyment.

(G) Protection and enjoyment of the scenic and natural environs.

(2) APPLICABLE LAWS.—The Secretary shall administer federally owned lands and interests in lands at the Historic Site and Associated Properties as components of the National Forest System in accordance with this Act, 16 U.S.C. 461 et seq. and other laws generally applicable to the administration of national historic sites, and the laws, rules, and regulations applicable to the National Forest System, except that the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600, et seq.) shall not apply.

(3) LAND ACQUISITION.—The Secretary is authorized to acquire, on a willing seller basis, by purchase, donation, exchange, or otherwise, privately owned lands and interests in lands, including improvements, within the Historic Site and the Associated Properties, using donated or appropriated funds.

(4) GIFTS.—

(A) ACCEPTED BY ENTITIES OTHER THAN THE SECRETARY.—Subject to such terms and conditions as the Secretary may prescribe, any public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of or in connection with, the activities and services at the Historic Site.

(B) ACCEPTED BY THE SECRETARY.—Gifts may be accepted by the Secretary for the benefit of or in connection with, the activities and services at the Historic Site notwithstanding the fact that a donor conducts business with or is regulated by the Department of Agriculture in any capacity.

(e) COOPERATIVE AUTHORITIES.—

(1) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into Agreements for grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute, public and other private agencies, organizations, institutions, and individuals to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs at Grey Towers or to otherwise further the purposes of this section.

(2) INTERDEPARTMENTAL.—The Secretary and the Secretary of the Interior are authorized and encouraged to cooperate in promoting public use and enjoyment of Grey Towers and the Delaware Water Gap National Recreation Area and in otherwise furthering the administration and purposes for which both areas were designated. Such cooperation may include colocation and use of facilities within Associated Properties and elsewhere.

(3) OTHER.—The Secretary may authorize use of the grounds and facilities of Grey Towers by the Pinchot Institute and other participating partners including Federal, State, and local agencies, on such terms and conditions as the Secretary may prescribe, including the waiver of special use authorizations and the waiver of rental and use fees.

(f) FUNDS.—

(1) FEES AND CHARGES.—The Secretary may impose reasonable fees and charges for admission to and use of facilities on Grey Towers.

(2) SPECIAL FUND.—Any monies received by the Forest Service in administering Grey Towers shall be deposited into the Treasury of the United States and covered in a special fund called the Grey Towers National Historic Site Fund. Monies in the Grey Towers National Historic Site Fund shall be available until expended, without further appropriation, for support of programs of Grey Towers, and any other expenses incurred in the administration of Grey Towers.

(g) MAP.—The Secretary shall produce and keep for public inspection a map of the Historic Site and associated properties within Pike County, Pennsylvania, which were associated with James and Mary Pinchot, the Yale School of Forestry, or the Forest Service.

(h) SAVINGS PROVISION.—Nothing in this section shall be deemed to diminish the authorities of the Secretary under the Cooperative Forestry Assistance Act or any other law pertaining to the National Forest System.

SEC. 349. (a) SHORT TITLE.—This section may be cited as the "Montana National Forests Boundary Adjustment Act of 2004".

(b) DEFINITIONS.—In this section:

(1) FORESTS.—The term "Forests" means the Helena National Forest, Lolo National Forest, and Beaverhead-Deerlodge National Forest in the State of Montana.

(2) MAP.—The term "map" means—

(A) the map entitled "Helena National Forest Boundary Adjustment Northern Region, USDA Forest Service" and dated September 13, 2004;

(B) the map entitled "Lolo National Forest Boundary Adjustment Northern Region, USDA Forest Service" and dated September 13, 2004; and

(C) the map entitled "Deerlodge National Forest Boundary Adjustment Northern Region USDA Forest Service" and dated September 13, 2004.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(c) HELENA, LOLO, AND BEAVERHEAD-DEERLODGE NATIONAL FORESTS BOUNDARY ADJUSTMENT.—

(1) IN GENERAL.—The boundaries of the Forests are modified as depicted on the maps.

(2) MAPS.—

(A) AVAILABILITY.—The maps shall be on file and available for public inspection in—

(i) the Office of the Chief of the Forest Service; and

(ii) the office of the Regional Forester, Missoula, Montana.

(B) CORRECTION AUTHORITY.—The Secretary may make technical corrections to the maps.

(3) ADMINISTRATION.—Any land or interest in land acquired within the boundaries of the Forests for National Forest System purposes shall be managed in accordance with—

(A) the Act of March 1, 1911 (commonly known as the "Weeks Law") (16 U.S.C. 480 et seq.); and

(B) the laws (including regulations) applicable to the National Forest System.

(4) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-9), the boundaries of the Forests, as adjusted under paragraph (1), shall be considered to be the boundaries of the Forests as of January 1, 1965.

(5) EFFECT.—Nothing in this section limits the authority of the Secretary to adjust the boundaries of the Forests under section 11 of the Act of March 1, 1911 (16 U.S.C. 521).

SEC. 350. In addition to amounts provided to the Department of the Interior in this Act, $5,000,000 is provided for a grant to Kendall County, Illinois.

TITLE IV—SUPPLEMENTAL APPROPRIATIONS FOR URGENT WILDLAND FIRE SUPPRESSION ACTIVITIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount for "Wildland Fire Management", $100,000,000, to remain available until expended, for urgent wildland fire suppression activities pursuant to section 312 of S. Con. Res. 95 (108th Congress) as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108–287: Provided, That such funds shall only become available if funds provided for wildland fire suppression in Title I of this Act will be exhausted imminently and the Secretary of the Interior notifies the House and Senate Committees on Appropriations and the House and Senate Committees on the Budget in writing of the need for these additional funds: Provided further, That such funds are also available for repayment to other appropriation accounts from which funds were transferred for wildfire suppression: Provided further, That cost containment measures shall be implemented within this account for fiscal year 2005, and the Secretary of the Interior and the Secretary of Agriculture shall submit a joint report to the Committees on Appropriations of the Senate and the House of Representatives on such cost containment measures by December 31, 2005: Provided further, That Public Law 108-287, Title X, Chapter 3 is amended under the heading "Department of the Interior, Bureau of Land Management, Wildland Fire Management", by striking the phrases "for fiscal year

2004" and "related to the fiscal year 2004 fire season" in the text preceding the first proviso.

DEPARTMENT OF AGRICULTURE

Forest Service

WILDLAND FIRE MANAGEMENT

For an additional amount for "Wildland Fire Management", $400,000,000, to remain available until expended, for urgent wildland fire suppression activities pursuant to section 312 of S. Con. Res. 95 (108th Congress) as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108–287: Provided, That such funds shall only become available if funds provided for wildland fire suppression in Title II of this Act will be exhausted imminently and the Secretary of Agriculture notifies the House and Senate Committees on Appropriations and the House and Senate Committees on the Budget in writing of the need for these additional funds: Provided further, That such funds are also available for repayment to other appropriation accounts from which funds were transferred for wildfire suppression: Provided further, That cost containment measures shall be implemented within this account for fiscal year 2005, and the Secretary of Agriculture and the Secretary of the Interior shall submit a joint report to the Committees on Appropriations of the Senate and the House of Representatives on such cost containment measures by December 31, 2005: Provided further, That the Secretary of Agriculture shall establish an independent cost-control review panel to examine and report on fire suppression costs for individual wildfire incidents that exceed $10,000,000 in cost: Provided further, That if the independent review panel report finds that appropriate actions were not taken to control suppression costs for one or more such wildfire incidents, then an amount equal to the aggregate estimated excess costs of suppressing those wildfire incidents shall be transferred to the Treasury from unobligated balances remaining at the end of fiscal year 2005 in the Wildland Fire Management account: Provided further, That Public Law 108–287, Title X, Chapter 3 is amended under the heading, "Department of Agriculture, Forest Service, Wildland Fire Management", by striking the phrases "for fiscal year 2004" and "related to the fiscal year 2004 fire season" in the text preceding the first proviso.

TITLE V

SEC. 501. (a) ACROSS-THE-BOARD RESCISSIONS.—there is hereby rescinded an amount equal to 0.594 percent of—

(1) the budget authority provided for fiscal year 2005 for any discretionary account in this Act; and

(2) the budget authority provided in any advance appropriation for fiscal year 2005 for any discretionary account in the Department of the Interior and Related Agencies Appropriations Act, 2004.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(c) INDIAN LAND AND WATER CLAIM SETTLEMENTS.—Under the heading "Bureau of Indian Affairs, Indian Land and Water cla8im Settlements and Miscellaneous Payments to Indians", the across-the-board rescission in this section, and any subsequent across-the-board rescission for fiscal year 2005, shall apply only to the first dollar amount in the paragraph and the distribution of the rescission shall be at the discretion of the Secretary of the Interior who shall submit a report on such distribution and the rationale therefor to the House and Senate Committees on Appropriations.

This division may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2005".

DIVISION F—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

TITLE I—DEPARTMENT OF LABOR

Employment and Training Administration

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING RESCISSION)

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by such Act; $2,898,957,000 plus reimbursements, of which $1,885,794,000 is available for obligation for the period July 1, 2005 through June 30, 2006; except that amounts determined by the Secretary of Labor to be necessary pursuant to sections 173(a)(4)(A) and 174(c) of such Act shall be available from October 1, 2004 until expended; of which $994,242,000 is available for obligation for the period April 1, 2005 through June 30, 2006, to carry out chapter 4 of the Act; and of which $16,321,000 is available for the period July 1, 2005 through June 30, 2008 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: Provided, That notwithstanding any other provision of law, of the funds provided herein under section 137(c) of the Workforce Investment Act of 1998, $283,371,000 shall be for activities described in section 132(a)(2)(A) of such Act and $1,196,048,000 shall be for activities described in section 132(a)(2)(B) of such Act: Provided further, That $250,000,000 shall be available for Community-Based Job Training Grants, of which $125,000,000 shall be from funds reserved under section 132(a)(2)(A) of the Workforce Investment Act of 1998 and shall be used to carry out such grants under section 171(d) of such Act, except that the 10 percent limitation otherwise applicable to the amount of funds that may be used to carry out section 171(d) shall not be applicable to funds used for Community-Based Job Training grants: Provided further, That funds provided to carry out section 132(a)(2)(A) of the Workforce Investment Act of 1998 may be used to provide assistance to a State for statewide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: Provided further, That $8,000,000 shall be for carrying out section 172 of the Workforce Investment Act of 1998: Provided further, That, notwithstanding any other provision of law or related regulation, $76,874,000 shall be for carrying out section 167 of the Workforce Investment Act of 1998, including $71,787,000 for formula grants, $4,583,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $504,000 for other discretionary purposes: Provided further, That notwithstanding the transfer limitation under section 133(b)(4) of such Act, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: Provided further, That funds provided to carry out section 171(d) of the Workforce Investment Act of 1998 may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That funding provided to carry out projects under section 171 of the Workforce Investment Act of 1998 that are identified in the Conference Agreement, shall not be subject to the requirements of section 171(b)(2)(B) of such Act, the requirements of section 171(c)(4)(D) of such Act, the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of such Act, or any time limit requirements of sections 171(b)(2)(C) and 171(c)(4)(B) of such Act: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For necessary expenses of the Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2005 through June 30, 2006, and of which $100,000,000 is available for the period October 1, 2005 through June 30, 2008, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

Of the funds provided under this heading in Public Law 108–199 for the Employment and Training Administration, $2,200,000 shall be for a non-competitive grant to the AFL-CIO Appalachian Council, Incorporated, and shall be awarded no later than January 31, 2005.

Of the funds provided under this heading in Public Law 108–199 for the Employment and Training Administration $1,500,000 shall be for a non-competitive grant to the AFL–CIO Working for America Institute, and shall be awarded no later than January 31, 2005.

Of the funds provided under this heading in Public Law 108–199 for the Employment and Training Administration, $4,000,000 shall be for a non-competitive grant to the Black Clergy of Philadelphia and Vicinity, and shall be awarded no later than January 31, 2005.

Of the funds provided under this heading in Public Law 108–199 for the Employment and Training Administration, $2,600,000 shall be for a non-competitive grant to the National Center on Education and the Economy, and shall be awarded no later than January 31, 2005.

Notwithstanding any other provision of law, funds awarded under grants to the State of Tennessee for Workforce Essentials, Inc. in Clarksville, Tennessee on June 29, 2004, and to Hampton Roads on behalf of the Hampton Roads Workforce Development Board in Norfolk, Virginia on June 30, 2001, pursuant to section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918), may be used to provide services to spouses of members of the armed forces.

The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998 until such time as legislation reauthorizing the Act is enacted.

Of the unobligated funds contained in the H–1B Nonimmigrant Petitioner Account that are available to the Secretary of Labor pursuant to section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)), $100,000,000 are rescinded.

Community Service Employment for Older Americans

To carry out title V of the Older Americans Act of 1965, as amended, $440,200,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I and section 246; and for training, allowances for job search and relocation, and related State administrative expenses under part II of chapter 2, title II of the Trade Act of 1974 (including the benefits and services described under sections 123(c)(2) and 151(b) and (c) of the Trade Adjustment Assistance Reform Act of 2002, Public Law 107–210), $1,057,300,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $141,934,000, together with not to exceed $3,524,301,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2005, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2007; of which $141,934,000, together with not to exceed $763,587,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2005 through June 30, 2006, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2005 is projected by the Department of Labor to exceed 3,227,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2006, $517,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2005, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $113,810,000, together with not to exceed $57,663,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $132,345,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2005 for such Corporation: Provided, That none of the funds available to the Corporation for fiscal year 2005 shall be available for obligations for administrative expenses in excess of $266,330,000: Provided further, That obligations in excess of such amount may be incurred after approval by the Office of Management and Budget and the Committees on Appropriations of the House and Senate.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $402,305,000, together with $2,040,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That $1,250,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: Provided further, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): Provided further, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $233,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2004, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2005: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $39,668,000 shall be made available to the Secretary as follows: (1) for enhancement and maintenance of automated data processing systems and telecommunications systems, $12,351,000; (2) for automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, $14,221,000; (3) for periodic roll management and medical review, $13,096,000; and (4) the remaining funds shall be paid into the Treasury as miscellaneous receipts: Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, (the "Act"), $276,000,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2006, $81,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, $40,821,000, to remain available until expended: Provided, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Act, *including within the Department of Labor, such sums as may be necessary in fiscal year 2005 to carry out those authorities: Provided further, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.*

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2005 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2005 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): $32,646,000 for transfer to the Employment Standards Administration, "Salaries and Expenses"; $23,705,000 for transfer to Departmental Management, "Salaries and Expenses"; $342,000 for transfer to Departmental Management, "Office of Inspector General"; and $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $468,109,000, including not to exceed $91,747,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2005, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That not less than $3,200,000 shall be used to extend funding for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of September 30, 2005 to September 30, 2006, provided that a grantee has demonstrated satisfactory performance: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to administer or enforce the provisions of 29 CFR 1910.134(f)(2) (General Industry Respiratory Protection Standard) to the extent that such provisions require the annual fit testing (after the initial fit testing) of respirators for occupational exposure to tuberculosis.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $281,535,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Adminstration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $455,045,000, together with not to exceed $78,473,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 49l–2).

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $47,555,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, $323,108,000, of which, $7,000,000, to remain available until September 30, 2006, is for Frances Perkins Building Security Enhancements, and $30,000,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed $314,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: Provided, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: Provided further, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: Provided further, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1–year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: Provided further, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $195,098,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2005, of which $2,000,000 is for the National Veterans' Employment and Training Services Institute. To carry *out the Homeless Veterans Reintegration Programs (38 U.S.C. 2021) and the Veterans Workforce Investment Programs (29 U.S.C. 2913), $29,550,000, of which $8,550,000 shall be available for obligation for the period July 1, 2005 through June 30, 2006.*

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $64,029,000, together with not to exceed $5,561,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

WORKING CAPITAL FUND

For the acquisition of a new core accounting system for the Department of Labor, including hardware and software infrastructure and the costs associated with implementation thereof, $10,000,000.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 104. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.

SEC. 105. Not later than 45 days after the date of enactment of this Act, the Secretary of Labor shall issue a monthly transit subsidy of not less than the amount each of its employees of the National Capital Region is eligible to receive, not to exceed a maximum of $100, as directed by Executive Order 13150.

SEC. 106. The Department of Labor shall submit its fiscal year 2006 congressional budget justifications to the Committees on Appropriations of the House of Representatives and the Senate in the format as they were prepared prior to fiscal year 2003.

This title may be cited as the "Department of Labor Appropriations Act, 2005".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, section 712 of the American Jobs Creation Act of 2004, and the Poison Control Center Enhancement and Awareness Act, as amended, 6,856,624,000, of which $484,629,000 shall be available for construction and renovation (including equipment) of health care and other facilities and other health-related activities as specified in the statement of the managers on the conference report accompanying this Act, and of which $39,499,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: Provided, That of the funds made available under this heading, $249,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That $31,000,000 of the funding provided for community health centers shall be used for base grant adjustments for existing centers: Provided further, That no more than $100,000 is available until expended for carrying out the provisions of U.S.C. Title 42 Section 233(o) including associated administrative expenses: Provided further, That no more than $45,000,000 is available until expended for carrying out the provisions of Public Law 104–73: Provided further, That $9,941,000 is available until expended for the National Cord Blood Stem Cell Bank Program as described in House Report 108–401: Provided further, That of the funds made available under this heading, $288,283,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That $793,872,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: Provided further, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: Provided further, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $119,158,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act: Provided further, That of the funds provided, $40,000,000 shall be provided to the Denali Commission as a direct lump payment pursuant to Public Law 106–113, of which $10,000,000 shall be for a psychiatric treatment facility in Bethel, Alaska, $10,000,000 shall be for residential and supportive housing for elders, $2,500,000 shall be for medical and dental equipment for rural clinics, and $5,000,000 shall be for upgrade and construction of shelters for victims of domestic violence and child abuse.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,270,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $3,176,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $4,533,911,000, of which $272,000,000 shall remain available until expended for equipment, and construction and renovation of facilities, and of which $124,882,000 for international HIV/AIDS shall remain available until September 30, 2006. In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: Provided, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act (1) $12,794,000 to carry out the National Immunization Surveys; (2) $109,021,000 to carry out the National Center for Health Statistics surveys; (3) $24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels; (4) $463,000 for Health Marketing evaluations; (5) $31,000,000 to carry out Public Health Research; and (6) $87,071,000 to carry out Research Tools and Approaches activities within the National Occupational Research Agenda: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: Provided further, That up to $30,000,000 shall be made available until expended for Individual Learning Accounts for full-time equivalent employees of the Centers for Disease Control and Prevention: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Congress is to be notified promptly of any such transfer: Provided further, That not to exceed $12,500,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States, tribes, or tribal organizations: Provided further, That without regard to existing statute, funds appropriated may be used to proceed, at the discretion of the Centers for Disease Control and Prevention, with property acquisition, including a *long-term ground lease for construction on non-Federal land, to support the construction of a replacement laboratory in the Fort Collins, Colorado area: Provided further, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18: Provided further, That of the funds appropriated, $10,000 is for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention.*

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,865,525,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the NCI–Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,965,453,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $395,080,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,727,696,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,552,123,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,440,007,000: Provided, That $100,000,000 may be made available to International Assistance Programs, "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended: Provided further, That up to $150,000,000 shall be for extramural facilities construction grants to enhance the Nation's capability to do research on biological and other agents.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,959,810,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,280,915,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $674,578,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $650,027,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,060,666,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $515,378,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $397,507,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $139,198,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $441,911,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,014,760,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,423,609,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $492,670,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $300,647,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,124,141,000: Provided, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: Provided further, That $30,000,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $123,116,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $197,780,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $67,182,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $317,947,000, of which $4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2005, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: Provided further, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out National Information Center on Health Services Research and Health Care Technology and related health services.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $361,145,000, of which up to $10,000,000 shall be used to carry out section 217 of this Act: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: Provided further, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: Provided further, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: Provided further, That all funds credited to the National Institutes of Health Management Fund shall remain available for 1 fiscal year after the fiscal year in which they are deposited: Provided further, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act: Provided further, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of NIH: Provided further, That a uniform percentage of the amounts appropriated in this Act to each Institute and Center may be utilized for the National Institutes of Health Roadmap Initiative: Provided further, That the amount utilized under the preceding proviso shall not exceed $176,800,000 without prior notification to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That amounts utilized under the preceding two provisos shall be in addition to amounts made available for the Roadmap Initiative from the Director's Discretionary Fund and to any amounts allocated to activities related to the Roadmap Initiative through the normal research priority-setting process of individual Institutes and Centers.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $111,177,000, to remain available until expended: Provided, That notwithstanding any other provision of law, single contracts or related contracts, which collectively include the full scope of the project, may be employed for the development and construction of the first and second phases of the John Edward Porter Neuroscience Research Center: Provided further, That the solicitations and contracts shall contain the clause "availability of funds" found at 48 CFR 52.232–18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Individuals with Mental Illness Act, and section 301 of the Public Health Service Act with respect to program management, $3,295,361,000, of which $23,107,000 shall be available for projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: Provided, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act: (1) $79,200,000 to carry out subpart II of title XIX of the Public Health Service Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of title XIX; (2) $21,803,000 to carry out subpart I of Part B of title XIX of the Public Health Service Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of Part B of title XIX; (3) $16,000,000 to carry out national surveys on drug abuse; (4) $2,000,000 for mental health data collection; and (5) $4,300,000 for substance abuse treatment programs.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: Provided, That the amount made available pursuant to section 927(c) of the Public Health Service Act shall not exceed $318,695,000.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $119,124,488,000, to remain available until expended.

For making, after May 31, 2005, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2005 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2006, $58,517,290,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844, 1860D–16, and 1860D–31 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $114,608,900,000. To ensure prompt payments of Medicare prescription drug benefits as provided under section 1860 D–16 of the Social Security Act, $5,216,900,000, to become available on October 1, 2005 for fiscal year 2006.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $2,696,402,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That $24,400,000, to remain available until September 30, 2006, is for contract costs for CMS's Systems Revitalization Plan: Provided further, That $78,300,000, to remain available until September 30, 2006, is for contract costs for the Healthcare Integrated General Ledger Accounting System: Provided further, That of the amounts made available for research, demonstration and evaluation, $100,000 is available for Advocate Metro Outreach Initiative, Oak Brook, Illinois to implement an initiative to provide comprehensive health education and services to the deaf and hard-of-hearing community, $150,000 is available for African American Interdenominational Ministries,Inc., Philadelphia, Pennsylvania to implement an insurance outreach program, $1,900,000 is available for AIDS Healthcare Foundation, Los Angeles, California for a demonstration of residential and outpatient treatment facilities, $450,000 is available for Bronx-Lebanon Hospital Center, Bronx, New York for a comprehensive adolescent and young adult health program to demonstrate means of improving health care and preventive services for underserved inner city teenagers and young adults, $300,000 is available for Children's Institute of Palliative Care, Children's Hospitals and Clinics, Minneapolis, Minnesota for a pediatric palliative care demonstration program, $600,000 is available for the City of Detroit, Michigan for a project to improve access to primary care and preventive health services for low-income and uninsured persons, $100,000 is available for Community Catalyst, Inc., Boston, Massachusetts, for the expansion of a benefits management program, $150,000 is available for Cook County Bureau of Health Services in Chicago, Illinois for the Antibiotic Resistance Program, $340,000 is available for Donald R. Watkins Memorial Foundation, Houston, Texas, for a comprehensive HIV/AIDS treatment and research demonstration program, $100,000 is available for Focus on Therapeutic Outcomes, Inc., Knoxville, Tennessee, $250,000 is available for Hamot Medical Center, Erie, Pennsylvania and the Ohio Health System, Columbus, Ohio to implement a demonstration project on the Medicare Advantage program, $25,000 is available for HealthRight, Inc., Philadelphia, Pennsylvania for their Care Access Program, $75,000 is available for the Inglis Foundation, Philadelphia, Pennsylvania for healthcare and social services for low-income adults with severe physical disabilities in an effort to promote independent living, $50,000 is available for Medical Care for Children Partnership, Fairfax, Virginia for access to specialty health care for children who have serious medical needs, $500,000 is available for Memphis Biotech Foundation in Memphis, Tennessee to develop a biologistics network in Mississippi and Tennessee, $225,000 is available for Muskegon Community Health Project, Muskegon, Michigan for the Access Health Program, $30,000 is available for Our House of Portland, Portland, Oregon, to develop a Care Program for people living with AIDS, $750,000 is available for Pace Vermont, Burlington, Vermont, for the Rural Program for All-inclusive Care for the Elderly, $150,000 is available for Patient Advocate Foundation, Newport News, Virginia, to assist the PAF in serving patients experiencing difficulty accessing quality health care services, $450,000 is available for Puerto Rico's Governor's Office of Elderly Affairs for the Medication Error Prevention Pilot Program, $1,500,000 is available for San Francisco Department of Public Health, San Francisco, California for a demonstration project to improve HIV/AIDS treatment and prevention services, $300,000 is available for Santa Clara County, California for outreach and enrollment assistance activities of the Children's Health Initiative, $500,000 is available for Susquehanna Health System, Williamsport, Pennsylvania for stabilizing workforce for patient care, $500,000 is available for Swope Health Services, Kansas City, Missouri to supplement recurring healthcare costs for underemployed, uninsured, and income-qualified patients in Wyandotte and Johnson Counties, Kansas, $100,000 is available for Temple University, Crime and Justice Research Center, Philadelphia, Pennsylvania for DNA backlog and utilization, and $250,000 is available for University of Maine, Partnership for Early Childhood Health & Services: Provided further, That funds appropriated under this heading are available for the Healthy Start, Grow Smart program under which the Centers for Medicare and Medicaid Services may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: Provided further, That not less than $79,000,000 shall be for processing Medicare appeals: Provided further, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2005 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: Provided further, That to the extent Medicare claims processing unit costs are projected by the Centers for Medicare and Medicaid Services to exceed $0.87 for Part A claims and/or $0.63 for Part B claims, up to an additional $18,000,000 may be available for obligation for every $0.04 increase in Medicare claims processing unit costs from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds. The calculation of projected unit costs shall be derived in the same manner in which the estimated unit costs were calculated for the Federal budget estimate for the fiscal year.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2005, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,873,802,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2006, $1,200,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with

Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW-INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,900,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $300,000,000, to remain available until expended: Provided, That these funds are for the unanticipated home energy assistance needs of one or more States, as authorized by section 2604(e) of the Act: Provided further, That the entire amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress) as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by Section 14007 of Public Law 108–287.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), for carrying out section 462 of the Homeland Security Act of 2002 (Public Law 107–296), and for carrying out the Torture Victims Relief Act of 2003 (Public Law 108–179), $488,336,000, of which up to $10,000,000 shall be available to carry out the Trafficking Victims Protection Act of 2003 (Public Law 108–193): Provided, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2005 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2007.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $2,099,729,000 shall be used to supplement, not supplant state general revenue funds for child care assistance for low-income families: Provided, That $19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be for the Child Care Aware toll free hotline: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G, $272,672,000 shall be reserved by the States for activities authorized under section 658G, of which $100,000,000 shall be for activities that improve the quality of infant and toddler care: Provided further, That $10,000,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: Provided, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, the Early Learning Opportunities Act, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103–322; for making payments under the Community Services Block Grant Act, sections 439(h), 473A, and 477(i) of the Social Security Act, and title IV of Public Law 105–285, and for necessary administrative expenses to carry out said Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, sections 40155, 40211, and 40241 of Public Law 103–322, and section 126 and titles IV and V of Public Law 100–485, $9,069,853,000, of which $32,103,000, to remain available until September 30, 2006, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679) and may be made for adoptions completed before September 30, 2005: Provided further, That $6,898,580,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2005 and remain available through September 30, 2006: Provided further, That $732,385,000 shall be for making payments under the Community Services Block Grant Act: Provided further, That not less than $7,300,000 shall be for section 680(3)(B) of the Community Services Block Grant Act, Provided further, That within amounts provided herein for abstinence education for adolescents, up to $10,000,000 may be available for a national abstinence education campaign: Provided further, That in addition to amounts provided herein, $6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: Provided further, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: Provided further, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: Provided further, That $55,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: Provided further, That $15,000,000 shall be for activities authorized by the Help America Vote Act of 2002, of which $10,000,000 shall be for payments to States to promote access for voters with disabilities, and of which $5,000,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: Provided further, That $100,000,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: Provided further, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: Provided further, That in addition to amounts provided herein for abstinence education for adolescents, $4,500,000 shall be available from amounts available under section 241 of the Public Health Services Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: Provided further, That $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $305,000,000 and for section 437, $99,383,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,037,900,000.

For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2006, $1,767,200,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,404,634,000, of which $5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions; and of which $4,558,000 shall remain available until September 30, 2007, for the White House Conference on Aging.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $371,975,000, *together with $55,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: Provided, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: Provided further, That of this amount, $52,838,000 shall be for minority AIDS prevention and treatment activities; $14,847,000 shall be for an Information Technology Security and Innovation Fund for Department-wide activities involving cybersecurity, information technology security, and related innovation projects; and $6,000,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002: Provided further, That no more than $2,754,000 shall be available for the Office of the Assistant Secretary for Legislation: Provided further, That $50,000,000 shall be transferred to the Social Security Administration for processing Medicare appeals: Provided further, That specific information requests from the chairmen and ranking members of the Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, shall be transmitted to the Committees on Appropriations in a prompt professional manner and within the time frame specified in the request: Provided further, That scientific information requested by the Committees on Appropriations and prepared by government researchers and scientists shall be transmitted to the Committees on Appropriations, uncensored and without delay.*

Office of Inspector General

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, as amended, $40,323,000: Provided, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

Office for Civil Rights

For expenses necessary for the Office for Civil Rights, $32,043,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

Policy Research

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act and title III of the Public Health Service Act, $20,750,000, which shall be available from amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: Provided, That the expenditure of any funds available under section 241 of the Public Health Service Act are subject to the requirements of section 206 of this Act.

Retirement Pay and Medical Benefits for Commissioned Officers

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55 and 56), such amounts as may be required during the current fiscal year. The following are definitions for the medical benefits of the Public Health Service Commissioned Officers that apply to 10 U.S.C. chapter 56, section 1116(c). The source of funds for the monthly accrual payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund shall be the Retirement Pay and Medical Benefits for Commissioned Officers account. For purposes of this Act, the term "pay of members" shall be construed to be synonymous with retirement payments to United States Public Health Service officers who are retired for age, disability, or length of service; payments to survivors of deceased officers; medical care to active duty and retired members and dependents and beneficiaries; all of which payments are provided for by the Retirement Pay and Medical Benefits for Commissioned Officers account.

Public Health and Social Services Emergency Fund

For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, $2,208,287,000: Provided, That this amount is distributed as follows: Centers for Disease Control and Prevention, $1,173,300,000; Office of the Secretary, $64,438,000; Strategic National Stockpile, $400,000,000, to remain available until expended; National Institutes of Health, $47,400,000; and Health Resources and Services Administration, $523,149,000: Provided further, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act for purposes related to homeland security, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

In addition, for activities to ensure a year-round influenza vaccine production capacity; the development and implementation of rapidly expandable influenza vaccine production technologies; and if determined necessary by the Secretary, the purchase of influenza vaccine, $100,000,000, to remain available until expended.

General Provisions

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this title for Head Start shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

SEC. 206. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 207. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 2.4 percent, of any amounts appropriated for programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 208. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That a program, project, or activity may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: Provided further, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 213. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, and 2005" and inserting "1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, and 2006"; and

(B) in subsection (e), by striking "October 1, 2004" each place it appears and inserting "October 1, 2005";

(C) in subsection (b)(1)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(C) one or more categories of aliens who are or were nationals and residents of the Islamic Republic or Iran who, as members of a religious minority in Iran, share common characteristics that identify them as targets of persecution in that state on account of race, religion, nationality, membership in a particular social group, or political opinion."; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "September 30, 2004" and inserting "September 30, 2005".

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2005 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2005 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2004, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2004 State expenditures and all fiscal year 2005 obligations for tobacco prevention and compliance activities by program activity by July 31, 2005.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2005.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

SEC. 215. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2005, the Secretary of Health and Human Services—

(1) may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State, and

(2) is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 216. The Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

SEC. 217. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health may use funds available under section 402(i) of the Public Health Service Act (42 U.S.C. 282(i)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research in support of the NIH Roadmap Initiative of the Director.

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director of the National Institutes of Health may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241, 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

SEC. 218. Notwithstanding any other provisions of law, funds made available under this heading may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408.

SEC. 219. (a) Notwithstanding section 412.23(b)(2) of title 42 of the Code of Federal Regulations, none of the funds appropriated by this Act may be expended by the Secretary of Health and Human Services to treat a hospital or unit of a hospital that was certified by the Secretary as an inpatient rehabilitation facility on or before June 30, 2004, as a subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B))) until, not later than 60 days after the date on which the report under subsection (b) is issued, the Secretary, taking into account the recommendations in such report—

(1) determines that the classification criteria of hospitals and units of hospitals as inpatient rehabilitation facilities under such section 412.23(b)(2) are not inconsistent with such recommendations; or

(2) promulgates a regulation providing for revised criteria under such section 412.23(b)(2), which regulation shall be effective and final immediately on an interim basis as of the date of publication of the regulation.

(b) The study referred to in subsection (a) is a study by the Comptroller General of the United States directed in the statement of managers accompanying the conference report on the bill H.R. 1 of the 108th Congress regarding clinically appropriate standards for defining inpatient rehabilitation services under such section 412.23(b)(2).

SEC. 220. In addition to funds appropriated to the Office of Inspector General of the Department of Health and Human Services under Public Law 104–191 and this Act, $25,000,000 shall be transferred from amounts appropriated under section 1015(a)(1) of Public Law 108–173 for activities by the Office of Inspector General of the Department of Health and Human Services relating to oversight of programs established or revised by Public Law 108–173.

SEC. 221. The unobligated balance of the Health Professions Student Loan program authorized in Subpart II, Federally-Supported Student Loan Funds, of Title VII of the Public Health Services Act is rescinded.

SEC 222. The unobligated balance of the Nursing Student Loan program authorized by section 835 of the Public Health Services Act is rescinded.

SEC. 223. The unobligated balance, excluding amounts necessary for the costs of potential defaults, in the Medical Facilities Guarantee and Loan Fund is rescinded.

SEC. 224. The unobligated balance in the amount of $20,000,000 appropriated by Public Law 108–11 under the heading "Public Health and Social Services Emergency Fund" is rescinded.

SEC. 225. The Center for Biodefense and Emerging Infectious Diseases (Building 33) at the National Institutes of Health is hereby named the C.W. Bill Young Center for Biodefense and Emerging Infectious Diseases.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2005".

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 418A of the Higher Education Act of 1965, $14,963,683,000, of which $7,382,995,000 shall become available on July 1, 2005, and shall remain available through September 30, 2006, and of which $7,383,301,000 shall become available on October 1, 2005, and shall remain available through September 30, 2006 for academic year 2005–2006, and of which $25,000,000 shall become available on October 1, 2004 and shall remain available until September 30, 2006: Provided, That $7,037,592,000 shall be available for basic grants under section 1124: Provided further, That up to $3,500,000 of these funds shall be available to the Secretary of Education on October 1, 2004, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census: Provided further, That $1,365,031,000 shall be available for concentration grants under section 1124A: Provided further, That $2,219,843,000 shall be available for targeted grants under section 1125: Provided further, That $2,219,843,000 shall be available for education finance incentive grants under section 1125A: Provided further, That $25,000,000, available until September 30, 2006, shall be for a striving readers initiative authorized under section 1502 of the ESEA: Provided further, That $9,500,000 shall be available to carry out part E of title I: Provided further, That from the funds available to carry out part E of title I, up to $1,000,000 shall be available to the Secretary of Education to provide technical *assistance to state and local educational agencies concerning part A of title I: Provided further, That $207,000,000 shall be available for comprehensive school reform grants under part F of the ESEA.*

Impact Aid

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,253,893,000, of which $1,083,687,000 shall be for basic support payments under section 8003(b), $50,369,000 shall be for payments for children with disabilities under section 8003(d), $48,936,000 shall be for construction under section 8007 and shall remain available through September 30, 2006, $63,000,000 shall be for Federal property payments under section 8002, and $7,901,000, to remain available until expended, shall be for facilities maintenance under section 8008: Provided, That $3,000,000 of the funds for section 8007 shall be available for the local educational agencies and in the amounts specified in the statement of the managers on the conference report accompanying this Act: Provided further, That, notwithstanding any other provision of law, these funds shall remain available until expended : Provided further, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) of the Elementary and Secondary Education Act (20 U.S.C. 7703(a)) for school year 2004-2005, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status

School Improvement Programs

For carrying out school improvement activities authorized by titles II, part B of title IV, part A and subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $5,664,977,000, of which $4,034,196,000 shall become available on July 1, 2005, and remain available through September 30, 2006, and of which $1,435,000,000 shall become available on October 1, 2005, and shall remain available through September 30, 2006, for academic year 2005–2006: Provided, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: Provided further, That from the funds referred to in the preceding proviso, not less than $1,000,000 shall be for a grant to the Department of Education of the State of Hawaii for the activities described in such proviso, and $600,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: Provided further, That funds made available to carry out part C of title VII of the ESEA may be used for construction: Provided further, That from the funds referred to in the preceding proviso, $2,000,000 shall be provided to the Yuut Elitnaurviut Vocational Learning Center in Bethel, Alaska for construction; $1,000,000 shall be provided to the University of Alaska Anchorage for high school enrichment programs of the UAA Native Science and Engineering program; and notwithstanding any other provision of law, of the funds available to the Alaska Native Heritage Center, up to $1,000,000 may be used for repair and renovation of buildings on its campus: Provided further, That $415,000,000 shall be for State assessments and related activities authorized under sections 6111 and 6112 of the ESEA: Provided further, That the amount made available in the Department of Education Appropriations Act, 2004, under the heading School Improvement Programs and including any funds transferred by the Secretary of Education pursuant to section 304 of that Act for state assessment grants authorized under section 6111 of the Elementary and Secondary Education Act of 1965, shall not be less than $390,000,000: Provided further, That, notwithstanding any other provision of law, including any across-the-board reduction that would otherwise apply, the funds made available for fiscal year 2005 under the heading School Improvement Programs for state assessment grants under section 6111 of the Elementary and Secondary Education Act of 1965 shall not be less than $400,000,000: Provided further, That $57,283,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: Provided further, That $29,111,000 shall be available to carry out part D of title V of the ESEA: Provided further, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: Provided further, That $12,230,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia, and $6,100,000 shall be available to carry out the Supplemental Education Grants program for the Republic of the Marshall Islands: Provided further, That up to five percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the U.S. Departments of Labor, Health and Human Services, and Education for such services.

Indian Education

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $120,856,000.

Innovation and Improvement

For carrying out activities authorized by parts G and H of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 ("ESEA"), $1,101,454,000: Provided, That $17,000,000 shall be available to carry out section 2151(c) of the ESEA, of which not less than $10,000,000 shall be provided to the National Board for Professional Teaching Standards, and not less than $7,000,000 shall be provided to the American Board for the Certification of Teacher Excellence: Provided further, That $37,279,000 shall be for subpart 2 of part B of title V: Provided further, That $417,418,000 shall be available to carry out part D of title V of the ESEA: Provided further, That $246,963,000 of the funds for subpart 1, part D of title V of the ESEA shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

Safe Schools and Citizenship Education

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3 and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), title VIII-D of the Higher Education Amendments of 1998, and Public Law 102–73, $867,713,000, of which $467,908,000, shall become available on July 1, 2005 and remain available through September 30, 2006: Provided, That of the amount available for subpart 2 of part A of title IV of the ESEA, $850,000 shall be used to continue the National Recognition Awards program under the same guidelines outlined by section 120(f) of Public Law 105-244: Provided further, That $440,908,000 shall be available for subpart 1 of part A of title IV and $236,472,000 shall be available for subpart 2 of part A of title IV: Provided further, That $133,691,000 shall be available to carry out part D of title V of the ESEA: Provided further, That of the funds available to carry out subpart 3 of part C of title II, up to $12,292,000 may be used to carry out section 2345 and $3,050,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the state legislatures: Provided further, That $27,000,000 shall be for Youth Offender Grants, of which $5,000,000 shall be used in accordance with section 601 of Public Law 102–73 as that section was in effect prior to enactment of Public Law 105–220: Provided further, That of the funds available to carry out subpart 10 of part D of title V, up to $2,000,000 may be used to support the Special Olympics National Summer Games.

English Language Acquisition

For carrying out part A of title III of the ESEA, $681,215,000, of which $595,715,000 shall become available on July 1, 2005, and shall remain available through September 30, 2006: Provided, That funds reserved under section 3111(c)(1)(D) of the ESEA that are not used in accordance with section 3111(c)(2) may be added to the funds that are available July 1, 2005, through September 30, 2006, for State allotments under section 3111(c)(3).

Special Education

For carrying out parts B, C, and D of the Individuals with Disabilities Education Act, $11,767,748,000, of which $6,145,270,000 shall become available for obligation on July 1, 2005, and shall remain available through September 30, 2006, and of which $5,413,000,000 shall become available on October 1, 2005, and shall remain available through September 30, 2006, for academic year 2005–2006: Provided, That $11,400,000 shall be for Recording for the Blind and Dyslexic, Inc., to support the development, production, and circulation of recorded educational materials: Provided further, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004 to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: Provided further, That the amount for section 611(c) of the Act shall be equal to the amount available for that section during fiscal year 2004, increased by the amount of inflation as specified in section 611(f)(1)(B)(ii) of the Act (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004).

Rehabilitation Services and Disability Research

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998 ("the AT Act"), and the Helen Keller National Center Act,

$3,076,112,000, of which $1,000,000 shall be awarded to the American Academy of Orthotists and Prosthetists for activities that further the purposes of the grant received by the Academy for the period beginning October 1, 2003, including activities to meet the demand for orthotic and prosthetic provider services and improve patient care: Provided, That $30,000,000 shall be used for carrying out the AT Act, including $4,420,760 for State grants for protection and advocacy under section 5 of the AT Act and $4,055,000 shall be for alternative financing programs: Provided further, That the Federal share of grants for alternative financing programs under section 4(b)(2)(D) of the AT Act shall not exceed 75 percent, and the requirements in section 301(c)(2) and section 302 of the AT Act (as in effect on the day before the date of enactment of the Assistive Technology Act of 2004) shall not apply to such grants: Provided further, That $7,030,000 of the funds for section 303 of the Rehabilitation Act of 1973 shall be available for the projects and in the amounts specified in the statement of the managers of the conference report accompanying this Act.

Special Institutions for Persons With Disabilities

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $17,000,000.

National Technical Institute for the Deaf

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $55,790,000, of which $1,685,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $105,400,000: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

Vocational and Adult Education

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Adult Education and Family Literacy Act, and subparts 4 and 11 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), $2,027,166,000, of which $1,226,404,000 shall become available on July 1, 2005 and shall remain available through September 30, 2006 and of which $791,000,000 shall become available on October 1, 2005 and shall remain available through September 30, 2006: Provided, That of the amount provided for Adult Education State Grants, $69,135,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, $9,169,000 shall be for national leadership activities under section 243 and $6,692,000 shall be for the National Institute for Literacy under section 242: Provided further, That $100,238,000 shall be available to carry out part D of title V of the ESEA: Provided further, That $95,238,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965, of which up to 5 percent shall become available October 1, 2004 and shall remain available through September 30, 2006, for evaluation, technical assistance, school networking, peer review of applications, and program outreach activities, and of which not less than 95 percent shall become available on July 1, 2005, and remain available through September 30, 2006, for grants to local educational agencies: Provided further, That funds made available to local education agencies under this subpart shall be used only for activities related to establishing smaller learning communities in high schools.

Student Financial Assistance

For carrying out subparts 1, 3 and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $14,380,795,000, which shall remain available through September 30, 2006.

The maximum Pell Grant for which a student shall be eligible during award year 2005–2006 shall be $4,050.

Student Aid Administration

For Federal administrative expenses (in addition to funds made available under section 458), to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D and E of title IV of the Higher Education Act of 1965, as amended, $120,247,000.

Higher Education

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), as amended, section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961, title VIII of the Higher Education Amendments of 1998, and section 117 of the Carl D. Perkins Vocational and Technical Education Act, $2,134,269,000, of which $1,500,000 for interest subsidies authorized by section 121 of the HEA shall remain available until expended: Provided, That $9,876,000, to remain available through September 30, 2006, shall be available to fund fellowships for academic year 2006–2007 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: Provided further, That notwithstanding any other provision of law or any regulation, the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to section 117 of the Carl D. Perkins Vocational and Technical Education Act of 1998: Provided further, That $988,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: Provided further, That of the funds referred to in the preceding proviso up to one percent may be used for program evaluation, national outreach, and information dissemination activities and $1,500,000 shall be used for a contract with the National Research Council to carry out an independent review of title VI international education and foreign language studies and the section 102(b)(6) Fulbright-Hays programs: Provided further, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act: Provided further, That $146,360,000 of the funds for part B of title VII of the Higher Education Act of 1965 shall be available for the projects and in the amounts specified in the statement of the managers of the conference report accompanying this Act.

Howard University

For partial support of Howard University (20 U.S.C. 121 et seq.), $240,715,000, of which not less than $3,552,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

College Housing and Academic Facilities Loans Program

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, $578,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

Historically Black College and University Capital Financing Program Account

The aggregate principal amount of outstanding bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965, shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $212,000.

Institute of Education Sciences

For carrying out activities authorized by the Education Sciences Reform Act of 2002, as amended, The National Assessment of Educational Progress Authorization Act, and section 208 of the Educational Technical Assistance Act of 2002, $527,453,000: Provided, That, of the amount appropriated, $190,518,000 shall be available for obligation until September 30, 2006: Provided further, That $83,774,000 shall be for research and innovation in special education authorized under section 177 of the Education Science Reform Act, as amended: Provided further, That $10,623,000 of the funds for section 177 of the Act shall be available for the projects and in the amounts specified in the statement of the managers of the conference report accompanying this Act.

Departmental Management

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $423,379,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $90,248,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $47,790,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. Section 8002(m) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(m)) is amended by striking "5 years" each place it appears and inserting "7 years".

SEC. 306. (a) Section 167 of division H of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 3) is amended by striking "$200,000, for Western Maine Technical College, South Paris, Maine, for education programs and marketing activities" and inserting "$200,000, for Central Maine Community College, Auburn, Maine, for education programs, student recruitment and marketing activities at the Central Maine Community College-Western Maine University and Community College Center in South Paris, Maine".

(b) In the statement of the managers of the committee of conference accompanying H.R. 2673 (Public Law 108–199; House Report 108–401), in the matter in title III of division E, relating to the Fund for the Improvement of Education under the heading "Innovation and Improvement" the provision specifying $300,000 for the Provo City Public Schools, Provo, Utah, to develop, purchase and implement an English language instructional program for training and certifying ESL teachers shall be deemed to read as follows: "Provo City Public Schools, Provo, Utah, for an English language instructional program, $300,000".

SEC. 307. Notwithstanding any other provision of law, students from the Republic of the Marshall Islands and the Federated States of Micronesia enrolled in institutions of the Republic of Palau shall be eligible for grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 to the extent such grants continue to be available to students from the Republic of the Marshall Islands and the Federated States of Micronesia who are attending institutions in the United States.

This title may be cited as the "Department of Education Appropriations Act, 2005".

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $61,624,000, of which $4,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport.

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,707,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $356,598,000: Provided, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 122 of Part C of Title I and Part E of Title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2007, $400,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That for fiscal year 2005, in addition to the amounts provided above, $39,705,000 shall be for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: Provided further, That for fiscal year 2005, in addition to the amounts provided above, $40,000,000 shall be for the costs associated with replacement and upgrade of the public television interconnection system: Provided further, That none of the funds made available to the Corporation for Public Broadcasting by this Act, Public Law 108–199 or Public Law 108–7, shall be used to support the Television Future Fund or any similar purpose.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $44,797,000, including $1,500,000, to remain available through September 30, 2006, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $7,872,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996, $282,827,000, to remain available until expended: Provided, That of the amount provided, $100,000 shall be awarded to Academy of Natural Sciences, Philadelphia, Pennsylvania, for exhibits and programming associated with the Lewis and Clark expedition, $300,000 shall be awarded to Alaska Native heritage Museum, Anchorage, AK in cooperation with the Koahnic Broadcasting Corporation for its Elders Oral History Project, $50,000 shall be awarded to Alex Haley House and Museum, Henning, TN to preserve collections and improve exhibits, $100,000 shall be awarded to Allegheny County, Pittsburgh, Pennsylvania for Exhibit design and development, $100,000 shall be awarded to Allentown Public Library, Allentown, Pennsylvania, for technological upgrades and educational programs, $400,000 shall be awarded to AMISTAD America, Inc., New Haven, Connecticut, for an endowment fund as authorized under P.L. 108–184, $320,000 shall be awarded to Amistad Research Center, Tulane University, New Orleans, Louisiana, for faculty research fellowship and student internship programs, $50,000 shall be awarded to Anniston Museum of National History, Anniston, Alabama, for enhanced classroom curriculum, $100,000 shall be awarded to antiquarian & Landmarks Society, Hartford, Connecticut, for the Nathan Hale Homestead in Coventry, $100,000 shall be awarded to Arab Community Center for Economic and Social Services (ACCESS), Dearborn, Michigan, for exhibits and museum programs, $75,000 shall be awarded to Athenaeum of Philadelphia, Philadelphia, Pennsylvania, for conservation and preservation of library materials, $75,000 shall be awarded to Audubon Pennsylvania, Audubon, Pennsylvania, for exhibits and nature education programs at the Mill Grove Audubon Center, $200,000 shall be awarded to Autry National Center, Los Angeles, California, for exhibits, education programs and outreach at its Southwest Museum of the American Indian and/or its Museum of the American West, $200,000 shall be awarded to Baylor University, Waco, Texas, for archival activities, exhibits, and education programs for the Mayborn Museum Complex,

$500,000 shall be awarded to Beth Medrash Govoha, Lakewood, New Jersey, for equipment, exhibits and preservation of collections, $125,000 shall be awarded to Bibliographical Society of America, New York, New York, $500,000 shall be awarded to Bishop Museum in Hawaii for digitization of old Hawaiian language newspapers and other activities to preserve the culture of Native Hawaiians, $100,000 shall be awarded to Boys and Girls Harbor, new York, New York, for the preservation and digitalization of Raices Collection, a multi-media collection documenting the history of Afro-Caribbean Latin music in America, $75,000 shall be awarded to Brooklyn Academy of Music, Brooklyn, New York, for preservation and management of its archives, $50,000 shall be awarded to Business Association of West Parkside, Philadelphia, Pennsylvania to exhibit the Negro Leagues Baseball Memorial, $200,000 shall be awarded to Canton Museum of Art, canton, Ohio, to develop and implement the HeARTland program, $100,000 shall be awarded to Cape Code Maritime Museum, Hyannis, Massachusetts for the development of exhibitions and programs, $100,000 shall be awarded to Carnegie Museums of Pittsburgh, Pittsburgh, Pennsylvania, for preservation of collections at the Carnegie Museum of Natural History, $25,000 shall be awarded to Catawba County Historical Association, Newton, North Carolina, $200,000 shall be awarded to Chaldean Community Culture Center, West Bloomfield, Michigan, for programs that promote Chaldean language, history, culture and teacher training, $400,000 shall be awarded to Charles H. Wright Museum of African American History, Detroit, Michigan, for exhibits, education programs, technology and operations, $84,000 shall be awarded to Cherry Hill Township in New Jersey for improved library technology, $150,000 shall be awarded to Chicago Historical Society, Chicago, Illinois for expansion of the Chicago Historical Society's collections and exhibits, $200,000 shall be awarded to Children's Museum in Oak Lawn, Oak Lawn, Illinois, for its "Explore and Soar" education program, $100,000 shall be awarded to City of Henderson, North Carolina, for personnel, equipment and technology for the H. Leslie Perry Memorial Library, $200,000 shall be awarded to City of Jackson, Mississippi for the Medger Wiley Evers Museum for program and exhibit design and development, $250,000 shall be awarded to City of Jackson, TN to support technology upgrades at the Jackson-Madison County Public Library, $150,000 shall be awarded to City of Murrieta Public Library, Murrieta, California, for a Literacy thru Technology Program, $500,000 shall be awarded to Claude Pepper Center in Tallahassee, Florida for the digitization of library holdings, $100,000 shall be awarded to College of Physicians of Philadelphia, Philadelphia, Pennsylvania, to preserve its medical library and art collection, $50,000 shall be awarded to Colleton County Memarial Library, Walterboro, South Carolina, for books and library materials, $76,000 shall be awarded to Columbus Museum of Art, Columbus, Ohio, to develop, test, and fabricate the exhibition, train teachers and docents and publicize the project and produce related educational materials, $72,000 shall be awarded to Contra Costa County, Martinez, California, for the Contra Costa Reads program, $300,000 shall be awarded to Currier Museum of Art, Manchester, New Hampshire for educational programs and community outreach, $825,000 shall be awarded to Des Moines Arts Center for the protection of the current collection, $500,000 shall be awarded to east Tennessee Historical Society, Knoxville, Tennessee, to expand and develop exhibits that teach of the culture and history of East Tennessee, $30,000 shall be awarded to Edison House Museum, Louisville, Kentucky, for educational programs, $100,000 shall be awarded to Everhart Museum, Scranton, Pennsylvania, $430,000 shall be awarded to Experience Music Project in Seattle, Washington for an Oral History Program, $100,000 shall be awarded to Fairfax County Public Library, Fairfax, VA, for its Motheread/Fatheread Plus family literacy initiative, $800,000 shall be awarded to Field Museum, Chicago, Illinois for establishing networked computer database for collections management, $100,000 shall be awarded to Fine Arts Museums of San Francisco for the De Young Museum's Art Education Program, $275,000 shall be awarded to Florence Library Learning Center, Los Angeles, California, for reading and other education programs, $650,000 shall be awarded to Florida International Museum, St. Petersburg, Florida, for professional activities, $500,000 shall be awarded to Folger Library, Washington, D.C., for exhibits, operations, and public programs including education and outreach, $50,000 shall be awarded to Frederick Douglass Museum, Washington, D.C., for an African American cultural outreach center, $75,000 shall be awarded to Free Library of Philadelphia, Philadelphia, Pennsylvania, for technology and equipment upgrades, $350,000 shall be awarded to George Washington University, Washington, D.C., for the Eleanor Roosevelt Papers Project, $12,000 shall be awarded to Greenburgh Public Library, Tarrytown, New York, for computers and technology, $50,000 shall be awarded to Greensburg Hempfield Area Public Library, Greensburg, Pennsylvania for computers, $500,000 shall be awarded to Grout Museum, Waterloo, IA, for exhibitions, $200,000 shall be awarded to Harbor Heritage Society, Cleveland, Ohio, for MAKING WAVES: Vessel-wide interpretive exhibit planning for the Steamship William G. Mather Maritime Museum, $250,000 shall be awarded to HealthSpace Cleveland, Cleveland, Ohio for exhibits, $75,000 shall be awarded to Hellenic Cultural Association, salt Lake City, UT, for exhibit and program development at the Hellenic Cultural Museum, $150,000 shall be awarded to Hendry County, LaBelle, FL, for books and technology for Harlem Library, $500,000 shall be awarded to Hesperia Community Library, Hesperia, California, $75,000 shall be awarded to Historical Society of Western Pennsylvania, Pittsburgh, Pennsylvania for exhibit and curriculum development for the western Pennsylvania Sports Museum, $75,000 shall be awarded to HistoryMakers, Chicago, Illinois, to create a digital archive dedicated to preserving the history and accomplishments of African Americans, $150,000 shall be awarded to Home Port Alliance for the USS New Jersey for restoration and preservation, $100,000 shall be awarded to Hopkinsville-Christian County Public Library, Hopkinsville, Kentucky, $250,000 shall be awarded to Hunter College, New York, New York, to digitize, preserve and archive collections of the Center for Puerto Rican Studies and for public access and dissemination activities, $300,000 shall be awarded to Huntsville Museum of Art, Huntsville, Alabama, for exhibits, technology, outreach and education programs, $300,000 shall be awarded to International Museum of Women, San Francisco, California, for education and teacher professional development programs, $75,000 shall be awarded to Iona College, New York, for technology upgrade for the Ryan Library, $150,000 shall be awarded to Italian-American Cultural Center of Iowa in Des Moines, IA for exhibits, multi-media collections, display, $72,000 shall be awarded to Jackson County Library System, Ripley, WV, $415,000 shall be awarded to James Ford Bell Museum of Natural History, University of Minnesota, Minneapolis, MN, for exhibits and education programs, $350,000 shall be awarded to Johnstown Area Heritage Association, Johnstown, Pennsylvania, for exhibits and education programs for the Heritage Discovery Center, $25,000 shall be awarded to Josephine School Community Museum, Berryville, Virginia, $400,000 shall be awarded to Kansas State University, Manhattan, KS for the 20th Century Soldier Project, $250,000 shall be awarded to Kidspace Children's Museum, Pasadena, California, to develop its Shake Zone Education Exhibit, $100,000 shall be awarded to Lafayette College, Easton, Pennsylvania, for technology updates to the David Bishop Skillman Library, $50,000 shall be awarded to Livingston Parish Hungarian Museum, Denham Springs, Louisiana, $500,000 shall be awarded to Maltz Museum of Jewish Heritage, Beachwood, Ohio, for a Cradle of Christianity: Biblical Treasures from the Holy Land traveling exhibition, $250,000 shall be awarded to MAPS Air Museum, North Canton, Ohio, to develop educational displays, upkeep of current displays, library expansion, historical research and operation expenses, $100,000 shall be awarded to Mauch Chunk Historical Society of Carbon County, Jim Thorpe, Pennsylvania, $500,000 shall be awarded to Memphis Zoo, Memphis, Tennessee to develop exhibits and support student programs, $400,000 shall be awarded to Miami Museum of Science & Space Transit Planetarium, Miami, Florida, for exhibits, outreach, and education programs, $200,000 shall be awarded to Mid-Hudson Children's Museum, Poughkeepsie, New York, for a Comprehensive Technology Enrichment Program to enhance exhibits, $40,000 shall be awarded to Milford Area Historical Society, Milford, Ohio, for the Promont House Museum, $450,000 shall be awarded to Milton J. Rubenstein Museum of Science and Technology, Syracuse, New York, $1,540,000 shall be awarded to Missouri Historical Society, St. Louis, Missouri, for the establishment and maintenance of an archive for materials relating to the Congressional career of the Honorable Richard A. Gephardt, $260,000 shall be awarded to Mount Vernon Public Library, Mount Vernon, New York for operations and upgrades, $100,000 shall be awarded to Mt. San Antonio College, Walnut, California for equipment, $500,000 shall be awarded to Museum of Appalachia, Norris Tennessee to preserve and restore the collection of Appalachian pioneer artifacts, $250,000 shall be awarded to Museum of aviation Foundation, Warner Robins, Georgia, $200,000 shall be awarded to Museum of fine Arts, Boston, Massachusetts, for the development of exhibitions and programs, $600,000 shall be awarded to Museum of Flight in Seattle, Washington for the American Fighter Aces Archive and Collection, $250,000 shall be awarded to Museum of Science and Industry, Chicago, Illinois, for the Science in Your World Program, $500,000 shall be awarded to Museum of Science, Boston, Massachusetts for community outreach, exhibit design and development, and educational programs, $75,000 shall be awarded to National Center for American Revolution, Wayne, Pennsylvania, for exhibit design and curriculum development for the Museum of the American Revolution at Valley Forge National Historic Park, $100,000 shall be awarded to National City Public Library, National City, California, for collections and technology, $950,000 shall be awarded to National D-Day Museum in New Orleans, Louisiana to improve the education, outreach, and exhibition of the museum, $100,000 shall be awarded to National Museum of American Jewish History, Philadelphia, Pennsylvania to develop a fully interactive learning center linked to their web site that will extend the reach of the Museum, $1,000,000 shall be awarded to National Museum of Women in the Arts, Washington, D.C., $750,000 shall be awarded to National Trust for Historic Preservation, Washington, D.C., for the Farnsworth House Museum in Plano, Illinois, $2,100,000

shall be awarded to Native American Cultural Center and Museum, Oklahoma City, Oklahoma, $500,000 shall be awarded to New York Botanical Garden, Bronx, New York, for the Virtual Herbarium Project, $1,000,000 shall be awarded to New York Hall of Science to develop, expand, and display science-related materials, $90,000 shall be awarded to North Carolina Museum of Art Foundation, Inc., Raleigh, North Carolina, for exhibits and education programs, $1,000,000 shall be awarded to Omaha Performing Arts Center in Nebraska for telecommunications systems, $100,000 shall be awarded to Pennsylvania Hunting & Fishing Museum, Warren, Pennsylvania to develop curriculum for conservation education, $200,000 shall be awarded to Pittsburgh Children's Museum, Pittsburgh, Pennsylvania, to expand arts and after-school programs for at-risk children, $950,000 shall be awarded to Please Touch Museum, Philadelphia, Pennsylvania, to develop education programs focusing on hands-on learning experiences, $320,000 shall be awarded to Portland State University, Portland, Oregon, to enhance library collections and outreach in the area of Middle eastern and Judaic Studies, $50,000 shall be awarded to Putnam County Library, Cookeville, Tennessee to improve exhibits and purchase technology upgrades, $100,000 shall be awarded to Reading Company Technical and Historical Society, Inc., Reading, Pennsylvania to expand interpretive activities, $550,000 shall be awarded to Rochester Museum & Science Center, Rochester, New York, for expansion of exhibitions, $350,000 shall be awarded to Rock and Roll Hall of Fame and Museum, Cleveland, Ohio, for music education programs, $200,000 shall be awarded to Saint Louis County Economic Council, Saint Louis, Missouri, for Jefferson Barracks, $100,000 shall be awarded to Sam Davis memorial Association, Smyrna, Tennessee, for interpretive exhibits and education programs for the Sam Davis Home, $350,000 shall be awarded to San Bernardino County, San Bernardino, California for the San Bernardino County Museum, $300,000 shall be awarded to Save the Speaker's House, Inc., Trappe, Pennsylvania, $315,000 shall be awarded to Sci-quest, The North Alabama Science Center, Huntsville, Alabama, for science and mathematics education programs, $175,000 shall be awarded to Serra Cooperative Library System, San Diego, California, $100,000 shall be awarded to Simon Wiesenthal Center's Los Angeles Museum for Tolerance, Los Angeles, California, for the Tools for Tolerance for Educators program to provide teacher training in diversity, tolerance and cooperation, $50,000 shall be awarded to Smithtown Library, Smithtown, new York, for equipment and technology for its Virtual Worldwide neighborhood Website Project, $75,000 shall be awarded to Soldiers and Sailors National Military Museum and Memorial, Pittsburgh, Pennsylvania, for education and outreach programs, $125,000 shall be awarded to Southwest Missouri State University, Springfield, Missouri, for digitization of Archives and Rare-book Collections at the Meyer Library, $250,000 shall be awarded to Stark County Park District, Canton, Ohio for exhibits, $1,000,000 shall be awarded to State Historical Society of Iowa in Des Moines, Iowa for the development of exhibits for the World Food Prize, $250,000 shall be awarded to Taft Museum of Art, Cincinnati, Ohio, $600,000 shall be awarded to Tubman African American Museum, Macon, Georgia, $250,000 shall be awarded to University of Alaska Fairbanks for the continuation of the Alaska Digital archives project, $250,000 shall be awarded to University of Vermont of Burlington, Vermont for a digitization project for the preservation of Vermont cultural heritage materials, $500,000 shall be awarded to Vietnam Archives Center at Texas Tech University, Lubbock, Texas, for technology infrastructure, $200,000 shall be awarded to Virginia Living Museum, Newport News, Virginia for science education, $135,000 shall be awarded to Waterloo Center for the Arts, Waterloo, Iowa for the Youth Pavilion to provide educational programs and exhibit design and development, $400,000 shall be awarded to Western Reserve Historical Society, Cleveland, Ohio, $25,000 shall be awarded to William McKinley Presidential Library and Museum, Canton, Ohio, $50,000 shall be awarded to Williamsburg Country Library, Kingstree, South Carolina, for books, library materials and computers, $250,000 shall be awarded to Winchester Conservation Museum, Edgefield, South Carolina, $50,000 shall be awarded to Wisconsin Historical Society, Madison, WI, to catalog and microfilm military base papers, $100,000 shall be awarded to Witte Museum, San Antonio, Texas, for the Water works project, $75,000 shall be awarded to Woodmere Art Museum, Philadelphia, Pennsylvania, for technology upgrades and education and outreach programs, $500,000 shall be awarded to Woodrow Wilson Presidential Library, Staunton, Virginia, $100,000 shall be awarded to World War II Victory Memorial Museum, Auburn, IN, and $75,000 shall be awarded to Zimmer Children's Museum, Los Angeles, California, to develop and expand the youTHink education program.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $9,979,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $1,001,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $3,371,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $251,875,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $11,722,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $10,595,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $108,000,000, which shall include amounts becoming available in fiscal year 2005 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $108,000,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2006, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $103,370,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $7,254,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,454,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $28,586,829,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2006, $10,930,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $8,674,296,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than $2,000,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2005 not needed for fiscal year 2005 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That reimbursement to the trust funds under this heading for expenditires for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, $124,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2005 exceed $124,000,000, the amounts shall be available in fiscal year 2006 only to the extent provided in advance in appropriations Acts.

In addition, up to $3,600,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act (Public Law 108–203), which shall remain available until expended.

From funds previously appropriated for Federal-State Partnerships, any unobligated balances at the end of fiscal year 2004 shall be transferred to the Supplemental Security Income Program and remain available until expended to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $25,748,000, together with not to exceed $65,359,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 507. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 509. (a) None of the funds made available in this Act may be used for——

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 511. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year

for which such requirement was applicable to such entity.

SEC. 512. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act (20 U.S.C. 9134(f)), as amended by the Children's Internet Protections Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act (20 U.S.C. 6777(a)), as amended by the Children's Internet Protections Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 516. None of the funds appropriated in this Act may be used to enter into an arrangement under section 7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(4)) with a nongovernmental financial institution to serve as disbursing agent for benefits payable under the Railroad Retirement Act of 1974.

SEC. 517. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees.

None of the funds made available by this Act may be reprogrammed unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of a reprogramming announcement of intent to reprogramm funds, whichever occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of a reprogramming or announcement of intent to reprogramm of funds, whichever occurs earlier.

SEC. 518. Notwithstanding any other provision of law or regulation, the United States Government's interest in the property at 1818 W. Northern Lights Boulevard in Anchorage, Alaska, with legal description: T13N R4W Section 25, NE¼ NW¼ Portion W135 E953 N350, Anchorage Recording District shall be conveyed to Southcentral Foundation for a replacement Head Start facility.

SEC. 519. (a) IN GENERAL.—Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by $18,000,000: Provided, That not later than 15 days after the enactment of this Act, the Director of the Office of Management and Budget shall report to the House and Senate Committees on Appropriations the accounts subject to the pro rata reductions and the amount to be reduced in each account.

(b) LIMITATION.—The reduction required by subsection (a) shall not apply to the Food and Drug Administration and the Indian Health Service.

This division may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2005".

DIVISION G

LEGISLATIVE BRANCH APPROPRIATIONS ACT

TITLE I—LEGISLATIVE BRANCH APPROPRIATIONS

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $20,000; the President Pro Tempore of the Senate, $40,000; Majority Leader of the Senate, $40,000; Minority Leader of the Senate, $40,000; Majority Whip of the Senate, $10,000; Minority Whip of the Senate, $10,000; President Pro Tempore emeritus, $15,000; Chairmen of the Majority and Minority Conference Committees, $5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $5,000 for each Chairman; in all, $195,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $134,840,000, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $2,108,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $561,000.

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

For the Office of the President Pro Tempore emeritus, $163,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $3,808,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $2,556,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $13,301,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,413,000 for each such committee; in all, $2,826,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $702,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,473,000 for each such committee; in all, $2,946,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $341,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $19,586,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $50,635,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,528,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $33,779,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $5,152,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,265,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $6,000; Sergeant at Arms and Doorkeeper of the Senate, $6,000; Secretary for the Majority of the Senate, $6,000; Secretary for the Minority of the Senate, $6,000; in all, $24,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under section 134(a) of the Legislative Reorganization Act of 1946 (Public Law 97–601), section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, $110,000,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $1,700,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate,

$127,182,000, of which $20,045,000 shall remain available until September 30, 2007, and of which $4,255,000 shall remain available until September 30, 2009.

MISCELLANEOUS ITEMS

For miscellaneous items, $18,326,000, of which up to $500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend: Provided, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $326,533,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISIONS

SEC. 1. GROSS RATE OF COMPENSATION IN OFFICES OF SENATORS. Effective on and after October 1, 2004, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2004, increased by an additional $50,000 each.

SEC. 2. CONSULTANTS. With respect to fiscal year 2005, the first sentence of section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–6(a)) shall be applied by substituting "nine individual consultants" for "eight individual consultants".

SEC. 3. UNITED STATES SENATE COLLECTION. Section 316 of Public Law 101–302 (2 U.S.C. 2107) is amended in the first sentence of subsection (a) by striking "2004" and inserting "2005".

SEC. 4. PRESIDENT PRO TEMPORE EMERITUS OF THE SENATE. Section 7(e) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 32b note) is amended by inserting "and the 109th Congress" after "108th Congress".

SEC. 5. TRANSFER OF FUNDS FROM APPROPRIATIONS ACCOUNT OF THE OFFICE OF THE VICE PRESIDENT AND THE OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY TO THE SENATE CONTINGENT FUND. (a) OFFICE OF THE VICE PRESIDENT.—

(1) IN GENERAL.—Upon the written request of the Vice President, the Secretary of the Senate shall transfer from the appropriations account appropriated under the subheading "OFFICE OF THE VICE PRESIDENT" under the heading "SALARIES, OFFICERS AND EMPLOYEES" such amount as the Vice President shall specify to the appropriations account under the heading " MISCELLANEOUS ITEMS" within the contingent fund of the Senate.

(2)

(2) AUTHORITY TO INCUR EXPENSES.—The Vice President may incur such expenses as may be necessary or appropriate. Expenses incurred by the Vice President shall be paid from the amount transferred under paragraph (1) by the Vice President and upon vouchers approved by the Vice President.

(3) AUTHORITY TO ADVANCE SUMS.—The Secretary of the Senate may advance such sums as may be necessary to defray expenses incurred in carrying out paragraphs (1) and (2).

(b) OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY.—

(1) IN GENERAL.—Upon the written request of the Secretary for the Majority or the Secretary for the Minority, the Secretary of the Senate shall transfer from the appropriations account appropriated under the subheading "OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY" under the heading "SALARIES, OFFICERS AND EMPLOYEES" such amount as the Secretary for the Majority or the Secretary for the Minority shall specify to the appropriations account under the heading "MISCELLANEOUS ITEMS" within the contingent fund of the Senate.

(2) AUTHORITY TO INCUR EXPENSES.—The Secretary for the Majority or the Secretary for the Minority may incur such expenses as may be necessary or appropriate. Expenses incurred by the Secretary for the Majority or the Secretary for the Minority shall be paid from the amount transferred under paragraph (1) by the Secretary for the Majority or the Secretary for the Minority and upon vouchers approved by the Secretary for the Majority or the Secretary for the Minority, as applicable.

(3) AUTHORITY TO ADVANCE SUMS.—The Secretary of the Senate may advance such sums as may be necessary to defray expenses incurred in carrying out paragraphs (1) and (2).

(c) EFFECTIVE DATE.—This section shall apply to fiscal year 2005 and each fiscal year thereafter.

SEC. 6. ACTIVITIES RELATING TO FOREIGN PARLIAMENTARY GROUPS AND FOREIGN OFFICIALS. Section 2(c) of chapter VIII of title I of the Supplemental Appropriations Act, 1987 (2 U.S.C. 65f(c)) is amended in the first sentence by striking "with the approval of" and inserting "and upon notification to".

SEC. 7. TRANSPORTATION OF OFFICIAL RECORDS AND PAPERS TO A SENATOR'S STATE. (a) PAYMENT OF REASONABLE TRANSPORTATION EXPENSES.—Upon request of a Senator, amounts in the appropriation account "Miscellaneous Items" within the contingent fund of the Senate shall be available to pay the reasonable expenses of sending or transporting the official records and papers of the Senator from the District of Columbia to any location designated by such Senator in the State represented by the Senator.

(b) SENDING AND TRANSPORTATION.—The Sergeant at Arms and Doorkeeper of the Senate shall provide for the most economical means of sending or transporting the official records and papers under this section while ensuring the orderly and timely delivery of the records and papers to the location specified by the Senator.

(c) OVERSIGHT.—The Committee on Rules and Administration shall have the authority to issue rules and regulations to carry out the provisions of this section.

(d) OFFICIAL RECORDS DEFINED.—In this section, the term "official records and papers" means books, records, papers, and official files which could be sent as franked mail.

(e) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

SEC. 8. COMPENSATION FOR LOST OR DAMAGED PROPERTY. (a) IN GENERAL.—Any amounts received by the Sergeant at Arms and Doorkeeper of the Senate (in this section referred to as the "Sergeant at Arms") for compensation for damage to, loss of, or loss of use of property of the Sergeant at Arms that was procured using amounts available to the Sergeant at Arms in the account for Contingent Expenses, Sergeant at Arms and Doorkeeper of the Senate, shall be credited to that account or, if applicable, to any subaccount of that account.

(b) AVAILABILITY.—Amounts credited to any account or subaccount under subsection (a) shall be merged with amounts in that account or subaccount and shall be available to the same extent, and subject to the same terms and conditions, as amounts in that account or subaccount.

(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2005 and each fiscal year thereafter.

SEC. 9. AGE REQUIREMENT FOR SENATE PAGES. Section 491(b)(1) of the Legislative Reorganization Act of 1970 (2 U.S.C. 88b–1(b)(1)) is amended by striking "fourteen" and inserting "sixteen".

SEC. 10. TREATMENT OF ELECTRONIC SERVICES PROVIDED BY SERGEANT AT ARMS. The Office of the Sergeant at Arms and Doorkeeper of the United States Senate, and any officer, employee, or agent of the Office, shall not be treated as acquiring possession, custody, or control of any electronic mail or other electronic communication, data, or information by reason of its being transmitted, processed, or stored (whether temporarily or otherwise) through the use of an electronic system established, maintained, or operated, or the use of electronic services provided, in whole or in part by the Office.

SEC. 11. MODIFICATION OF APPLICATION OF SECTION 47 OF THE REVISED STATUTES. Section 47 of the Revised Statutes of the United States (2 U.S.C. 48) is amended by striking "of Senators shall be certified by the President of the Senate, and those of Representatives and Delegates" and inserting "of Representatives and Delegates shall be certified".

SEC. 12. OVERSEAS TRAVEL. (a) DEFINITION.—In this section, the term "United States" means each of the several States of the United States, the District of Columbia, and the territories and possessions of the United States.

(b) IN GENERAL.—A member of the Capitol Police may travel outside of the United States if—

(1) that travel is with, or in preparation for, travel of a Senator, including travel of a Senator as part of a congressional delegation;

(2) the member of the Capitol Police is performing security advisory and liaison functions (including advance security liaison preparations) relating to the travel of that Senator; and

(3) the Sergeant at Arms and Doorkeeper of the Senate gives prior approval to the travel of the member of the Capitol Police.

(c) LAW ENFORCEMENT FUNCTIONS.—Subsection (b) shall not be construed to authorize the performance of law enforcement functions by a member of the Capitol Police in connection with the travel authorized under that subsection.

(d) REIMBURSEMENT.—The Capitol Police shall be reimbursed for the overtime pay, travel, and related expenses of any member of the Capitol Police who travels under the authority of this section. Any reimbursement under this subsection shall be paid from the account under the heading "SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE" under the heading "CONTINGENT EXPENSES OF THE SENATE".

(e) AMOUNTS RECEIVED.—Any amounts received by the Capitol Police for reimbursements under subsection (d) shall be credited to the accounts established for the general expenses or salaries of the Capitol Police, and shall be available to carry out the purposes of such accounts during the fiscal year in which the amounts are received and the following fiscal year.

(f) EFFECTIVE DATE.—This section shall apply to fiscal year 2005 and each fiscal year thereafter.

SEC. 13. EXPENSE ALLOWANCES. (a) IN GENERAL.—The matter under the subheading "EXPENSE ALLOWANCES OF THE VICE PRESIDENT, PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS AND MAJORITY AND MINORITY WHIPS" under the heading "LEGISLATIVE BRANCH" under chapter VI of title I of the Second Supplemental Appropriations Act, 1978 (Public Law 95–355; 92 Stat. 532) is amended—

(1) in the second sentence (2 U.S.C. 31a–1) (relating to the Majority and Minority Leaders of the Senate) by striking "$20,000" and inserting "$40,000"; and

(2) in the third sentence (2 U.S.C. 32b) (relating to the President pro tempore) by striking "$20,000" and inserting "$40,000".

(b) PRESIDENT PRO TEMPORE EMERITUS.—Section 7(d) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 32b note) is amended in the first sentence (relating to the President pro tempore emeritus) by striking "$7,500" and inserting "$15,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal year 2005 and each fiscal year thereafter.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,048,581,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $18,678,000, including: Office of the Speaker, $2,708,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,027,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $2,840,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,741,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,303,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $470,000; Republican Steering Committee, $881,000; Republican Conference, $1,500,000; Democratic Steering and Policy Committee, $1,589,000; Democratic Caucus, $792,000; nine minority employees, $1,409,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $419,000; and Cloakroom Personnel—minority, $419,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $521,195,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $114,299,000: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2006.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $24,926,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2006.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $160,133,000, including: for salaries and expenses of the Office of the Clerk, including not more than $13,000, of which not more than $10,000 is for the Family Room, for official representation and reception expenses, $20,534,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $3,000 for official representation and reception expenses, $5,879,000; for salaries and expenses of the Office of the Chief Administrative Officer, $116,034,000, of which $7,500,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $3,986,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, $1,000,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, $962,000; for the Office of the Chaplain, $155,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,673,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $2,346,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $6,721,000; for salaries and expenses of the Office of Interparliamentary Affairs, $687,000; and for other authorized employees, $156,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $209,350,000, including: supplies, materials, administrative costs and Federal tort claims, $4,350,000; official mail for committees, leadership offices, and administrative offices of the House, $410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $203,900,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $690,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2112), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for "HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS'' REPRESENTATIONAL ALLOWANCES" shall be available only for fiscal year 2005. Any amount remaining after all payments are made under such allowances for fiscal year 2005 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 102. NET EXPENSES OF TELECOMMUNICATIONS REVOLVING FUND. (a) There is hereby established in the Treasury of the United States a revolving fund for the House of Representatives to be known as the Net Expenses of Telecommunications Revolving Fund (hereafter in this section referred to as the "Revolving Fund"), consisting of funds deposited by the Chief Administrative Officer of the House of Representatives from amounts provided by legislative branch offices to purchase, lease, obtain, and maintain the data and voice telecommunications services and equipment located in such offices.

(b) Amounts in the Revolving Fund shall be used by the Chief Administrative Officer without fiscal year limitation to purchase, lease, obtain, and maintain the data and voice telecommunications services and equipment of legislative branch offices.

(c) The Revolving Fund shall be treated as a category of allowances and expenses for purposes of section 101(a) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b(a)).

(d) Section 306 of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 117f) is amended—

(1) by striking subsection (b) and redesignating subsection (c) as subsection (b); and

(2) in subsection (b) (as so redesignated), by striking "subsections (a) and (b)" and inserting "subsection (a)".

(e) Section 102 of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 112g) is amended by adding at the end the following new subsection:

"(e) This section shall not apply with respect to any telecommunications equipment which is subject to coverage under section 103 of the Legislative Branch Appropriations Act, 2005 (relating to the Net Expenses of Telecommunications Revolving Fund).".

(f) This section and the amendments made by this section shall apply with respect to fiscal year 2005 and each succeeding fiscal year, except that for purposes of making deposits into the Revolving Fund under subsection (a), the Chief Administrative Officer may deposit amounts provided by legislative branch offices during fiscal year 2004 or any succeeding fiscal year.

SEC. 103. CONTRACT FOR EXERCISE FACILITY. (a) IN GENERAL.—The Chief Administrative Officer of the House of Representatives shall enter into a contract on a competitive basis with a private entity for the management, operation, and maintenance of the exercise facility established for the use of employees of the House of Representatives which is constructed with funds made available under this Act.

(b) USE OF FEES TO SUPPORT CONTRACT.—Any amounts paid as fees for the use of the exercise facility described in subsection (a) shall be used to cover costs incurred by the Chief Administrative Officer under the contract entered into under this section or to otherwise support the management, operation, and maintenance of the facility, and shall remain available until expended.

SEC. 104. SENSE OF THE HOUSE. It is the sense of the House of Representatives that Members of the House who use vehicles in traveling for official and representational purposes, including Members who lease vehicles for which the lease payments are made using funds provided under the Members' Representational Allowance, are encouraged to use hybrid electric and alternatively fueled vehicles whenever possible, as the use of these vehicles will help to move our Nation toward the use of a hydrogen fuel cell vehicle and reduce our dependence on oil.

SEC. 105. (a) ESTABLISHMENT OF HOUSE SERVICES REVOLVING FUND.—There is hereby established in the Treasury of the United States a revolving fund for the House of Representatives to be known as the "House Services Revolving Fund" (hereafter in this section referred to as the "Revolving Fund"), consisting of funds deposited by the Chief Administrative Officer of the House of Representatives from all amounts received by the House of Representatives with respect to the following activities:

(1) The operation of the House Barber Shop.

(2) The operation of the House Beauty Shop.

(3) The operation of the House Restaurant System (including vending operations).

(4) The provision of mail services to entities which are not part of the House of Representatives.

(b) USE OF AMOUNTS IN FUND.—Amounts in the Revolving Funds shall be used for any purpose designated by the Chief Administrative Officer which is approved by the Committee on Appropriations of the House of Representatives.

(c) TRANSFER AUTHORITY.—The Revolving Fund shall be treated as a category of allowances and expenses for purposes of section 101(a) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b(a)).

(d) TERMINATION AND TRANSFER OF EXISTING FUNDS AND ACCOUNTS.—

(1) IN GENERAL.—Each fund and account specified in paragraph (2) is hereby terminated, and the balance of each such fund and account is hereby transferred to the Revolving Fund.

(2) FUNDS AND ACCOUNTS SPECIFIED.—The funds and accounts referred to in paragraph (1) are as follows:

(A) The revolving fund for the House Barber Shop, established by the paragraph under the heading "HOUSE BARBER SHOPS REVOLVING FUND" in the matter relating to the House of Representatives in chapter III of title I of the Supplemental Appropriations Act, 1975 (Public Law 93–554; 88 Stat. 1776).

(B) The revolving funds for the House Beauty Shop, established by the matter under the heading "HOUSE BEAUTY SHOP"in the matter relating to administrative provisions for the House of Representatives in the Legislative Branch Appropriations Act, 1970 (Public Law 91–145; 83 Stat. 347).

(C) The special deposit account established for the House of Representatives Restaurant by section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (2 U.S.C. 2041 note), or any successor fund or account established for the receipt of revenues of the House Restaurant System.

(e) EFFECTIVE DATE.—This section shall take effect October 1, 2004, and shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

SEC. 106. (a) If the Clerk of the House of Representatives is required under any law, rule, or regulation to make available for public inspection a report, statement, or other document filed with the Office of the Clerk, the Clerk shall preserve the report, statement, or document—

(1) for a period of 6 years from the date on which the document is filed; or

(2) if the law, rule, or regulation so provides, the period required under such law, rule, or regulation.

(b) Subsection (a) shall apply with respect to reports, statements, and documents filed before, on, or after the date of the enactment of this Act.

SEC. 107. (a) PERMITTING ORGANIZATIONAL CAUCUSES AND CONFERENCES TO BE HELD AT ANY TIME.—Section 202(a)(1) of House Resolution 988, Ninety-third Congress, agreed to on October 8, 1974, and enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 29a(a)(1)), is amended by striking "conference, to begin on or after" all that follows through "to be attended by all" and inserting "conference of all".

(b) PERIOD OF AVAILABILITY OF PER DIEM.—

(1) MEMBERS.—Section 202(b)(1)(B) of House Resolution 988, Ninety-third Congress, agreed to on October 8, 1974, and enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 29a(b)(1)(B)), is amended by striking "for a period" and all that follows and inserting a period.

(2) STAFF.—Section 1(b) of House Resolution 10, Ninety-fourth Congress, agreed to on January 14, 1975, and enacted into permanent law by section 201 of the Legislative Branch Appropriations Act, 1976 (2 U.S.C. 43b–2(b)), is amended by striking "for a period" and all that follows and inserting a period.

(c) APPLICABILITY OF PROVISIONS TO ORIENTATION SESSIONS FOR NEW MEMBERS.—

(1) MEMBERS.—Section 202 of House Resolution 988, Ninety-third Congress, agreed to on October 8, 1974, and enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 29a), is amended by adding at the end the following new subsection:

"(d) With the approval of the majority leader (in the case of a Member or Member-elect of the majority party) or the minority leader (in the case of a Member or Member-elect of the minority party), subsections (b) and (c) shall apply with respect to the attendance of a Member or Member-elect at a program conducted by the Committee on House Administration for the orientation of new members in the same manner as such provisions apply to the attendance of the Member or Member-elect at the organizational caucus or conference.".

(2) STAFF.—Section 1 of House Resolution 10, Ninety-fourth Congress, agreed to on January 14, 1975, and enacted into permanent law by section 201 of the Legislative Branch Appropriations Act, 1976 (2 U.S.C. 43b–2), is amended by adding at the end the following new subsection:

"(c) With the approval of the majority leader (in the case of a Member or Member-elect of the majority party) or the minority leader (in the case of a Member or Member-elect of the minority party), subsections (a) and (b) shall apply with respect to the attendance of a Member or Member-elect at a program conducted by the Committee on House Administration for the orientation of new members in the same manner as such provisions apply to the attendance of the Member or Member-elect at the organizational caucus or conference.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the One Hundred Tenth Congress and each succeeding Congress.

SEC. 108. (a) Subject to the approval of the Committee on House Administration, the Chief Administrative Officer of the House of Representatives shall implement regulations under which the Chief Administrative Officer shall be authorized to handle any mail matter delivered by the United States Postal Service or any other carrier to the House of Representatives, or to any other entity with whom the Chief Administrative Officer has entered into an agreement to receive mail matter delivered to the entity, in such manner as the Chief Administrative Officer deems necessary to ensure the safety of any individuals who may come into contact with, or otherwise be exposed to, such mail matter.

(b) No action taken under the regulations implemented pursuant to this section may serve as a basis for civil or criminal liability of any individual or entity.

(c) As used in this section, the term "handle" includes but is not limited to collecting, isolating, testing, opening, disposing, and destroying.

(d) This section shall apply with respect to fiscal year 2004 and each succeeding fiscal year.

SEC. 109. (a) There is established in the House of Representatives an office to be known as the Republican Policy Committee, which shall have such responsibilities as may be assigned by the chair of the Republican Conference.

(b) There shall be a lump sum allowance for the salaries and expenses of the Republican Policy Committee, which shall be treated as a category of House leadership offices for purposes of section 101(c) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b(c)).

(c) This section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

SEC. 110. The first sentence of section 5 of House Resolution 1238, Ninety-first Congress, agreed to December 22, 1970 (as enacted into permanent law by chapter VIII of the Supplemental Appropriations Act, 1971) (2 U.S.C. 31b–5), as amended—

(1) by striking "step 5 of level 11" and inserting "step 11 of level 13"; and

(2) by striking "step 9 of level 8" and inserting "step 8 of level 12".

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,139,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $8,433,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $725 per month each to four medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $1,680,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $2,528,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $3,844,000, to be disbursed by the Secretary of the Senate: Provided, That no part of such amount may be used to employ more than 58 individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the second session of the 108th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $203,440,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $28,888,000, to be disbursed by the Chief of the Capitol Police or his designee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2005 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. TRANSFER AUTHORITY. Amounts appropriated for fiscal year 2005 for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 1002. LIMITATION ON CERTAIN HIRING AUTHORITY OF CAPITOL POLICE. Section 1006(b) of the Legislative Branch Appropriations Act, 2004 (Public Law 108–83; 117 Stat. 1023) is amended—

(1) in paragraph (3)—

(A) in subparagraph (B), by inserting at the end "The Chief of Police may hire individuals under this subsection who are not submitted for selection under this subparagraph. All hirings under this subparagraph shall comply with the limitations under this paragraph for any fiscal year."; and

(B) in subparagraph (C), by striking "(C) LIMITATION.—" and inserting "(C) LIMITATION FOR FISCAL YEAR 2004.—"; and

(C) by adding at the end the following:

"(D) LIMITATION FOR FISCAL YEAR 2005.— During fiscal year 2005, the number of individuals hired under this subsection may not exceed—

"(i) the number of Library of Congress Police employees who separated from service or transferred to a position other than a Library of Congress Police employee position during fiscal year 2004 for whom a corresponding hire was not made under this subsection; and

"(ii) the number of Library of Congress Police employees who separate from service or transfer to a position other than a Library of Congress Police employee position during fiscal year 2005."; and

(2) in paragraph (4), by striking the first sentence and inserting "Notwithstanding subsection (a)(1)(C), the Chief of the Capitol Police may detail an individual hired under this subsection to the Library of Congress Police on a nonreimbursable basis. Any individual detailed under this subsection shall receive necessary training, including training by the Library of Congress Police.".

SEC. 1003. AUTHORIZATION OF WEAPONS. Section 1824 of the Revised Statutes (2 U.S.C. 1941) is amended—

(1) in the first sentence—

(A) by striking "The Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives" and inserting "The Capitol Police Board"; and

(B) by striking all beginning with "payable out" through the period and inserting "payable from appropriations to the Capitol Police upon certification of payment by the Chief of the Capitol Police."; and

(2) in the second sentence—

(A) by inserting "or other arms as authorized by the Capitol Police Board" after "furnished"; and

(B) by striking "the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives" and inserting "the Capitol Police Board".

SEC. 1004. SOLE AND EXCLUSIVE AUTHORITY OF BOARD AND CHIEF TO DETERMINE RATES OF PAY. (a) IN GENERAL.—The Capitol Police Board and the Chief of the Capitol Police shall have the sole and exclusive authority to determine the rates and amounts for each of the following for members of the Capitol Police:

(1) The rate of basic pay (including the rate of basic pay upon appointment), premium pay, specialty assignment and proficiency pay, and merit pay.

(2) The rate of cost-of-living adjustments, comparability adjustments, and locality adjustments.

(3) The amount for recruitment and relocation bonuses.

(4) The amount for retention allowances.

(5) The amount for educational assistance payments.

(b) NO REVIEW OR APPEAL PERMITTED.—The determination of a rate or amount described in subsection (a) may not be subject to review or appeal in any manner.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect—

(1) any authority provided under law for a committee of the House of Representatives or Senate, or any other entity of the legislative branch, to review or approve any determination of a rate or amount described in subsection (a);

(2) any rate or amount described in subsection (a) which is established under law; or

(3) the terms of any collective bargaining agreement.

(d) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

SEC. 1005. ACCEPTANCE OF DONATIONS OF ANIMALS. (a) IN GENERAL.—The Capitol Police may accept the donation of animals to be used in the canine units of the Capitol Police.

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2005 and each fiscal year thereafter.

SEC. 1006. SETTLEMENT AND PAYMENT OF TORT CLAIMS. (a) FEDERAL TORT CLAIMS ACT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Chief of the Capitol Police, in accordance with regulations prescribed by the Attorney General and any regulations as the Capitol Police Board may prescribe, may consider, ascertain, determine, compromise, adjust, and settle, in accordance with the provisions of chapter 171 of title 28, United States Code, any claim for money damages against the United States for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Capitol Police while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

(2) SPECIAL RULE FOR CLAIMS MADE BY MEMBERS OF CONGRESS AND CONGRESSIONAL EMPLOYEES.—

(A) IN GENERAL.—With respect to any claim described in paragraph (1) which is made by a Member of Congress or any officer or employee of Congress, the Chief of the Capitol Police shall—

(i) not later than 14 days after the receipt of such a claim, notify the Chairman of the applicable Committee of the receipt of the claim; and

(ii) not later than 90 days after the receipt of such a claim, submit a proposal for the resolution of such claim which shall be subject to the approval of the Chairman of the applicable Committee.

(B) EXTENSION.—The 90–day period in subparagraph (A)(ii) may be extended for an additional period (not to exceed 90 days) for good cause by the Chairman of the applicable Committee, upon the request of the Chief of the Capitol Police.

(C) APPROVAL CONSISTENT WITH FEDERAL TORT CLAIMS ACT.—Nothing in this paragraph may be construed to permit the Chairman of an applicable Committee to approve a proposal for the resolution of a claim described in paragraph (1) which is not consistent with the terms and conditions applicable under chapter 171 of title 28, United States Code, to the resolution of claims for money damages against the United States.

(D) APPLICABLE COMMITTEE DEFINED.—In this paragraph, the term "applicable Committee" means—

(i) the Committee on Rules and Administration of the Senate, in the case of a claim of a Senator or an officer or employee whose pay is disbursed by the Secretary of the Senate; or

(ii) the Committee on House Administration of the House of Representatives, in the case of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or an officer or employee whose pay is disbursed by the Chief Administrative Officer of the House of Representatives.

(3) HEAD OF AGENCY.—For purposes of section 2672 of title 28, United States Code, the Chief of the Capitol Police shall be the head of a Federal agency with respect to the Capitol Police.

(4) REGULATIONS.—The Capitol Police Board may prescribe regulations to carry out this subsection.

(b) CLAIMS OF EMPLOYEES OF CAPITOL POLICE.—

(1) IN GENERAL.—The Capitol Police Board may prescribe regulations to apply the provisions of section 3721 of title 31, United States Code, for the settlement and payment of a claim against the Capitol Police by an employee of the Capitol Police for damage to, or loss of personal property incident to service.

(2) LIMITATION.—No settlement and payment of a claim under regulations prescribed under this subsection may exceed the limits applicable to the settlement and payment of claims under section 3721 of title 31, United States Code.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect—

(1) any payment under section 1304 of title 31, United States Code, of a final judgment, award, compromise settlement, and interest and costs specified in the judgment based on a claim against the Capitol Police; or

(2) any authority for any—

(A) settlement under section 414 of the Congressional Accountability Act of 1995 (2 U.S.C. 1414), or

(B) payment under section 415 of that Act (2 U.S.C. 1415).

(d) EFFECTIVE DATE.—This section shall apply to fiscal year 2005 and each fiscal year thereafter.

SEC. 1007. DEPLOYMENT OUTSIDE OF JURISDICTION. (a) REQUIREMENTS FOR PRIOR NOTICE AND APPROVAL.—The Chief of the Capitol Police may not deploy any officer outside of the areas established by law for the jurisdiction of the Capitol Police unless—

(1) the Chief provides prior notification to the Committees on Appropriations of the House of Representatives and Senate of the costs anticipated to be incurred with respect to the deployment; and

(2) the Capitol Police Board gives prior approval to the deployment.

(b) EXCEPTION FOR CERTAIN SERVICES.—Subsection (a) does not apply with respect to the deployment of any officer for any of the following purposes:

(1) Responding to an imminent threat or emergency.

(2) Intelligence gathering.

(3) Providing protective services.

(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

SEC. 1008. GENERAL COUNSEL. The Capitol Police General Counsel, in the capacity as in-house counsel and in conjunction with the Capitol Police Employment Counsel for employment and labor law matters, shall be responsible for implementing and maintaining an effective legal compliance system with all applicable laws, under the oversight of the Capitol Police Board.

SEC. 1009. RELEASE OF SECURITY INFORMATION. (a) DEFINITION.—In this section, the term "security information" means information that—

(1) is sensitive with respect to the policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response relating to Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds; and

(2) is obtained by, on behalf of, or concerning the Capitol Police Board, the Capitol Police, or any incident command relating to emergency response.

(b) AUTHORITY OF BOARD TO DETERMINE CONDITIONS OF RELEASE.—Notwithstanding any other provision of law, any security information in the possession of the Capitol Police may be released by the Capitol Police to another entity, including an individual, only if the Capitol Police Board determines in consultation with other appropriate law enforcement officials, experts in security preparedness, and appropriate committees of Congress, that the release of the security information will not compromise the security and safety of the Capitol buildings and grounds or any individual whose protection and safety is under the jurisdiction of the Capitol Police.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the ability of the Senate and the House of Representatives (including any Member, officer, or committee of either House of Congress) to obtain information from the Capitol Police regarding the operations and activities of the Capitol Police that affect the Senate and House of Representatives.

(d) REGULATIONS.—The Capitol Police Board may promulgate regulations to carry out this section, with the approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

(e) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and apply with respect to—

(1) any remaining portion of fiscal year 2004, if this Act is enacted before October 1, 2004; and

(2) fiscal year 2005 and each fiscal year thereafter.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,421,000, of which $305,000 shall remain available until September 30, 2006: Provided, That the Executive Director of the Office of Compliance may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $34,919,000.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $80,347,000, of which $2,220,000 shall remain available until September 30, 2009.

CAPITOL BUILDING

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses for the maintenance, care, and operation of the Capitol, $28,857,000, of which not more than $10,600,000, may be transferred for the use of the Capitol Visitor Center project: Provided, That the amount so transferred shall be deposited into the account established for the Capitol Visitor Center project and shall be subject to the same terms and conditions applicable to the amounts appropriated for such project under the heading "Capitol Visitor Center" in the Legislative Branch Appropriations Act, 2004: Provided further, That the amount so transferred, together with $3,900,000 of the other amounts appropriated under this heading, shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $6,974,000.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $62,083,000, of which $9,070,000 shall remain available until September 30, 2009.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $65,353,000, of which $27,103,000 shall remain available until September 30, 2009.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $56,834,000, of which $1,000,000 shall remain available until September 30, 2009: Provided, That not more than $4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2005.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $40,097,000, of which $21,506,000 shall remain available until September 30, 2009.

CAPITOL POLICE BUILDINGS AND GROUNDS

For all necessary expenses for the maintenance, care, and operation of buildings and grounds of the United States Capitol Police, $5,853,000, of which $500,000 shall remain available until September 30, 2009.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $6,326,000: Provided, That this appropriation shall not be available for construction of the National Garden.

ADMINISTRATIVE PROVISIONS

SEC. 1101. MANAGEMENT AND OPERATION OF THE CAPITOL POWER PLANT. (a) DEFINITION.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Appropriations of the Senate and the House of Representatives;

(2) the Committee on Rules and Administration of the Senate; and

(3) the House Office Building Commission.

(b) STUDY OF CONTRACT WITH A PRIVATE ENTITY.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall conduct a study and submit to the appropriate congressional committees and the Architect of the Capitol a report that—

(1) analyzes the costs, cost effectiveness, benefits, and feasibility of the Architect of the Capitol entering into a contract with a private entity for the management and operation of the Capitol Power Plant; and

(2) makes a recommendation on whether the Architect of the Capitol should enter into such a contract.

(c) IMPLEMENTATION PLAN.—If the Comptroller General makes a recommendation under subsection (b)(2) in favor of entering into a contract, the Architect of the Capitol shall submit an implementation plan for that contract to the appropriate congressional committees not later than the later of—

(1) 270 days after the date of enactment of this Act; or

(2) the date of the completion of the West Refrigeration Plant.

(d) CONTRACT.—Subject to the approval of the appropriate congressional committees, the Architect of the Capitol shall enter into a contract with a private entity for the management and operation of the Capitol Power Plant.

(e) EFFECTIVE DATE.—This section shall apply to fiscal year 2005 and each fiscal year thereafter.

SEC. 1102. (a) The Comptroller General shall conduct an analysis of the operations of the Office of the Architect of the Capitol, and shall include in the analysis recommendations regarding the extent to which the functions and duties of the Architect of the Capitol may be carried out more effectively through contracts with private entities, through reassignment to other entities of the legislative branch, and through such other methods as the Comptroller General considers appropriate.

(b) Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report on the analysis conducted under subsection (a) to the Committees on Appropriations of the House of Representatives and Senate.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $384,671,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2005, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2005 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,350,000: Provided further, That of the total amount appropriated, $12,481,000 shall remain available until expended for the partial acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: Provided further, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That of the total amount appropriated, $2,250,000 shall remain available until expended for the purpose of teaching educators and librarians how to incorporate the Library's digital collections into school curricula and shall be transferred to the educational consortium formed to conduct the "Adventure of the American Mind" project as approved by the Library: Provided further, That of the total amount appropriated, $500,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: Provided further, That of the total amount appropriated, $15,620,000 shall remain available until expended for partial support of the National Audio-Visual Conservation Center: Provided further, That of the total amount appropriated, $2,795,000 shall remain available until expended for the development and maintenance of the Alternate Computer Facility: Provided further, That of the total amount appropriated, $500,000 shall be used to provide a grant to the Middle Eastern Text Initiative for translation and publishing of middle eastern text: Provided further, That, of the total amount appropriated, $100,000 shall be provided to the Association for Diplomatic Studies and Training to provide for the oral history of United States foreign affairs personnel: Provided further, That of the total amount appropriated, $300,000 shall be made available to initiate with the University of South Carolina a Cooperative Preservation and Conservation project for Movietone Newsreel collections.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $53,611,000, of which not more than $26,981,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2005 under section 708(d) of title 17, United States Code: Provided, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than $6,496,000 shall be derived from collections during fiscal year 2005 under sections 111(d)(2), 119(b)(2), 802(h), 1005, and 1316 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $33,477,000: Provided further, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $96,893,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $54,412,000, of which $16,235,000 shall remain available until expended: Provided, That, of the total amount appropriated, $200,000 shall remain available until expended to reimburse the National Federation of the Blind for costs incurred in the operation of its "NEWSLINE" program.

ADMINISTRATIVE PROVISIONS

SEC. 1201. INCENTIVE AWARDS PROGRAM. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1202. REIMBURSABLE AND REVOLVING FUND ACTIVITIES. (a) IN GENERAL.—For fiscal year 2005, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $106,985,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2005, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading "LIBRARY OF CONGRESS" under the subheading "SALARIES AND EXPENSES" to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): Provided, That the total amount of such transfers may not exceed $1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 1203. NATIONAL DIGITAL INFORMATION INFRASTRUCTURE AND PRESERVATION PROGRAM. The Miscellaneous Appropriations Act, 2001 (enacted into law by section 1(a)(4) of Public Law 106–554, 114 Stat. 2763A–194) is amended in the first proviso under the subheading "SALARIES AND EXPENSES" under the heading "LIBRARY OF CONGRESS" in chapter 9 of division A—

(1) by inserting "and pledges" after "other than money"; and

(2) by striking "March 31, 2005" and inserting "March 31, 2010".

SEC. 1204. UNITED STATES DIPLOMATIC FACILITIES. Funds made available for the Library of Congress under this Act are available for transfer to the Department of State as remittance for a fee charged by the Department for fiscal year 2005 for the maintenance, upgrade, or construction of United States diplomatic facilities only to the extent that the amount of the fee so charged is equal to or less than the unreimbursed value of the services provided during fiscal year 2005 to the Library of Congress on State Department diplomatic facilities.

SEC. 1205. NATIONAL FILM PRESERVATION BOARD AND NATIONAL FILM PRESERVATION FOUNDATION. (a) EFFECTIVE DATES.—Notwithstanding the effective date under section 113 of the National Film Preservation Act of 1996 (2 U.S.C. 179w), title I of that Act shall be considered to be effective through fiscal year 2005.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 151711(a) of title 36, United States Code, is amended by striking "2003" and inserting "2005".

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $88,800,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress *reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.*

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $31,953,000: Provided, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2003 and 2004 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office may make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided, That not more than $5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 2,621 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate): Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, That not more than $10,000 may be expended from the revolving fund in support of the activities of the Benjamin Franklin Tercentenary Commission established by Public Law 107–202.

ADMINISTRATIVE PROVISION

SEC. 1301. DISCOUNTS FOR SALES COPIES. Section 1708 of title 44, United States Code, is amended by striking "of not to exceed 25 percent may be allowed to book dealers and quantity purchasers", and inserting in lieu thereof the following: "may be allowed as determined by the Superintendent of Documents".

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under section 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $470,973,000: Provided, That not more than $4,919,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2005: Provided further, That not more than $2.500,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2005: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

ADMINISTRATIVE PROVISION

SEC. 1401. REPORTS TO THE COMPTROLLER GENERAL. (a) LIMITATIONS ON EXPENDITURES, OBLIGATIONS, AND VOLUNTARY SERVICES.—Section 1351 of title 31, United States Code, is amended by inserting "A copy of each report shall also be transmitted to the Comptroller General on the same date the report is transmitted to the President and Congress." after the first sentence.

(b) PROHIBITED OBLIGATIONS AND EXPENDITURES.—Section 1517(b) of title 31, United States Code, is amended by inserting "A copy of each report shall also be transmitted to the Comptroller General on the same date the report is transmitted to the President and Congress." after the first sentence.

PAYMENT TO THE OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center, $13,500,000.

ADMINISTRATIVE PROVISIONS

SEC. 1501. EXPANSION OF OPEN WORLD LEADERSHIP COUNTRIES.—Section 313(j) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(j)) is amended—

(1) in paragraph (1), by striking "and" after the semicolon;

(2) in paragraph (2), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(3) any other country that is designated by the Board, except that the Board shall notify the Committees on Appropriations of the Senate and the House of Representatives of the designation at least 90 days before the designation is to take effect.".

SEC. 1502. BOARD MEMBERSHIP. Section 313(a)(2) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(a)(2)), as enacted by reference in section 1(a)(2) of the Consolidated Appropriations Act, 2001, is amended—

(1) in the matter preceding subparagraph (A), by striking "nine members" and inserting "11 members"; and

(2) by inserting after subparagraph (D) the following new subparagraph:

"(E) The chair of the Subcommittee on Legislative Branch of the Committee on Appropriations of the House of Representatives and the chair of the Subcommittee on Legislative Branch of the Committee on Appropriations of the Senate.".

TITLE II—GENERAL PROVISIONS

SEC. 201. MAINTENANCE AND CARE OF PRIVATE VEHICLES. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. FISCAL YEAR LIMITATION. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2005 unless expressly so provided in this Act.

T4Sec. 203. RATES OF COMPENSATION AND DESIGNATION. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. CONSULTING SERVICES. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. AWARDS AND SETTLEMENTS. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

SEC. 206. COSTS OF LBFMC. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the *entities as the entities may determine) may not exceed $2,000.*

SEC. 207. LANDSCAPE MAINTENANCE. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets and sidewalks, in the irregular shaped grassy areas bounded by Washington Avenue, SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

SEC. 208. LIMITATION ON TRANSFERS. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 209. ETRAVEL SERVICE. Notwithstanding any other provision of law, no entity within the legislative branch shall be required to use the eTravel Service established by the Administrator of General Services for official travel by officers or employees of the entity during fiscal year 2005 or any succeeding fiscal year.

SEC. 210. VOLUNTARY SEPARATION INCENTIVE PAYMENTS. (a) AUTHORITY TO OFFER PAYMENTS.—Notwithstanding any other provision of law, the head of any office in the legislative branch may establish a program under which voluntary separation incentive payments may be offered to eligible employees of the office to encourage such employees to separate from service voluntarily (whether by retirement or resignation), in accordance with this section.

(b) AMOUNT AND ADMINISTRATION OF PAYMENTS.—A voluntary separation incentive payment made under this section—

(1) shall be paid in a lump sum after the employee's separation;

(2) shall be equal to the lesser of—

(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section (without adjustment for any previous payment made); or

(B) an amount determined by the head of the office involved, not to exceed $25,000;

(3) may be made only in the case of an employee who voluntarily separates (whether by retirement or resignation) under this section;

(4) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit;

(5) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation; and

(6) shall be paid from appropriations or funds available for the payment of the basic pay of the employee.

(c) PLAN.—

(1) PLAN REQUIRED FOR MAKING PAYMENTS.—No voluntary separation incentive payment may be paid under this section with respect to an office unless the head of the office submits a plan described in paragraph (2) to each applicable committee described in paragraph (3), and each applicable committee approves the plan.

(2) CONTENTS OF PLAN.—A plan described in this paragraph with respect to an office is a plan containing the following information:

(A) The specific positions and functions to be reduced or eliminated.

(B) A description of which categories of employees will be offered incentives.

(C) The time period during which incentives may be paid.

(D) The number and amounts of voluntary separation incentive payments to be offered.

(E) A description of how the office will operate without the eliminated positions and functions.

(3) APPLICABLE COMMITTEE.—For purposes of this subsection, the "applicable committee" with respect to an office means any committee of the House of Representatives or Senate with jurisdiction over the activities of the office under the applicable rules of the House of Representatives and the Senate (as determined by the head of the office), but does not include the Committees on Appropriations of the House of Representatives and the Senate.

(d) EXCLUSION OF CERTAIN OFFICES.—This section shall not apply to any office which is an Executive agency under section 105 of title 5, United States Code, or any employee of such an office.

(e) ELIGIBLE EMPLOYEE DEFINED.—

(1) IN GENERAL.—In this section, an "eligible employee" is an employee (as defined in section 2105, United States Code) or a Congressional employee (as defined in section 2107, United States Code) who—

(A) is serving under an appointment without time limitation; and

(B) has been currently employed for a continuous period of at least 3 years.

(2) EXCLUSIONS.—An "eligible employee" does not include any of the following:

(A) A reemployed annuitant under subchapter III of chapter 83 or 84 of title 5, United States Code, or another retirement system for employees of the Government.

(B) An employee having a disability on the basis of which such employee is or would be eligible for disability retirement under subchapter III of chapter 83 or 84 of title 5, United States Code, or another retirement system for employees of the Government.

(C) An employee who is in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

(D) An employee who has previously received any voluntary separation incentive payment from the Federal Government under this section or any other authority.

(E) An employee covered by statutory reemployment rights who is on transfer employment with another organization.

(F) Any employee who—

(i) during the 36-month period preceding the date of separation of that employee, performed service for which a student loan repayment benefit was or is to be paid under section 5379 of title 5, United States Code, or any other authority;

(ii) during the 24-month period preceding the date of separation of that employee, performed service for which a recruitment or relocation bonus was or is to be paid under section 5753 of such title or any other authority; or

(iii) during the 12-month period preceding the date of separation of that employee, performed service for which a retention bonus was or is to be paid under section 5754 of such title or any other authority.

(f) REPAYMENT FOR INDIVIDUALS RETURNING TO GOVERNMENT EMPLOYMENT.—

(1) IN GENERAL.—Subject to paragraph (2), an employee who has received a voluntary separation incentive payment under this section and accepts employment with the Government of the United States within 5 years after the date of the separation on which the payment is based shall be required to repay the entire amount of the incentive payment to the office that paid the incentive payment.

(2) WAIVER FOR INDIVIDUALS POSSESSING UNIQUE ABILITIES.—

(A) If the employment is with an Executive agency (as defined by section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment required under this subsection if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(B) If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment required under this subsection if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(C) If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment required under this subsection if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(3) TREATMENT OF PERSONAL SERVICES CONTRACTS.—For purposes of paragraph (1) (but not paragraph (2)), the term "employment" includes employment under a personal services contract with the United States.

(g) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act, and shall apply with respect to the portion of fiscal year 2005 occurring on and after such date and to each succeeding fiscal year.

SEC. 211. CAPITOL GROUNDS ENCLOSURE. None of the funds contained in this Act may be used to study, design, plan, or otherwise further the construction or consideration of a fence to enclose the perimeter of the grounds of the United States Capitol.

SEC. 212. CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION. Section 210 of the Legislative Branch Appropriations Act, 2003 is amended—

(1) by striking the first proviso; and

(2) by striking "Provide further," and inserting "Provided,".

SEC. 213. TRANSFER OF JURISDICTION OVER REAL PROPERTY NEAR JAPANESE AMERICAN PATRIOTISM MEMORIAL. (a) TRANSFER OF JURISDICTION.—

(1) IN GENERAL.—Jurisdiction over the parcels of Federal real property described under paragraph (2) (over which jurisdiction was transferred under section 514(b)(2)(C) of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 5102 note; Public Law 104–333)) is transferred to the Architect of the Capitol, without consideration.

(2) PARCELS.—The parcels of Federal real property referred to under paragraph (1) are the following:

(A) That portion of New Jersey Avenue, N.W., between the northernmost point of the intersection of New Jersey Avenue, N.W., and D Street, N.W., and the northernmost point of the intersection of New Jersey Avenue, N.W., and Louisiana Avenue, N.W., between squares 631 and W632, which remains Federal property, and whose maintenance and repair shall be the responsibility of the District of Columbia.

(B) That portion of D Street, N.W., between its intersection with New Jersey Avenue, N.W., and its intersection with Louisiana Avenue, N.W., between squares 630 and W632, which remains Federal property.

(b) MISCELLANEOUS.—

(1) COMPLIANCE WITH OTHER LAWS.—Compliance with this section shall be deemed to satisfy the requirements of all laws otherwise applicable to transfers of jurisdiction over parcels of Federal real property.

(2) UNITED STATES CAPITOL GROUNDS.—

(A) DEFINITION.—Section 5102 of title 40, United States Code, is amended to include within the definition of the United States Capitol Grounds the parcels of Federal real property described in subsection (a)(2).

(B) JURISDICTION OF CAPITOL POLICE.—The United States Capitol Police shall have jurisdiction over the parcels of Federal real property described in subsection (a)(2) in accordance with

section 9 of the Act entitled "An Act to define the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946 (2 U.S.C. 1961).

(3) EFFECT OF TRANSFER.—A person relinquishing jurisdiction over any parcel of Federal real property transferred by subsection (a) shall not retain any interest in the parcel except as specifically provided in this section.

(c) EFFECTIVE DATE.—This Act shall apply to fiscal year 2005 and each fiscal year thereafter.

This division may be cited as the "Legislative Branch Appropriations Act, 2005".

SEC. 214. COMMISSION ON THE ABRAHAM LINCOLN STUDY ABROAD FELLOWSHIP PROGRAM. EXTENSION OF REPORT AND TERMINATION DATES.—Section 104 of division H of the Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 435) is amended—

(1) in subsection (f), by striking "December 1, 2004" and inserting "December 1, 2005"; and

(2) in subsection (g), by striking "December 31, 2004" and inserting "December 31, 2005".

SEC. 215. (a) The Chief Administrative Officer of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate may enter into a memorandum of understanding under which the Sergeant at Arms and Doorkeeper shall provide all services of the United States Capitol telephone exchange for the House of Representatives, in accordance with such terms and conditions as may be provided in the memorandum of understanding.

(b) For any period during which a memorandum of understanding is in effect pursuant to this section—

(1) all positions in the United States Capitol telephone exchange for which the employing authority is the Chief Administrative Officer shall be transferred to the Sergeant at Arms and Doorkeeper;

(2) all employees in the United States Capitol telephone exchange for whom the employing authority is the Chief Administrative Officer shall be transferred to an appointed by the Sergeant at Arms and Doorkeeper; and

(3) the Sergeant at Arms and Doorkeeper shall serve as the employing authority for all personnel of United States Capitol telephone exchange.

(c) In carrying out a memorandum of understanding pursuant to this section, the Sergeant at Arms and Doorkeeper shall ensure that, with respect to any employee of the United States Capitol telephone exchange whose employing authority prior to the effective date of the memorandum was the Chief Administrative Officer—

(1) the rate of pay and leave accrual for the employee shall not be less than the employee's rate of pay and leave accrual for the most recent pay period prior to such date, unless—

(A) the employee does not remain in the he same position with the exchange; or

(B) the rate of pay or leave accrual is reduced for cause; and

(2) any leave accrued by the employee that remains unused as of such date shall be transferred to the employee and made available for the employee to use under the same terms and conditions that applied to the use of the leave of the leave prior to such date.

(d) The last sentence of section 4(b) of the House Employees Position Classification Act (2 U.S.C. 293(b)) is amended by striking "succeeding year," and inserting the following: "succeeding year (other than any period during which a memorandum of understanding described in section 215(a) of the Legislative Branch Appropriation Act, 2005 is in effect),".

(e)(1) A memorandum of understanding under this section may include a provision requiring the reimbursement by the House of Representatives during s fiscal year (paid out of the applicable accounts of the House) of the expenses incurred by the Sergeant at Arms and Door-keeper during the fiscal year in carrying out the memorandum with respect to the employees of the United States Capitol telephone exchange whose employing authority prior to the effective date of the memorandum was the Chief Administrative Officer.

(2) Any reimbursement made pursuant to this subsection—

(A) in the case of a reimbursement for salaries or agency contributions and related expenses, shall be deposited in the account under the heading "OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER" or "AGENCY CONTRIBUTIONS AND RELATED EXPENSES", under the heading "SALARIES, OFFICERS AND EMPLOYEES"; and

(B) in the case of a reimbursement for expenses, shall be deposited in the account under the heading "SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE" under the heading "CONTINGENT EXPENSES OF THE SENATE."

(3) Any funds deposited under paragraph (2) shall be available in like manner and for the same purposes as are other funds in the account to which the funds were deposited.

(f) This section and the amendment made by the this section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

DIVISION H—TRANSPORTATION, TREASURY, INDEPENDENT AGENCIES, AND GENERAL . GOVERNMENT APPROPRIATIONS ACT, 2005

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $87,234,000, of which not to exceed $2,220,000 shall be available for the immediate Office of the Secretary; not to exceed $705,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $15,395,000 shall be available for the Office of the General Counsel; not to exceed $12,627,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $8,573,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,316,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $23,436,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,929,000 shall be available for the Office of Public Affairs; not to exceed $1,456,000 shall be available for the Office of the Executive Secretariat; not to exceed $704,000 shall be available for the Board of Contract Appeals; not to exceed $1,278,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $2,053,000 for the Office of Intelligence and Security; not to exceed $3,150,000 shall be available for the Office of Emergency Transportation; and not to exceed $11,392,000 shall be available for the Office of the Chief Information Officer: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $8,700,000.

COMPENSATION FOR AIR CARRIERS

(RESCISSION)

Of the funds made available under section 101(a)(2) of Public Law 107–42, $235,000,000 are rescinded.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $20,000,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $151,054,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $500,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,000,000, to remain available until September 30, 2006: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

NEW HEADQUARTERS BUILDING

For necessary expenses of the Department of Transportation's new headquarters building and related services, $68,000,000, to remain available until expended.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $52,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, *lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $7,775,000,000, of which $4,918,073,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $6,234,417,600 shall be available for air traffic services activities; not to exceed $916,894,000 shall be available for aviation regulation and certification activities; not to exceed $224,039,000 shall be available for research and acquisition activities; not to exceed $11,674,000 shall be available for commercial space transportation activities; not to exceed $52,124,000 shall be available for financial services activities; not to exceed $69,821,600 shall be available for human resources program activities; not to exceed $149,569,800 shall be available for region and center operations and regional coordination activities; not to exceed $139,302,000 shall be available for staff offices; and not to exceed $36,254,000 shall be available for information services: Provided, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than $7,000,000 shall be for the contract tower cost-sharing program: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: Provided further, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: Provided further, That of the funds provided under this heading, $4,000,000 is available only for recruitment, personnel compensation and benefits, and related costs to raise the level of operational air traffic control supervisors to the level of 1,846: Provided further, That none of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.*

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, $2,540,000,000, of which $2,119,000,000 shall remain available until September 30, 2007, and of which $421,000,000 shall remain available until September 30, 2005: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2006 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2006 through 2010, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $130,927,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2007: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $2,800,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,500,000,000 in fiscal year 2005, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: Provided further, That notwithstanding any other provision of law, not more than $68,802,000 of funds limited under this heading shall be obligated for administration and not less than $20,000,000 shall be for the Small Community Air Service Development Program.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the amount authorized for the fiscal year ending September 30, 2004, under sections 48103 and 48112 of title 49, United States Code, $265,000,000 are rescinded.

GENERAL PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 101. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant: Provided, That, the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 102. None of the funds in this Act may be used to compensate in excess of 375 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2005.

SEC. 103. None of the funds made available in this Act may be used for engineering work related to an additional runway at Louis Armstrong New Orleans International Airport.

SEC. 104. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 105. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey.

SEC. 106. (a) Section 44302(f)(1) of title 49, United States Code, is amended by striking "2004," each place it appears and inserting "2005,".

(b) Section 44303(b) of such title is amended by striking "2004," and inserting "2005,".

SEC. 107. Notwithstanding any provision of law, the Secretary of Transportation is authorized and directed to make project grants under chapter 471 of title 49, United States Code from funds available under 49 U.S.C. 48103, for the cost of acquisition of land, or reimbursement of the cost of land if purchased prior to enactment of this provision and prior to a grant agreement, for non-exclusive use aeronautical purposes on an airport layout plan that has been approved by the Secretary on January 23, 2004, pursuant to section 49 U.S.C. 47107(a)(16), for any small hub airport as defined in 49 U.S.C. 47102, and had scheduled or chartered direct international flights totaling at least 200 million pounds gross aircraft landed weight for calendar year 2002.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed $346,500,000, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway

Administration together with advances and reimbursements received by the Federal Highway Administration.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $34,700,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2005: Provided, That within the $34,700,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $462,500,000 shall be available for the implementation or execution of programs for transportation research (sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105–178) for fiscal year 2005: Provided further, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: Provided further, That within the $232,000,000 obligation limitation on Intelligent Transportation Systems, the following sums shall be made available for Intelligent Transportation System projects that are designed to achieve the goals and purposes set forth in section 5203 of the Intelligent Transportation Systems Act of 1998 (subtitle C of title V of Public Law 105–178; 112 Stat. 453; 23 U.S.C. 502 note) in the following specified areas:

Project Name	Amount
Alameda Corridor—East Project, San Gabriel Valley, California	$2,000,000
Alexandria Fiber Optic Cable for Traffic Signal Coordination, Virginia	2,000,000
Alliance for Transportation Research, Transportation Technology Center, New Mexico	750,000
Appalachian Transportation Institute and U3C, West Virginia	1,000,000
Atlanta Construction and Traffic Management Project, Georgia	2,000,000
Baltimore City Intelligent Transportation System, Maryland	1,000,000
Bay County Regional ITS, Florida	2,000,000
Calmar Research Vehicle Communication Systems, New York	1,150,000
Center for Injury Sciences, Alabama	2,000,000
Central Florida Regional Transportation Authority (LYNX): North Orange/South Seminole ITS Enhanced Circulator	500,000
Cicero Avenue Smart Corridor, Illinois	1,000,000
City of Boston Directional Signage Program, Massachusetts	1,000,000
City of Elk Grove ITS Project, California	1,500,000
City of Fort Worth Intelligent Transportation Systems, Texas	1,800,000
City of San Antonio Municipal ITS Technologies, Texas	1,300,000
Clark County ITS, Washington	2,000,000
Commercial Vehicle Information Systems Network, Illinois	500,000
COTA ITS Integration Project Phases II and III, Ohio	800,000
DeKalb Co. Signal System Improvements, Georgia	500,000
Downtown Signalization Project, Mechanicsburg, Pennsylvania	750,000
FAST–TRAC Signal Expansion, Michigan	1,000,000
Florida State University System Center for Intermodal Transportation Safety	3,000,000
Freeway Incident Management Program, Houston, Texas	3,250,000
Ft. Lauderdale Intelligent Trans System Improvement, Florida	1,000,000
GEARS Demonstration Project, Cumberland County, Pennsylvania	150,000
Germantown ITS, Tennessee	500,000
GMU ITS Appropriations, Virginia	2,000,000
Highway Speed E-ZPass, Outerbridge Crossing, New York	350,000
Hillsborough Area Regional Transit Authority: Bus Tracking, Communication and Security, Florida	750,000
I-70 Incident Management Plan, Colorado	1,250,000
I–91 Fiber and ITS Construction, Massachusetts	2,500,000
Intelligent Transportation at George Washington University, Virginia	1,000,000
Intelligent Transportation System feasibility study and implementation plan, Edmond, OK	100,000
Intelligent Transportation System, Jackson, Tennessee	385,000
Intelligent Transportation System, Wichita, Kansas	1,250,000
Intelligent Transportation Systems—Nebraska	450,000
Intelligent Transportation Systems, City of Jackson, Tennessee	1,000,000
Intelligent Transportation Systems, Illinois	5,000,000
Intercity Transit ITS (Thurston County), Washington	2,000,000
Interurban Transit Partnership, Grand Rapids, MI	2,000,000
Iowa ITS	2,000,000
ITS—Commercial Vehicle Safety and Integration Statewide, Utah	500,000
ITS—Northwest Arkansas Regional Architecture, Arkansas	250,000
ITS—Rural Recreation & Tourism, Statewide, Utah	750,000
ITS—Springfield, Illinois	650,000
ITS Deployment Project, Inglewood, California	400,000
ITS Statewide, Maryland	1,000,000
Jacksonville Transportation Authority: Intelligent Transportation Systems Regional Planning, Florida	750,000
JAXPORT Intermodal Cargo Tracking Project, Florida	900,000
Kansas City SmartPort, Missouri	750,000
King County, County-Wide Signal Program, Washington	2,000,000
Lake County Passage, Lake County, Illinois	1,250,000
Laredo ITS Multi-Agency Integration and Incidence Project, Texas	500,000
Los Angeles Union Station Communication System	1,000,000
Lynnwood Traffic Management Center of Multi-Jurisdictional ITS, Washington	1,000,000
MARTA Automated Fare Collection/Smart Card System, Georgia	500,000
Missouri Statewide Rural ITS	2,500,000
Montgomery County Integrated ITS Program, Maryland	750,000
Montgomery Intelligent Transportation System Acquisition and Implementation, Alabama	1,000,000
Nepperhan Traffic Improvements, City of Yonkers, New York	300,000
Northwest Arkansas Regional Planning Commission—ITS Regional Architecture	300,000
Park Avenue Corridor Improvements, New Jersey	1,000,000
Park Avenue Corridor Improvements, Union County, NJ	765,000
Pennsylvania Turnpike ITS Initiative, Pennsylvania	2,000,000
PSU's Center for Transportation Studies ITS Initiative, Oregon	400,000
Puget Sound In-Vehicle Traffic Map Expansion Program, Washington	2,000,000
Pulaski at Irving Park Intersection Improvement, Illinois	500,000
PVTA ITS, Massachusetts	1,000,000
Regional ITS Springfield, Missouri	2,000,000
Reston Traffic Signal Prioritization, Virginia	750,000
Route 28 traffic light synchronization	500,000
Route 50 signalization improvement, Virginia	1,000,000
Route 7 signalization improvements, Virginia	500,000
Rural Highway Information System, Kentucky	2,000,000
San Diego Joint Transportation Operations Center, California	750,000
SCDOT InRoads, South Carolina	2,500,000
Signal Preemption Upgrades, Culver City, California	110,000
South Boulevard Signal System, North Carolina	470,000
Springfield Regional Intelligent Transportation System, Missouri	2,000,000
Stamford Urban Transitway Phase II, Connecticut	1,000,000
State Transportation Incident Management Center, Wisconsin	500,000
STRAP 3 Transportation Program Tracking	1,500,000
The Mass Country Roads Traveler Information System, Massachusetts	200,000
TMC Transportation Operations Center, Texas	500,000
Traffic Operations Center, City of Fresno, California	500,000
Traffic Response and Information, Partnership Center, Maryland	1,500,000

Project Name	*Amount*
Transportation Management & Emergency Ops Center/ Oakland, California	*750,000*
Transportation Research Center, Georgia	*1,000,000*
Traveler Information System, Seattle, Washington	*1,000,000*
Tri-County ITS Coordination Initiative, Michigan	*500,000*
Twin Cities, Minnesota Redundant Communications Pilot	*750,000*
University of Alaska Arctic Transportation Engineering Research Center, Alaska	*1,500,000*
University of Kentucky Transportation Center	*1,500,000*
US 2 Lohman Rail Crossing Advance Warning, Montana	*1,000,000*
US 280 Corridor ITS, Alabama	*800,000*
US 280, Jefferson County, ITS, Alabama	*4,000,000*
US 98 Widening from Bayshore Road to Portside Road, Florida	*500,000*
Variable Message Signs and 511 Implementation, Idaho	*2,250,000*
Ventura County Intelligent Transportation Systems, California	*750,000*
Vermont Roadway Weather Information System	*1,000,000*
Village of Tarrytown, New York	*320,000*
West Baton Rouge Emergency Communications Center, Louisiana	*1,500,000*
Wisconsin State Patrol Mobile Data Communications Network—Phase III	*3,400,000*

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $35,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $520,277,000 are rescinded: Provided, That such rescission shall not apply to the funds distributed in accordance with 23 U.S.C. 133(d)(1) and the first sentence of 23 U.S.C. 133(d)(3)(A) or to the funds apportioned to the program authorized under section 163 of title 23, United States Code.

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For an additional amount for the "Emergency Relief Program" as authorized under section 125 of title 23, United States Code, $741,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That of the unobligated balances of funds apportioned to each state under chapter 1 of title 23, United States Code, $741,000,000 are rescinded: Provided further, That such rescission shall not apply to the funds distributed in accordance with 23 U.S.C. 133(d)(1) and the first sentence of 23 U.S.C. 133(d)(3)(A) or to the funds apportioned to the program authorized under section 163 of title 23, United States Code.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

For necessary expenses for the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240, as amended, $80,000,000, to remain available until expended.

GENERAL PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 110. (a) For fiscal year 2005, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a)(1)(A) of title 23, United States Code, for the highway use tax evasion program, for the Bureau of Transportation Statistics, and for the programs, projects, and activities funded from the takedown authorized by section 117 of this Act;

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the prior fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) for section 201 of the Appalachian Regional Development Act of 1965 and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid Highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under section 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States (but, only in an amount equal to $639,000,000 for such fiscal year); and (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that such obligation authority has not lapsed or been used.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL RULE.—Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 111. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 112. Of the funds made available to the Bureau of Transportation Statistics in fiscal year 2005, $400,000 shall be available to administer section 5402 of title 39, United States Code.

SEC. 113. (a) Notwithstanding any other provision of law, in section 1602 of the Transportation Equity Act for the 21st Century, item number 89 is amended by striking "Construct I–495/Route 2 interchange east of existing interchange to provide access to commuter rail station, Littleton" and inserting "Ayer commuter rail station improvements, land acquisition and parking improvements".

(b) Of the $6,000,000 portion of the funds appropriated under the heading "Highway Demonstration Projects" in title I of Public Law 102–143 (105 Stat. 929) that was allocated for Routes 70/38 Circle Elimination, NJ, $4,500,000 shall be transferred to, and made available for, the following projects in the specified amounts: Mantua Creek Overpass in Paulsboro, NJ, $2,000,000; Delsea Drive Route 47 Timber Creek in Westville, NJ, $787,000; Camden Waterfront Parking Garage in Camden, NJ, $1,213,000; and Route 47 Chapel Heights Avenue in Gloucester, NJ, $500,000.

(c) Of the amount made available under item number 89 of the table contained in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2052), $3,300,000 shall be used to carry out a comprehensive regional transportation study on the multimodal transportation needs in Grand Traverse County, Michigan, and to implement recommendations resulting from the study.

(d) Of the funds provided for under "Transportation and Community and System Preservation Program" in Public Law 106–69 and Public Law 106–346 for the project known as "Utah-Colorado 'Isolated Empire' Rail Connector Study" as referenced in House Report 106–355 and House Report 106–940, any remaining unobligated balance as of October 1, 2004, shall be made available to the Central Utah Rail Line (Sigurd/Salina to Levan) Project.

(e) Section 378 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (114 Stat. 1356A–38) is amended by striking "an extension of Highway 180 from the City of Mendota" and inserting "an extension of Highway 180 from the City of Fresno".

SEC. 114. None of the funds made available in this Act may be used to require a State or local government to post a traffic control device or variable message sign, or any other type of traffic warning sign, in a language other than English, except with respect to the names of cities, streets, places, events, or signs related to an international border.

SEC. 115. Division F, title I, section 115 of Public Law 108–199 is amended by inserting before the period at the end the following: ": Provided further, That notwithstanding any other provision of law and the preceding clauses of this provision, the Secretary of Transportation may use amounts made available by this section to make grants for any surface transportation project otherwise eligible for funding under title 23 or title 49, United States Code".

SEC. 116. Of the funds available under section 104(a)(1)(A) of title 23, United States Code, $5,000,000 shall be available for environmental streamlining activities, which may include making grants to, or entering into contracts, cooperative agreements, and other transactions, with a Federal agency, State agency, local agency, authority, association, non-profit or for-profit corporation, or institution of higher education.

SEC. 117. Notwithstanding any other provision of law, whenever an allocation is made of the sums authorized to be appropriated for expenditure on the Federal lands highway program, and whenever an apportionment is made of the sums authorized to be appropriated for the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, the Appalachian development highway system, and the minimum guarantee program, the Secretary of Transportation shall deduct a sum in such amount not to exceed 4.1 percent of all sums to authorized: Provided, That of the amount so deducted in accordance with this section, $25,000,000 shall be made available to make grants to support planning, highway corridor development, and highway construction projects in the area that comprises the Delta Regional Authority; and $1,211,360,000 shall be made available for surface transportation projects as identified under this section in the statement of the managers accompanying this Act: Provided further, That notwithstanding any other provision of law and the preceding clauses of this provision, the Secretary of Transportation may use amounts made available by this section to make grants for any surface transportation project otherwise eligible for funding under title 23 or title 49, United States Code: Provided further, That funds made available under this section, at the request of a State, shall be transferred by the Secretary to another Federal agency; Provided further, That the Federal share payable on account of any program, project, or activity carried out with funds made available under this section shall be 100 percent: Provided further, that the sum deducted in accordance with this section shall remain available until expended: Provided further, That all funds made available under this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in this Act or any other Act: Provided further, That the obligation limitation made available for the programs, projects, and activities for which funds are made available under this section shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 118. Of the funds made available under section 188(a)(1) of title 23, United States Code, $100,000,000 are rescinded.

SEC. 119. For the purposes of 23 U.S.C. 181(9)(D) the project described in section 626 of Division B, title VI of Public Law 108–7 is eligible as a publicly owned intermodal surface freight transfer facility.

SEC. 120. Notwithstanding any other provision of law, the Department of Transportation shall complete approval of the proposed surety substitution for one-half of the bond debt service reserve amount for the RETRAC project within 30 days after receiving from RETRAC a binding commitment from a qualified provider to deliver a surety at an acceptable price. Such bond debt service funds so released shall be deposited into the RETRAC project contingency fund for payment of RETRAC project costs in the event current project cost projections are exceeded.

SEC. 121. DESIGNATION OF MIKE O'CALLAGHAN-PAT TILLMAN MEMORIAL BRIDGE. (a) IN GENERAL.—The Hoover Dam Bypass Bridge in the Lake Mead National Recreation Area between Nevada and Arizona is designated as the "Mike O'Callaghan-Pat Tillman Memorial Bridge".

(b) REFERENCES IN LAW.—Any reference in a law (including regulations), map, document, paper, or other record of the United States to the bridge described in subsection (a) shall be considered to be a reference to the Mike O'Callaghan-Pat Tillman Memorial Bridge.

SEC. 122. BYPASS BRIDGE AT HOOVER DAM. (a) IN GENERAL.—Subject to subsection (b), the Secretary of Transportation may expend from any funds appropriated for expenditure in accordance with title 23, United States Code, for payment of debt service by the States of Arizona and Nevada on notes issued for the bypass bridge project at Hoover Dam, pending appropriation or replenishment for that project.

(b) REIMBURSEMENT.—Funds expended under subsection (a) shall be reimbursed from the funds made available to the States of Arizona and Nevada for payment of debt service on notes issued for the bypass bridge project at Hoover Dam.

SEC. 123. None of the funds made available in this Act shall be available for the development or dissemination by the Federal Highway Administration of any version of a programmatic agreement which regards the Dwight D. Eisenhower National System of Interstate and Defense Highways as eligible for inclusion on the National Register of Historic Places.

SEC. 124. Of the unobligated balances made available under Public Law 100–17, Public Law 100–457, Public Law 101–516, Public Law 102–143, Public Law 102–240, Public Law 102–388, Public Law 103–331, Public Law 105–178, and Public Law 106–346, $16,407,908.88 are rescinded.

SEC. 125. Notwithstanding any other provision of law, projects and activities described in the statement of managers accompanying this Act under the headings "Federal-Aid Highways" and "Federal Transit Administration" shall be eligible for fiscal year 2005 funds made available for the project for which each project or activity is so designated and projects and activities under the heading "Job Access and Reverse Commute Grants" shall be awarded those grants upon receipt of an application: Provided, That the Federal share payable on account of any such projects and activities subject to this section shall be the same as the share required by the Federal program under which each project or activity is designated unless otherwise provided in this Act.

SEC. 126. Notwithstanding any other provision of law, in addition to amounts provided in this or any other Act for fiscal year 2005, $34,000,000, to be derived from the Highway Trust Fund and to remain available until expended, shall be available for the replacement of the Belleair Causeway Bridge in Pinellas County, Florida.

SEC. 127. Of the amounts made available for the Federal-Aid Highways Emergency Relief Program under division B of the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005 (118 Stat. 1251), such sums as may be necessary shall be available for replacement of the Interstate-10 bridge spanning Escambia Bay in Escambia and Santa Rosa Counties, Florida.

SEC. 128. Amend Section 14003 of Public Law 108–287, the Department of Defense Appropriations Act, 2005 by adding a new subsection (c) at the end as follows:

"(c) Upon a request by a state to the Secretary that the state has an insufficient amount or type of apportionment to effectively utilize the funds provided in paragraph (b), the Secretary shall waive the requirement for apportionment. Such funds shall be eligible for any

activity defined in section 133(b) of Title 23. Funds distributed to each state under this section shall not be subject to section 105 of Title 23.".

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY

LIMITATION ON ADMINISTRATIVE EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding any other provision of law, none of the funds in this Act shall be available for expenses for administration of motor carrier safety programs and motor carrier safety research, and grants, the obligations for which are in excess of $257,547,000 for fiscal year 2005: Provided, That $33,000,000 shall be available to make grants to, or enter into contracts with, States, local governments, or other persons for carrying out border commercial motor vehicle safety programs and enforcement activities and projects for the purposes described in 49 U.S.C. 31104(f)(2)(B), and the Federal share payable under such grants shall be 100 percent; $20,000,000 shall be available to make grants to, or enter into contracts with, States, local governments, or other persons for commercial driver's licenses program improvements, and the Federal share payable under such grants shall be 100 percent; $13,200,000 shall be available to make grants to States for implementation of section 210 of the Motor Carrier Safety Improvement Act of 1999, and the Federal share payable under such grant shall be 100 percent; and $7,400,000 shall be available to make grants to, or enter into contracts with, States, local governments, or other persons for the commercial vehicle analysis reporting system, and the Federal share payable under such grants shall be 100 percent: Provided further, That notwithstanding any other provision of law, for payment of obligations incurred to pay administrative expenses of and grants by the Federal Motor Carrier Safety Administration, $257,547,000, to be derived from the Highway Trust Fund, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 31102, 31106, and 31309, $190,000,000 to be derived from the Highway Trust Fund and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $190,000,000 for "Motor Carrier Safety Grants" and "Information Systems," and of which $17,000,000 shall be available for grants to States for implementation of section 210 of the Motor Carrier Safety Improvement Act of 1999 (113 Stat. 1764–1765) and $1,000,000 shall be available for grants to States, local governments, or other entities for commercial driver's license program improvements: Provided further, That for grants made to States for implementation of section 210 of the Motor Carrier Safety Improvement Act of 1999 (113 Stat. 1764–1765), and for grants to States, local governments, or other entities for commercial driver's license program improvements, the Federal share payable under such grants shall be 100 percent.

GENERAL PROVISIONS—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 130. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

SEC. 131. None of the funds appropriated or otherwise made available by this Act may be used before December 31, 2005 to implement or enforce any provisions of the Final Rule, issued on April 16, 2003 (Docket No. FMCSA–97–2350), with respect to either of the following:

(1) The operators of utility service vehicles, as that term is defined in section 395.2 of title 49, Code of Federal Regulations.

(2) Maximum daily hours of service for drivers engaged in the transportation of property or passengers to or from a motion picture or television production site located within a 100-air mile radius of the work reporting location of such drivers.

SEC. 132. None of the funds made available under this Act may be used to issue or implement the Department of Transportation's proposed regulation entitled Parts and Accessories Necessary for Safe Operation; Certification of Compliance With Federal Motor Vehicle Safety Standards (FMVSSs), published in the Federal Register, volume 67, number 53, on March 19, 2002, relating to a phase-in period to bring vehicles into compliance with the requirements of the regulation.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $157,386,000, to be derived from the sum authorized to be deducted under section 117 of this Act and transferred to the National Highway Traffic Safety Administration, to remain available until expended: Provided, That such funds shall be transferred to and administered by the National Highway Traffic Safety Administration: Provided further, That none of the funds in this Act may be used to augment information technology or computer support funds provided to NHTSA in excess of $2,900,000: Provided further, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect: Provided further, That all funds made available under this heading shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in this Act or any other Act: Provided further, That the obligation limitation made available for the programs, projects, and activities for which funds are made available under this heading shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2005, are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, $3,600,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $3,600,000 for the National Driver Register authorized under chapter 303 of title 49, United States Code.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, and 410, to remain available until expended, $225,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2005, are in excess of $225,000,000 for programs authorized under 23 U.S.C. 402, 405, and 410, of which $165,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402, $20,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405, and $40,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Grants" under 23 U.S.C. 410: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: Provided further, That not to exceed $10,000,000 of the funds made available for section 402, not to exceed $2,306,000 of the funds made available for section 405, and not to exceed $2,000,000 of the funds made available for section 410 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: Provided further, That not to exceed $1,000,000 of the funds subject to allocation under section 157 of title 23, United States Code, and not to exceed $1,000,000 of the funds subject to apportionment under section 163 of that title, shall be available to the National Highway Traffic Safety Administration for administering highway safety grants under those sections: Provided further, That not to exceed $500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States.

GENERAL PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. Notwithstanding any other provision of law, States may use funds provided in this Act under section 402 of title 23, United States Code, to produce and place highway safety public service messages in television, radio, cinema, and print media, and on the Internet in accordance with guidance issued by the Secretary of Transportation: Provided, That any State that uses funds for such public service messages shall submit to the Secretary a report describing and assessing the effectiveness of the messages: Provided further, That $10,000,000 of the funds allocated under section 157 of title 23, United States Code, shall be used as directed by the National Highway Traffic Safety Administrator to purchase national paid advertising (including production and placement) to support national safety belt mobilizations: Provided further, That, of the funds allocated under section 163 of *title 23, United States Code, $6,000,000 shall be used as directed by the Administrator to support national impaired driving mobilizations and enforcement efforts, $14,000,000 shall be used as directed by the Administrator to purchase national paid advertising (including production and placement) to support such national impaired driving mobilizations and enforcement efforts.*

SEC. 141. Notwithstanding any other provision of law, funds appropriated or limited in the Act to educate the motoring public on how to share the road safely with commercial motor vehicles shall be administered by the National Highway Traffic Safety Administration and shall not be used by or made available to any other Federal agency.

SEC. 142. Notwithstanding any other provision of law, for fiscal year 2005 the Secretary of Transportation is authorized to use amounts made available to carry out section 157 of title 23, United States Code, to make innovative project allocations, not to exceed the prior year's amounts for such allocations, before making incentive grants for use of seat belts.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $139,769,000, of which $15,350,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $36,025,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2005: Provided further, That the Secretary of Transportation and the National Railroad Passenger Corporation shall reach agreement on a schedule for the repayment of all principal and interest on their June 28, 2002 direct loan agreement that provides for repayment in five equal annual installments over a five-year period beginning in fiscal year 2005: Provided further, That each annual installment payment shall be made no later than thirty days after the enactment of the Departments of Transportation and Treasury, Independent Agencies, and General Government Appropriations Act for the fiscal year: Provided further, That in the event the Secretary and the National Railroad Passenger Corporation are unable to agree on the terms and conditions of such revised repayment schedule within sixty days after the enactment of this Act, then all principal and interest shall come due as provided for under the existing terms of the June 28, 2002 direct loan agreement.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $19,650,000, to remain available until expended.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $25,000,000, for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation, $1,217,000,000, to remain available until September 30, 2005: Provided, That not less than $500,000,000 shall be provided in quarterly grants for capital expenses: Provided further, That the Secretary of Transportation shall approve funding to cover operating losses and capital expenditures, including advance purchase orders, for the National Railroad Passenger Corporation only after receiving and reviewing a grant request for each specific train route: Provided further, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: Provided further, That the Secretary of Transportation shall reserve $60,000,000 of the funds provided under this heading and is authorized to transfer such sums to the Surface Transportation Board, upon request from said Board, to carry out directed service orders issued pursuant to section 11123 of title 49, United States Code to respond to the cessation of commuter rail operations by the National Railroad Passenger Corporation: Provided further, That the Secretary of Transportation shall make the reserved funds available to the National Railroad Passenger Corporation through an appropriate grant instrument during the end of the fourth quarter of fiscal year 2005 to the extent that no directed service orders have been issued by the Surface Transportation Board as of the date of transfer or there is a balance of reserved funds not needed by the Board to pay for any directed service order issued through September 30, 2005: Provided further, That not later than 60 days after enactment of this Act, Amtrak shall transmit, in electronic format, to the Secretary of Transportation, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a comprehensive business plan approved by the Board of Directors for fiscal year 2005 under section 24104(a) of title 49, United States Code: Provided further, That the business plan shall include, as applicable, targets for ridership, revenues, and capital and operating expenses: Provided further, That the plan shall also include a separate accounting of such targets for the Northeast Corridor; commuter service; long-distance Amtrak service; state-supported service; each intercity train route; including Autotrain; and commercial activities including contract operations and mail and express: Provided further, That the business plan shall include a description of the work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: Provided further, That not later than December 1, 2004 and no later than 30 days following the last business day of the previous month thereafter, Amtrak shall submit to the Secretary of Transportation and the House and Senate Committees on Appropriations a supplemental report, in electronic format, regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes: Provided further, That none of the funds in this Act may be used for operating expenses, including advance purchase orders, and capital projects not approved by the Secretary of Transportation nor on the National Railroad Passenger Corporation's fiscal year 2005 business plan: Provided further, That Amtrak shall display the business plan and all subsequent supplemental plans on the Corporation's website within a reasonable timeframe following their submission to the appropriate entities: Provided further, That none of the funds under this heading may be obligated or expended until the National Railroad Passenger Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 3, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: Provided further, That the Secretary of Transportation is authorized to retain up to $4,000,000 of the funds provided to be used to retain a consultant or consultants to assist the Secretary in preparing a comprehensive valuation of Amtrak's assets to be completed not later than September 30, 2005: Provided further, That these funds shall be available to the Secretary of Transportation until expended: Provided further, That this valuation shall to be used to retain a consultant or consultants to develop to the Secretary's satisfaction a methodology for determining the avoidable and fully allocated costs of each Amtrak route: Provided further, That once the Secretary has approved the methodology for determining the avoidable and fully allocated costs of each Amtrak route, Amtrak shall apply that methodology in compiling an annual report to Congress on the avoidable and fully allocated costs of each of its routes, with the initial report for fiscal year 2005 to be submitted to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation before December 31, 2005, and each subsequent report to be submitted within ninety days after the end of the fiscal year to which the report pertains.

GENERAL PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 150. For the purpose of assisting State-supported intercity rail service, in order to demonstrate whether competition will provide higher quality rail passenger service at reasonable prices, the Secretary of Transportation, working with affected States, shall develop and implement a procedure for fair competitive bidding by Amtrak and non-Amtrak operators for State-supported routes: Provided, That in the event a State desires to select or selects a non-Amtrak operator for the route, the State may make an agreement with Amtrak to use facilities and equipment of, or have services provided by, Amtrak under terms agreed to by the State and Amtrak to enable the non-Amtrak operator to provide the State-supported service: Provided further, That if the parties cannot agree on terms, the Secretary shall, as a condition of receipt of Federal grant funds, order that the facilities and equipment be made available and the services be provided by Amtrak under reasonable terms and compensation: Provided further, That when prescribing reasonable compensation to Amtrak, the Secretary shall consider quality of service as a major factor when determining whether, and the extent to which, the amount of compensation shall be greater than the incremental costs of using the facilities and providing the services: Provided further, That the Secretary may reprogram up to $2,500,000 from the Amtrak operating grant funds for costs associated with the implementation of the fair bid procedure and demonstration of competition under this section.

SEC. 151. Notwithstanding any provisions of this or any other Act, during the fiscal year ending September 30, 2005, and hereafter, the Federal Railroad Administration may use funds appropriated by this or any other Act to provide for the installation of a broadband high speed internet service connection, including necessary equipment, for Federal Railroad Administration employees, and to either pay directly recurring monthly charges or to reimburse a percentage of such monthly charges which are paid by such *employees: Provided, That the Federal Railroad Administration certifies that adequate safeguards against private misuse exist, and that the service is necessary for direct support of the agency's mission.*

SEC. 152. Public Law 97–468 is amended—

(1) in section 608(a)(5) by inserting ", including any amount appropriated or otherwise made available to the State-owned railroad," before "shall be retained";

(2) in section 608 by adding a new subsection (e) as follows:

"(e) The State-owned railroad may take any necessary or appropriate action, consistent with federal railroad safety laws, to preserve and protect its rail properties in the interests of safety."; and

(3) in section 604(d)(2) by adding a new paragraph (D) as follows:

"(D) Any hazardous substance, petroleum or other contaminant release at or from the State-owned rail properties that began prior to January 5, 1985, shall be and remain the liability of the United States for damages and for the costs of investigation and cleanup. Such liability shall be enforceable under 42 U.S.C. 9601 et seq. for any release described in the preceding sentence.".

SEC. 153. Notwithstanding any other provision of law, from funds made available to the Federal Railroad Administration under the heading "Next Generation High-Speed Rail" in the Consolidated Appropriations Act of 2004 (Public Law 108–199), the Secretary of Transportation may award a grant in the amount of $400,000 to the Illinois Department of Transportation for KBS Railroad track and grade crossing improvements in Kankakee County and Northeastern Illinois.

SEC. 154. The Northern New England High Speed Rail Corridor is expanded to include the train routes from Boston, Massachusetts, to Albany, New York, and from Springfield, Massachusetts, to New Haven, Connecticut.

SEC. 155. Not later than March 1, 2005, Amtrak shall submit to the House and Senate Committees on Appropriations a report detailing Amtrak's obligations pursuant to 49 U.S.C. 24306(a), describing all investments made to develop mail and express, year-to-year operating results generated by mail and express, a detailed description of the impact on employees related to termination of mail and express, a detailed description of the proposed liquidation of assets related to mail and express, and an accounting of all incurred and estimated costs resulting from such termination, including legal and accounting costs, any contingent obligations that may result, and any other related costs. Before submission, both the Amtrak Board of Directors and the Department of Transportation shall review this report.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $9,750,000: Provided, That no more than $78,000,000 of budget authority shall be available for these purposes: Provided further, That of the funds available not to exceed $900,000 shall be available for the Office of the Administrator; not to exceed $6,520,000 shall be available for the Office of Administration; not to exceed $4,100,000 shall be available for the Office of the Chief Counsel; not to exceed $1,243,000 shall be available for the Office of Communication and Congressional Affairs; not to exceed $7,396,000 shall be available for the Office of Program Management; not to exceed $6,929,000 shall be available for the Office of Budget and Policy; not to exceed $4,645,000 shall be available for the Office of Demonstration and Innovation; not to exceed $3,013,000 shall be available for the Office of Civil Rights; not to exceed $4,171,000 shall be available for the Office of Planning; not to exceed $20,150,000 shall be available for regional offices; and not to exceed $16,433,000 shall be available for the central account: Provided further, That the Administrator is authorized to transfer funds appropriated for an office of the Federal Transit Administration: Provided further, That no appropriation for an office shall be increased or decreased by more than a total of 5 percent during the fiscal year by all such transfers: Provided further, That any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That any funding transferred from the central account shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: Provided further, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: Provided further, That up to $2,500,000 for the National transit database shall remain available until expended: Provided further, That upon submission to the Congress of the fiscal year 2006 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, proposed allocations of funds for fiscal year 2006: Provided further, That the amount herein appropriated shall be reduced by $20,000 per day for each day after initial submission of the President's budget that the report has not been submitted to the Congress.

FORMULA GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $504,022,000, to remain available until expended: Provided, That no more than $4,032,175,000 of budget authority shall be available for these purposes: Provided further, That notwithstanding any other provision of law, $50,000,000 of the funds to carry out 49 U.S.C. 5308 shall be transferred to and merged with funding provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under "Federal Transit Administration, Capital investment grants".

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, $750,000, to remain available until expended: Provided, That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $16,000,000, to remain available until expended: Provided, That no more than $128,000,000 of budget authority shall be available for these purposes: Provided further, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)), $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315), $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)), $60,385,600 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305), $12,614,400 is available for State planning (49 U.S.C. 5313(b)); and $37,500,000 is available for the national planning and research program (49 U.S.C. 5314).

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $6,744,500,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: Provided, That $3,528,153,000 shall be paid to the Federal Transit Administration's formula grants account: Provided further, That $112,000,000 shall be paid to the Federal Transit Administration's transit planning and research account: Provided further, That $68,250,000 shall be paid to the Federal Transit Administration's administrative expenses account: Provided further, That $5,250,000 shall be paid to the Federal Transit Administration's university transportation research account: Provided further, That $109,375,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: Provided further, That $2,921,472,000 shall be paid to the Federal Transit Administration's capital investment grants account.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $417,353,000, to remain available until expended: Provided, That no more than $3,338,825,000 of budget authority shall be available for these purposes: Provided further, That there shall be available for fixed guideway modernization, $1,214,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $675,000,000, which shall include $50,000,000 made available under 5309(m)(3)(C) of this title, plus $50,000,000 transferred from "Federal Transit Administration, Formula Grants"; and there shall be available for new fixed guideway systems $1,449,425,000, together with $3,591,548 in unobligated balances made available in Public Law 106–346, and $22,554,144 in unobligated balances made available in Public Law 107–87, to be available as follows:

Atlanta, Georgia/North Springs (North Line Extension)	*$265,410*
Baltimore, Maryland, Central Light Rail Double Track	*29,010,000*
Birmingham-Transit Corridor, Alabama	*1,000,000*
Boston, Massachusetts, Silver Line III	*3,000,000*
Capital Metro-Bus Rapid Transit, Texas	*1,000,000*
CATRAIL RTC Rail Project, Nevada	*1,000,000*
Charlotte, North Carolina, South Corridor Light Rail Project	*30,000,000*
Chicago, Illinois, Douglas Branch Reconstruction	*85,000,000*
Chicago, Illinois, Ravenswood Line Extension	*40,000,000*
Cleveland, Ohio, Euclid Corridor Transportation Project	*25,000,000*
Dallas, Texas NW/SE Extension	*8,500,000*
Denver, Colorado, Southeast Corridor LRT	*80,000,000*
Dulles Corridor Rapid Transit Project, Virginia	*25,000,000*
Fort Lauderdale, Florida, South Florida Commuter Rail Upgrades	*11,409,506*

Harrisburg, Pennsylvania, Corridor One Rail MOS	2,000,000
Hawaii and Alaska Ferry Boats	10,296,000
Houston Advanced Metro Transit Plan, Texas	8,500,000
I-5/I-205/SR50, Transit Loop, Washington and Oregon	1,500,000
Las Vegas, Nevada, Resort Corridor Fixed Guideway Project	30,000,000
Little Rock River Rail, Arkansas	3,500,000
Los Angeles, California/MOS3 Metro Rail (North Hollywood)	675,103
Los Angeles, California, Eastside Light Rail Transit Project	60,000,000
Los Angeles, California, Gold Line Foothill Extension	500,000
Metra Commuter Rail Expansions and Extensions, Illinois	52,000,000
Minneapolis, Minnesota, Hiawatha Light Rail Project	33,698,453
Minneapolis, Minnesota, Northstar Commuter Rail Project	5,000,000
Nashville, Tennessee, East Corridor Commuter Rail	2,000,000
New Jersey Trans-Hudson Midtown Corridor	1,200,000
New Orleans, Louisiana, Canal Street Corridor Project	16,747,023
New York, New York Long Island Rail Road East Side Access	100,000,000
Norfolk, Virginia, Light Rail Transit Project	2,000,000
Northern New Jersey Hudson-Bergen Light Rail MOS2	100,000,000
Northern New Jersey Newark Rail Link MOS 1	319,463
Northern New Jersey Newark-Elizabeth Rail Line MOS1	1,365,876
Philadelphia, Pennsylvania, Schuylkill Valley Metro-Rail	10,000,000
Phoenix, Arizona, Central Phoenix/East Valley Light Rail	75,000,000
Pittsburgh, Pennsylvania, North Shore Light Rail Connector	55,000,000
Pittsburgh, Pennsylvania, Stage II Light Rail	1,140,792
Portland, Oregon, Interstate Max Light Rail Extension	23,480,000
Raleigh, North Carolina, Triangle Transit Authority Regional Rail Project	20,000,000
Rhode Island Integrated Commuter Rail Project	6,000,000
Regional Commuter Rail (Weber County to Salt Lake City), Utah	8,000,000
Salt Lake City, Utah/CBD to University LRT	1,147,398
Salt Lake City, Utah/Medical Center Extension	8,836,110
San Diego, California, Mid-Coast Light Rail Extension	1,000,000
San Diego, California, Mission Valley East Light Rail Extension	81,640,000
San Diego, California, Oceanside-Escondido Rail Corridor	55,000,000
San Francisco, California, BART Extension to San Fran International Airport	100,000,000
San Francisco, California, Muni Third Street Light Rail Project	10,000,000
San Juan, Puerto Rico, Tren Urbano Rapid Transit System	44,620,000
Santa Clara County, California, Silicon Valley Rapid Transit Corridor Project	2,500,000
Seattle, Washington, Central Link Initial Segment	80,000,000
Sound Transit Sounder Commuter Rail, Lakewood to Nisqually, Washington	4,000,000
South Shore Commuter Rail, Indiana	2,500,000
St. Louis, Missouri/Metrolink St. Clair Extension	60,436
Stamford, Connecticut Urban Transitway, Phase 2	3,000,000
Washington County, Oregon, Wilsonville to Beaverton Commuter Rail Project	9,000,000
Washington, DC/Largo Extension, Maryland	76,770,615

JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $15,625,000, to remain available until expended: Provided, That no more than $125,000,000 of budget authority shall be available for these purposes: Provided further, That up to $300,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance and support and performance reviews of the Job Access and Reverse Commute Grants program.

GENERAL PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Capital investment grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2007, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2004, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. None of the funds in this Act shall be available to any Federal transit grantee after February 1, 2004, involved directly or indirectly, in any activity that promotes the legalization or medical use of any substance listed in schedule I of section 202 of the Controlled Substances Act (21 U.S.C. 812 et seq.).

SEC. 164. From unobligated balances in the Federal Transit Administration's Discretionary Grants account, not to exceed $72,792,311 shall be transferred as follows: to the Federal Transit Administration's Formula Grants account, not to exceed $42,190,828; and to the Interstate Transfer Grants—Transit account, not to exceed $30,601,483: Provided, That these unobligated balances are used, together with Formula Grant funds that are available for reapportionment in such account, to restore obligation authority reduced due to a prior deficiency.

SEC. 165. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: Provided, That not more than $3,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the State of Hawaii to initiate and operate a passenger ferryboat services demonstration project to test the viability of different intra-island and inter-island ferry boat routes and technology: Provided further, That notwithstanding 49 U.S.C. 5302(a)(7), funds made available for Alaska or Hawaii ferry boats may be used to acquire passenger ferry boats and to provide passenger ferry transportation services within areas of the State of Hawaii under the control or use of the National Park Service.

SEC. 166. Notwithstanding any other provision of law, unobligated funds made available for a new fixed guideway systems projects under the heading "Federal Transit Administration, Capital Investment Grants" in any appropriations act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 167. The Secretary shall continue the pilot program authorized under section 166 of the Consolidated Appropriations Act, 2004, Public Law 108–199, 118 STAT. 309, for cooperative procurement of major capital equipment under sections 5307, 5309, and 5311. The program shall be administered as required under subsections (b) through (g) of section 166, except that there shall be five pilot projects: Provided, That the Secretary shall evaluate all proposals based on selection criteria set forth in the announcement of the program and request for proposals (Federal Register Notice—Vol. 69, No. 120, Page 35127, June 23, 2004). All proposed projects shall be evaluated and the proposing party shall receive notification of acceptance or denial by no later than 90 days after the Secretary receives a request for review of a proposed project: Provided further, That not later than 30 days after delivery of the base order under each of the five pilot projects, the Secretary shall submit to the House and Senate Committees on Appropriations a report on the results of that pilot project. Each report shall evaluate any savings realized through the cooperative procurement and the benefits of incorporating cooperative procurement, as shown by that project, into the mass transit program as a whole.

SEC. 168. Amounts made available under Chapter 53 of title 49, United States Code and section 1108 of Public Law 102–240 to the Port Authority of Allegheny County for the Airport Busway/Wabash HOV Facility project that remain unexpended may be used by the Port Authority for the purchase of buses and bus-related equipment in accordance with 49 U.S.C. 5309.

SEC. 169. Notwithstanding any other provision of law, any unobligated funds made available under the bus category of the Capital Investment Account in prior fiscal year Appropriations Act for the Greater New Haven Transit District Fuel Cell and Electric Bus project or CNG/alternative fuel vehicle project shall be transferred to and administered under the Transit Planning and Research account, subject to such terms and conditions as the Secretary deems appropriate.

SEC. 170. Notwithstanding any other provision of law, any unobligated funds made available to the Matanuska Susitna Borough under "Federal Transit Administration, Buses and Bus Facilities" shall be available for expenditure on ferry boat and ferry facilities and related expenses as part of the Port MacKenzie Intermodal Facility project.

SEC. 171. Notwithstanding any other provision of law, $8,900,000 of the funds made available under the new fixed guideway systems category of the Capital Investment Grants account in Public Law 107–87 for the "Honolulu, Hawaii, bus rapid transit project" shall be made available to the City and County of Honolulu for replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under 49 U.S.C. 5309 and shall remain available to the City and County of Honolulu for those purposes until expended: Provided, That any remaining unobligated balance from said project in Public Law 107–87 shall be transferred for any eligible activity under Title 23 of the United States Code, and administered under that Title, for use on improvements to the Kapolei Interchange Complex and shall remain available until expended: Provided further, That funds made available in Public Law 108–10 for "Hawaii: BRT Systems, Appurtenances and Facilities" shall be generally available for bus and bus facilities by the City and County of Honolulu.

SEC. 172. Notwithstanding any other provision of law, the Navy may receive funds from the State of Hawaii for the procurement of passenger ferry boats to provide passenger ferry transportation services for the Arizona War Memorial.

SEC. 173. The Federal Transit Administration is directed to comply with Section 3042 of the Federal Transit Act of 1998 (Public Law 105–178, as amended; 112 Stat. 338) and is further directed to comply with the associated Committee report language contained in House Report 108–401, accompanying H.R. 2673, pages 997–998.

SEC. 174. Hereafter, notwithstanding any other provision of law, for the purpose of calculating the non-New Starts share of the total project cost of both phases of San Francisco Muni's Third Street Light Rail Transit project, the Secretary of Transportation shall include all non-New Starts contributions made towards Phase 1 of the two-phase project for engineering, final design and construction, and also shall allow non-New Starts funds expended on one element or phase of the project to be used to meet the non-New Starts share requirement of any element or phase of the project: Provided further, That none of the funds provided in this Act for the San Francisco Muni Third Street Light Rail Transit Project shall be obligated if the Federal Transit Administration determines that the project is found to be "not recommended" after evaluation and computation of revised transportation system user benefit data.

SEC. 175. Funds made available for the Burlington-Bennington, Vermont Commuter Rail project in Public Law 106–346, the Burlington-Middlebury, Vermont Commuter Rail project and Vermont Transportation Authority Rolling Stock in Public Law 108–7 that remain unobligated, and funds made available for the Burlington-Essex, Vermont commuter rail project in Public Laws 105–277 and 105–66 that remain unexpended shall be transferred to the Federal Railroad Administration and made available to upgrade and improve the publicly-owned Vermont Rail Infrastructure from Bennington to Burlington with a northern terminus in Essex Junction: Provided, That the Federal share shall be 80 percent of the total cost of the project and funds shall remain available until expended.

SEC. 176. Notwithstanding any other provision of law, any unobligated funds designated to the Oklahoma Transit Association on pages 1305 through 1307 of the Joint Explanatory Statement of the Committee of Conference for Public Law 108–7 may be made available to the Metropolitan Tulsa Transit Authority and the Central Oklahoma Transportation and Parking Authority for any project or activity authorized under section 3037 of Public Law 105–178 upon receipt of an application.

SEC. 177. Notwithstanding 49 U.S.C. 5336, any funds remaining available under Federal Transit Administration grant numbers NY–03–345–00, NY–03–0325–00, NY–03–0405, NY–90–X398–00, NY–90–X373–00; NY–90–X418–00, NY–90–X465–00 together with an amount not to exceed $19,200,000 in urbanized area formula funds that were allocated by the New York Metropolitan Transportation Council to the New York City Department of Transportation as a designated recipient under 49 U.S.C. 5307 may be made available to the New York Metropolitan Transportation Authority for eligible capital projects authorized under 49 U.S.C. 5307 and 5309 subject to the agreements, obligations, and responsibilities as set forth in the contracts of assistance applicable to these grants.

SEC. 178. Hereafter, fixed guideway extensions and new segments included in Metropolitan Transit Authority of Harris County, Texas, Resolutions 2003–77 and 2003–93, and approved by the voters on November 4, 2003, shall be considered as the preferred alternatives for purposes of 49 USC 5309(e)(1)(A), 23 CFR 771.123, and 49 CFR 611.7.

SEC. 179. Of the funds made available under the heading "Federal Transit Administration—Discretionary Grants" in Public Laws 102–388 and 103–122 for the Hawthorne-Warwick Commuter Rail Project, $4,000,000 shall be available for the Scranton, Pennsylvania, NY City Rail Service Fixed Guideway Project to be carried out in accordance with 49 U.S.C. 5309, $1,100,000 shall be made available to study the feasibility of utilizing diesel multiple unit rolling stock on MOS–3 of the Hudson Bergen Light Rail Transit System to be carried out in accordance with 49 U.S.C. 5309, and $6,000,000 shall be transferred to the Federal Railroad Administration and made available for the New York and Susquehanna and Western Rail Road Diesel Multiple Unit Compliance and Demonstration Project to be carried out under terms and conditions as determined by the Secretary: Provided, That the Federal share shall be 80 percent of the net project cost of that demonstration project and funds for that project shall remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $15,900,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662: Provided, That, of this amount, $1,500,000 shall be for the concrete replacement project and related expenses at the Eisenhower and Snell Locks.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $98,700,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $109,478,000, of which $23,753,000 shall remain available until September 30, 2005, for salaries and benefits of employees of the United States Merchant Marine Academy; of which $13,138,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; and of which $8,090,000 shall remain available until expended for the State Maritime Schools Schoolship Maintenance and Repair.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $21,616,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the guaranteed loan program, not to exceed $4,764,000, which shall be transferred to and merged with the appropriation for Operations and Training: Provided, That of the $25,000,000 authorized for the cost of guaranteed loans in Chapter 10 of Public Law 108–11, Making Emergency Wartime Supplemental Appropriations for the Fiscal Year 2003, and for Other Purposes, available until September 30, 2005, and pursuant to the Department of Transportation Inspector General report CR–2004–095 certifying that the recommendations of report CR–2003–031 have been implemented to the Inspector General's satisfaction, up to $2,000,000 shall be used by the Department of Transportation to develop a comprehensive computer based financial monitoring system.

NATIONAL DEFENSE TANK VESSEL CONSTRUCTION PROGRAM

For necessary expenses to carry out the program of financial assistance for the construction of new product tank vessels as authorized by section 53101 of title 46, United States Code, as amended, $75,000,000, to remain available until expended.

SHIP CONSTRUCTION

(RESCISSION)

Of the unobligated balances available under this heading, $1,979,000 are rescinded.

GENERAL PROVISIONS—MARITIME ADMINISTRATION

SEC. 180. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 181. No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriations Act.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

PESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $47,115,000, of which $645,000 shall be derived from the Pipeline Safety Fund, and of which $3,425,000 shall remain available until September 30, 2007: Provided, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $69,769,000, of which $15,000,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2007; of which $54,769,000 shall be derived from the Pipeline Safety Fund, of which $23,105,000 shall remain available until September 30, 2007: Provided further, That not less than $1,000,000 of the funds provided under this heading shall be for the one-call state grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2006: Provided, That not more than $14,300,000 shall be made available for obligation in fiscal year 2005 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): Provided further, That none of the funds made available by 49 U.S.C. 5116(i), 5127(c), and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $59,000,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3) to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $21,250,000: Provided, That notwithstanding any other provision of law, not to exceed $1,050,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2005, to result in a final appropriation from the general fund estimated at no more than $20,200,000.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 185. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 186. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 187. None of the funds in this Act shall be available for salaries and expenses of more than 106 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 188. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 189. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 190. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 191. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 192. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 193. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 194. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments: Provided, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: Provided, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: Provided further, That for purposes of this section, the term "improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107-300.

SEC. 195. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from "Office of the Secretary, Salaries and expenses" to "Minority Business Outreach".

SEC. 196. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 197. Funds provided in this Act for the Working Capital Fund shall be reduced by $20,844,000, which limits fiscal year 2005 Working Capital Fund obligational authority for elements of the Department of Transportation funded in this Act to no more than $130,210,000: Provided, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Working Capital Fund.

SEC. 198. For the purpose of any applicable law, for fiscal years 2004 and 2005, the city of Norman, Oklahoma, shall be considered to be part of the Oklahoma City urbanized area.

SEC. 199. Section 41716(b) of title 49, United States Code, is amended by adding before the period at the end the following: "; except that the Secretary may grant not to exceed 4 additional slot exemptions at LaGuardia Airport to an incumbent air carrier operating at least 20 but not more than 28 slots at such airport as of October 1, 2004, to provide air transportation between LaGuardia Airport and a small hub airport or nonhub airport".

TITLE II

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, $157,559,000, of *which not to exceed $7,274,000 for executive direction program activities; not to exceed $7,200,000 for general counsel program activities; not to exceed $31,657,000 for economic policies and programs activities; not to exceed $26,072,000 for financial policies and programs activities; not to exceed $10,633,000 for terrorism and financial intelligence policies and programs activities; not to exceed $16,760,000 for Treasury-wide management policies and programs activities; not to exceed $57,963,000 for administration programs activities: Provided, That the Secretary of the Treasury is authorized to transfer funds appropriated for any program activity of the Departmental Offices to any other program activity of the Departmental Offices upon notification to the House and Senate Committees on Appropriations: Provided further, That no appropriation for any program activity shall be increased or decreased by more than 2.5 percent by all such transfers: Provided further, That any change in funding greater than 2.5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That the funds identified within the administration program activity to support the Office of Foreign Assets Control shall be transferred to "Office of Foreign Assets Control": Provided further, That this transfer authority shall be in addition to any other provided in this Act: Provided further, That of the amount appropriated under this heading, not to exceed $3,000,000, to remain available until September 30, 2006, for information technology modernization requirements; not to exceed $100,000 for official reception and representation expenses; and not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: Provided further, That of the amount appropriated under this heading, $3,393,000, to remain available until September 30, 2006, is for the Treasury-wide Financial Statement Audit Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: Provided further, That this transfer authority shall be in addition to any other provided in this Act.*

OFFICE OF FOREIGN ASSETS CONTROL

SALARIES AND EXPENSES

For necessary expenses of the Office of Foreign Assets Control, $22,291,000: Provided, That the funding available shall support no less than 138 full time equivalent positions.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $32,260,000, to remain available until September 30, 2007: Provided, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated shall be used to support or supplement "Internal Revenue Service, Information Systems" or "Internal Revenue Service, Business Systems Modernization".

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $16,500,000, of which not to exceed $2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $129,126,000; and of which not to exceed $1,500 shall be available for official reception and representation expenses.

AIR TRANSPORTATION STABILIZATION PROGRAM ACCOUNT

For necessary expenses to administer the Air Transportation Stabilization Board established by section 102 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42), $2,000,000, to remain available until expended.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $12,316,000, to remain available until September 30, 2007.

EXPANDED ACCESS TO FINANCIAL SERVICES

(RESCISSION)

Of the unobligated balances available under this heading, $4,000,000 are rescinded.

VIOLENT CRIME REDUCTION PROGRAM

(RESCISSION)

Of the unobligated balances available under this heading, $1,200,000 are rescinded.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $72,502,000, of which $7,500,000 shall be available for BSA Direct; of which not to exceed $7,000,000 shall remain available until September 30, 2007; and of which $8,354,000 shall remain available until September 30, 2006: Provided, That funds appropriated in this account may be used to procure personal services contracts: Provided further, That up to $350,000 of the funds under this heading may be available for planning, sponsoring, administering, receiving, and such other expenses as the Director deems necessary, including reception and representation expenses, to host the 2005 Annual Plenary of the Egmont Group.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $230,930,000, of which not to exceed $9,220,000 shall remain available until September 30, 2007, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $83,000,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2005 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $24,000,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $179,566,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: Provided, That the sum appropriated herein from the General Fund for fiscal year 2005 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2005 appropriation from the general fund estimated at $175,166,000. In addition, $60,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,089,574,000, of which up to $4,100,000 shall be for the Tax Counseling for the Elderly Program, of which $8,000,000 shall be available for low-income taxpayer clinic grants, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; expanded customer service and public outreach programs, strengthened enforcement activities, and enhanced research efforts to reduce erroneous filings associated with the earned income tax credit; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the

Commissioner, $4,398,729,000, of which not to exceed $1,000,000 shall remain available until September 30, 2007, for research: Provided, That up to $10,000,000 may be transferred as necessary from this account to the IRS Processing, Assistance, and Management appropriation or the IRS Information Systems appropriation solely for the purposes of management of the Earned Income Tax Credit compliance program and to reimburse the Social Security Administration for the cost of implementing section 1090 of the Taxpayer Relief Act of 1997 (Public Law 105–33): Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,590,492,000, of which $200,000,000 shall remain available until September 30, 2006.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, $205,000,000, to remain available until September 30, 2007, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11 part 3; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107–210), $34,841,000.

GENERAL PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 201. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading "Tax Law Enforcement" may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 202. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 203. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 204. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 210. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 211. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 212. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 213. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 214. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 215. The Secretary of the Treasury may transfer funds from "Financial management service, salaries and expenses" to "Debt services" as necessary to cover the costs of debt collection: Provided, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Services Account.

SEC. 216. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking "6 years" and inserting "7 years".

SEC. 217. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 218. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

SEC. 219. Section 101(f) of the Treasury Department Appropriations Act, 1997 (division A of Public Law 104–208), as amended, is further amended by striking "hereby" and "until October 1, 2004," and inserting "Hereafter" before the phrase "there is established".

SEC. 220. (a) Section 3333 of title 31, United States Code, is amended as follows:

(1) By revising paragraph (a)(1) to read as follows:

"(a)(1) The Secretary of the Treasury is not liable for a payment made by the Secretary or depositary in due course and without negligence, of—

"(A) a check, draft, or warrant drawn on the Treasury or the depositary;

"(B) an electronic payment issued by the Treasury or the depositary; and

"(C) a debt obligation guaranteed or assumed by the United States Government.";

(2) By inserting after paragraph (a)(2) the following new paragraph:

"(3) The amount of the relief shall be charged to the Check Forgery Insurance Fund (31 U.S.C. 3343). A recovery or repayment of a loss for which replacement is made out of the fund shall be credited to the fund and is available for the purposes for which the fund was established.".

(b) The Check Forgery Insurance Fund (31 U.S.C. 3343) shall be available to fund amounts relating to the payment of items listed in 31 U.S.C. 3333(a)(1), as amended above, prior to the enactment of this Act.

SEC. 221. Not later than 60 days after enactment of this Act, the Secretary of the Treasury shall submit to the Committees on Appropriations a report describing how statutory provisions addressing currency manipulation by America's trading partners contained in, and relating to, Title 22 U.S.C. 5304, 5305, and 286y can be better clarified administratively to provide for improved and more predictable evaluation, and to enable the problem of currency manipulation to be better understood by the American people and the Congress.

SEC. 222. Hereafter, notwithstanding any other provision of law governing the disclosure of income tax returns or return information, upon written request of the Chairman of the House or Senate Committee on Appropriations, the Commissioner of the Internal Revenue Service shall allow agents designated by such Chairman access to Internal Revenue Service facilities and any tax returns or return information contained therein.

SEC. 223. TERRORISM AND FINANCIAL INTELLIGENCE. (a) IN GENERAL.—Subchapter I of chapter 3 of title 31, United States Code, is amended by adding at the end the following:

"§313. Terrorism and financial intelligence

"(a) OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE.—

"(1) ESTABLISHMENT.—There is established within the Department of the Treasury the Office of Terrorism and Financial Intelligence (in this section referred to as 'OTFI'), which shall be the successor to any such office in existence on the date of enactment of this section.

"(2) LEADERSHIP.—

"(A) UNDERSECRETARY.—There is established within the Department of the Treasury, the Office of the Undersecretary for Terrorism and Financial Crimes, who shall serve as the head of the OTFI, and shall report to the Secretary of the Treasury through the Deputy Secretary of the Treasury. The Office of the Undersecretary for Terrorism and Financial Crimes shall be the successor to the Office of the Undersecretary for Enforcement.

"(B) APPOINTMENT.—The Undersecretary for Terrorism and Financial Crimes shall be appointed by the President, by and with the advice and consent of the Senate.

"(3) ASSISTANT SECRETARY FOR TERRORIST FINANCING.—

"(A) ESTABLISHMENT.—There is established within the OTFI the position of Assistant Secretary for Terrorist Financing.

"(B) APPOINTMENT.—The Assistant Secretary for Terrorist Financing shall be appointed by the President, by and with the advice and consent of the Senate.

"(C) DUTIES.—The Assistant Secretary for Terrorist Financing shall be responsible for formulating and coordinating the counter terrorist financing and anti-money laundering efforts of the Department of the Treasury, and shall report directly to the Undersecretary for Terrorism and Financial Crimes.

"(4) FUNCTIONS.—The functions of the OTFI include providing policy, strategic, and operational direction to the Department on issues relating to—

"(A) implementation of titles I and II of the Bank Secrecy Act;

"(B) United States economic sanctions programs;

"(C) combating terrorist financing;

"(D) combating financial crimes, including money laundering, counterfeiting, and other offenses threatening the integrity of the banking and financial systems;

"(E) other enforcement matters;

"(F) those intelligence analysis and coordination functions described in subsection (b); and

"(G) the security functions and programs of the Department of the Treasury.

"(5) REPORTS TO CONGRESS ON PROPOSED MEASURES.—The Undersecretary for Terrorism and Financial Crimes and the Assistant Secretary for Terrorist Financing shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not later than 72 hours after proposing by rule, regulation, order, or otherwise, any measure to reorganize the structure of the Department for combatting money laundering and terrorist financing, before any such proposal becomes effective.

"(6) OTHER OFFICES WITHIN OTFI.—Notwithstanding any other provision of law, the following offices of the Department of the Treasury shall be within the OTFI:

"(A) The Office of the Assistant Secretary for Intelligence and Analysis, which shall report directly to the Undersecretary for Terrorism and Financial Crimes.

"(B) The Office of the Assistant Secretary for Terrorist Financing, which shall report directly to the Undersecretary for Terrorism and Financial Crimes.

"(C) The Office of Foreign Assets Control (in this section referred to as the 'OFAC"), which shall report directly to the Undersecretary for Terrorism and Financial Crimes.

"(D) The Executive Office for Asset Forfeiture, which shall report to the Undersecretary for Terrorism and Financial Crimes.

"(E) The Office of Intelligence and Analysis (in this section referred to as the 'OIA'), which shall report to the Assistant Secretary for Intelligence and Analysis.

"(F) The Office of Terrorist Financing, which shall report to the Assistant Secretary for Terrorist Financing.

"(7) FINCEN.—

"(A) REPORTING TO UNDERSECRETARY.—The Financial Crimes Enforcement Network (in this section referred to as 'FinCEN'), a bureau of the Department of the Treasury, shall report to the Undersecretary for Terrorism and Financial Crimes. The Undersecretary for Terrorism and Financial Crimes may not redelegate its reporting authority over FinCEN.

"(B) OFFICE OF COMPLIANCE.—There is established within FinCEN, an Office of Compliance.

"(b) OFFICE OF INTELLIGENCE AND ANALYSIS.—

"(1) ASSISTANT SECRETARY FOR INTELLIGENCE AND ANALYSIS.—The Assistant Secretary for Intelligence and Analysis shall head the OIA.

"(2) RESPONSIBILITIES.—The OIA shall be responsible for the receipt, analysis, collation, and dissemination of intelligence and counterintelligence information related to the operations and responsibilities of the entire Department of the Treasury, including all components and bureaus of the Department.

"(3) PRIMARY FUNCTIONS.—The primary functions of the OIA are—

"(A) to build a robust analytical capability on terrorist finance by coordinating and overseeing work involving intelligence analysts in all components of the Department of the Treasury, focusing on the highest priorities of the Department, as well as ensuring that the existing intelligence needs of the OFAC and FinCEN are met; and

"(B) to provide intelligence support to senior officials of the Department on a wide range of international economic and other relevant issues.

"(4) OTHER FUNCTIONS AND DUTIES.—The OIA shall—

"(A) carry out the intelligence support functions that are assigned, to the Office of Intelligence Support under section 311 (pursuant to section 105 of the Intelligence Authorization Act for Fiscal Year 2004);

"(B) serve in a liaison capacity with the intelligence community; and

"(C) represent the Department in various intelligence related activities.

"(5) DUTIES OF THE ASSISTANT SECRETARY.—The Assistant Secretary for Intelligence and Analysis shall serve as the Senior Officer Intelligence Community, and shall represent the Department in intelligence community fora, including the National Foreign Intelligence Board committees and the Intelligence Community Management Staff.

"(c) DELEGATION.—To the extent that any authorities, powers, and responsibilities over enforcement matters delegated to the Undersecretary for Terrorism and Financial Crimes, or the positions of Assistant Secretary for Terrorism and Financial Crimes, Assistant Secretary for Enforcement and Operations, or Deputy Assistant Secretary for Terrorist Financing and Financial Crimes, have not been transferred to the Department of Homeland Security, the Department of Justice, or the Assistant Secretary for Tax Policy (related to the customs revenue functions of the Bureau of Alcohol and Tobacco Tax and Trade), those remaining authorities, powers, and responsibilities are delegated to the Undersecretary for Terrorism and Financial Crimes.

"(d) DESIGNATION AS ENFORCEMENT ORGANIZATION.—The Office of Terrorism and Financial Intelligence (including any components thereof) is designated as a law enforcement organization of the Department of the Treasury for purposes of section 9703 of title 31, United States Code, and other relevant authorities.

"(e) USE OF EXISTING RESOURCES.—The Secretary may employ personnel, facilities, and other Department of the Treasury resources available to the Secretary on the date of enactment of this section in carrying out this section, except as otherwise prohibited by law.

"(f) REFERENCES.—References in this section to the 'Secretary', 'Undersecretary', 'Deputy Secretary', 'Deputy Assistant Secretary', 'Office', 'Assistant Secretary', and 'Department' are references to positions and offices of the Department of the Treasury, unless otherwise specified.".

(b) CONFORMING AMENDMENTS.—

(1) TITLE 31.—Section 311 of title 31, United States Code, is amended—

(A) in subsection (a)—

(i) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(ii) by inserting before paragraph (2), as so redesignated, the following:

"(1) be within the Office of Terrorism and Financial Intelligence;"; and

(B) in subsection (b), by striking "Enforcement" and inserting "Terrorism and Financial Crimes".

(2) OTHER OFFICE ABOLISHED.—The Office of the Undersecretary for Enforcement of the Department of the Treasury, established in accordance with section 103 of the Treasury Department Appropriations Act, 1994 (Public Law 103-123) is abolished, and all rights, duties, and responsibilities of that office are transferred on the date of enactment of this Act to the Office of the Undersecretary for Terrorism and Financial Crimes of the Department of the Treasury in accordance with this section and the amendments made by this section, except as otherwise specifically provided in this section or the amendments made by this section, or other applicable law.

TITLE III

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code.

WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $62,000,000: Provided, That of the funds appropriated under this heading, up to $9,975,000 shall be available for reimbursements to the White House Communications Agency: Provided further, That of the funds appropriated under this heading, $2,475,000 shall be for the Homeland Security Council.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $12,760,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, *That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.*

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $1,900,000, to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $4,040,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $2,300,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $8,932,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $92,269,000, of which $12,075,000 shall remain available until expended for the Capital Investment Plan for continued modernization of the information technology infrastructure within the Executive Office of the President: Provided, That $4,000,000 of Capital Investment Plan funds may not be obligated until the Executive Office of the President has submitted a report to the Committees on Appropriations that includes an Enterprise Architecture, as defined in OMB Circular A–130 and the Federal Chief Information Officers Council guidance, that is reviewed and approved by the Office of Management and Budget, reviewed by the U.S. Government Accountability Office, and approved by the Committees on Appropriations.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, $68,411,000, of which not to exceed $1,500 shall be available for official representation expenses: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: Provided further, That the preceding shall not apply to printed hearings released by the Committees on Appropriations: Provided further, That none of the funds appropriated in this Act may be available to pay the salary or expenses of any employee of the Office of Management and Budget who calculates, prepares, or approves any tabular or other material that proposes the sub-allocation of budget authority or outlays by the Committees on Appropriations among their subcommittees: Provided further, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: Provided further, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported. The Director of the Office of Management and Budget shall notify the appropriate authorizing and Appropriations Committees when the 60-day review is initiated. If water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days of the end of the OMB review period based on the notification from the Director, Congress shall assume OMB concurrence with the report and act accordingly.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $27,000,000; of which $1,350,000 shall remain available until expended for policy research and evaluation: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $42,000,000, which shall remain available until expended, consisting of $18,000,000 for counternarcotics research and development projects, and $24,000,000 for the continued operation of the technology transfer program: Provided, That the $18,000,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $228,350,000, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: Provided, That up to 49 percent, to remain available until September 30, 2006, may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which not less than $2,000,000 shall be used for auditing services and associated activities, and at least $500,000 of the $2,000,000 shall be used to develop and implement a data collection system to measure the performance of the High Intensity Drug Trafficking Areas Program: Provided further, That High Intensity Drug Trafficking Areas Programs designated as of September 30, 2004, shall be funded at no less than the fiscal year 2004 initial allocation levels unless the Director submits to the Committees on Appropriations, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Areas Programs, as well as published Office of National Drug Control Policy performance measures of effectiveness: Provided further, That a request shall be submitted in compliance with the reprogramming guidelines to the Committees on Appropriations for approval prior to the obligation of funds of an amount in excess of the fiscal year 2005 budget request: Provided further, That not to exceed $2,000,000 of the funds made available under this heading in excess of the fiscal year 2005 budget request shall be available for the Consolidated Priority Organization Target program.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $213,700,000, to remain available until expended, of which the following amounts are available as follows: $120,000,000 to support a national media campaign, as authorized by the Drug-Free Media Campaign Act of 1998; $80,000,000 to continue a program of matching grants to drug-free communities, of which $2,000,000 shall be a directed grant to the Community Anti-Drug Coalitions of America for the National Community Anti-Drug Coalition Institute, as authorized in chapter 2 of the National Narcotics Leadership Act of 1988, as amended; $2,000,000 for the Counterdrug Intelligence Executive Secretariat; $750,000 for the National Drug Court Institute; $1,000,000 for the National Alliance for Model State Drug Laws; $7,500,000 for the United States Anti-Doping Agency for anti-doping activities; $1,450,000 for the United States membership dues to the World Anti-Doping Agency; and $1,000,000 for evaluations and research related to National Drug Control Program performance measures: Provided, That such funds may be transferred to other Federal departments and agencies to carry out such activities: Provided further, That of the amounts appropriated for a national media campaign, not to exceed 10 percent shall be for administration, advertising production, research and testing, labor and related costs of the national media campaign.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,571,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $333,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

TITLE IV

INDEPENDENT AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $5,686,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002, $14,000,000, of which $2,800,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $52,159,000, of which no less than $4,700,000 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $25,673,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

(RESCISSION)

Of the unobligated balances under this heading from prior year appropriations, $3,000,000 are rescinded.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, $19,496,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

To carry out the purposes of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592), the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $7,217,043,000, of which: (1) $708,542,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:
California:
Los Angeles, Federal Bureau of Investigation Facility, $14,054,000
Los Angeles, United States Courthouse, $314,385,000
San Diego, United States Courthouse, $3,068,000
District of Columbia:
Southeast Federal Center Site Remediation, $2,650,000
Illinois:
Chicago, 10 West Jackson Place (Purchase), $53,170,000
Maine:
Calais, Border Station, $3,269,000
Madawaska, Border Station, $1,760,000
Maryland:
Montgomery County, Food and Drug Administration Consolidation, $88,710,000
Minnesota:
Warroad, Border Station, $1,837,000
New Mexico:
Las Cruces, United States Courthouse, $60,600,000
New York:
Alexandria Bay, Border Station, $8,884,000
Massena, Border Station, $15,000,000
North Dakota:
Dunseith, Border Station, $2,301,000
Portal, Border Station, $22,351,000
Texas:
El Paso, Paso Del Norte Border Station, $26,191,000
El Paso, United States Courthouse, $63,462,000
El Paso, Ysleta Border Station, $2,491,000
Vermont:
Derby Line, Border Station, $3,190,000
Norton, Border Station, $580,000
Richford, Border Station, $589,000
Nonprospectus Construction, $10,000,000
Judgment Fund repayment, $10,000,000:

Provided, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That all funds for direct construction projects shall expire on September 30, 2006, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $980,222,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services:

Repairs and Alterations:
District of Columbia:
Eisenhower Executive Office Building, $5,000,000

Federal Office Building 6, $8,267,000
Hoover FBI Building, $10,242,000
Mary E. Switzer Building, $80,335,000
New Executive Office Building, $6,262,000
Steam Distribution System, $2,000,000
Theodore Roosevelt Building, $9,730,000
Georgia:
Atlanta, Martin Luther King, Jr. Federal Building, $14,800,000
Atlanta, United States Court of Appeals, $32,004,000
Hawaii:
Hilo, Federal Building, $5,133,000
Louisiana:
New Orleans, Boggs Federal Building, $22,581,000
New Orleans, Wisdom Courthouse of Appeals, $8,005,000
Maryland:
Baltimore, George H. Fallon Federal Building, $46,163,000
Suitland, National Record Center, $7,989,000
Woodlawn, SSA Altmeyer Building, $6,300,000
Minnesota:
St. Paul, Warren E. Burger Federal Building—Courthouse, $36,644,000
Missouri:
Kansas City, Richard Bolling Federal Building, $40,048,000
New York:
New York, Foley Square Courthouse, $2,505,000
Queens, Joseph P. Addabbo Federal Building, $5,455,000
Ohio:
Cincinnati, Potter Stewart Courthouse, $37,975,000
Cleveland, Celebreeze Federal Building, $37,375,000
Washington:
Seattle, William Nakamura Courthouse, $50,210,000
Special Emphasis Programs:
Chlorofluorocarbons Program, $13,000,000
Energy Program, $30,000,000
Glass Fragment Retention, $20,000,000
Design Program, $48,699,000

Basic Repairs and Alterations, $393,500,000: Provided further, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2006 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) $161,442,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $3,657,315,000 for rental of space which shall remain available until expended; and (5) $1,709,522,000 for building operations which shall remain available until expended: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: Provided further, That notwithstanding any other provision of law, the Administrator of General Services is authorized and directed to proceed with site acquisition, design, and subject to availability of funds, construction and management and inspection, of a new Federal Building in Tuscaloosa, Alabama for which funds for site acquisition and design were provided in Public Law 108–199: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592(b)(2)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 2005, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 592(b)(2)) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109, $62,100,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; providing Internet access to Federal information and services; agency-wide policy direction and management, and Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses, $92,175,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $42,351,000: Provided, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $3,000,000, to remain available until expended: Provided, That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Committees on Appropriations.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $3,106,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING RESCISSION OF FUNDS)

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 2005 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2006 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: Provided, That the fiscal year 2006 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate *per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).*

SEC. 406. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 407. Notwithstanding 40 U.S.C. 524, 571, and 572, the Administrator of General Services may sell the Middle River Depot at Middle River, Maryland, and credit the proceeds of such sale as offsetting collections to the Federal Buildings Fund, to be available, in addition to amounts otherwise appropriated for such Fund, for such capital activities of the Fund as the Administrator may deem appropriate: Provided, That the Administrator shall, to the maximum extent practicable, cooperate and consult with Baltimore County, Maryland officials and other interested persons in communities located near the Middle River Depot so that the sale and use of the property is compatible with local economic development plans and is not inconsistent with local land use, environmental and zoning laws.

SEC. 408. Section 572(a)(2)(ii) of title 40, United States Code, is amended by inserting the following before the period: ", highest and best use of property studies, utilization of property studies, deed compliance inspection, and the expenses incurred in a relocation".

SEC. 409. Of the amounts made available under the heading "Federal Buildings Fund" for New Construction and Repairs and Alterations in this or any prior Act, a total amount of $106,000,000 are rescinded: Provided, That the Administrator of General Services shall notify the Appropriations Committees of the House of Representatives and Senate of the specific projects, or parts thereof, from which funds have been rescinded within 30 days of enactment of this Act.

SEC. 410. In order to address heightened security requirements for the proposed Moss United States Courthouse Annex project, the Administrator of General Services is authorized to acquire and demolish the real property, including land and improvements, located in Salt Lake City, Utah, at the corner of 400 South Street and West Temple, said land and improvements commonly known as the Shubrick Building; to use previously appropriated project funds to immediately initiate compliance procedures in accordance with the National Historic Preservation Act and the National Environmental Policy Act; and to redesign the proposed courthouse expansion to incorporate this new site.

SEC. 411. CONVEYANCE OF LAND TO THE RECREATION AND PARK COMMISSION FOR THE PARISH OF EAST BATON ROUGE, LOUISIANA. (a) CONVEYANCE.—Not later than 60 days after the date of enactment of this Act, the Postmaster General of the United States Postal Service shall convey, for the consideration specified in subsection (b), the land described in subsection (d), including any improvements thereon, to the General Services Administration.

(b) PURCHASE PRICE.—Upon the conveyance described in subsection (a), the Administrator of General Services shall pay the United States Postal Service a purchase price equaling the fair market value not to exceed $975,000, which price may be paid by cash or credited to the existing USPS/GSA property swap program.

(c) RECONVEYANCE.—Not later than 10 days after the conveyance described in subsection (a), the Administrator of General Services shall convey, without consideration by quitclaim deed and without recourse, the land described in subsection (d), including any improvements thereon, to the Recreation and Park Commission for the Parish of East Baton Rouge, Louisiana, for use as a downtown park or for other public purposes.

(d) DESCRIPTION OF PROPERTY.—The land referred to in subsections (a) and (c) is the property formerly used as the Main Postal Office Carrier Annex in Baton Rouge, Louisiana and located at 750 Florida Street. This land is situated north of Convention Street, south of Florida Street and west of 7th Street. This land comprises approximately 27,500 square feet and is improved by a one-story building.

SEC. 412. Notwithstanding any other provision of law, the Administrator of General Services may convey, by sale, lease, exchange or otherwise, including through leaseback arrangements, real and related personal property, or interests therein, and retain the net proceeds of such dispositions in an account within the Federal Buildings Fund to be used for the General Services Administration's real property capital needs: Provided, That all net proceeds realized under this section shall only be expended as authorized in annual appropriations Acts: Provided further, That for the purposes of this section, the term "net proceeds" means the rental and other sums received less the costs of the disposition, and the term "real property capital needs" means any expenses necessary and incident to the agency's real property capital acquisitions, improvements, and dispositions.

SEC. 413. LAND CONVEYANCE, NAHANT, MASSACHUSETTS.—(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law, the Administrator of the General Services Administration may sell all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at Castle Road, Gardner Road and Goddard Drive in Nahant, Massachusetts to the Town of Nahant. In the event a binding sales contract is not executed within 30 days of enactment the Administrator shall commence with a public, competitive sale of the property.

(b) CONSIDERATION.—As consideration for conveyance under subsection (a), the Town of Nahant shall pay, in a single lump sum payment, $2,000,000.

(c) DEPOSIT OF FUNDS.—Notwithstanding any other provision of law, the Administrator may deposit the net proceeds in the Real Property Relocation account of the General Services Administration. In the event proceeds exceed $2,000,000, the net amount in excess of $2,000,000 shall be deposited in the United States Coast Guard Housing Fund established under 14 U.S.C. Sec. 687.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the purchaser.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

SEC. 414. None of the funds appropriated by this Act or any other Act may be used after July 1, 2005 for the provision of any telecommunications service for any federal government owned building, unless such building is in compliance with a regulation or Executive Order issued after the date of enactment of this section that requires, to the extent deemed appropriate by the President or his designee, the provision of telecommunications services using redundant and physically separate entry points to those buildings, and the use of physically diverse local network facilities for the provision of such telecommunications services.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $34,677,000 together with not to exceed $2,626,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), $1,996,000, to remain available until expended, of which up to $50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107-289) notwithstanding sections 8 and 9 of Public Law 102–259: Provided, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,309,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $266,945,000: Provided, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

ELECTRONIC RECORDS ARCHIVES

For necessary expenses in connection with the development of the electronic records archives, to include all direct project costs associated with research, analysis, design, development, and program management, $35,914,000.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $13,432,000, to remain available until expended, of which $3,000,000 is for site preparation and construction management to construct a new regional archives and records facility in Anchorage, Alaska, and of which $2,000,000 is for the repair and restoration of the *plaza that surrounds the Lyndon Baines Johnson Presidential Library that is under the joint control and custody of the University of Texas: Provided, That such funds may be transferred directly to the University and used, together with University funds, for repair and restoration of the plaza and remain available until expended for this purpose.*

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $5,000,000, to remain available until expended.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $76,700,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

(RESCISSION)

Of the available unobligated balances made available under Public Law 106–246, $8,000,000 are rescinded.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $11,238,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $125,500,000, of which $12,000,000 shall remain available until September 30, 2007; and in addition $128,462,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $27,640,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(1)(A) and (2)(A) of title 5, United States Code: Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2005, accept donations of money, property, and personal services: Provided further, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,627,000, and in addition, not to exceed $16,461,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), as amended, the Whistleblower Protection Act of 1989 (Public Law 101–12), as amended, Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $15,449,000.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $90,709,000, of which $61,709,000 shall not be available for obligation until October 1, 2005: Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2005.

EMERGENCY PREPAREDNESS

For an additional amount for "Payment to the Postal Service Fund" for emergency expenses to enable the Postal Service to protect postal employees and postal customers from exposure to hazardous materials in the mail, $507,000,000, to remain available until expended: Provided, that the Postal Service shall submit a spending plan for funds under this heading to the Office of Management and Budget and the House and Senate Committees on Appropriations: Provided further, That the Government Accountability Office shall review the spending plan and capabilities of the systems to detect hazardous materials: Provided further, That $7,000,000 is for the mail irradiation facility in Washington, D.C.: Provided further, That the $7,000,000 specified for the mail irradiation facility is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108–287.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $41,180,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE V

GENERAL PROVISIONS

THIS ACT

(INCLUDING TRANSFERS OF FUNDS)

SEC. 501. Such sums as may be necessary for fiscal year 2005 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 502. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 503. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 504. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 505. None of the funds made available in this Act may be transferred to any department, *agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.*

SEC. 506. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 507. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 508. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy America Act").

SEC. 509. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 510. None of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the Statement of the Managers accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: Provided, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committee on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, That the report shall include (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: Provided further, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 511. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2005 from appropriations made available for salaries and expenses for fiscal year 2005 in this Act, shall remain available through September 30, 2006, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 512. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 513. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 514. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 515. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 516. The provision of section 515 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 517. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in the Buy American Act (41 U.S.C. 10a et seq.), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code, that is a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

SEC. 518. Public Law 108–199 is amended in Division H, section 161, by inserting "and all Federal agencies" after "Office of Management and Budget".

SEC. 519. None of the funds made available in this Act may be used to finalize, implement, administer, or enforce—

(1) the proposed rule relating to the determination that real estate brokerage is an activity that is financial in nature or incidental to a financial activity published in the Federal Register on January 3, 2991 (66 Fed. Reg. 307 et seq.); or

(2) the revision proposed in such rule to section 1501.2 of title 12 of the Code of Federal Regulations.

SEC. 520. TREATMENT OF THE TENNESSEE VALLEY AUTHORITY. The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended—

(1) in section 3(a)(42)(B) (15 U.S.C. 78c(a)(42)(B)), by inserting "by the Tennessee Valley Authority or" after "issued or guaranteed"; and

(2) by adding at the end the following new section:

"SEC. 37. TENNESSEE VALLEY AUTHORITY.

"(a) IN GENERAL.—Commencing with the issuance by the Tennessee Valley Authority of an annual report on Commission Form 10–K (or any successor thereto) for fiscal year 2006 and thereafter, the Tennessee Valley Authority shall file with the Commission, in accordance with such rules and regulations as the Commission has prescribed or may prescribe, such periodic, current, and supplementary information, documents, and reports as would be required pursuant to section 13 if the Tennessee Valley Authority were an issuer of a security registered pursuant to section 12. Notwithstanding the preceding sentence, the Tennessee Valley Authority shall not be required to register any securities under this title, and shall not be deemed to have registered any securities under this title.

"(b) LIMITED TREATMENT AS ISSUER.—Commencing with the issuance by the Tennessee Valley Authority of an annual report on Commission Form 10–K (or any successor thereto) for fiscal year 2006 and thereafter, the Tennessee Valley Authority shall be deemed to be an issuer for purposes of section 10A, other than for subsection (m)(1) or (m)(3) of section 10A. The Tennessee Valley Authority shall not be required by this subsection to comply with the rules issued by any national securities exchange or national securities association in response to rules issued by the Commission pursuant to section 10A(m)(1).

"(c) NO EFFECT ON TVA AUTHORITY.—Nothing in this section shall be construed to diminish, impair, or otherwise affect the authority of the Board of Directors of the Tennessee Valley Authority to carry out its statutory functions under the Tennessee Valley Authority Act of 1933.".

SEC. 521. Section 307 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note) is amended by adding at the end the following new subsection:

"(e) DOCKS, WATERFRONT TRANSPORTATION DEVELOPMENT, AND RELATED INFRASTRUCTURE PROJECTS.—The Secretary of Transportation is authorized to make direct lump sum payments to the Commission to construct docks, waterfront development projects, and related transportation infrastructure, provided the local community provides a ten percent non-federal match in the form of any necessary land or planning and design funds. To carry out this section, there is authorized to be appropriated such sums as may be necessary.".

SEC. 522. (a) PRIVACY OFFICER.—Each agency shall have a Chief Privacy Officer to assume primary responsibility for privacy and data protection policy, including—

(1) assuring that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of information in an identifiable form;

(2) assuring that technologies used to collect, use, store, and disclose information in identifiable form allow for continuous auditing of compliance with stated privacy policies and practices governing the collection, use and distribution of information in the operation of the program;

(3) assuring that personal information contained in Privacy Act systems of records is handled in full compliance with fair information practices as defined in the Privacy Act of 1974;

(4) evaluating legislative and regulatory proposals involving collection, use, and disclosure of personal information by the Federal Government;

(5) conducting a privacy impact assessment of proposed rules of the Department on the privacy of information in an identifiable form, including the type of personally identifiable information collected and the number of people affected;

(6) preparing a report to Congress on an annual basis on activities of the Department that affect privacy, including complaints of privacy violations, implementation of section 552a of title 5, 11 United States Code, internal controls, and other relevant matters;

(7) ensuring that the Department protects information in an identifiable form and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction;

(8) training and educating employees on privacy and data protection policies to promote awareness of and compliance with established privacy and data protection policies; and

(9) ensuring compliance with the Departments established privacy and data protection policies.

(b) ESTABLISHING PRIVACY AND DATA PROTECTION PROCEDURES AND POLICIES.—

(1) IN GENERAL.—Within 12 months of enactment of this Act, each agency shall establish and implement comprehensive privacy and data protection procedures governing the agency's collection, use, sharing, disclosure, transfer, storage and security of information in an identifiable form relating to the agency employees and the public. Such procedures shall be consistent with legal and regulatory guidance, including OMB regulations, the Privacy Act of 1974, and section 208 of the E-Government Act of 2002.

(c) RECORDING.—Each agency shall prepare a written report of its use of information in an identifiable form, along with its privacy and data protection policies and procedures and record it with the Inspector General of the agency to serve as a benchmark for the agency. Each report shall be signed by the agency privacy officer to verify that the agency intends to comply with the procedures in the report. By signing the report the privacy officer also verifies that the agency is only using information in identifiable form as detailed in the report.

(d) INDEPENDENT, THIRD-PARTY REVIEW.—

(1) IN GENERAL.—At least every 2 years, each agency shall have performed an independent, third party review of the use of information in identifiable form as the privacy and data protection procedures of the agency to—

(A) determine the accuracy of the description of the use of information in identifiable form;

(B) determine the effectiveness of the privacy and data protection procedures;

(C) ensure compliance with the stated privacy and data protection policies of the agency and applicable laws and regulations; and

(D) ensure that all technologies used to collect, use, store, and disclose information in identifiable form allow for continuous auditing of compliance with stated privacy policies and practices governing the collection, use and distribution of information in the operation of the program.

(2) PURPOSES.—The purposes of reviews under this subsection are to—

(A) ensure the agency's description of the use of information in an identifiable form is accurate and accounts for the agency's current technology and its processing of information in an identifiable form.

(B) measure actual privacy and data protection practices against the agency's recorded privacy and data protection procedures;

(C) ensure compliance and consistency with both online and offline stated privacy and data protection policies; and

(D) provide agencies with ongoing awareness and recommendations regarding privacy and data protection procedures.

(3) REQUIREMENTS OF REVIEW.—The Inspector General of each agency shall contract with an independent, third party that is a recognized leader in privacy consulting, privacy technology, data collection and data use management, and global privacy issues, to—

(A) evaluate the agency's use of information in identifiable form;

(B) evaluate the privacy and data protection procedures of the agency; and

(C) recommend strategies and specific steps to improve privacy and data protection management.

(4) CONTENT.—Each review under this subsection shall include—

(A) a review of the agency's technology, practices and procedures with regard to the collection, use, sharing, disclosure, transfer and storage of information in identifiable form;

(B) a review of the agency's stated privacy and data protection procedures with regard to the collection, use, sharing, disclosure, transfer, and security of personal information in identifiable form relating to agency employees and the public;

(C) a detailed analysis of agency intranet, network and Websites for privacy vulnerabilities, including—

(i) noncompliance with stated practices, procedures and policies; and

(ii) risks for inadvertent release of information in an identifiable form from the website of the agency.

(D) a review of agency compliance with this Act.

(e) REPORT.—

(1) IN GENERAL.—Upon completion of a review, the Inspector General of an agency shall submit to the head of that agency a detailed report on the review, including recommendations for improvements or enhancements to management of information in identifiable form, and the privacy and data protection procedures of the agency.

(2) INTERNET AVAILABILITY.—Each agency shall make each independent third party review, and each report of the Inspector General relating to that review available to the public.

(f) DEFINITION.—In this section, the definition of "identifiable form" is consistent with Public Law 107–347, the E-Government Act of 2002, and means any representation of information that permits the identity of an individual to whom the information applies to be reasonably inferred by either direct or indirect means.

SEC. 523. None of the funds made available under this Act may be obligated or expended to establish or implement a pilot program under which not more than 10 designated essential air service communities located in proximity to hub airports are required to assume 10 percent of their essential air subsidy costs for a 4-year period commonly referred to as the EAS local participation program.

SEC. 524. None of the funds made available in this Act may be used by the Council of Economic Advisers to produce an Economic Report of the President regarding the inclusion of employment at a retail fast food restaurant as part of the definition of manufacturing employment.

SEC. 525. Section 302(e)(3)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)(3)(B)) is amended by striking "$1,000" and inserting in its place "$2,000".

SEC. 526. The Former Presidents Act, 3 U.S.C. 102, note, is amended to add the following at the end of Section 1(b): "Amounts provided for 'Allowances and Office Staff for Former Presidents' may be used to pay fees of an independent contractor who is not a member of the staff of the office of a former President for the review of Presidential records of a former President in connection with the transfer of such records to the National Archives and Records Administration or a Presidential Library without regard to the limitation on staff compensation set forth herein.".

SEC. 527. Of funds so made available in Items 18 and 19 of the table contained in Section 3031 of Public Law 105–178, $5,000,000 shall be available for the Buffalo, New York Inner Harbor Redevelopment Project; of funds made available in Public Law 104–50 for Crossroads Intermodal Station, New York, $1,000,000 shall be available for the Buffalo Inner Harbor Redevelopment Project; of the funds made available in Public Law 104–205 for Crossroads Intermodal Station, New York, $1,000,000 shall be available for the Buffalo, New York Inner Harbor Redevelopment Project; of funds made available in Public Law 106–346 for Buffalo, New York Intermodal facility, $500,000 shall be available for the Buffalo, New York Inner Harbor Redevelopment Project; of funds made available in Public Law 108–7 for Buffalo Intermodal Transportation Center, $5,000,000 shall be available for the Buffalo, New York Inner Harbor Redevelopment Project.

SEC. 528. Funds in this Act that are apportioned to the Charleston Area Regional Transportation Authority to carry out section 5307 of title 49, United States Code, may be used to acquire land, equipment, or facilities used in public transportation from another governmental authority in the same geographic area: Provided, That the non-Federal share under section 5307 may include revenues from the sale of advertising and concessions.

SEC. 529. To the extent that funds remain available within the current budget for the project, the Secretary shall amend the Full Funding Grant Agreement for the Tri-Met Interstate light rail extension in Portland, Oregon, to allow acquisition of up to a total of twenty-four light rail vehicles.

SEC. 530. Section 1023(h) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note; Public Law 102-240 as amended by Section 347 of Public Law 108–7) is amended in paragraph (1) by striking "October 1, 2003" and inserting "October 1, 2005".

SEC. 531. Unobligated funds in an amount not to exceed $4,500,000 that were designated to the North Country County Consortium, New York project in the conference report accompanying Public Law 108–99 under the Job Access and Reverse Commute Account shall be transferred to and administered under the bus category of the Capital Investment Grants Account and available for North Country Bus and Bus Related Equipment.

SEC. 532. Section 312a(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a(a)) is amended—

(1) by striking the "or" at the end of paragraph (a)(3);

(2) by striking the period, and adding a semicolon at the end of paragraph (a)(4);

(3) by adding a new paragraph (a)(5) to read as follows: "(5) for donations to State and local candidates subject to the provisions of State law; or"; and

(4) by adding a new paragraph (a)(6) to read as follows: "(6) for any other lawful purpose unless prohibited by subsection (b) of this section.".

SEC. 533. From funds made available in this Act under the headings "White House Office", "Executive Residence at the White House", "White House Repair and Restoration", "Council of Economic Advisors", "Office of Policy Development", "National Security Council", "Office of Administration", "Office of Management and Budget", "Office of National Drug Control Policy", "Special Assistance to the President", and "Official Residence of the Vice President", the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, fifteen days after giving notice to the House and Senate Committees on Appropriations, transfer not to exceed ten percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: Provided, That the amount of an appropriation shall not be increased by more than fifty percent by such transfers: Provided further, That no amount shall be transferred from "Special Assistance to the President" or "Official Residence of the Vice President" without the approval of the Vice President.

TITLE VI

GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2005 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: Provided, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2005, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2005, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2005, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2005 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2005 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2004, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2004, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2004.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 616. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 617. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for the current fiscal year shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 618. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 619. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 620. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.": Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 621. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 622. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 623. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 624. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofor authorized by the Congress.

SEC. 625. (a) In this section the term "agency"—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the Government Accountability Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 626. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 627. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse "General Services Administration, Government-wide Policy" with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: Provided, That these funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, and the Federal Acquisition Council for procurement initiatives). The total funds transferred or reimbursed shall not exceed $17,000,000. Such transfers or reimbursements may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 628. None of the funds made available in this or any other Act may be used by the Office of Personnel Management or any other department or agency of the Federal Government to prohibit any agency from using appropriated funds as they see fit to independently contract with private companies to provide online employment applications and processing services.

SEC. 629. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 630. Nothwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: Provided, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 631. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: Provided, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 632. Subsection (f) of section 403 of Public Law 103–356 (31 U.S.C. 501 note), as amended, is further amended by striking "October 1, 2004" and inserting "October 1, 2005".

SEC. 633. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 634. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF Health Plans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 635. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 636. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 637. None of the funds made available under this or any other Act for fiscal year 2005 and each fiscal year thereafter shall be expended for the purchase of a product or service offered by Federal Prison Industries, Inc. unless the agency making such purchase determines that such offered product or service provides the best value to the buying agency pursuant to governmentwide procurement regulations, issued pursuant to section 25(c)(1) of the Office of Federal Procurement Act (41 U.S.C. 421(c)(1)) that impose procedures, standards, and limitations of section 2410n of title 10, United States Code.

SEC. 638. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 639. Each Executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government purchase charge card or government travel charge card. The department or agency may not issue a government purchase charge card or government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: Provided, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to (a) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card, or (b) an individual who lacks a credit history. Each Executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 640. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2005 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 3.5 percent, and this adjustment shall apply to civilian employees in the Department of Defense and the Department of Homeland Security and such adjustments shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2005.

(b) Notwithstanding section 613 of this Act, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2005 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentage in paragraph (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303 and 5304 of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5 and prevailing rate employees described in section 5343(a)(5) of title 5 shall be considered to be located in the pay locality designated as "Rest of US" pursuant to section 5304 of title 5 for purposes of this paragraph.

(c) Funds used to carry out this section shall be paid from appropriations, which are made to each applicable department or agency for salaries and expenses for fiscal year 2005.

SEC. 641. (a) Not later than 180 days after the end of the fiscal year, the head of each Federal agency shall submit a report to Congress on the amount of the acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside of the United States in that fiscal year.

(b) The report required by subsection (a) shall separately indicate—

(1) the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States;

(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of the total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States.

(c) The head of each Federal agency submitting a report under subsection (a) shall make the report publicly available to the maximum extent practicable.

(d) This section shall not apply to acquisitions made by an agency, or component, thereof, that is an element of the intelligence community as set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 642. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 643. (a) IN GENERAL.—Section 6402 of title 26, United States Code, is amended by redesignating subsections (f) through (k) as subsections (g) through (l), respectively, and by inserting after subsection (e) the following new subsection:

"(f) COLLECTION OF PAST-DUE, LEGALLY ENFORCEABLE STATE UNEMPLOYMENT COMPENSATION DEBTS.—

"(1) IN GENERAL.—Upon receiving notice from any State that a person owes a past-due, legally enforceable State unemployment compensation debt to such State, the Secretary shall, under such conditions as may be prescribed by the Secretary—

"(A) reduce the amount of any overpayment payable to such person by the amount of such unemployment compensation debt;

"(B) pay the amount by which such overpayment is reduced under subparagraph (A) to such State and notify such State of such person's name, taxpayer identification number, address, and the amount collected; and

"(C) notify the person making such overpayment that the overpayment has been reduced by an amount necessary to satisfy a past-due, legally enforceable State unemployment compensation debt. If an offset is made pursuant to a joint return, the notice under subparagraph (B) shall include the names, taxpayer identification numbers, and addresses of each person filing such return.

"(2) PRIORITIES FOR OFFSET.—Any overpayment by a person shall be reduced pursuant to this subsection—

"(A) after such overpayment is reduced pursuant to—

"(i) subsection (a) with respect to any liability for any internal revenue tax on the part of the person who made the overpayment;

"(ii) subsection (c) with respect to past-due support;

"(iii) subsection (d) with respect to any past-due, legally enforceable debt owed to a Federal agency; and

"(B) before such overpayment is credited to the future liability for any Federal internal revenue tax of such person pursuant to subsection (b). If the Secretary receives notice from a State or States of more than one debt subject to paragraph (1) and/or subsection (e) that is owed by a person to such State or States, any overpayment by such person shall be applied against such debts in the order in which such debts accrued.

"(3) NOTICE; CONSIDERATION OF EVIDENCE.—No State may take action under this subsection until such State—

"(A) notifies the person owing the past-due legally enforceable State unemployment compensation debt that the State proposes to take action pursuant to this section;

"(B) gives such person at least 60 days to present evidence that all or part of such liability is not past-due or not legally enforceable;

"(C) considers any evidence presented by such person and determines that an amount of such debt is past-due and legally enforceable; and

"(D) satisfies such other conditions as the Secretary may prescribe to ensure that the determination made under subparagraph (C) is valid and that the State has made reasonable efforts to obtain payment of such unemployment compensation debt.

"(4) PAST-DUE, LEGALLY ENFORCEABLE STATE UNEMPLOYMENT COMPENSATION DEBT.—For purposes of this subsection, the term 'past-due, legally enforceable State unemployment compensation debt' means overpayments of unemployment compensation assessed under the law of a State certified by the Secretary of Labor pursuant to section 3304 of the Internal Revenue Code, which have become final under State law and remain uncollected.

"(5) REGULATIONS.—The Secretary shall issue regulations prescribing the time and manner in which States must submit notices of past-due, legally enforceable State unemployment compensation debt and the necessary information that must be contained in or accompany such notices. The regulations shall specify the minimum amount of debt to which the reduction procedure established by paragraph (1) may be applied. The regulations may require States to pay a fee to the Secretary, which may be deducted from amounts collected, to reimburse the Secretary for the cost of applying such procedure. Any fee paid to the Secretary pursuant to the preceding sentence shall be used to reimburse appropriations which bore all or part of the cost of applying such procedure. The regulations may include a requirement that States submit notices of past-due, legally enforceable State unemployment compensation debt to the Secretary via the Secretary of Labor in accordance with procedures established by the Secretary of Labor. Such procedures may require States to pay a fee to the Secretary of Labor to reimburse the Secretary of Labor for the costs of applying this subsection. Any such fee shall be established in consultation with the Secretary of the Treasury. Any fee paid to the Secretary of Labor may be deducted from amounts collected and shall be used to reimburse the appropriation account which bore all or part of the cost of applying this subsection.

"(6) ERRONEOUS PAYMENT TO STATE.—Any State receiving notice from the Secretary that an erroneous payment has been made to such State under paragraph (1) shall pay promptly to the Secretary, in accordance with such regulations as the Secretary may prescribe, an amount equal to the amount of such erroneous payment (without regard to whether any other amounts payable to such State under such paragraph have been paid to such State).".

(b) Disclosure of certain information to States requesting refund offsets for past-due legally enforceable State unemployment compensation debt.

(1) Paragraph (10) of section 6103(l) is amended by striking "(c), (d), or (e)" each place it appears and inserting "(c), (d), (e) or (f)."

(2) Paragraph (10)(A) of section 6103(l) is amended by inserting "and to officers and employees of the Department of Labor in connection with a reduction under subsection (f) of section 6402" after the words "section 6402".

(3) The heading of paragraph (10) is amended by striking "subsection (c), (d), or (e) of section 6402 and inserting "subsection (c), (d), (e) or (f) of section 6402.".

(c) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 6402 is amended by striking "(c), (d), and (e)," and inserting "(c), (d), (e) and (f)".

(2) Paragraph (2) of section 6402(d) is amended by striking "and before such overpayment is reduced pursuant to subsection (e)" and inserting "and before such overpayment is reduced pursuant to subsections (e) and (f)".

(3) Subsection (g) of section 6402, as redesignated by subsection (a), is amended by striking "(c), (d) or (e)" and inserting "(c), (d), (e) or (f)".

(4) Subsection (i) of section 6402, as redesignated by subsection (a), is amended by striking "subsection (c) or (e)" and inserting "subsection (c), (e) or (f)".

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective as to refunds payable under section 6402 of the Internal Revenue Code on or after the date of enactment.

SEC. 644. Notwithstanding section 1346 of title 31, United States Code, and section 610 of this Act and any other provision of law, the head of each appropriate executive department and agency shall transfer to or reimburse the Federal Aviation Administration, upon the direction of the Director of the Office of Management and Budget, funds made available by this or any other Act for the purposes described below, and shall submit budget requests for such purposes. These funds shall be administered by the Federal Aviation Administration, in consultation with the appropriate interagency groups designated by the Director and shall be used to ensure the uninterrupted, continuous operation of the Midway Atoll Airfield by the Federal Aviation Administration pursuant to an operational agreement with the Department of the Interior for the entirety of fiscal year 2005 and any period thereafter that precedes the enactment of the Transportation, Treasury, and Independent Agencies Appropriations Act, 2006. The Director of the Office of Management and Budget shall mandate the necessary transfers after determining an equitable allocation between the appropriate executive departments and agencies of the responsibility for funding the continuous operation of the Midway Atoll Airfield based on, but not limited to, potential use, interest in maintaining aviation safety, and applicability to governmental operations and agency mission. The total funds transferred or reimbursed shall not exceed $6,000,000 for any twelve-month period. Such sums shall be sufficient to ensure continued operation of the airfield throughout the period cited above. Funds shall be available for operation of the airfield or airfield-related capital upgrades. The Director of the Office of Management and Budget shall notify the Committees on Appropriations of such transfers or reimbursements within 15 days of this Act. Such transfers or reimbursements shall begin within 30 days of enactment of this Act.

SEC. 645. (a) DESIGNATION.—The United States courthouse located at 95 Seventh Street in San Francisco, California, shall be known and designated as the "James R. Browning United States Courthouse".

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section (a) shall be deemed to be a reference to the "James R. Browning United States Courthouse".

This division may be cited as the "Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005".

DIVISION I—DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $32,607,688,000, to remain available until expended: Provided, That not to exceed $20,703,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses" and "Medical services" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $2,556,232,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(-1), (2), (5), and (11) of that section, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $44,380,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2005, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $154,075,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $47,000, as authorized by 38 U.S.C. chapter 31, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $4,108,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $311,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $571,000, which may be transferred to and merged with the appropriation for "General operating expenses": Provided, That no new loans in excess of $50,000,000 may be made in fiscal year 2005.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by 38 U.S.C. chapter 37, subchapter VI, not to exceed $750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical administration" may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in paragraphs (1) through (8) of section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the department and including medical supplies and equipment and salaries and expenses of health-care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; $19,472,777,000, plus reimbursements: Provided, That of the funds made available under this heading, not to exceed $1,100,000,000 shall be available until September 30, 2006: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for treatment for veterans who are service-connected disabled, lower income, or have special needs: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That of the funds made available under this heading, the Secretary may transfer up to $400,000,000, to remain available until expended, to "Construction, major projects" for purposes of implementing CARES subject to a determination by the Secretary that such funds will improve access and quality of veteran's health care needs: Provided further, That, during the fiscal year ending September 30, 2005, the Secretary may transfer not more than $125,000,000 of the unobligated balances in this account and amounts made available under this heading to "General operating expenses" for costs associated with processing claims where the basis of the entitlement is claimed disability incurred as a result of a veteran's service, subject to a determination by the Secretary of Veterans Affairs that such additional funds are necessary: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: Provided further, That for the DOD VA Health Care Sharing Incentive Fund, as authorized by section 721 of Public Law 107–314, a minimum of $15,000,000, to remain available until expended, for any purpose authorized by 38 U.S.C. 8111.

MEDICAL ADMINISTRATION

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; information technology hardware and software; uniforms or allowances therefor, as authorized by sections 5901–5902 of title 5, United States Code; and administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); $4,705,000,000, of which $250,000,000 shall be available until September 30, 2006, plus reimbursements.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities for the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; for oversight, engineering and architectural activities not charged to project costs; for repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry and food services,

$3,745,000,000, of which $250,000,000 shall be available until September 30, 2006.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, to remain available until September 30, 2006, $405,593,000, plus reimbursements.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of department-wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,324,753,000: Provided, That expenses for services and assistance authorized under 38 U.S.C. 3104(a)(1), (2), (5), and (11) that the Secretary determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the Veterans Benefits Administration shall be funded at not less than $1,027,193,000: Provided further, That of the funds made available under this heading, not to exceed $66,000,000 shall be available for obligation until September 30, 2006: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $148,925,000: Provided, That of the funds made available under this heading, not to exceed $7,400,000 shall be available until September 30, 2006.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $69,711,000, to remain available until September 30, 2006.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in 38 U.S.C. 8104(a)(3)(A) or where funds for a project were made available in a previous major project appropriation, $458,800,000, to remain available until expended, of which $370,709,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities; and of which $8,091,000 shall be to make reimbursements as provided in 41 U.S.C. 612 for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2005, for each approved project (except those for CARES activities referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2005; and (2) by the awarding of a construction contract by September 30, 2006: Provided further, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in 38 U.S.C. 8104(a)(3)(A), $230,779,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in 38 U.S.C. 8104(a)(3)(A), of which $182,100,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities: Provided, That from amounts appropriated under this heading, additional amounts may be used for CARES activities upon notification of and approval by the Committees on Appropriations: Provided further, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $105,163,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by 38 U.S.C. 2408, $32,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2005 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2005 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109 hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects", and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the "Medical services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2005 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2004.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2005 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2005, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2005 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2005 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. Notwithstanding any other provision of law, the Department of Veterans Affairs shall continue the Franchise Fund pilot program authorized to be established by section 403 of Public Law 103–356 until October 1, 2005: Provided, That the Franchise Fund, established by title I of Public Law 104–204 to finance the operations of the Franchise Fund pilot program, shall continue until October 1, 2005.

SEC. 109. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a *prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.*

SEC. 110. Funds available in any Department of Veterans Affairs appropriation for fiscal year 2005 or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed $29,318,000 for the Office of Resolution Management and $3,059,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to "General operating expenses" for use by the office that provided the service.

SEC. 111. No appropriations in this Act for the Department of Veterans Affairs shall be available to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits a report which the Committees on Appropriations of the Congress approve within 30 days following the date on which the report is received.

SEC. 112. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

SEC. 113. Of the amounts provided in this Act, $25,000,000 shall be for information technology initiatives to support the enterprise architecture of the Department of Veterans Affairs.

SEC. 114. None of the funds made available to the Department in this Act, or any other Act, may be used to implement sections 2 and 5 of Public Law 107–287.

SEC. 115. (a) Hereafter receipts that would otherwise be credited to the accounts listed in subsection (c) shall be deposited into the Medical Care Collections Fund, and shall be transferred to and merged with the "Medical services" account, in fiscal year 2005 and subsequent years, to remain available until expended, to carry out the purposes of the "Medical services" account.

(b) The unobligated balances in the accounts listed in subsection (c), shall be transferred to and merged with the "Medical services" account in fiscal year 2005 and subsequent years, and remain available until expended, to carry out the purposes of the "Medical services" account: Provided, That the obligated balances in these accounts may be transferred to the "Medical services" account at the discretion of the Secretary of Veterans Affairs and shall remain available until expended.

(c) Veterans Extended Care Revolving Fund; Medical Facilities Revolving Fund; Special Therapeutic and Rehabilitation Fund; Nursing Home Revolving Fund; Veterans Health Services Improvement Fund; and Parking Revolving Fund.

SEC. 116. (a) The Secretary of Veterans Affairs shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care. Notwithstanding section 3302(b) of title 31, United States Code, amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under "Medical services" and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor.

(b) All amounts so collected under subsection (a) with respect to a designated health care region (as that term is defined in section 1729A(d)(2) of title 38, United States Code) shall be allocated, net of payments to the contractor, to that region.

SEC. 117. Notwithstanding any other provision of law, at the discretion of the Secretary of Veterans Affairs, proceeds or revenues derived from enhanced-use leasing activities (including disposal) that are deposited into the Medical Care Collections Fund may be transferred and merged with "Construction, major projects" and "Construction, minor projects" accounts and be used for construction (including site acquisition and disposition), alterations and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, major projects" and "Construction, minor projects".

SEC. 118. Amounts made available under "Medical services" are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the department.

SEC. 119. That such sums as may be deposited to the Medical Care Collections Fund pursuant to 38 U.S.C. 1729A may be transferred to "Medical services", to remain available until expended for the purposes of this account.

SEC. 120. Amounts made available for fiscal year 2005 under the "Medical services", "Medical administration", and "Medical facilities" accounts may be transferred between the accounts to the extent necessary to implement the restructuring of the Veterans Health Administration accounts after notice of the amount and purpose of the transfer is provided to the Committees on Appropriations of the Senate and House of Representatives and a period of 30 days has elapsed: Provided, That the limitation on transfers is 20 percent in fiscal year 2005.

SEC. 121. Any appropriation for fiscal year 2005 for the Veterans Benefits Administration made available under the heading "General operating expenses" may be transferred to the "Veterans Housing Benefit Program Fund Program Account" for the purpose of providing funds for the nationwide property management contract if the administrative costs of such contract exceed $8,800,000 in the budget year.

SEC. 122. The Department of Veterans Affairs is authorized to expend such sums as are available in the unobligated balances of the funds originally appropriated to "Medical Care" for emergency expenses resulting from the January 1994 earthquake in Southern California in Public Law 103–211, Emergency Supplemental Appropriations Act of 1994, for the same purposes of the "Medical Services" account, to remain available until expended.

SEC. 123. Notwithstanding any other provision of law, the Secretary of Veterans Affairs (Secretary) shall allow veterans eligible under existing VA Medical Care requirements and who reside in Alaska to obtain medical care services from medical facilities supported by the Indian Health Services or tribal organizations. The Secretary shall (1) limit the application of this provision to rural Alaskan veterans in areas where an existing VA facility or VA-contracted service is unavailable, (2) require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary, (3) require this provision to be consistent with CARES, and (4) result in no additional cost to the Department of Veterans Affairs or the Indian Health Service.

SEC. 124. Of the funds made available under the heading "Construction, minor projects" in Chapter 11 of Division B of the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005, Public Law 108-324, the Secretary of Veterans Affairs may transfer up to $19,800,000 to the "Medical Facilities" account for non-recurring maintenance expenses related to hurricane and tropical storm damage.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ('the Act' herein), not otherwise provided for, $14,885,000,000, to remain available until expended, of which $10,685,000,000 shall be available on October 1, 2004 and $4,200,000,000 shall be available on October 1, 2005: Provided, That the amounts made available under this heading are provided as follows:

(1) $13,462,989,000 for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act): Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph, the Secretary for the calendar year 2005 funding cycle shall renew such contracts for each public housing agency based on verified Voucher Management System (VMS) leasing and cost data averaged for the months of May, June, and July of 2004, and by applying the 2005 Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with the first-time renewal of tenant protection or HOPE VI vouchers: Provided further, That if such data is not available, verifiable, or complete, the Secretary shall use verified VMS leasing and cost data averaged for the months of February, March, and April of 2004, and by applying the 2005 Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with the first-time renewal of tenant protection or HOPE VI vouchers: Provided further, That if such data is not available, verifiable, or complete, the Secretary shall use leasing and cost data from the most recent end-of-year financial statements for public housing agency fiscal years ending no later than March 31, 2004, and by applying the 2005 Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with the first-time renewal of tenant protection or HOPE VI vouchers: Provided further, That the Secretary shall, to the extent necessary to stay within the amount provided under this paragraph, pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: Provided further, That the entire amount provided under this paragraph shall be obligated to the public housing agencies based on the allocation and pro rata method described above: Provided further, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their

Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous proviso: Provided further, That none of the funds provided in this paragraph may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract;

(2) $163,000,000 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, and tenant protection assistance, including replacement and relocation assistance;

(3) $46,000,000 for family self-sufficiency coordinators under section 23 of the Act;

(4) $2,904,000 shall be transferred to the Working Capital Fund; and

(5) $1,210,107,000 for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $25,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs: Provided, That $1,185,107,000 of the amount provided in this paragraph shall be allocated for the calendar year 2005 funding cycle on a pro rata basis to public housing agencies based on the amount public housing agencies were eligible to receive in calendar year 2004: Provided further, That all amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities.

PROJECT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ('the Act' herein), not otherwise provided for, $5,341,000,000 to remain available until expended: Provided, That the amounts made available under this heading are provided as follows:

(1) $5,237,100,000 for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act, for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph;

(2) $101,900,000 for performance-based contract administrators for section 8 project-based assistance; and

(3) $2,000,000 shall be transferred to the Working Capital Fund.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g) (the "Act") $2,600,000,000, to remain available until September 30, 2008: Provided, That notwithstanding any other provision of law or regulation, during fiscal year 2005, the Secretary may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: Provided further, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: Provided further, That of the total amount provided under this heading, up to $38,700,000 shall be for carrying out activities under section 9(h) of such Act, of which $12,500,000 shall be for the provision of remediation services to public housing agencies identified as "troubled" under the Section 8 Management Assessment Program and for surveys used to calculate local Fair Market Rents and assess housing conditions in connection with rental assistance under section 8 of the Act: Provided further, That $10,150,000 shall be transferred to the Working Capital Fund: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: Provided further, That of the total amount provided under this heading, up to $30,000,000 shall be available for the Secretary of Housing and Urban Development to make grants, notwithstanding section 205 of this Act, to public housing agencies for emergency capital needs resulting from unforeseen emergencies and natural disasters occurring in fiscal year 2005: Provided further, That of the total amount provided under this heading, $53,500,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act and the Native American Housing Assistance and Self-Determination Act of 1996: Provided further, That up to $3,000,000 is to support the costs of administrative and judicial receiverships in effect prior to date of enactment of this Act: Provided further, That of the total amount provided under this heading, $15,000,000 shall be for Neighborhood Networks grants for activities authorized in section 9(d)(1)(E) of the United States Housing Act of 1937, as amended, of which up to $1,000,000 may be used for technical assistance in connection with such grants as authorized in section 9(h)(8) of such Act: Provided further, That notwithstanding any other provision of law, amounts made available in the previous proviso shall be awarded to public housing agencies on a competitive basis: Provided further, That notwithstanding section 9(d)(1)(E) of the United States Housing Act of 1937, any Neighborhood Networks computer center established with funding made available under this heading in this or any other Act, shall be available for use by residents of public housing and residents of other housing assisted with funding made available under this title in this Act or any other Act.

PUBLIC HOUSING OPERATING FUND

For 2005 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g(e)), $2,458,000,000, of which $10,000,000 in bonus funds shall be provided to public housing agencies that assist program participants in moving away from dependency on housing assistance programs: Provided, That of the total amount provided under this heading, $8,000,000 shall be for programs, as determined appropriate by the Attorney General, which assist in the investigation, prosecution, and prevention of violent crimes and drug offenses in public and federally-assisted low-income housing, including Indian housing, which shall be administered by the Department of Justice through a cooperative agreement with the Department of Housing and Urban Development: Provided further, That any such 2005 payment shall be provided in an amount sufficient to cover only the period beginning with the start of a public housing agency's fiscal year and ending on December 31, 2005: Provided further, That for fiscal year 2006 and all fiscal years thereafter, the Secretary shall provide assistance under this heading to public housing agencies on a calendar year basis: Provided further, That, in fiscal year 2005 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management of public housing for any year prior to the current year of such Act: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, as amended, $144,000,000, to remain available until September 30, 2006, of which the Secretary may use up to $4,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $627,000,000, to remain available until expended, of which $2,200,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; of which $4,500,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel; and of which $2,600,000 shall be transferred to the Working Capital Fund: Provided, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $17,926,000: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a), $5,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $145,345,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $250,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13b), $1,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $37,403,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $35,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $284,000,000, to remain available until September 30, 2006: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: Provided further, That the Secretary may use up to $2,500,000 of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $24,000,000 to remain available until expended, which amount shall be competitively awarded by September 1, 2005, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

For grants in connection with a second round of empowerment zones and enterprise communities, $10,000,000, to remain available until September 30, 2005, for "Urban Empowerment Zones", as authorized in section 1391(g) of the Internal Revenue Code of 1986 (26 U.S.C. 1391(g)), including $666,666 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,709,000,000, to remain available until September 30, 2007 unless otherwise specified: Provided, That of the amount provided, $4,150,035,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): Provided further, That unless explicitly provided for under this heading (except for planning grants provided in the third paragraph and amounts made available in the second paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Act) shall be expended for planning and management development and administration: Provided further, That $69,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including Section 205 of this Act), up to $4,000,000 may be used for emergencies that constitute imminent threats to health and safety; $3,300,000 shall be for a grant to the Housing Assistance Council; $2,400,000 shall be for a grant to the National American Indian Housing Council; $4,800,000 shall be available as a grant to the National Housing Development Corporation, for operating expenses not to exceed $2,000,000 and for a program of affordable housing acquisition and rehabilitation; $4,800,000 shall be available as a grant to the Raza Development Fund of La Raza for the HOPE Fund, of which $500,000 is for technical assistance and fund management, and $4,300,000 is for investments in the HOPE Fund and financing to affiliated organizations; $43,700,000 shall be for grants pursuant to section 107 of the Act, of which $9,000,000 shall be for the Native Hawaiian block grant authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996, to remain available until expended, of which $500,000 shall be for training and technical assistance; $3,465,000 shall be transferred to the Working Capital Fund; $25,000,000 shall be for grants pursuant to the Self Help Homeownership Opportunity Program; $34,500,000 shall be for capacity building, of which $30,000,000 shall be for Capacity Building for Community Development and Affordable Housing for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), as in effect immediately before June 12, 1997, with not less than $5,000,000 of the funding to be used in rural areas, including tribal areas, and of which $4,500,000 shall be for capacity building activities administered by Habitat for Humanity International; $2,000,000 shall be for the Special Olympics National Games Organizing Committee for planning, equipment, and operational expenses associated with the 2006 games in Ames, Iowa; $62,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That no more than 10 percent of any grant award under the YouthBuild program may be used for administrative costs: Provided further, That of the amount made available for YouthBuild not less than $9,000,000 is for grants to establish YouthBuild programs in underserved and rural areas and $2,000,000 is to be made available for a grant to YouthBuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amount made available under this heading, $42,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: Provided, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the statement of managers accompanying this Act.

Of the amount made available under this heading, $262,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the statement of managers accompanying this Act: Provided, That none of the funds provided under this paragraph may be used for program operations.

The referenced statement of the managers under this heading in Public Law 108–7 is deemed to be amended with respect to item number 2 with respect to amounts made available for the City of Boaz, Alabama by striking "facilities renovation and expansion" and inserting "construction of a new library".

The referenced statement of the managers under this heading in Public Law 108–7 is deemed to be amended with respect to item number 740 by striking "facilities renovation and construction" and inserting "an economic development planning study".

The referenced statement of the managers under this heading in Public Law 108–7 is deemed to be amended with respect to item number 254 by striking "Greater Community Council in Louisville, Kentucky for construction of a facility for low-income, disabled persons" and inserting "Portland Promise, Inc. in Louisville, Kentucky for a multi-purpose facility".

The referenced statement of the managers under this heading in Public Law 108–7 is deemed to be amended with respect to item number 10 with respect to amounts made available to the St. Stephen Family Life Center in Louisville, Kentucky by striking "renovation" and inserting "construction".

The referenced statement of the managers under this heading in Public Law 108–7 is deemed to be amended with respect to item number 584 with respect to amounts made available for Queens Borough Public Library in Queens, New York by striking "for facilities rehabilitation and expansion of the Parsons Boulevard complex" and inserting "for facilities construction and renovations".

The referenced statement of the managers under this heading in Public Law 108–199 is deemed to be amended with respect to item number 198 by striking "$160,000 for the Pine Mountain Beautification and Economic Development project in Harris County, Georgia for streetscape improvements" and inserting "$60,000 for the Beautification and Economic Development project in Harris County, Georgia for construction; and $100,000 for the Beautification and Economic Development project in the Town of Pine Mountain, Georgia for streetscape improvements".

The referenced statement of the managers under this heading in Public Law 108–199 is *deemed to be amended with respect to item number 96 with respect to amounts made available for the City of Corona, California by striking "construction" and inserting "rehabilitation and conversion".*

The referenced statement of the managers under this heading in Public Law 108–199 is deemed to be amended with respect to item number 257 with respect to amounts made available for Fort Dodge, Iowa by inserting "planning, design and" before the word "facilities".

The referenced statement of the managers under this heading in Public Law 108–199 is deemed to be amended with respect to item number 776 with respect to amounts made available for Rice University by inserting "planning, design and" before the word "construction".

The referenced statement of the managers under this heading in Public Law 108–199 is deemed to be amended with respect to item number 535 by striking "facilities renovation, expansion and buildout for the D'Youville College Library Improvement project" and inserting "Administration building renovation".

The referenced statement of the managers under this heading in Public Law 108–7 is deemed to be amended with respect to item number 215 by striking "construction of a fieldhouse located at 39th and Cottage Grove" and inserting "costs associated with construction of a LULA lift at Ogden Park".

The referenced statement of the managers under this heading in Public Law 108–7 is deemed to be amended with respect to item number 831 by striking "Bread and Rose in Olympia, Washington for renovations to a homeless shelter" and inserting "Catholic Community Services in Olympia, Washington for construction of a homeless shelter".

The referenced statement of the managers under this heading in Public Law 108–199 is deemed to be amended with respect to item number 303 by striking "Maine Environmental" and inserting "Marine Environmental".

The referenced statement of the managers under this heading in Public Law 108–199 is deemed to be amended with respect to item number 163 by striking "a special needs evacuation, senior, multipurpose center" and inserting "for Lakefront improvements to Lake Toho".

The referenced statement of the managers under this heading in Public Law 108–199 is deemed to be amended with respect to item number 499 by striking "relocation of and renovations to the Wolcott Carriage House" and inserting "facilities improvements to Erie Canal parks".

The referenced statement of the managers under this heading in title II of Public Law 107–73; H. Rept. 107–272 is deemed to be amended by striking: "Southern New Mexico Fair and Rodeo in Dona Ana County for infrastructure improvements and to build a multipurpose event center;" and insert in lieu thereof "Dona Ana County, New Mexico, for the Southern New Mexico State Fair to make infrastructure improvements and to build a multi-purpose event center;".

The referenced statement of the managers under this heading in title II of Division G of the Consolidated Appropriations Resolution, 2004 (Public Law 108–199; H. Rept. 108–401) is deemed to be amended with respect to item 218 by striking "construction" and insert in lieu thereof "planning and design".

The statement of managers accompanying Public Law 106–74, as amended by chapter 8 of title II of the Emergency Supplemental Act, 2000 (Public Law 106–246), is further amended by inserting ", to remain available to be expended until September 30, 2007," after "$25,000,000".

The referenced statement of managers under the heading in title II of Division G of the Consolidated Appropriations Resolution, 2004 (Public Law 108–199; H. Rpt. 108–401) is deemed to be amended with respect to numbers 418 and 423 by striking out both specified grants and inserting in lieu thereof "418. $900,000 to Northland Neighborhoods, Inc. in Clay County, Missouri for the expansion of the current Home Repair Program to provide home repairs to low- to moderate-income neighborhoods;".

The referenced statement of managers under this heading in title II of Division G of the Consolidated Appropriations Resolution, 2004 (Public Law 108–199; H. Rept. 108–401) is deemed to be amended with respect to item 791 by inserting "for planning and design" after "Texas".

The referenced statement of managers under this heading in title II of Division G of the Consolidated Appropriations Resolution, 2004 (Public Law 108–199; H. Rept. 108–401) is deemed to be amended with respect to item 218 by striking "construction" and inserting in lieu thereof "planning and design".

The referenced statement of the managers under this heading in Public Law 108–199 is deemed to be amended with respect to item number 169 by striking "for renovation of an aviation high technology facility" and inserting in lieu thereof "for a feasibility study of a facilities improvement to the Airco Complex and surrounding properties".

The referenced statement of the managers under this heading in Public Law 108–7 is deemed to be amended with respect to item number 740 by striking "for facilities renovation and construction" and inserting "for development and continuation of the National Medal of Honor Museum of Military History".

The referenced statement of the managers under this heading in Public Law 108–199 is deemed to be amended with respect to item number 163 by striking "for a special needs evacuation, senior, multipurpose center" and inserting "for construction at the Lakefront Improvement Project".

The referenced statement of the managers under this heading in Public Law 108–7 is deemed to be amended with respect to item number 54 by striking "for renovation of facilities" and inserting "for the Screen Education Center".

The referenced statement of the managers under this heading in Public Law 108–199 is deemed to be amended with respect to item number 104 by striking "to Sonoma State University in California for construction of the Green Music Center" and inserting "to Center Point, Inc. to acquire and renovate a facility for the adolescent residential treatment center".

The referenced statement of the managers under this heading in Public Law 108–199 is deemed to be amended with respect to item number 4 by striking "for renovation of the Old Uniontown Middle School" and inserting "for enhancements to facilities for industrial development".

The referenced statement of the managers under this heading in Public Law 108–199 is deemed to be amended with respect to item number 583 by striking "$200,000 to the North Carolina Museum of Natural Sciences for construction of the Nature Research Center" and inserting "$200,000 to the Friends of the North Carolina Museum of Natural Sciences for construction of the Nature Research Center".

The referenced statement of the managers under this heading in Public Law 108–199 is deemed to be amended with respect to item number 469 by striking "to Rutgers University in New Jersey land acquisition for LEAP University High School" and inserting "to the LEAP Academy University Charter High School in Camden City, New Jersey for facilities construction, renovation, and buildout".

The referenced statement of the managers under this heading in Public Law 108–199 is deemed to be amended with respect to item number 575 by striking "construction" and inserting "acquisition, renovation".

The referenced statement of the managers under this heading in Public Law 108–199 is deemed to be amended with respect to item number 683 by striking "for construction related to Bailey Park and downtown streetscape, beautification, building renovation and restoration" and inserting "for master plan development, building acquisition, demolition, renovation and restoration".

Section 167 of division H of Public Law 108–199 is amended by allocating the funding made available under the heading "Community Development Fund for project number 177 (House Report 108–235) to "the Chicago Children's Choir Academy in Illinois for facility design and construction".

The referenced statement of the managers under this heading in title II of Division G of the Consolidated Appropriations Resolution, 2004 (Public Law 108–199; H. Rept. 108–401) is deemed to be amended with respect to item 24 by striking "Tuscaloosa County Commission for Community Development in Tuscaloosa County, Alabama;" and insert in lieu thereof "City of Tuscaloosa for community development in Tuscaloosa, Alabama;".

The referenced statement of the managers under this heading in title II of Division G of the Consolidated Appropriations Resolution, 2004 (Public Law 108–199; H. Rept. 108–401) is deemed to be amended with respect to item 796 by striking "Community Center" and insert in lieu thereof "Convention Center".

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, $6,000,000, to remain available until September 30, 2006, as authorized by section 108 of the Housing and Community Development Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $275,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

In addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for "Salaries and expenses".

BROWNFIELDS REDEVELOPMENT

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $24,000,000, to remain available until September 30, 2006.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,865,000,000, to remain available until September 30, 2007: Provided, That of the total amount provided in this paragraph, up to $42,000,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968, and $2,000,000 shall be transferred to the Working Capital Fund.

In addition to amounts otherwise made available under this heading, $50,000,000, to remain available until September 30, 2007, for assistance to homebuyers as authorized under title I of the American Dream Downpayment Act.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,250,515,000, of which $1,230,515,000 shall remain available until September 30, 2007, and of which $20,000,000 shall remain available until expended: Provided, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing: Provided further, That all funds awarded for services shall be matched by 25 percent in funding by each grantee: Provided further, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That up to $11,500,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project and technical assistance: Provided further, That $2,500,000 of the funds appropriated under this heading shall be transferred to the Working Capital Fund: Provided further, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account shall be transferred to this account, to be available for Shelter Plus Care renewals in fiscal year 2005.

HOUSING PROGRAMS

HOUSING FOR THE ELDERLY

(INCLUDING TRANSFER OF FUNDS)

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $747,000,000, to remain available until September 30, 2008, of which amount $50,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which amount up to $25,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2) for conversion of eligible projects under such section to assisted living or related use and for emergency capital repairs as determined by the Secretary: Provided, That of the amount made available under this heading, $18,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): Provided further, That $450,000 shall be transferred to the Working Capital Fund: Provided further, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

Title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2004, is amended under this heading by striking the fourth proviso.

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING TRANSFER OF FUNDS)

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, $240,000,000: Provided, That $450,000 shall be transferred to the Working Capital Fund: Provided further, That, of the amount provided under this heading $28,890,000 shall be for amendments to existing tenant-based assistance contracts entered into prior to fiscal year 2004 (only one amendment authorized for any such contract): Provided further, That of the amount provided under this heading, the Secretary may make available up to $10,000,000 for incremental tenant-based rental assistance, as authorized by section 811 of such Act, (which assistance is five years in duration): Provided further, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: Provided further, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed five years in duration.

Title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2004, is amended under this heading by striking the fourth proviso and inserting " Provided further, That all section 811 balances outstanding, as of September 30, 2003, shall be transferred to the appropriation under this heading.".

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2004, and any collections made during fiscal year 2005 and all subsequent fiscal years, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), up to $13,000,000 to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2005 so as to result in a final fiscal year 2005 appropriation from the general fund estimated at not more than $0 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2005 appropriation.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2005, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $185,000,000,000.

During fiscal year 2005, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $356,906,000, of which not to exceed $352,906,000 shall be transferred to the appropriation for "Salaries and expenses"; and not to exceed $4,000,000 shall be transferred to the appropriation for "Office of Inspector General". In addition, for administrative contract expenses, $78,000,000, of which $15,000,000 shall be transferred to the Working Capital Fund: Provided, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2005, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $10,000,000, to remain available until expended: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $35,000,000,000.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $29,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $227,767,000, of which $207,767,000 shall be transferred to the appropriation for "Salaries and expenses"; and of which $20,000,000 shall be transferred to the appropriation for "Office of Inspector General".

In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $86,000,000, of which $9,600,000 shall be transferred to the Working Capital Fund: Provided, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2005, an additional $1,980 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2006.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $10,695,000, to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $10,695,000, shall be transferred to the appropriation for "Salaries and expenses".

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $45,500,000, to remain available until September 30, 2006: Provided, That of the total amount provided under this heading, $7,000,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative: Provided further, that of the amounts made available for PATH under this heading, $3,500,000 shall not be subject to the requirements of section 205 of this title.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $46,500,000, to remain available until September 30, 2006, of which $20,000,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $168,000,000, to remain available until September 30, 2006, of which $9,900,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of §305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: Provided further, That of the total amount made available under this heading, $47,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs, as identified by the Secretary as having: (1) the highest number of occupied pre-1940 units of rental housing; and (2) a disproportionately high number of documented cases of lead-poisoned children: Provided further, That each grantee receiving funds under the previous proviso shall target those privately owned units and multifamily buildings that are occupied by low-income families as defined under section 3(b)(2) of the United States Housing Act of 1937: Provided further, That not less than 90 percent of the funds made available under this paragraph shall be used exclusively for abatement, inspections, risk assessments, temporary relocations and interim control of lead-based hazards as defined by 42 U.S.C. 4851: Provided further, That each recipient of funds provided under the first proviso shall make a matching contribution in an amount not less than 25 percent: Provided further, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a Notice of Funding Availability.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $25,000 for official reception and representation expenses, $1,120,000,000, of which $560,673,000 shall be provided from the various funds of the Federal Housing Administration, $10,695,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be provided from the "Community development loan guarantees program" account, $150,000 shall be provided by transfer from the "Native American housing block grants" account, $250,000 shall be provided by transfer from the "Indian housing loan guarantee fund program" account and $35,000 shall be transferred from the "Native Hawaiian housing loan guarantee fund" account: Provided, That funds made available under this heading shall only be allocated in the manner specified in the report accompanying this Act unless the Committees on Appropriations of both the House of Representatives and the Senate are notified of any changes in an operating plan or reprogramming: Provided further, That no official or employee of the Department shall be designated as an allotment holder unless the Office of the Chief Financial Officer (OCFO) has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives: Provided further, That the Chief Financial Officer shall establish positive control of and maintain adequate systems of accounting for appropriations and other available funds as required by 31 U.S.C. 1514: Provided further, That for purposes of funds control and determining whether a violation exists under the Anti-Deficiency Act (31 U.S.C. 1341 et seq.), the point of obligation shall be the executed agreement or contract, except with respect to insurance and guarantee programs, certain types of salaries and expenses funding, and incremental funding that is authorized under an executed agreement or contract, and shall be designated in the approved funds control plan: Provided further, That the Chief Financial Officer shall: (1) appoint qualified personnel to conduct investigations of potential or actual violations; (2) establish minimum training requirements and other qualifications for personnel that may be appointed to conduct investigations; (3) establish guidelines and timeframes for the conduct and completion of investigations; (4) prescribe the content, format and other requirements for the submission of final reports on violations; and (5) prescribe such additional policies and procedures as may be required for conducting investigations of, and administering, processing, and reporting on, potential and actual violations of the Anti-Deficiency Act and all other statutes and regulations governing the obligation and expenditure of funds made available in this or any other Act: Provided further, That up to $20,000,000 may be transferred to the Working Capital Fund: Provided further, That the Secretary shall fill 7 out of 10 vacancies at the GS–14 and GS–15 levels until the total number of GS–14 and GS–15 positions in the Department has been reduced from the number of GS–14 and GS–15 positions on the date of enactment of Public Law 106–377 by 2½ percent.

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide information technology systems, for the continuing operation of both Department-wide and program-specific information systems, and for program-related development activities, $270,000,000, to remain available until September 30, 2006: Provided, That any amounts transferred to this Fund under this Act shall remain available until expended: Provided further, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used only for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $104,000,000, of which $24,000,000 shall be provided from the various funds of the Federal Housing Administration: Provided, That the Inspector General shall have independent authority over all personnel issues within this office: Provided further, That $300,000 shall be transferred to the Working Capital Fund.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $59,209,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: Provided, That of the amount made available under this heading, $5,000,000 is for litigation and to continue ongoing special investigations of the federal housing enterprises: Provided further, That the Director shall submit a spending plan for the amounts provided under this heading no later than January 15, 2005: Provided further, That not less than 80 percent of total amount made available under this heading shall be used only for examination, supervision, and capital oversight of the enterprises *(as such term is defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502)) to ensure that the enterprises are operating in a financially safe and sound manner and complying with the capital requirements under Subtitle B of such Act: Provided further, That not to exceed the amount provided herein shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.*

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(RESCISSION)

Of the unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading "Annual contributions for assisted housing" or any other heading for fiscal year 2004 and prior years, $1,557,000,000 is rescinded, to be effected by the Secretary no later than September 30, 2005: Provided, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall be available for the rescission: Provided further, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled: Provided further, That no amounts recaptured from amounts appropriated in prior years under this heading or the heading "Annual contributions for assisted housing" and no carryover of such appropriated amounts for project-based assistance shall be available for the calendar year 2005 funding cycle for activities provided for under the heading "Tenant-based rental assistance": Provided further, That amounts recaptured under this heading or the heading "Annual contributions for assisted housing" from amounts appropriated for project-based section 8 activities may be used for amendments to section 8 project-based subsidy contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

(RESCISSION)

Of the unobligated balances remaining from funds appropriated in fiscal year 2001 and prior years under the heading "Drug elimination grants for low-income housing", $5,000,000 are rescinded.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(RESCISSION)

Of the unobligated balances remaining from funds appropriated in fiscal year 2004 and prior years under the heading "Native American housing block grants" for activities related to title VI of NAHASDA, $21,000,000 are rescinded.

INDIAN HOUSING LOAN GUARANTEE PROGRAM ACCOUNT

(RESCISSION)

Of the unobligated balances remaining from funds appropriated in fiscal year 2004 and prior years under the heading "Indian housing loan guarantee fund program account" for activities related to the cost of guaranteed loans, $33,000,000 are rescinded.

HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

(RESCISSION)

Of the amounts made available under the heading "Rent Supplement" in Public Law 98–63 for amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, non-insured rental housing projects, up to $675,000,000 is cancelled.

FEDERAL HOUSING ADMINISTRATION

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(RESCISSION)

Of the unobligated balances remaining from credit subsidy appropriated in fiscal year 2004 and prior years under the heading "General and special risk program account", $30,000,000 are rescinded.

ADMINISTRATIVE PROVISIONS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2005 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2005 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2005 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2005 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2005, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2005 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter "metropolitan division") of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (a) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (b) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

SEC. 204. (a) During fiscal year 2005, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan specified in subsection (b) of this section, notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

(b) The counties specified in this subsection are Oakland County, Macomb County, Wayne County, and Washtenaw County, in the State of Michigan.

SEC. 205. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989.

SEC. 206. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 207. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 208. Corporations and agencies of the Department of Housing and Urban Development *which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2005 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.*

SEC. 209. None of the funds provided in this title for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each program, project or activity as part of the Budget Justifications. For fiscal year 2005, HUD shall transmit this information to the Committees by March 15, 2005 for 30 days of review.

SEC. 210. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 211. Notwithstanding any other provision of law, in fiscal year 2005, in managing and disposing of any multifamily property that is owned or held by the Secretary and is occupied primarily by elderly or disabled families, the Secretary of Housing and Urban Development shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties or provide other rental assistance.

SEC. 212. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2005 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter "metropolitan division"), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2005 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2005 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 213. Notwithstanding any other provision of law, for this fiscal year and every fiscal year thereafter, funds appropriated for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, shall be available for the cost of maintaining and disposing of such properties that are acquired or otherwise become the responsibility of the Department.

SEC. 214. The Secretary of Housing and Urban Development shall submit an annual report no later than August 30, 2005 and annually thereafter to the House and Senate Committees on Appropriations regarding the number of Federally assisted units under lease and the per unit cost of these units to the Department of Housing and Urban Development.

SEC. 215. The Department of Housing and Urban Development shall submit the Department's fiscal year 2006 congressional budget justifications to the Committees on Appropriations of the House of Representatives and the Senate using the identical structure provided under this Act and only in accordance with the direction specified in the report accompanying this Act.

SEC. 216. That incremental voucher previously made available under the heading "Housing Certificate Fund" for non-elderly disabled families shall, to the extent practicable, continue to be provided to non-elderly disabled families upon turnover.

SEC. 217. The installment contract between the Village of Hanna City, Illinois and the General Services Administration is in the nature of a purchase money mortgage which will be paid off at initial closing. The Department of Housing and Urban Development shall accept the Village of Hanna City, Illinois' holding of equitable title to this property as sufficient for the purposes of the section 202 housing program.

SEC. 218. A public housing agency or such other entity that administers Federal housing assistance in the states of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 in the states of Alaska, Iowa and Mississippi shall establish an advisory board of not less than 6 residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 219. (a) Section 536(b)(1) of the National Housing Act (12 U.S.C. 1735f–14(b)(1)) is amended by adding the following new subparagraph at the end:

"(J) Failure to perform a required physical inspection of the mortgaged property.".

(b) Section 537(c)(1)(B)(ii) of such Act (12 U.S.C. 1735f–15(c)(1)(B)(ii)) is amended by inserting after "rents," the following: "other revenues, or contract rights,".

(c) Section 537(c)(1)(B)(x) of such Act (12 U.S.C. 1735f–15(c)(1)(B)(x)) is amended to read as follows:

"(x) Failure to furnish the Secretary, by the expiration of the 90-day period beginning on the first day after the completion of each fiscal year (unless the Secretary has approved an extension of the 90-day period in writing), with a complete annual financial report, in accordance with requirements prescribed by the Secretary, including requirements that the report be—

"(I) based upon an examination of the books and records of the mortgagor;

"(II) prepared and certified to by an independent public accountant or a certified public accountant (unless the Secretary has waived this requirement in writing); and

"(III) certified to by the mortgagor or an authorized representative of the mortgagor.

"The Secretary shall approve an extension where the mortgagor demonstrates that failure to comply with this clause is due to events beyond the control of the mortgagor.".

SEC. 220. Section 421 of the Housing and Community Development Act of 1987 (12 U.S.C. 1715z–4a) is amended—

(1) in subsection (a)(1)(A), by inserting after "project" the following: ", nursing home, intermediate care facility, board and care home, assisted living facility, or hospital";

(2) in subsection (a)(1)(B), by inserting after "is" the following: "or, at the time of the violations, was";

(3) in the second sentence of subsection(a)(1), by striking "project" and inserting "property";

(4) in subsection (a)(2) by striking "which" and all that follows through "any owner" and inserting the following: "that owns or operates a property, as identified in the regulatory agreement, including but not limited to—

"(A) any stockholder holding 25 percent or more interest of a corporation that owns that property;

"(B) any beneficial owner of the property under any business or trust;

"(C) any officer, director, or partner of an entity owning or controlling the property;

"(D) any nursing home lessee or operator;

"(E) any hospital lessee or operator;

"(F) any other person or entity that controls the property regardless of that person or entity's official relationship to the property; and

"(G) any heir, assignee, successor in interest, or agent of any person or entity described in the preceding subparagraphs";

(5) in subsection (c), by striking "project" the first two places it appears and inserting "property"; and

(6) in subsection (d), by striking "project" and inserting "a property's".

SEC. 221. Section 204(h) of the National Housing Act (12 U.S.C. 1710(h)) is amended—

(1) in paragraph (2)—

(A) by striking "following assets of the Secretary" and inserting "following categories of

assets of the Secretary, unless the Secretary determines at any time that the asset property is economically or otherwise infeasible to rehabilitate or that the best use of the asset property is as open space (including park land)'';

(B) in subparagraph (B)(ii), by inserting after ''Act'' the following: ''except for mortgages insured under or made pursuant to sections 235, 247, or 255''; and

(C) by striking subparagraph (C);

(2) in the second sentence of paragraph (3), by inserting after ''government'' the following: '', States, and Indian tribes'';

(3) in paragraph (4)—

(A) in subparagraph (A)(i), by inserting after ''government'' the following: '', State, or Indian tribe'';

(B) by revising subparagraph (B)(ii) to read as follows:

''(ii) purchases all assets of the Secretary in the category or categories of eligible assets set forth in the sale agreement required under paragraph (7) that, at any time during the period which shall be set forth in the sale agreement—

''(I) are or become eligible for purchase under this subsection; and

''(II) are located in the asset control area of the purchaser; and''; and

(C) in subparagraph (C), by striking ''purchase of eligible assets under'' and inserting ''purchase of the category or categories of eligible assets set forth in the sale agreement under'';

(4) in paragraph (6)—

(A) by revising subparagraph (C) to read as follows:

''(C) DISCOUNTS.—The Secretary, in the sole discretion of the Secretary, shall establish the discount under this paragraph for an eligible asset. In determining the discount, the Secretary may consider the condition of the asset property, the extent of resources available to the preferred purchaser, the comprehensive revitalization plan undertaken by such purchaser, the financial safety and soundness of the Mutual Mortgage Insurance Fund, and any other circumstances the Secretary considers appropriate''; and

(B) by striking subparagraph (D);

(5) in paragraph (7)(A), by striking ''eligible assets to be purchased and the interests sold'' and inserting ''category or categories of eligible assets to be purchased and, based on the purchaser's capacity to manage and dispose of assets, the maximum number of assets owned by the Secretary at the time the sale agreement is executed that shall be sold to the purchaser''; and

(6) in paragraph (8)—

(A) in subparagraph (F), by inserting after ''State'' the following: '', and any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive officer to act on behalf of the jurisdiction with regard to the provisions of this subsection''; and

(B) by adding the following new subparagraphs at the end:

''(G) STATE.—The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive officer to act on behalf of the State with regard to provisions of this subjection.

''(H) INDIAN TRIBE.—The term ''Indian tribe'' has the same meaning as in section 248(i)(I) of this Act.''.

SEC. 222. Section 203(c) of the National Housing Act (12 U.S.C. 1709(c)), as amended, is further amended in paragraph (1) by striking ''subsections (n) and (k)'' and inserting ''subsection (n)'' and striking ''or (k)''.

SEC. 223. Section 203(c)(2)(A) of the National Housing Act (12 U.S.C. 1709(c)(2)(A)) is amended in the last sentence after ''subparagraph'' by inserting the following: '', provided that the mortgagor refinances the unpaid principal obligation under title II of this Act''. This provision shall apply to loans that become insured on or after date of enactment of this Act.

SEC. 224. The portion of any athletic scholarship assistance that is available for housing costs shall be considered adjusted income for purposes of section 3(b)(5) of the United States Housing Act of 1937. The Secretary of Housing and Urban Development shall by notice establish criteria under which persons who receive athletic scholarship assistance may be denied housing assistance under the United State Housing Act of 1937.

SEC. 225. The funds made available for Native Alaskans under the heading ''Native American Housing Block Grants'' in title II of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2004.

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $41,100,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, $12,000,000, to remain available until expended, for purposes authorized by 36 U.S.C. 2109.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $9,100,000: Provided, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: Provided further, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

EMERGENCY FUND

For necessary expenses of the Chemical Safety and Hazard Investigation Board for accident investigations not otherwise provided for, $400,000, to remain available until expended.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES-3, $55,522,000, to remain available until September 30, 2006, of which $4,000,000 shall be for financial assistance, technical assistance, training and outreach programs designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers, and up to $14,900,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to $6,000,000 may be used for the cost of direct loans, and up to $250,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $11,000,000.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $62,650,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (the ''Corporation'') in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the ''Act'') (42 U.S.C. 12501 et seq.), $545,884,000, to remain available until September 30, 2006: Provided, That not more than $290,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust Program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities of the AmeriCorps program), including grants to organizations operating projects under the AmeriCorps Education Awards Program (without regard to the requirements of sections 121(d) and (e), section 131(e), section 132, and sections 140(a), (d), and (e) of the Act): Provided further, That not less than $144,000,000 of the amount provided under this heading, to remain available without fiscal year limitation, shall be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601), of which up to $3,900,000 shall be available to support national service scholarships for high school students performing community service, and of which $13,000,000 shall be held in reserve as defined in Public Law 108–45: Provided further, That in addition to amounts otherwise provided to the National Service Trust under the second *proviso, the Corporation may transfer funds from the amount provided under the first proviso, to the National Service Trust authorized under subtitle D of title I of the Act (42 U.S.C. 12601) upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to Congress: Provided further, That of the amount provided under this heading for grants under the National Service Trust program authorized under subtitle C of title I of the Act, not more than $55,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): Provided further, That not more than $13,334,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.), of which $4,000,000 shall be available for challenge grants to non-profit organizations: Provided further, That notwithstanding subtitle H of title I of the Act (42 U.S.C. 12853), none of the funds provided under the previous proviso shall be used to support salaries and related expenses (including travel) attributable to Corporation employees: Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That $25,500,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That $3,550,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): Provided further, That $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than $2,500,000 may be used to support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That $4,500,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc.: Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall reduce the total Federal costs per participant in all programs.*

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $26,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $6,000,000, to remain available until September 30, 2006.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

The Inspector General of the Corporation for National and Community Service shall conduct random audits of the grantees that administer activities under the AmeriCorps programs and shall levy sanctions in accordance with standard Inspector General audit resolution procedures which include, but are not limited to, debarment of any grantee (or successor in interest or any entity with substantially the same person or persons in control) that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs, including any grantee that has been determined to have violated the prohibition of using Federal funds to lobby the Congress: Provided, That the Inspector General shall obtain reimbursements in the amount of any misused funds from any grantee that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs.

For fiscal year 2005, the Corporation shall make any significant changes to program requirements or policy only through public notice and comment rulemaking. For fiscal year 2005, during any grant selection process, no officer or employee of the Corporation shall knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

U.S. COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251–7298, $17,250,000, of which $1,100,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of one passenger motor vehicle for replacement only, and not to exceed $1,000 for official reception and representation expenses, $29,600,000, to remain available until expended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $80,486,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $76,654,000: Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2005, and existing profiles may be updated as necessary.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $750,061,000, which shall remain available until September 30, 2006: Provided, That of the amounts made available under this heading $1,000,000 shall be transferred to the Office of Environmental Quality Management fund.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed

$85,000 per project; and not to exceed $9,000 for official reception and representation expenses, $2,313,409,000, which shall remain available until September 30, 2006, including administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $38,000,000, to remain available until September 30, 2006.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $39,000,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project; $1,257,537,000, to remain available until expended, consisting of such sums as are available in the Trust Fund upon the date of enactment of this Act as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,257,537,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $13,000,000 shall be transferred to the "Office of Inspector General" appropriation to remain available until September 30, 2006, and $36,097,000 shall be transferred to the "Science and technology" appropriation to remain available until September 30, 2006.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $70,000,000, to remain available until expended.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $16,000,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,604,182,000, to remain available until expended, of which $1,100,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the "Act"), of which up to $50,000,000 shall be available for loans, including interest free loans as authorized by 33 U.S.C. 1383(d)(1)(A), to municipal, inter-municipal, interstate, or State agencies or nonprofit entities for projects that provide treatment for or that minimize sewage or stormwater discharges using one or more approaches which include, but are not limited to, decentralized or distributed stormwater controls, decentralized wastewater treatment, low-impact development practices, conservation easements, stream buffers, or wetlands restoration; $850,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $50,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $45,000,000 shall be for grants to the State of Alaska to address drinking water and waste infrastructure needs of rural and Alaska Native Villages: Provided, That, of these funds (1) the State of Alaska shall provide a match of 25 percent, (2) no more than 5 percent of the funds may be used for administrative and overhead expenses, and (3) not later than October 1, 2005 the State of Alaska shall make awards consistent with the statewide priority list established in 2004 for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; $4,000,000 shall be for remediation of above ground leaking fuel tanks pursuant to Public Law 106–554; $309,925,000 shall be for making grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the joint explanatory statement of the managers accompanying this Act, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency; $90,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; $7,500,000 for a cost-shared grant program to school districts for necessary upgrades of their diesel bus fleets; and $1,145,757,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities of which and subject to terms and conditions specified by the Administrator, of which $50,000,000 shall be for carrying out section 128 of CERCLA, as amended, and $19,500,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, and $18,000,000 shall be for making competitive targeted watershed grants: Provided further, That for fiscal year 2005, State authority under section 302(a) of Public Law 104–182 shall remain in effect: Provided further, That notwithstanding section 603(d)(7) of the Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2005 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2005, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to sections 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2005, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of such Act: Provided further, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: Provided further, That the referenced statement of the managers under this heading in Public Law 108–7, in reference to item number 471, is deemed to be amended by striking everything after "for" and inserting, "for water infrastructure improvements": Provided further, That the referenced statement of the managers under this heading in Public Law 108–199, in reference to item number 22, is deemed to be amended by striking everything after "22." and inserting, "$200,000 to Jackson County, Alabama, for water system improvements and $200,000 to the City of Muscle Shoals, Alabama, for water and sewer infrastructure improvements": Provided further, That the referenced statement of the managers under this heading in Public Law 108–199, in reference to item number 158, is deemed to be amended by inserting "water and" after "for": Provided further, That the referenced statement of the managers under this heading in Public Law 107–73 is deemed to be amended by striking "Southeast" in reference to item 9 and inserting "Southwest": Provided further, That the referenced statement of the managers under this heading in Public Law 107–73, in reference to item number 103, is deemed to be amended by striking everything after the word "for", and adding, "the City of Chicago, Illinois for water infrastructure improvements at the Thomas Jefferson and Lakeview Pumping Stations": Provided further, That the referenced statement of the managers under this heading in Public Law 108–199, in reference to item number 484, is deemed to be amended by striking "City of Norfolk" and inserting "Portsmouth Virginia": Provided further, That the referenced statement of the managers under this heading in Public Law 108-199, in reference to item number 283, is deemed to be amended by striking "City of Kalispell, Montana" and inserting "Flathead County Water and Sewer District No. 1—Evergreen": Provided further, That the referenced statement of managers under this heading in Public Law 108–7, in reference to item number 139, is deemed to be amended by striking "State of Hawaii Health Department" and inserting "County of Hawaii": Provided further, That the referenced statement of managers under this heading in Public Law 108–199, in reference to item number 148, is deemed to be amended by striking everything after the word "for" and inserting "the replacement of cesspools in Hawaii, $250,000 to the City and County of Honolulu for Varona Village, $500,000 to the County of Hawaii and the remainder to the Housing and Community Development Corporation of Hawaii;'': Provided further, That the referenced statement of the managers under this heading in Public Law 108–199, in reference to item number 388, is deemed to be amended by striking everything after the word "for" and inserting "the Southeast Water Treatment Plant in Lawton, Oklahoma for water and wastewater infrastructure improvements;": Provided further, That the referenced statement of the managers under this heading in Public Law 106–377, in reference to item number 46, is deemed to be amended by striking, "to construct pump stations, force mains, storage lagoons and spray irrigation facility", and inserting, "for wastewater treatment improvements": Provided further, That the referenced statement of the managers under this heading in Public Law 108–199, in reference to item number 409, is deemed to be amended by striking "City of" and "Pennsylvania": Provided further, That the referenced statement of the managers under this heading in Public Law 108–199, in reference to item number 265, is deemed to be amended by striking, "Franklin County", and inserting, "Okhissa Lake Sewer District": Provided further, That the referenced statement of the managers under this heading in Public Law 108–199, in reference to item number 322, is deemed to be amended by inserting "and water" after "wastewater": Provided further, That the referenced statement of the managers under this heading in Public Law 108–199, in reference to item number 173, is deemed to be amended by inserting "planning, design and" prior to "construction": Provided further, notwithstanding any other provision of law, the Environmental Protection Agency and the New York State Department of Environmental Conservation are authorized to award a $2,000,000 grant to the Town of Wheatfield, Niagara County, New York for the construction of sanitary collector sewers from funds realloted to the State of New York under title II of the Clean Water Act:Provided further, That the referenced statement of the managers under this heading in Public Law 108–199, in reference to item number 184, is deemed to be amended by striking "be divided equally between" and by striking "and" and inserting in place of "and", "or"

ADMINISTRATIVE PROVISIONS

For fiscal year 2005, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act (as added by subsection (f)(2) of the Pesticide Registration Improvement Act of 2003), as amended.

Notwithstanding CERCLA 104(k)(4)(B)(i)(IV), appropriated funds for fiscal year 2005 may be used to award grants or loans under section 104(k) of CERCLA to eligible entities that satisfy all of the elements set forth in CERCLA section 101(40) to qualify as a bona fide prospective purchaser except that the date of acquisition of the property was prior to the date of enactment of the Small Business Liability Relief and Brownfield Revitalization Act of 2001.

The Administrator may hereafter receive and use funds contributed by a non-Federal sponsor as its share of the cost of a project to carry out a project under paragraph (c)(12) of section 118 of the Federal Water Pollution Control Act, as amended.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $6,379,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $3,284,000: Provided, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $30,125,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

GENERAL SERVICES ADMINISTRATION

FEDERAL CITIZEN INFORMATION CENTER FUND

For necessary expenses of the Federal Citizen Information Center, including services authorized by 5 U.S.C. 3109, $14,907,000, to be deposited into the Federal Citizen Information Center Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Information Center activities in the aggregate amount not to exceed $27,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2005 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $1,500,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND EXPLORATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and exploration research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $7,742,550,000, to remain available until September 30, 2006, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to "Exploration capabilities" in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377.

EXPLORATION CAPABILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of exploration capabilities research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $8,425,850,000, to remain available until September 30, 2006, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to "Science, aeronautics and exploration" in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $31,600,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for "Science, aeronautics and exploration", or "Exploration capabilities" by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities or environmental compliance and restoration activities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for "Science, aeronautics and exploration", or "Exploration capabilities" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2007.

The unexpired balances of prior appropriations to NASA for activities for which funds are provided under this Act may be transferred to the new account established for the appropriation that provides such activity under this Act. Balances so transferred may be merged with funds in the newly established account and thereafter may be accounted for as one fund under the same terms and conditions but shall remain available for the same period of time as originally appropriated.

From amounts made available in this Act for these activities, subject to the operating plan procedures of the House and Senate Committees on Appropriations, the Administrator may transfer amounts between the "Science, aeronautics, and exploration" account and the "Exploration capabilities" account.

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn. Funding shall not be made available for Centennial Challenges unless authorized.

Funding made available under the headings "Exploration Capabilities" and "Science, aeronautics, and exploration" in this Act shall be governed by the terms and conditions specified in the statement of managers except to the extent changes are made in accordance with the operating plan procedures of the House and Senate Committees on Appropriations.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2005, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: Provided, That administrative expenses of the Central Liquidity Facility in fiscal year 2005 shall not exceed $310,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $1,000,000 shall be available: Provided, That of this amount $200,000, together with amounts of principal and interest on loans repaid, is available until expended for loans to community development credit unions, and $800,000 is available until September 30, 2006 for technical assistance to low-income and community development credit unions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $4,254,593,000, of which not to exceed $350,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2006: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $95,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crops: Provided further, That, not to exceed $25,954,000 of these funds shall be for all costs, direct and indirect, associated with personnel assignments under the Intergovernmental Personnel Act.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $175,050,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, and rental of conference rooms in the District of Columbia, $848,207,000, to remain available until September 30, 2006: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That not to exceed $5,500,000 of these funds shall be for all costs, direct and indirect, associated with personnel assignments under the Intergovernmental Personnel Act.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $225,000,000: Provided, That contracts may be entered into under "Salaries and expenses" in fiscal year 2005 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,000,000: Provided, That not more than $9,000 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $10,110,000, to remain available until September 30, 2006.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $115,000,000, of which $5,000,000 shall be for a multi-family rental housing program.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $26,300,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

For necessary expenses of the White House Commission on the National Moment of Remembrance, $250,000.

TITLE IV—GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Officer or is specifically exempt by law from such audit.

SEC. 403. None of the funds provided in this Act to any department or agency may be obligated or expended for: (1) the transportation of any officer or employee of such department or agency between the domicile and the place of employment of the officer or employee, with the exception of an officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905 or (2) to provide a cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 404. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: Provided, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 405. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 406. None of the funds provided in this Act may be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 407. Except as otherwise provided under existing law, or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 408. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 409. Such sums as may be necessary for fiscal year 2005 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 410. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 411. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 412. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

SEC. 413. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 414. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 415. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 416. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 417. Section 313 of the National Aeronautics and Space Act of 1958, as amended, is further amended in subsection (A)—

(1) by striking "2004" and inserting "2005"; and

(2) by striking "Space flight capabilities" and inserting "Exploration capabilities".

SEC. 418. None of the funds made available in this Act may be used to implement any policy prohibiting the Directors of the Veterans Integrated Service Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 419. It is the sense of Congress that no veteran should wait more than 30 days for an initial doctor's appointment.

SEC. 420. None of the funds made available to NASA in this Act may be used for voluntary separation incentive payments as provided for in subchapter II of chapter 35 of title 5, United States Code, unless the Administrator of NASA has first certified to Congress that such payments would not result in the loss of skills related to the safety of the Space Shuttle or the International Space Station or to the conduct of independent safety oversight in the National Aeronautics and Space Administration.

SEC. 421. (a) TREATMENT OF PIONEER HOMES IN ALASKA AS STATE HOME FOR VETERANS.—For this fiscal year and each fiscal year hereafter, the Secretary of Veterans Affairs may—

(1) treat the Pioneer Homes in the State of Alaska collectively as a single State home for veterans for purposes of section 1741 of title 38, United States Code; and

(2) make per diem payments to the State of Alaska for care provided to veterans in the Pioneer Homes in accordance with the provisions of that section.

(b) TREATMENT NOTWITHSTANDING NON-VETERAN RESIDENCY.—The Secretary may treat the Pioneer Homes as a State home under subsection (a) notwithstanding the residency of non-veterans in one or more of the Pioneer Homes.

(c) PIONEER HOMES DEFINED.—In this section, the term "Pioneer Homes" means the six regional homes in the State of Alaska known as Pioneer Homes, which are located in the following:

(1) Anchorage, Alaska.

(2) Fairbanks, Alaska.

(3) Juneau, Alaska.

(4) Ketchikan, Alaska.

(5) Palmer, Alaska.

(6) Sitka, Alaska.

(d) LIMITATION.—The number of beds occupied by veterans collectively in the six Pioneer Homes listed under subsection (c) for which per diem would be paid under this authority shall not exceed the number of veterans in state beds that otherwise would be permitted in Alaska under the Department of Veterans Affairs state home regulations governing the number of beds per veteran population.

SEC. 422. Of the amounts available to the National Aeronautics and Space Administration, such sums as may be necessary for the benefit of the families of the astronauts who died on board the Space Shuttle Columbia on February 1, 2003, are available under the terms of section 203(c)(13) of the National Aeronautics and Space Act of 1958, as amended, independent of the limitations established therein.

SEC. 423. Section 428 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2004 is amended—

(1) in subsection (c), by inserting "new" before "spark ignition engines"; and

(2) in subsection (d), by striking out "The prohibition in subsection (e)" and inserting in lieu thereof: "The prohibition in subsection (c)".

SEC. 424. In addition to the amounts otherwise provided in this or any other Act for fiscal year 2005, for "Department of Housing and Urban Development, Community Development Fund", $31,000,000 to remain available until expended for a grant to The Hudson River Park Trust for planning, design and reconstruction of Pier 86 in New York City.

SEC. 425. From within funds available to the Secretary of Veterans Affairs, $200,000 shall be made available until expended to Eric and Brian Simon of Minneapolis, Minnesota, to be divided evenly between the individuals.

SEC. 426. (a) WAIVER OF REQUIREMENTS.—Subject to section 2, the limitation on the release of funds in section 104(g)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304) shall not apply to the Village of Chickasaw Sewer Collection and Treatment System, located in the Village of Chickasaw, Mercer County, Ohio.

(b) APPLICABILITY.—Section 1 only applies to the grant that was awarded to the Village of Chickasaw (Ohio Small Cities CDBG Grant #C–W–03–283–1), for the period beginning September 1, 2003 and ending October 31, 2005 and in the amount of $600,000.

(c) ENVIRONMENTAL REVIEWS.—Notwithstanding the provisions of this Act, the Village of Chickasaw must complete all appropriate environmental reviews in a timely manner and to the satisfaction of the state of Ohio.

This division may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2005".

DIVISION J—OTHER MATTERS

TITLE I—MISCELLANEOUS PROVISIONS AND OFFSETS

SEC. 101. For an additional amount for the Department of Energy for the weatherization assistance program pursuant to 42 U.S.C. 6861 et seq. and notwithstanding section 3003(d)(2) of Public Law 99–509, $230,000,000, to remain available until expended.

SEC. 102. Section 1201(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) is amended by striking "$300,000,000" in the matter preceding paragraph (1) and inserting "$500,000,000".

SEC. 103. (a) The District of Columbia Appropriations Act, 2005 (Public Law 108–335) is amended as follows:

(1) The paragraph under the heading "CAPITAL OUTLAY" is amended by striking "For construction projects, an increase of $1,087,649,000, of which $839,898,000 shall be from local funds, $38,542,000 from Highway Trust funds, $37,000,000 from the Rights-of-way funds, $172,209,000 from Federal grant funds, and a rescission of $361,763,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of $725,886,000, to remain available until expended;" and inserting "For construction projects, an increase of $1,102,039,000, of which $839,898,000 shall be from local funds, $38,542,000 from Highway Trust funds, $51,390,000 from the Rights-of-way funds, $172,209,000 from Federal grant funds, and a rescission of $361,763,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of $740,276,000, to remain available until expended;".

(2) Section 340(a) is amended to read as follows:

"(a) Section 603(e)(3)(E) of the Student Loan Marketing Association Reorganization Act of 1996 (20 U.S.C. 1155(e)(3)(E)) is amended—

"(1) by striking 'and' at the end of subclause (II);

"(2) by striking the period at the end of subclause (III) and inserting '; and'; and

"(3) by adding at the end the following new subclause:

"(IV) obtaining lease guarantees (in accordance with regulations promulgated by the Office of Public Charter School Financing).".

(3) Section 342 is amended to read as follows:

"SEC. 342. PUBLIC SCHOOL SERVICES TO CHARTER SCHOOLS. Section 2209(b) of the District of Columbia School Reform Act of 1995 (sec. 38–1802.09(b), D.C. Official Code) is amended as follows:

"(1) In paragraph (1)—

"(A) by amending subparagraph (A) to read as follows:

'(A) IN GENERAL.—Notwithstanding any other provision of law, regulation, or order relating to the disposition of a facility or property described in subparagraph (B), the Mayor and the District of Columbia government shall give a right of first offer with respect to any facility or property described in subparagraph (B) not previously purchased, leased, or transferred, or under contract to be purchased, leased, or transferred, or the subject of a previously proposed resolution submitted by the Mayor on or before December 1, 2004, to the Council of the District of Columbia seeking authority for disposition of such facility or property, or under an Exclusive Rights Agreement executed on or before December 1, 2004, to an eligible applicant whose petition to establish a public charter school has been conditionally approved under section 2203(d)(2), or a Board of Trustees, with respect to the purchase, lease, transfer, or use of a facility or property described in subparagraph (B).';

"(B) by amending subparagraph (B)(iii) to read as follows:

'(iii) with respect to which—

'(I) the Board of Education has transferred jurisdiction to the Mayor and over which the Mayor has jurisdiction on the effective date of this subclause; or

'(II) over which the Mayor or any successor agency gains jurisdiction after the effective date of this subclause.'; and

"(C) by adding at the end the following new subparagraph:

'(C) TERMS OF PURCHASE OR LEASE.—The terms of purchase or lease of a facility or property described in subparagraph (B) shall—

'(i) be negotiated by the Mayor in accordance with written rules or regulations as determined by the Mayor, and published in the District of Columbia Register;

'(ii) include rent or an acquisition price, as applicable, that is at the appraised value of the property based on use of the property for school purposes; and

'(iii) include a lease period, if the property is to be leased, of not less than 25 years, and renewable for additional 25-year periods as long as the eligible applicant or Board of Trustees maintains its charter.'.

"(2) In paragraph (2)(A), by striking 'first preference' and inserting 'a right of first offer'.

"(3) By adding at the end the following new paragraph:

'(3) CONVERSION PUBLIC CHARTER SCHOOLS.—Any District of Columbia public school that was approved to become a conversion public charter school under section 2201 before the effective date of this subsection or is approved to become a conversion public charter school after the effective date of this subsection, shall have the right to exclusively occupy the facilities the school occupied as a District of Columbia public school under a lease for a period of not less than 25 years, renewable for additional 25-year periods as long as the school maintains its charter at the appraised value of the property based on use of the property for school purposes.'.".

(4) Section 347 is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) by striking subsection (f) and inserting the following:

'(f) AUDIT.—The Board shall maintain its accounts according to Generally Accepted Accounting Principles. The Board shall provide for an audit of the financial statements of the Board by an independent certified public accountant in accordance with Government auditing standards for financial audits issued by the Comptroller General. The findings and recommendations of any such audit shall be forwarded to the Mayor, the Council of the District of Columbia, and the Office of the Chief Financial Officer of the District of Columbia.'; and

"(2) by adding at the end the following new subsection:

'(h) CONTRACTING AND PROCUREMENT.—The Board shall have the authority to solicit, award, and execute contracts independently of the Office of Contracting and Procurement and the Chief Procurement Officer.'.".

(b) The amendments made by this section shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2005.

SEC. 104. The Secretary of the Department of Homeland Security shall transfer up to $40,000,000 from funds appropriated to the Coast Guard's "Acquisition, Construction, and Improvements" account in fiscal year 2005 from the Rescue 21 project to the HH–65 re-engining project, subject to 15-day advance notification to the House and Senate Committees on Appropriations.

SEC. 105. Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) is amended by striking "December 31, 2004" and inserting "December 31, 2005".

SEC. 106. Notwithstanding the amounts in the detailed funding table included in House Report 108–774, the appropriation for "Transportation Security Administration, Maritime and Land Security" shall include the following: "Credentialing, $5,000,000; TWIC, $15,000,000; Hazardous materials truck tracking, $2,000,000; Hazardous materials safety, $17,000,000; Enterprise staffing, $24,000,000; Rail security, $12,000,000; Offsetting collections, $−27,000,000".

SEC. 107. The matter under the heading "Military Construction, Navy and Marine Corps" in the Military Construction Appropriations Act, 2005 (division A of Public Law 108–324), is amended by striking "$1,069,947,000" and inserting "$1,065,597,000" and the matter under the heading "Military Construction, Naval Reserve" in such Act is amended by striking "$44,246,000" and inserting "$48,596,000".

SEC. 108. Notwithstanding any other provision of law, in addition to amounts otherwise made available in the Department of Defense Appropriations Act, 2005 (Public Law 108–287), an additional $2,000,000 is hereby appropriated and shall be made available under the heading "Shipbuilding and Conversion, Navy", only for the Secretary of the Navy for the purpose of acquiring a vessel with the Coast Guard registration number 225115: Provided, That the Secretary of the Navy shall provide for the transportation of the vessel from its present location: Provided further, That the Secretary of the Navy may lend, give, or otherwise dispose of the vessel at his election pursuant to 10 U.S.C. section 2572, 7545, or 7306, or using such procedures as the Secretary deems appropriate, and to such recipient as the Secretary deems appropriate, without regard to these provisions.

SECTION 109. DESIGNATION OF NATIONAL TREE.

(a) DESIGNATION.—Chapter 3 of title 36, United States Code, is amended by adding at the end the following:

"§ 305. National tree

"The tree genus Quercus, commonly known as the oak tree, is the national tree.".

(b) CONFORMING AMENDMENTS.—Such title is amended—

(1) in the table of contents for part A of subtitle I, by striking "**, and March**" and inserting "**March, and Tree**";

(2) in the chapter heading for chapter 3, by striking ", AND MARCH" and inserting "MARCH, AND TREE"; and

(3) in the table of sections for chapter 3, by adding at the end the following:

"305. National tree.".

SEC. 110. Section 204(g) of the Employee Retirement Income Security Act of 1974, as amended (29 U.S.C. § 1054(g)) shall not apply at any time, whether before or after the enactment of this section, to an amendment adopted prior to June 7, 2004 by a [multiemployer] pension plan covering primarily employees working in the State of Alaska, to the extent that such amendment—

(a) provides for the suspension of the payment of benefits, modifies the conditions under which the payment of benefits is suspended, or suspends actual adjustments in benefit payments in accordance with section 203(a)(3)(B) of said Act (29 U.S.C. § 1053(a)(3)(B)) and applicable regulations, and

(b) applies to participants who have not retired before the adoption of such amendment.

SEC. 111. (a) The head of each Federal agency or department shall—

(1) provide each new employee of the agency or department with educational and training materials concerning the United States Constitution as part of the orientation materials provided to the new employee; and

(2) provide educational and training materials concerning the United States Constitution to each employee of the agency or department on September 17 of each year.

(b) Each educational institution that receives Federal funds for a fiscal year shall hold an educational program on the United States Constitution on September 17 of such year for the students served by the educational institution.

(c) Title 36 of the United States Code is amended—

(1) in section 106—

(A) in the heading, by inserting "Constitution Day and" before "Citizenship Day";

(B) in subsection (a), by striking "is Citizenship Day." and inserting "is designated as Constitution Day and Citizenship Day.";

(C) in subsection (b)—

(i) by inserting "Constitution Day and" before "Citizenship Day"; and

(ii) by striking "commemorates" and inserting "commemorate"; and

(iii) by striking "recognizes" and inserting "recognize";

(D) in subsection (c), by inserting "Constitution Day and" before "Citizenship Day" both places where such term appears; and

(E) in subsection (d), by inserting "Constitution Day and" before "Citizenship Day"; and

(2) in the item relating to section 106 of the table of contents, by inserting "Constitution Day and" before "Citizenship Day".

(d) This section shall be without fiscal year limitation.

SEC. 112. (a) Notwithstanding any other provision of law or any contract, (1) the rates in effect on November 15, 2004, under the tariff (the "tariff") required by FCC 94–116 (reduced three percent annually starting January 1, 2006) shall apply beginning 45 days after the date of enactment of this Act through December 31, 2009, to the sale and purchase of interstate switched wholesale service elements offered by any provider originating or terminating anywhere in the area (the "market") described in section 4.7 of the tariff (collectively, the "covered services"); (2) beginning April 1, 2005, through December 31, 2009, no provider of covered services may provide, and no purchaser of such services may obtain, covered services in the same contract with services other than those that originate or terminate in the market, if the covered services in the contract represent more than five percent of such contract's total value; and (3) revenues collected hereunder (less costs) for calendar years 2005 through 2009 shall be used to support and expand the network in the market.

(b) Effective on the date of enactment of this Act, (1) the conditions described in FCC 95–334 and the related conditions imposed in FCC 94–116, FCC 95–427, and FCC 96–485, and (2) all pending proceedings relating to the tariff, shall terminate. Thereafter, the State regulatory commission with jurisdiction over the market shall treat all interexchange carriers serving the market the same with respect to the provision of intrastate services, with the goal of reducing regulation, and shall not require such carriers to file reports based on the Uniform System of Accounts.

(c) Any provider may file to enforce this section (including damages and injunctive relief) before the FCC (whose final order may be appealed under 47 U.S.C. 402(a)) or under 47 U.S.C. 207 if the FCC fails to issue a final order within 90 days of a filing. Nothing herein shall affect rate integration, carrier-of-last-resort obligations of any carrier or its successor, or the purchase of covered services by any rural telephone company (as defined in 47 U.S.C. 153(37)), or an affiliate under its control, for its provision of retail interstate interexchange services originating in the market.

SEC. 113. Direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents may be made available for or in Libya, notwithstanding section 507 or similar provisions in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005, or prior acts making appropriations for foreign operations, export financing, and related programs, if the President determines that to do so is important to the national security interests of the United States.

SEC. 114. (a) Section 146 of Pub. L. 108–199 is amended:

(1) by striking "section 386 of the Energy Policy Act of 2003" and inserting in lieu thereof "section 116 of Division C of Pub. L. 108–324";

(2) by striking ", except that upon that Act becoming law, section 386 is amended through this Act:" and inserting "and section 116 of Division C of Pub. L. 108–324 is amended:"

(3) by striking "paragraph 386(b)(1)" and inserting in lieu thereof "paragraph (b)(1) of section 116 of Division C of Pub. L. 108–324";

(4) by striking "paragraph 386(c)(2)" and inserting in lieu thereof "paragraph (c)(2) of section 116 of Division C of Pub. L. 108–324"; and

(5) by striking "paragraph 386(g)(4)" and inserting in lieu thereof "paragraph (g)(4) of section 116 of Division C of Pub. L. 324;

(b) Section 116(b) of Division C of Pub. L. 108–324, the Military Construction bill, is amended by adding a new paragraph as follows:

"(4) Such loan guarantee may be utilized only by the project chosen by the Federal Energy Regulatory Commission as the qualified project."

SEC. 115. Any unobligated mount appropriated pursuant to section 353(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–303), shall be made available to complete the project described in section 353(a) of that Act.

SEC. 116. (a) DESIGNATION OF NATIONAL VETERANS MEMORIAL.—The Mt. Soledad Veterans Memorial located within the Soledad Natural Park in San Diego, California, which consists of a 29 foot-tall cross and surrounding granite memorial walls containing plaques engraved with the names and photographs of veterans of the United States Armed Forces, is hereby designated as a national memorial honoring veterans of the United States Armed Forces.

(b) ACQUISITION AND ADMINISTRATION BY UNITED STATES.—Not later than 90 days after the date on which the City of San Diego, California, offers to donate the Mt. Soledad Veterans Memorial to the United States, the Secretary of the Interior shall accept, on behalf of the United States, all right, title, and interest of the City in and to the Mt. Soledad Veterans Memorial.

(c) ADMINISTRATION OF MEMORIAL.—Upon acquisition of the Mt. Soledad Veterans Memorial by the United States, the Secretary of the Interior shall administer the Mt. Soledad Veterans Memorial as a unit of the National Park System, except that the Secretary shall enter into a memorandum of understanding with the Mt. Soledad Memorial Association for the continued maintenance by the Association of the cross and surrounding granite memorial walls and plaques of the Memorial.

(d) LEGAL DESCRIPTION.—The Mt. Soledad Veterans Memorial referred to in this section is all that portion of Pueblo lot 1265 of the Pueblo Lands of San Diego in the City and County of San Diego, California, according to the map thereof prepared by James Pascoe in 1879, a copy of which was filed in the office of the County Recorder of San Diego County on November 14, 1921, and is known as miscellaneous map NO. 36, more particularly described as follows: The area bounded by the back of the existing inner sidewalk on top of Mt. Soledad, being also a circle with a radius of 84 feet, the center of which circle is located as follows: Beginning at the Southwesterly corner of such Pueblo Lot 1265, such corner being South 17 degrees 14'33" East (Record South 17 degrees 14'09" East) 607.21 feet distant along the westerly line of such Pueblo lot 1265 from the intersection with the North line of La Jolla Scenic Drive South as described and dedicated as parcel 2 of City Council Resolution NO. 216644 adopted August 25, 1976; thence North 39 degrees 59'24" East 1147.62 feet to the center of such circle. The exact boundaries and legal description of the Mt. Soledad Veterans Memorial shall be determined by a survey prepared jointly by the City of San Diego and the Secretary of the Interior. Upon acquisition of the Mt. Soledad Veterans Memorial by the United States, the boundaries of the Memorial may not be expanded.

SEC. 117. Notwithstanding any other provisions of law, except section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005, $80,000,000 of the funds appropriated for the Department of Defense for fiscal year 2005 may be transferred with the concurrence of the Secretary of Defense to the Department of State under "Peacekeeping Operations."

SEC. 118. In addition, for construction and related expenses of a facility for the United States Institute of Peace, $100,000,000, to remain available until expended.

SEC. 119. Notwithstanding any other provision of law, in addition to amounts otherwise provided in this or any other act for fiscal year 2005, the following amounts are appropriated: $2,000,000 for the Helen Keller National Center for Deaf-Blind Youths and Adults for activities authorized under the Helen Keller National Center Act; and for the Department of Health and Human Services, Health Resources and Services Administration, $1,000,000 for the Hospital for Special Surgery to establish a National Center for Musculoskeletal Research, New York, New York, for facilities and equipment; and for the Department of Health and Human Services, Health Resources and Services Administration, $1,000,000 for the Jesse Helms Nursing Center at Union Regional Medical Center, Union County, North Carolina for facilities and equipment.

SEC. 120. In addition to any amounts provided in this or any other Act for fiscal year 2005, $1,000,000 is appropriated for necessary expenses of the Benjamin A. Gilman Institute for Political and International Studies program at the State University of New York's Orange County Community College in Orange, New York.

SEC. 121. WEIGHT LIMITATIONS.—The next to the last sentence of section 127(a) of title 23, United States Code, is amended by striking "Interstate Route 95" and inserting "Interstate Routes 89, 93, and 95."

SEC. 122. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 0.83 percent of—

(1) the budget authority provided (or obligation limitation imposed) for fiscal year 2005 for any discretionary account in divisions A through J of this Act and in any other fiscal year 2005 appropriation Act (except any fiscal year 2005 supplemental appopriation Act, the Department of Homeland Security Appropriations Act, 2005, the Department of Defense Appropriations Act, 2005, or the Military Construction Appropriations Act, 2005);

(2) the budget authority provided in any advance appropriation for fiscal year 2005 for any discretionary account in any prior fiscal year appropriation Act; and

(3) the contract authority provided in fiscal year 2005 for any program subject to limitation contained in any division or appropriation Act subject to paragraph (1).

(b) PROPORTIONATE APPLICATIONS.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

This title may be cited as the "Miscellaneous Appropriations and Offsets Act, 2005".

TITLE II—225TH ANNIVERSARY OF THE AMERICAN REVOLUTION COMMEMORATION ACT

SECTION 1. SHORT TITLE.

This title may be cited as the '225th Anniversary of the American Revolution Commemoration Act'.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The American Revolution, inspired by the spirit of liberty and independence among the inhabitants of the original 13 colonies of Great Britain, was an event of global significance having a profound and lasting effect upon American Government, laws, culture, society, and values.

(2) The years 2000 through 2008 mark the 225th anniversary of the Revolutionary War.

(3) Every generation of American citizens should have an opportunity to understand and appreciate the continuing legacy of the American Revolution.

(4) This 225th anniversary provides an opportunity to enhance public awareness and understanding of the impact of the American Revolution's legacy on the lives of citizens today.

(5) Although the National Park Service administers battlefields, historical parks, historic sites, and programs that address elements of the

story of the American Revolution, there is a need to establish partnerships that link sites and programs administered by the National Park Service with those of other Federal and non-Federal entities in order to place the story of the American Revolution in the broad context of its causes, consequences, and meanings.

(6) The story and significance of the American Revolution can best engage the American people through a national program of the National Park Service that links historic structures and sites, routes, activities, community projects, exhibits, and multimedia materials, in a manner that is both unified and flexible.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To recognize the enduring importance of the American Revolution in the lives of American citizens today.

(2) To authorize the National Park Service to coordinate, connect, and facilitate Federal and non-Federal activities to commemorate, honor, and interpret the history of the American Revolution, its significance, and its relevance to the shape and spirit of American Government and society.

SEC. 3. 225TH ANNIVERSARY OF THE AMERICAN REVOLUTION COMMEMORATION PROGRAM.

(a) IN GENERAL.—The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall establish a program to be known as the "225th Anniversary of the American Revolution Commemoration" (hereinafter in this Act referred to as the "225th Anniversary"). In administering the 225th Anniversary, the Secretary shall—

(1) produce and disseminate to appropriate persons educational materials, such as handbooks, maps, interpretive guides, or electronic information related to the 225th Anniversary and the American Revolution;

(2) enter into appropriate cooperative agreements and memoranda of understanding to provide technical assistance under subsection (c);

(3) assist in the protection of resources associated with the American Revolution;

(4) enhance communications, connections, and collaboration among the National Park Service units and programs related to the Revolutionary War;

(5) expand the research base for American Revolution interpretation and education; andt

(6) create and adopt an official, uniform symbol or device for the theme "Lighting Freedom's Flame: American Revolution, 225th Anniversary" and issue regulations for its use.

(b) ELEMENTS.—The 225th Anniversary shall encompass the following elements:

(1) All units and programs of the National Park Service determined by the Secretary to pertain to the American Revolution.

(2) Other governmental and nongovernmental sites, facilities, and programs of an educational, research, or interpretive nature that are documented to be directly related to the American Revolution.

(3) Through the Secretary of State, the participation of the Governments of the United Kingdom, France, the Netherlands, Spain, and Canada.

(c) COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.—To achieve the purposes of this Act and to ensure effective coordination of the Federal and non-Federal elements of the 225th Anniversary with National Park Service units and programs, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical assistance to, the following:

(1) The heads of other Federal agencies, States, units of local government, and private entities.

(2) In cooperation with the Secretary of State, the Governments of the United Kingdom, France, the Netherlands, Spain, and Canada.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this Act $500,000 for each of fiscal years 2004 through 2009.

SEC. TITLE III—RURAL AIR SERVICE IMPROVEMENTS

(a) SHORT TITLE.—This section may be cited as the "Rural Air Service Improvement Act of 2004".

(b) FURTHER AMENDMENTS.—The amendments made by this section are further amendments to section 5402 of title 39, United States Code, including the amendments made by section 3002 of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States (Public Law 107–206) to that section of title 39, United States Code.

(c) EXISTING MAINLINE CARRIERS.—Section 5402(a)(10) of title 39, United States Code, is amended by striking subparagraph (C) and inserting the following:

"(C) actually engaged in the carriage, on scheduled service within the State of Alaska, of mainline nonpriority bypass mail tendered to it under its designator code.".

(d) NONPRIORITY BYPASS MAIL.—Section 5402(g) of title 39, United States Code, is amended by striking the matter preceding paragraph (2) and inserting the following:

"(g)(1)(A) The Postal Service, in selecting carriers of nonpriority bypass mail to any point served by more than 1 carrier in the State of Alaska, shall adhere to an equitable tender policy within a qualified group of carriers, in accordance with the regulations of the Postal Service, and shall, at a minimum, require that any such carrier—

"(i) hold a certificate of public convenience and necessity issued under section 41102(a) of title 49;

"(ii) operate at least to such point at least the number of scheduled flights each week established under subparagraph (B)(i);

"(iii) exhibit an adherence to such scheduled flights; and

"(iv) have provided scheduled service with at least the number of scheduled noncontract flights each week established under subparagraph (B)(ii) between 2 points within the State of Alaska for at least 12 consecutive months with aircraft—

"(I) up to 7,500 pounds payload capacity before being selected as a carrier of nonpriority bypass mail at an applicable intra-Alaska bush service mail rate; and

"(II) over 7,500 pounds payload capacity before being selected as a carrier of nonpriority bypass mail at the intra-Alaska mainline service mail rate.

"(B)(i) For purposes of subparagraph (A)(ii)—

"(I) for aircraft described under subparagraph (A)(iv)(I) the number is 3; and

"(II) for aircraft described under subparagraph (A)(iv)(II), the number is 2, except as may be provided under subparagraph (C).

"(ii) For purposes of subparagraph (A)(iv)—

"(I) for aircraft described under subparagraph (A)(iv)(I), the number is 3; and

"(II) for aircraft described under subparagraph (A)(iv)(II), for any week in any month before the effective date of the Rural Air Service Improvement Act of 2004, the number is 3, and after such date, the number is 2.

"(C) The Postal Service, after consultation with affected carriers, may establish for service oy aircraft described under subparagraph (A)(iv)(II)—

"(i) a larger number of flights than required under subparagraph (B)(i); or

"(ii) the days that service will operate.".

(e) SUBCONTRACTS BY EXISTING MAINLINE CARRIERS.—Section 5402(g)(4) of title 39, United States Code, is amended by adding at the end the following:

"(C) A providing carrier selected under subparagraph (A) may subcontract the transportation of nonpriority bypass mail to another existing mainline carrier when additional or substitute aircraft are temporarily needed to meet the delivery schedule of the Postal Service or the carrier's operating requirements. The providing carrier shall remain responsible for the mail from origin through destination.".

(f) AIRCRAFT PREFERENCES FOR OTHER POSTAL PRODUCTS.—Section 5402(g) of title 39, United States Code, is amended by adding at the end the following:

"(7) Nothing in this section shall preclude the Postal Service from establishing by regulation aircraft preferences for the dispatch of postal products other than nonpriority bypass mail.".

TITLE IV—VISA REFORM

SEC. 1. SHORT TITLE.

This title may be cited as the "L–1 Visa and H–1B Visa Reform Act".

Subtitle A—L–1 Visa Reform

SEC. 11. SHORT TITLE.

This subtitle may be cited as the "L–1 Visa (Intracompany Transferee) Reform Act of 2004".

SEC. 12. NONIMMIGRANT L–1 VISA CATEGORY.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended by adding at the end the following:

"(F) An alien who will serve in a capacity involving specialized knowledge with respect to an employer for purposes of section 101(a)(15)(L) and will be stationed primarily at the worksite of an employer other than the petitioning employer or its affiliate, subsidiary, or parent shall not be eligible for classification under section 101(a)(15)(L) if—

"(i) the alien will be controlled and supervised principally by such unaffiliated employer; or

"(ii) the placement of the alien at the worksite of the unaffiliated employer is essentially an arrangement to provide labor for hire for the unaffiliated employer, rather than a placement in connection with the provision of a product or service for which specialized knowledge specific to the petitioning employer is necessary.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to petitions filed on or after the effective date of this subtitle, whether for initial, extended, or amended classification.

SEC. 13. REQUIREMENT FOR PRIOR CONTINUOUS EMPLOYMENT FOR CERTAIN INTRACOMPANY TRANSFEREES.

(a) IN GENERAL.—Section 214(c)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)(A)) is amended by striking the last sentence (relating to reduction of the 1-year period of continuous employment abroad to 6 months).

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply only to petitions for initial classification filed on or after the effective date of this subtitle.

SEC. 14. MAINTENANCE OF STATISTICS BY THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—The Department of Homeland Security shall maintain statistics regarding petitions filed, approved, extended, and amended with respect to nonimmigrants described in section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)), including the number of such nonimmigrants who are classified on the basis of specialized knowledge and the number of nonimmigrants who are classified on the basis of specialized knowledge in order to work primarily at offsite locations.

(b) APPLICABILITY.—Subsection (a) shall apply to petitions filed on or after the effective date of this subtitle.

SEC. 15. INSPECTOR GENERAL REPORT ON L VISA PROGRAM.

Not later than 6 months after the date of enactment of this Act, the Inspector General of the

Department of Homeland Security shall, consistent with the authority granted the Department under section 428 of the Homeland Security Act of 2002 (6 U.S.C. 236), examine and report to the Committees on the Judiciary of the House of Representatives and the Senate on the vulnerabilities and potential abuses in the visa program carried out under section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) with respect to nonimmigrants described in section 101(a)(15)(L) of such Act (8 U.S.C. 1101(a)(15)(L)).

SEC. 16. ESTABLISHMENT OF TASK FORCE.

(a) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, there shall be established an L Visa Interagency Task Force that consists of representatives from the Department of Homeland Security, the Department of Justice, and the Department of State. The Secretaries of each Department and each relevant bureau of the Department of Homeland Security shall appoint designees to the L Visa Interagency Task Force. The L Visa Interagency Task Force shall consult with other agencies deemed appropriate.

(b) REPORT.—Not later than 6 months after the submission of the report by the Inspector General of the Department of Homeland Security in accordance with section 6, the L Visa Interagency Task Force shall report to the Committees on the Judiciary of the House of Representatives and the Senate on the efforts to implement the recommendations set forth by the Inspector General's report. The L Visa Interagency Task Force shall note specific areas of agreement and disagreement, and make recommendations to Congress on the findings of the Task Force, including any suggestions for legislation. The Task Force shall also review other additional issues as may be raised by the Inspector General's report or by the Task Force's own deliberations regarding the policies and purposes of the visa program relative to national goals and transnational commerce.

SEC. 17. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect 180 days after the date of enactment of this Act.

Subtitle B—H–1B Visa Reform

SEC. 21. SHORT TITLE.

This subtitle may be cited as the "H–1B Visa Reform Act of 2004".

SEC. 22. TEMPORARY WORKER PROVISIONS.

(a) ATTESTATION REQUIREMENTS FOR H–1B WORKERS.—Section 212(n)(1)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking "October 1, 2003,".

(b) H–1B EMPLOYER PETITIONS.—Section 214(c)(9) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)) is amended—

(1) in subparagraph (A), by striking "October 1, 2003";

(2) in subparagraph (B), by striking "$1,000" and inserting "$1,500"; and

(3) in subparagraph (B), by inserting before the period "except that the fee shall be half the amount for each such petition by any employer with not more than 25 full-time equivalent employees who are employed in the United States (determined by including any affiliate or subsidiary of such employer)".

SEC. 23. H–1B PREVAILING WAGE LEVEL.

Section 212(p) of the Immigration and Nationality Act (8 U.S.C. 1182(p)) is amended by adding at the end the following:

"(3) The prevailing wage required to be paid pursuant to subsections (a)(5)(A), (n)(1)(A)(i)(II), and (t)(1)(A)(i)(II) shall be 100 percent of the wage determined pursuant to those sections.

"(4) Where the Secretary of Labor uses, or makes available to employers, a governmental survey to determine the prevailing wage, such survey shall provide at least 4 levels of wages commensurate with experience, education, and the level of supervision. Where an existing government survey has only 2 levels, 2 intermediate levels may be created by dividing by 3, the difference between the 2 levels offered, adding the quotient thus obtained to the first level and subtracting that quotient from the second level.".

SEC. 24. DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.

(a) SECRETARY OF LABOR INVESTIGATIVE AUTHORITY.—

(1) IN GENERAL.—Section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended by inserting after subparagraph (F) the following:

"(G)(i) The Secretary of Labor may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(H)(i)(b) if the Secretary of Labor has reasonable cause to believe that the employer is not in compliance with this subsection. In the case of an investigation under this clause, the Secretary of Labor (or the acting Secretary in the case of the absence of disability of the Secretary of Labor) shall personally certify that reasonable cause exists and shall approve commencement of the investigation. The investigation may be initiated for reasons other than completeness and obvious inaccuracies by the employer in complying with this subsection .

"(ii) If the Secretary of Labor receives specific credible information from a source who is likely to have knowledge of an employer's practices or employment conditions, or an employer's compliance with the employer's labor condition application under paragraph (1), and whose identity is known to the Secretary of Labor, and such information provides reasonable cause to believe that the employer has committed a willful failure to meet a condition of paragraph (1)(A), (1)(B), (1)(C), (1)(E), (1)(F), or (1)(G)(i)(I), has engaged in a pattern or practice of failures to meet such a condition, or has committed a substantial failure to meet such a condition that affects multiple employees, the Secretary of Labor may conduct an investigation into the alleged failure or failures. The Secretary of Labor may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5, United states Code.

"(iii) The Secretary of Labor shall establish a procedure for any person desiring to provide to the Secretary of Labor information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary of Labor and completed by or on behalf of the person. The person may not be an officer or employee of the Department of Labor, unless the information satisfies the requirement of clause (iv)(II) (although an officer or employee of the Department of Labor may complete the form on behalf of the person).

"(iv) Any investigation initiated or approved by the Secretary of Labor under clause (ii) shall be based on information that satisfies the requirements of such clause and that—

"(I) originates from a source other than an officer or employee of the Department of Labor; or

"(II) was lawfully obtained by the Secretary of Labor in the course of lawfully conducting another Department of Labor investigation under this Act of any other Act.

"(v) The receipt by the Secretary of Labor of information submitted by an employer to the Attorney General or the Secretary of Labor for purposes of securing the employment of a nonimmigrant described in section 101(a)(15)(H)(i)(b) shall not be considered a receipt of information for purposes of clause (ii).

"(vi) No investigation described in clause (ii) (or hearing described in clause (viii) based on such investigation) may be conducted with respect to information about a failure to meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months after the date of the alleged failure.

"(vii) The Secretary of Labor shall provide notice to an employer with respect to whom there is reasonable cause to initiate an investigation described in clauses (i) or (ii), prior to the commencement of an investigation under such clauses, of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary of Labor is not required to comply with this clause if the Secretary of Labor determines that to do so would interfere with an effort by the Secretary of Labor to secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary of Labor under this clause.

"(viii) An investigation under clauses (i) or (ii) may be conducted for a period of up to 60 days. If the Secretary of Labor determines after such an investigation that a reasonable basis exists to make a finding that the employer has committed a willful failure to meet a condition of paragraph (1)(A), (1)(B), (1)(C), (1)(E), (1)(F), or (1)(G)(i)(I), has engaged in a pattern or practice of failures to meet such a condition, or has committed a substantial failure to meet such a condition that affects multiple employees, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, within 120 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter by not later than 120 days after the date of the hearing.".

(2) RETROACTIVE.—The amendment made by paragraph (1) shall take effect as if enacted on October 1, 2003.

(b) GOOD FAITH COMPLIANCE OR CONFORMITY.—Section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended—

(1) by redesignating subparagraph (H) as subparagraph (I); and

(2) by inserting after subparagraph (G), as added by subsection (a)(1), the following:

"(H)(i) Except as provided in clauses (ii) and (iii), a person or entity is considered to have complied with the requirements of this subsection, notwithstanding a technical or procedural failure to meet such requirements, if there was a good faith attempt to comply with the requirements.

"(ii) Clause (i) shall not apply if—

"(I) the Department of Labor (or another enforcement agency) has explained to the person or entity the basis for the failure;

"(II) the person or entity has been provided a period of not less than 10 business days (beginning after the date of the explanation) within which to correct the failure; and

"(III) the person or entity has not corrected the failure voluntarily within such period.

"(iii) A person or entity that, in the course of an investigation, is found to have violated the prevailing wage requirements set forth in paragraph (1)(A), shall not be assessed fines or other penalties for such violation if the person or entity can establish that the manner in which the prevailing wage was calculated was consistent with recognized industry standards and practices.

"(iv) Clauses (i) and (iii) shall not apply to a person or entity that has engaged in or is engaging in a pattern or practice of willful violations this subsection.".

(c) SECRETARY OF LABOR REPORT.—Not later than January 31 of each year, the Secretary of Labor shall report to the Committees on the Judiciary of the Senate and the House of Representatives on the investigations undertaken based on—

(1) the authorities described in clauses (i) and (ii) of section 212(n)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(G)(i) and (ii)); and

(2) the expenditures by the Secretary of Labor described in section 286(v)(2)(D) of the Immigration and Nationality Act (8 U.S.C. 1356(v)(2)(D)).

SEC. 25. EXEMPTION OF CERTAIN ALIENS FROM NUMERICAL LIMITATIONS ON H–1B NONIMMIGRANTS.

(a) IN GENERAL.—Section 214(g)(5) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(5)) is amended—

(1) in the matter preceding subparagraph (A), by striking"is employed (or has received an offer of employment) at";

(2) in subparagraph (A)—

(A) by inserting "is employed (or has received an offer of employment) at" before "an institution"; and

(B) by striking "or" at the end;

(3) in subparagraph (B)—

(A) by inserting "is employed (or has received an offer of employment) at" before "a nonprofit"; and

(B) by striking the period and inserting "; or"; and

(4) by adding at the end the following:

"(C) has earned a master's or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), until the number of aliens who are exempted from such numerical limitation during such year exceeds 20,000.".

(b) STATISTICS.—Beginning on the date of enactment of this Act, the Secretary of Homeland Security shall maintain statistical information on the country of origin and occupation of, educational level maintained by, and compensation paid to, each alien who is issued a visa or otherwise provided nonimmigrant status and is exempt under section 214(g)(5) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(5)) for each fiscal year. The statistical information shall be included in the annual report to Congress under section 416(c) of the American Competitiveness and Workforce Improvement Act of 1998 (Public Law 105–277; 112 Stat. 2681–655).

SEC. 26. FRAUD PREVENTION AND DETECTION FEE.

(a) IMPOSITION OF FEE.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

"(12)(A) In addition to any other fees authorized by law, the Secretary of Homeland Security shall impose a fraud prevention and detection fee on an employer filing a petition under paragraph (1)—

"(i) initially to grant an alien nonimmigrant status described in subparagraph (H)(i)(b) or (L) of section 101(a)(15); or

"(ii) to obtain authorization for an alien having such status to change employers.

"(B) In addition to any other fees authorized by law, the Secretary of State shall impose a fraud prevention and detection fee on an alien filing an application abroad for a visa authorizing admission to the United States as a nonimmigrant described in section 101(a)(15)(L), if the alien is covered under a blanket petition described in paragraph (2)(A).

"(C) The amount of the fee imposed under subparagraph (A) or (B) shall be $500.

"(D) The fee imposed under subparagraph (A) or (B) shall only apply to principal aliens and not to the spouses or children who are accompanying or following to join such principal aliens.

"(E) Fees collected under this paragraph shall be deposited in the Treasury in accordance with section 286(v).".

(b) ESTABLISHMENT OF ACCOUNT; USE OF FEES.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:

"(v) H–1B AND L FRAUD PREVENTION AND DETECTION ACCOUNT.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'H–1B and L Fraud Prevention and Detection Account'. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 214(c)(12).

"(2) USE OF FEES TO COMBAT FRAUD.—

"(A) SECRETARY OF STATE.—One-third of the amounts deposited into the H–1B and L Fraud Prevention and Detection Account shall remain available to the Secretary of State until expended for programs and activities at United States embassies and consulates abroad—

"(i) to increase the number diplomatic security personnel assigned exclusively to the function of preventing and detecting fraud by applicants for visas described in subparagraph (H)(i) or (L) of section 101(a)(15);

"(ii) otherwise to prevent and detect such fraud pursuant to the terms of a memorandum of understanding or other cooperative agreement between the Secretary of State and the Secretary of Homeland Security; and

"(iii) upon request by the Secretary of Homeland Security, to assist such Secretary in carrying out the fraud prevention and detection programs and activities described in subparagraph (B).

"(B) SECRETARY OF HOMELAND SECURITY.—One-third of the amounts deposited into the H–1B and L Fraud Prevention and Detection Account shall remain available to the Secretary of Homeland Security until expended for programs and activities to prevent and detect fraud with respect to petitions under paragraph (1) or (2)(A) of section 214(c) to grant an alien nonimmigrant status described in subparagraph (H)(i) or (L) of section 101(a)(15).

"(C) SECRETARY OF LABOR.—One-third of the amounts deposited into the H–1B and L Fraud Prevention and Detection Account shall remain available to the Secretary of Labor until expended for enforcement programs and activities described in section 212(n).

"(D) CONSULTATION.—The Secretary of State, the Secretary of Homeland Security, and the Secretary of Labor shall consult one another with respect to the use of the funds in the H–1B and L Fraud Prevention and Detection Account.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act, and the fees imposed under such amendments shall apply to petitions under section 214(c) of the Immigration and Nationality Act, and applications for nonimmigrant visas under section 222 of such Act, filed on or after the date that is 90 days after the date of the enactment of this Act.

SEC. 27. CHANGE OF FEE FORMULA.

Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking "55 percent" and inserting "50 percent";

(2) in paragraph (3), by striking "22 percent" and inserting "30 percent";

(3) in paragraph (4)(A), by striking "15 percent" and inserting "10 percent";

(4) in paragraph (5)—

(A) by striking "4 percent" and inserting "5 percent"; and

(B) by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security"; and

(5) in paragraph (6), by striking "Beginning with fiscal year 2000," and all that follows through "within a 7-day period." and inserting "Beginning with fiscal year 2000, 5 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Secretary of Labor until expended for decreasing the processing time for applications under section 212(n)(1).".

SEC. 28. GRANTS FOR JOB TRAINING FOR EMPLOYMENT IN HIGH GROWTH INDUSTRIES.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (112 Stat. 2681–653) is amended to read as follows:

"(c) JOB TRAINING GRANTS.—

"(1) IN GENERAL.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to award grants to eligible entities to provide job training and related activities for workers to assist them in obtaining or upgrading employment in industries and economic sectors identified pursuant to paragraph (4) that are projected to experience significant growth and ensure that job training and related activities funded by such grants are coordinated with the public workforce investment system.

"(2) USE OF FUNDS.—

"(A) TRAINING PROVIDED.—Funds under this subsection may be used to provide job training services and related activities that are designed to assist workers (including unemployed and employed workers) in gaining the skills and competencies needed to obtain or upgrade career ladder employment positions in the industries and economic sectors identified pursuant to paragraph (4).

"(B) ENHANCED TRAINING PROGRAMS AND INFORMATION.—In order to facilitate the provision of job training services described in subparagraph (A), funds under this subsection may be used to assist in the development and implementation of model activities such as developing appropriate curricula to build core competencies and train workers, identifying and disseminating career and skill information, and increasing the integration of community and technical college activities with activities of businesses and the public workforce investment system to meet the training needs for the industries and economic sectors identified pursuant to paragraph (4).

"(3) ELIGIBLE ENTITIES.—Grants under this subsection may be awarded to partnerships of private and public sector entities, which may include—

"(A) businesses or business-related nonprofit organizations, such as trade associations;

"(B) education and training providers, including community colleges and other community-based organizations; and

"(C) entities involved in administering the workforce investment system established under title I of the Workforce Investment Act of 1998, and economic development agencies.

"(4) HIGH GROWTH INDUSTRIES AND ECONOMIC SECTORS.—For purposes of this subsection, the Secretary of Labor, in consultation with State workforce investment boards, shall identify industries and economic sectors that are projected to experience significant growth, taking into account appropriate factors, such as the industries and sectors that—

"(A) are projected to add substantial numbers of new jobs to the economy;

"(B) are being transformed by technology and innovation requiring new skill sets for workers;

"(C) are new and emerging businesses that are projected to grow; or

"(D) have a significant impact on the economy overall or on the growth of other industries and economic sectors.

"(5) EQUITABLE DISTRIBUTION.—In awarding grants under this subsection, the Secretary of Labor shall ensure an equitable distribution of such grants across geographically diverse areas.

"(6) LEVERAGING OF RESOURCES AND AUTHORITY TO REQUIRE MATCH.—

"(A) LEVERAGING OF RESOURCES.—In awarding grants under this subsection, the Secretary of Labor shall take into account, in addition to other factors the Secretary determines are appropriate—

"(i) the extent to which resources other than the funds provided under this subsection will be made available by the eligible entities applying for grants to support the activities carried out under this subsection; and

"(ii) the ability of such entities to continue to carry out and expand such activities after the expiration of the grants.

"(B) AUTHORITY TO REQUIRE MATCH.—The Secretary of Labor may require the provision of specified levels of a matching share of cash or noncash resources from resources other than the funds provided under this subsection for projects funded under this subsection.

"(7) PERFORMANCE ACCOUNTABILITY.—The Secretary of Labor shall require grantees to report on the employment outcomes obtained by workers receiving training under this subsection using indicators of performance that are consistent with other indicators used for employment and training programs administered by the Secretary, such as entry into employment, retention in employment, and increases in earnings. The Secretary of Labor may also require grantees to participate in evaluations of projects carried out under this subsection.".

SEC. 29. NATIONAL SCIENCE FOUNDATION LOW-INCOME SCHOLARSHIP PROGRAM.

(a) EXPANSION OF ELIGIBILITY.—Section 414(d)(2)(A)(iii) of the American Competitiveness and Workforce Improvement Act of 1998 (42 U.S.C. 1869c(d)(2)(A)(iii)) is amended by striking "or computer science." and inserting "computer science, or other technology and science programs designated by the Director.".

(b) INCREASE IN AWARD AMOUNT.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (42 U.S.C. 1869c(d)(3)) is amended by striking "$3,125 per year" and inserting "$10,000 per year".

(c) FUNDS.—Section 414(d)(4) of the American Competitiveness and Workforce Improvement Act of 1998 (42 U.S.C. 1869c(d)(4)) is amended by adding at the end the following: "The Director may use no more than 50 percent of such funds for undergraduate programs for curriculum development, professional and workforce development, and to advance technological education. Funds for these other programs may be used for purposes other than scholarships.".

(d) PUBLICATION OF ELIGIBLE PROGRAMS.—Section 414(d) of the American Competitiveness and Workforce Improvement Act of 1998 (42 U.S.C. 1869c(d)) is amended by adding at the end the following:

"(5) FEDERAL REGISTER.—Not later than 60 days after the date of enactment of the L–1 Visa and H–1B Visa Reform Act, the Director shall publish in the Federal Register a list of eligible programs of study.".

SEC. 30. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this subtitle and the amendments made by this subtitle shall take effect 90 days after the date of enactment of this Act.

(b) EXCEPTIONS.—The amendments made by sections 22(b), 26(a), and 27 shall take effect upon the date of enactment of this Act.

TITLE V—NATIONAL AVIATION HERITAGE AREA

SEC. 1. SHORT TITLE.

This title may be cited as the "National Aviation Heritage Area Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Few technological advances have transformed the world or our Nation's economy, society, culture, and national character as the development of powered flight.

(2) The industrial, cultural, and natural heritage legacies of the aviation and aerospace industry in the State of Ohio are nationally significant.

(3) Dayton, Ohio, and other defined areas where the development of the airplane and aerospace technology established our Nation's leadership in both civil and military aeronautics and astronautics set the foundation for the 20th Century to be an American Century.

(4) Wright-Patterson Air Force Base in Dayton, Ohio, is the birthplace, the home, and an integral part of the future of aerospace.

(5) The economic strength of our Nation is connected integrally to the vitality of the aviation and aerospace industry, which is responsible for an estimated 11,200,000 American jobs.

(6) The industrial and cultural heritage of the aviation and aerospace industry in the State of Ohio includes the social history and living cultural traditions of several generations.

(7) The Department of the Interior is responsible for protecting and interpreting the Nation's cultural and historic resources, and there are significant examples of these resources within Ohio to merit the involvement of the Federal Government to develop programs and projects in cooperation with the Aviation Heritage Foundation, Incorporated, the State of Ohio, and other local and governmental entities to adequately conserve, protect, and interpret this heritage for the educational and recreational benefit of this and future generations of Americans, while providing opportunities for education and revitalization.

(8) Since the enactment of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102–419), partnerships among the Federal, State, and local governments and the private sector have greatly assisted the development and preservation of the historic aviation resources in the Miami Valley.

(9) An aviation heritage area centered in Southwest Ohio is a suitable and feasible management option to increase collaboration, promote heritage tourism, and build on the established partnerships among Ohio's historic aviation resources and related sites.

(10) A critical level of collaboration among the historic aviation resources in Southwest Ohio cannot be achieved without a congressionally established national heritage area and the support of the National Park Service and other Federal agencies which own significant historic aviation-related sites in Ohio.

(11) The Aviation Heritage Foundation, Incorporated, would be an appropriate management entity to oversee the development of the National Aviation Heritage Area.

(12) Five National Park Service and Dayton Aviation Heritage Commission studies and planning documents: "Study of Alternatives: Dayton's Aviation Heritage", "Dayton Aviation Heritage National Historical Park Suitability/Feasibility Study", "Dayton Aviation Heritage General Management Plan", "Dayton Historic Resources Preservation and Development Plan", and Heritage Area Concept Study, demonstrated that sufficient historical resources exist to establish the National Aviation Heritage Area.

(13) With the advent of the 100th anniversary of the first powered flight in 2003, it is recognized that the preservation of properties nationally significant in the history of aviation is an important goal for the future education of Americans.

(14) Local governments, the State of Ohio, and private sector interests have embraced the heritage area concept and desire to enter into a partnership with the Federal government to preserve, protect, and develop the Heritage Area for public benefit.

(15) The National Aviation Heritage Area would complement and enhance the aviation-related resources within the National Park Service, especially the Dayton Aviation Heritage National Historical Park, Ohio.

(b) PURPOSE.—The purpose of this title is to establish the Heritage Area to—

(1) encourage and facilitate collaboration among the facilities, sites, organizations, governmental entities, and educational institutions within the Heritage Area to promote heritage tourism and to develop educational and cultural programs for the public;

(2) preserve and interpret for the educational and inspirational benefit of present and future generations the unique and significant contributions to our national heritage of certain historic and cultural lands, structures, facilities, and sites within the National Aviation Heritage Area;

(3) encourage within the National Aviation Heritage Area a broad range of economic opportunities enhancing the quality of life for present and future generations;

(4) provide a management framework to assist the State of Ohio, its political subdivisions, other areas, and private organizations, or combinations thereof, in preparing and implementing an integrated Management Plan to conserve their aviation heritage and in developing policies and programs that will preserve, enhance, and interpret the cultural, historical, natural, recreation, and scenic resources of the Heritage Area; and

(5) authorize the Secretary to provide financial and technical assistance to the State of Ohio, its political subdivisions, and private organizations, or combinations thereof, in preparing and implementing the private Management Plan.

SEC. 3. DEFINITIONS.

For purposes of this title:

(1) BOARD.—The term "Board" means the Board of Directors of the Foundation.

(2) FINANCIAL ASSISTANCE.—The term "financial assistance" means funds appropriated by Congress and made available to the management entity for the purpose of preparing and implementing the Management Plan.

(3) HERITAGE AREA.—The term "Heritage Area" means the National Aviation Heritage Area established by section 104 to receive, distribute, and account for Federal funds appropriated for the purpose of this title.

(4) MANAGEMENT PLAN.—The term "Management Plan" means the management plan for the Heritage Area developed under section 106.

(5) MANAGEMENT ENTITY.—The term "management entity" means the Aviation Heritage Foundation, Incorporated (a nonprofit corporation established under the laws of the State of Ohio).

(6) PARTNER.—The term "partner" means a Federal, State, or local governmental entity, organization, private industry, educational institution, or individual involved in promoting the conservation and preservation of the cultural and natural resources of the Heritage Area.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(8) TECHNICAL ASSISTANCE.—The term "technical assistance" means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary.

SEC. 4. NATIONAL AVIATION HERITAGE AREA.

(a) Establishment.—There is established in the States of Ohio and Indiana, the National Aviation Heritage Area.

(b) Boundaries.—The Heritage Area shall include the following:

(1) A core area consisting of resources in Montgomery, Greene, Warren, Miami, Clark, Champaign, Shelby, and Auglaize Counties in Ohio.

(2) The Neil Armstrong Air & Space Museum, Wapakoneta, Ohio.

(3) Sites, buildings, and districts within the core area recommended by the Management Plan.

(c) Map.—A map of the Heritage Area shall be included in the Management Plan. The map shall be on file in the appropriate offices of the National Park Service, Department of the Interior.

(d) Management Entity.—The management entity for the Heritage Area shall be the Aviation Heritage Foundation.

SEC. 5. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) Authorities.—For purposes of implementing the Management Plan, the management entity may use Federal funds made available through this title to—

(1) make grants to, and enter into cooperative agreements with, the State of Ohio and political subdivisions of that State, private organizations, or any person;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) Duties.—The management entity shall—

(1) develop and submit to the Secretary for approval the proposed Management Plan in accordance with section 106;

(2) give priority to implementing actions set forth in the Management Plan, including taking steps to assist units of government and nonprofit organizations in preserving resources within the Heritage Area;

(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area in developing and implementing the Management Plan;

(4) maintain a collaboration among the partners to promote heritage tourism and to assist partners to develop educational and cultural programs for the public;

(5) encourage economic viability in the Heritage Area consistent with the goals of the Management Plan;

(6) assist units of government and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area; and

(D) restoring historic buildings that relate to the purposes of the Heritage Area;

(7) conduct public meetings at least quarterly regarding the implementation of the Management Plan;

(8) submit substantial amendments to the Management Plan to the Secretary for the approval of the Secretary; and

(9) for any year in which Federal funds have been received under this title—

(A) submit an annual report to the Secretary that sets forth the accomplishments of the management entity and its expenses and income;

(B) make available to the Secretary for audit all records relating to the expenditure of such funds and any matching funds; and

(C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of such funds.

(c) Use of Federal Funds.—

(1) In general.—The management entity shall not use Federal funds received under this title to acquire real property or an interest in real property.

(2) Other sources.—Nothing in this title precludes the management entity from using Federal funds from other sources for authorized purposes.

SEC. 6. MANAGEMENT PLAN.

(a) Preparation of Plan.—Not later than 3 years after the date of the enactment of this title, the management entity shall submit to the Secretary for approval a proposed Management Plan that shall take into consideration State and local plans and involve residents, public agencies, and private organizations in the Heritage Area.

(b) Contents.—The Management Plan shall incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the Heritage Area and shall include the following:

(1) An inventory of the resources contained in the core area of the Heritage Area, including the Dayton Aviation Heritage Historical Park, the sites, buildings, and districts listed in section 202 of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102–419), and any other property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, or maintained because of its significance.

(2) An assessment of cultural landscapes within the Heritage Area.

(3) Provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with the purposes of this title.

(4) An interpretation plan for the Heritage Area.

(5) A program for implementation of the Management Plan by the management entity, including the following:

(A) Facilitating ongoing collaboration among the partners to promote heritage tourism and to develop educational and cultural programs for the public.

(B) Assisting partners planning for restoration and construction.

(C) Specific commitments of the partners for the first 5 years of operation.

(6) The identification of sources of funding for implementing the plan.

(7) A description and evaluation of the management entity, including its membership and organizational structure.

(c) Disqualification From Funding.—If a proposed Management Plan is not submitted to the Secretary within 3 years of the date of the enactment of this title, the management entity shall be ineligible to receive additional funding under this title until the date on which the Secretary receives the proposed Management Plan.

(d) Approval and Disapproval of Management Plan.—The Secretary, in consultation with the State of Ohio, shall approve or disapprove the proposed Management Plan submitted under this title not later than 90 days after receiving such proposed Management Plan.

(e) Action Following Disapproval.—If the Secretary disapproves a proposed Management Plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed Management Plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(f) Approval of Amendments.—The Secretary shall review and approve substantial amendments to the Management Plan. Funds appropriated under this title may not be expended to implement any changes made by such amendment until the Secretary approves the amendment.

SEC. 7. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

(a) Technical and Financial Assistance.—Upon the request of the management entity, the Secretary may provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Heritage Area to develop and implement the management plan. The Secretary is authorized to enter into cooperative agreements with the management entity and other public or private entities for this purpose. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(1) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(b) Duties of Other Federal Agencies.—Any Federal agency conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this title;

(3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(4) to the maximum extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the Heritage Area.

SEC. 8. COORDINATION BETWEEN THE SECRETARY AND THE SECRETARY OF DEFENSE AND THE ADMINISTRATOR OF NASA.

The decisions concerning the execution of this title as it applies to properties under the control of the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall be made by such Secretary or such Administrator, in consultation with the Secretary of the Interior.

SEC. 9. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) Notification and Consent of Property Owners Required.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) Landowner Withdraw.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 10. PRIVATE PROPERTY PROTECTION.

(a) Access to Private Property.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) Liability.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under

any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—To carry out this title there is authorized to be appropriated $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this title for any fiscal year.

(b) FIFTY PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent.

SEC. 12. SUNSET PROVISION.

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date that funds are first made available for this title.

SEC. 13. WRIGHT COMPANY FACTORY STUDY AND REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a special resource study updating the study required under section 104 of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102-419) and detailing alternatives for incorporating the Wright Company factory as a unit of Dayton Aviation Heritage National Historical Park.

(2) CONTENTS.—The study shall include an analysis of alternatives for including the Wright Company factory as a unit of Dayton Aviation Heritage National Historical Park that detail management and development options and costs.

(3) CONSULTATION.—In conducting the study, the Secretary shall consult with the Delphi Corporation, the Aviation Heritage Foundation, State and local agencies, and other interested parties in the area.

(b) REPORT.—Not later than 3 years after funds are first made available for this section, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study conducted under this section.

TITLE VI—OIL REGION NATIONAL HERITAGE AREA

SEC. 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This title may be cited as the "Oil Region National Heritage Area Act.".

(b) DEFINITIONS.—For purposes of this title, the following definitions shall apply:

(1) HERITAGE AREA.—The term "Heritage Area" means the Oil Region National Heritage Area established in section 3(a).]

(2) MANAGEMENT ENTITY.—The term "management entity" means the Oil Heritage Region, Inc., or its successor entity.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The Oil Region of Northwestern Pennsylvania, with numerous sites and districts listed on the National Register of Historic Places, and designated by the Governor of Pennsylvania as one of the State Heritage Park Areas, is a region with tremendous physical and natural resources and possesses a story of State, national, and international significance.

(2) The single event of Colonel Edwin Drake's drilling of the world's first successful oil well in 1859 has affected the industrial, natural, social, and political structures of the modern world.

(3) Six national historic districts are located within the State Heritage Park boundary, in Emlenton, Franklin, Oil City, and Titusville, as well as 17 separate National Register sites.

(4) The Allegheny River, which was designated as a component of the national wild and scenic rivers system in 1992 by Public Law 102–271, traverses the Oil Region and connects several of its major sites, as do some of the river's tributaries such as Oil Creek, French Creek, and Sandy Creek.

(5) The unspoiled rural character of the Oil Region provides many natural and recreational resources, scenic vistas, and excellent water quality for people throughout the United States to enjoy.

(6) Remnants of the oil industry, visible on the landscape to this day, provide a direct link to the past for visitors, as do the historic valley settlements, riverbed settlements, plateau developments, farmlands, and industrial landscapes.

(7) The Oil Region also represents a cross section of American history associated with Native Americans, frontier settlements, the French and Indian War, African Americans and the Underground Railroad, and immigration of Swedish and Polish individuals, among others.

(8) Involvement by the Federal Government shall serve to enhance the efforts of the Commonwealth of Pennsylvania, local subdivisions of the Commonwealth of Pennsylvania, volunteer organizations, and private businesses, to promote the cultural, national, and recreational resources of the region in order to fulfill their full potential.

(b) PURPOSE.—The purpose of this title is to enhance a cooperative management framework to assist the Commonwealth of Pennsylvania, its units of local government, and area citizens in conserving, enhancing, and interpreting the significant features of the lands, water, and structures of the Oil Region, in a manner consistent with compatible economic development for the benefit and inspiration of present and future generations in the Commonwealth of Pennsylvania and the United States.

SEC. 3. OIL REGION NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Oil Region National Heritage Area.

(b) BOUNDARIES.—The boundaries of the Heritage Area shall include all of those lands depicted on a map entitled "Oil Region National Heritage Area", numbered OIRE/20,000 and dated October, 2000. The map shall be on file in the appropriate offices of the National Park Service. The Secretary of the Interior shall publish in the Federal Register, as soon as practical after the date of the enactment of this Act, a detailed description and map of the boundaries established under this subsection.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Oil Heritage Region, Inc., the locally based private, nonprofit management corporation which shall oversee the development of a management plan in accordance with section 5(b).

SEC. 4. COMPACT.

To carry out the purposes of this title, the Secretary shall enter into a compact with the management entity. The compact shall include information relating to the objectives and management of the area, including a discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the Secretary and management entity.

SEC. 5. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) AUTHORITIES OF THE MANAGEMENT ENTITY.—The management entity may use funds made available under this title for purposes of preparing, updating, and implementing the management plan developed under subsection (b). Such purposes may include—

(1) making grants to, and entering into cooperative agreements with, States and their political subdivisions, private organizations, or any other person;

(2) hiring and compensating staff; and

(3) undertaking initiatives that advance the purposes of the Heritage Area.

(b) MANAGEMENT PLAN.—The management entity shall develop a management plan for the Heritage Area that—

(1) presents comprehensive strategies and recommendations for conservation, funding, management, and development of the Heritage Area;

(2) takes into consideration existing State, county, and local plans and involves residents, public agencies, and private organizations working in the Heritage Area;

(3) includes a description of actions that units of government and private organizations have agreed to take to protect the resources of the Heritage Area;

(4) specifies the existing and potential sources of funding to protect, manage, and develop the Heritage Area;

(5) includes an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance;

(6) describes a program for implementation of the management plan by the management entity, including plans for restoration and construction, and specific commitments for that implementation that have been made by the management entity and any other persons for the first 5 years of implementation;

(7) lists any revisions to the boundaries of the Heritage Area proposed by the management entity and requested by the affected local government; and

(8) includes an interpretation plan for the Heritage Area.

(c) DEADLINE; TERMINATION OF FUNDING.—

(1) DEADLINE.—The management entity shall submit the management plan to the Secretary within 2 years after the funds are made available for this title.

(2) TERMINATION OF FUNDING.—If a management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal assistance under this title.

(d) DUTIES OF MANAGEMENT ENTITY.—The management entity shall—

(1) give priority to implementing actions set forth in the compact and management plan;

(2) assist units of government, regional planning organizations, and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the Heritage Area;

(D) the restoration of any historic building relating to the themes of the Heritage Area;

(E) ensuring that clear signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(F) carrying out other actions that the management entity determines to be advisable to fulfill the purposes of this title;

(3) encourage by appropriate means economic viability in the Heritage Area consistent with the goals of the management plan;

(4) consider the interest of diverse governmental, business, and nonprofit groups within the Heritage Area; and

(5) for any year in which Federal funds have been provided to implement the management plan under subsection (b)—

(A) conduct public meetings at least annually regarding the implementation of the management plan;

(B) submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each person to which any grant was made by the management entity in the year for which the report is made; and

(C) require, for all agreements entered into by the management entity authorizing expenditure of Federal funds by any other person, that the person making the expenditure make available to the management entity for audit all records pertaining to the expenditure of such funds.

(e) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this title to acquire real property or an interest in real property.

SEC. 6. DUTIES AND AUTHORITIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—

(A) OVERALL ASSISTANCE.—The Secretary may, upon the request of the management entity, and subject to the availability of appropriations, provide technical and financial assistance to the management entity to carry out its duties under this title, including updating and implementing a management plan that is submitted under section 5(b) and approved by the Secretary and, prior to such approval, providing assistance for initiatives.

(B) OTHER ASSISTANCE.—If the Secretary has the resources available to provide technical assistance to the management entity to carry out its duties under this title (including updating and implementing a management plan that is submitted under section 5(b) and approved by the Secretary and, prior to such approval, providing assistance for initiatives), upon the request of the management entity the Secretary shall provide such assistance on a reimbursable basis. This subparagraph does not preclude the Secretary from providing nonreimbursable assistance under subparagraph (A).

(2) PRIORITY.—In assisting the management entity, the Secretary shall give priority to actions that assist in the—

(A) implementation of the management plan;

(B) provision of educational assistance and advice regarding land and water management techniques to conserve the significant natural resources of the region;

(C) development and application of techniques promoting the preservation of cultural and historic properties;

(D) preservation, restoration, and reuse of publicly and privately owned historic buildings.

(E) design and fabrication of a wide range of interpretive materials based on the management plan, including guide brochures, visitor displays, audio-visual and interactive exhibits, and educational curriculum materials for public education; and

(F) implementation of initiatives prior to approval of the management plan.

(3) DOCUMENTATION OF STRUCTURES.—The Secretary, acting through the Historic American Building Survey and the Historic American Engineering Record, shall conduct studies necessary to document the industrial, engineering, building, and architectural history of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.—The Secretary, in consultation with the Governor of Pennsylvania, shall approve a management plan submitted under this title no later than 90 days after receiving such plan. In approving the plan, the Secretary shall take into consideration the following criteria:

(1) The extent to which the management plan adequately preserves and protects the natural, cultural, and historical resources of the Heritage Area.

(2) The level of public participation in the development of the management plan.

(3) The extent to which the board of directors of the management entity is representatives of the local government and a wide range of interested organizations and citizens.

(c) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions in the management plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date is submitted.

(d) APPROVING CHANGES.—The Secretary shall review and approve amendments to the management plan under section 5(b) that make substantial changes. Funds appropriated under this title may not be expended to implement such changes until the Secretary approves the amendments.

(e) EFFECT OF INACTION.—If the Secretary does not approve or disapprove a management plan, revision, or change within 90 days after it is submitted to the Secretary, then such management plan, revision, or change shall be deemed to have been approved by the Secretary.

SEC. 7. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this rule and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner that the management entity determines shall not have an adverse effect on the Heritage Area.

SEC. 8. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after the expiration of the 15-year period beginning on the date that funds are first made available for this title.

SEC. 9. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written request consent for such preservation, conservation, orpromotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 10. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewed by the Secretary, the National Park Service, or the management entity.

SEC. 11. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this title shall preclude the management entity from using Federal funds available under Acts other than this title for the purposes for which those funds were authorized.

SEC 12. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

(1) not more than $1,000,000 for any fiscal year; and

(2) not more than a total of $10,000,000.

(b) 50 PERCENT MATCH.—Financial assistance provided under this title may not be used to pay more than 50 percent of the total cost of any activity carried out with that assistance.

TITLE VII—MISSISSIPPI GULF COAST NATIONAL HERITAGE AREA ACT

SEC. 1. SHORT TITLE.

This title may be cited as the 'Mississippi Gulf Coast National Heritage Area Act'

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds that—

(1) the 6-county area in southern Mississippi located on the Gulf of Mexico and in the Mississippi Coastal Plain has a unique identity that is shaped by—

(A) the coastal and riverine environment; and

(B) the diverse cultures that have settled in the area;

(2) The area is rich with diverse cultural and historical significance, including—

(A) early Native American settlements; and

(B) Spanish, French, and English settlements originating in the 1600s;

(3) the area includes spectacular natural, scenic, and recreational resources;

(4) there is broad support from local governments and other interested individuals for the establishment of the Mississippi Gulf Coast National Heritage Area to coordinate and assist in the preservation and interpretation of those resources;

(5) the Comprehensive Resource Management Plan, coordinated by the Mississippi Department of Marine Resources—

(A) is a collaborative effort of the Federal Government and State and local governments in the area; and

(B) is a natural foundation on which to establish the Heritage Area; and

(6) establishment of the Heritage Area would assist local communities and residents in preserving the unique cultural, historical, and natural resources of the area.

SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term "Heritage Area" means the Mississippi Gulf Coast National heritage Area established by section 4(a).

(2) COORDINATING ENTITY.—The term "coordinating entity" means the coordinating entity for the Heritage Area designated by section 4(c).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area developed under section 5.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of Mississippi.

SEC. 4. MISSISSIPPI GULF COAST NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State the Mississippi Gulf Coast National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall consist of the counties of Pearl River, Stone, George, Hancock, Harrison, and Jackson in the State.

(c) COORDINATING ENTITY.—

(1) IN GENERAL.—The Mississippi Department of Marine Resources, in consultation with the Mississippi Department of archives and History, shall serve as the coordinating entity for the Heritage Area.

(2) OVERSIGHT COMMITTEE.—The coordinating entity shall ensure that each of the 6 counties included in the Heritage Area is appropriately represented on any oversight committee.

SEC. 5. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the coordinating entity shall develop and submit to the Secretary a management plan for the Heritage Area.

(b) REQUIREMENTS.—The management plan shall—

(1) provide recommendations for the conservation, funding, management, interpretation, and development of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(2) identify sources of funding for the Heritage Area;

(3) include—

(A) an inventory of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area; and

(B) an analysis of ways in which Federal, State, tribal, and local programs may best be coordinated to promote the purposes of this Act;

(4) provide recommendations for educational and interpretive programs to inform the public about the resources of the Heritage Area; and

(5) involve residents of affected communities and tribal and local governments.

(c) FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in subsection (a), the Secretary shall not provide any additional funding under this Act until a management plan for the heritage Area is submitted to the Secretary.

(d) APPROVAL OR DISAPPROVAL OF THE MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after receipt of the management plan under subsection (a), the Secretary shall approve or disapprove the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(A) advise the coordinating entity in writing of the reasons for disapproval;

(B) make recommendations for revision of the management plan; and

(C) allow the coordinating entity to submit to the Secretary revisions to the management plan.

(e) REVISION.—After approval by the Secretary of the management plan, the coordinating entity shall periodically—

(1) review the management plan; and

(2) submit to the Secretary, for review and approval by the Secretary, any recommendations for revisions to the management plan.

SEC. 6. AUTHORITIES AND DUTIES OF COORDINATING ENTITY.

(a) AUTHORITIES.—For purposes of developing and implementing the management plan and otherwise carrying out this Act, the coordinating entity may make grants to and provide technical assistance to tribal and local governments, and other public and private entities.

(b) DUTIES.—In addition to developing the management plan under section 5, in carrying out this Act, the coordinating entity shall—

(1) implement the management plan; and

(2) assist local and tribal governments and non-profit organization in—

(A) establishing and maintaining interpretive exhibits in the heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of, and appreciation for, the cultural, historical, archaeological, and natural resources of the heritage Area;

(D) restoring historic structures that relate to the Heritage Area; and

(E) carrying out any other activity that the coordinating entity determines to be appropriate to carry out this Act, consistent with the management plan;

(3) conduct public meetings at least annually regarding the implementation of the management plan; and

(4) for any fiscal year for which Federal funds are made available under section 9—

(A) submit to the Secretary a report that describes, for the fiscal year, the actions of the coordinating entity in carrying out this Act;

(B) make available to the Secretary for audit all records relating to the expenditure of funds and any matching funds; and

(C) require, for all agreements authorizing the expenditure of Federal funds by any entity, that the receiving entity make available to the Secretary for audit all records relating to the expenditure of the funds.

(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The coordinating entity shall not use Federal funds made available under this Act to acquire real property or any interest in real property.

SEC. 7. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—On the request of the coordinating entity, the Secretary may provide technical and financial assistance to the coordinating entity for use in the development and implementation of the management plan.

(b) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the provision of technical or financial assistance under this section, require any recipient of the assistance to impose or modify any land use restriction or zoning ordinance.

SEC. 8. EFFECT OF ACT.

Nothing in this Act—

(1) affects or authorizes the coordinating entity to interfere with—

(A) the right of any person with respect to private property; or

(B) any local zoning ordinance or land use plan;

(2) restricts an Indian tribe from protecting cultural or religious sites on tribal land;

(3) modifies, enlarges, or diminishes the authority of any State, tribal, or local government to regulate any use of land under any other law (including regulations);

(4)(A) modifies, enlarges, or diminishes the authority of the State to manage fish and wildlife in the Heritage Area, including the regulation of fishing and hunting; or

(B) authorizes the coordinating entity to assume any management authorities over such lands; or

(5) diminishes the trust responsibilities or government-to-government obligations of the United States to any federally recognized Indian tribe.

SEC. 9. AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity assisted under this Act shall be not more than 50 percent.

TITLE VIII—FEDERAL LANDS RECREATION ENHANCEMENT ACT

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Federal Lands Recreation Enhancement Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.
Sec. 3. Recreation fee authority.
Sec. 4. Public participation.
Sec. 5. Recreation passes.
Sec. 6. Cooperative agreements.
Sec. 7. Special account and distribution of fees and revenues.
Sec. 8. Expenditures.
Sec. 9. Reports.
Sec. 10. Sunset provision.
Sec. 11. Volunteers.
Sec. 12. Enforcement and protection of receipts.
Sec. 13. Repeal of superseded admission and use fee authorities.
Sec. 14. Relation to other laws and fee collection authorities.
Sec. 15. Limitation on use of fees for employee bonuses.

SEC. 2. DEFINITIONS.

In this Act:

(1) STANDARD AMENITY RECREATION FEE.—The term "standard amenity recreation fee" means the recreation fee authorized by section 3(f).

(2) EXPANDED AMENITY RECREATION FEE.—The term "expanded amenity recreation fee" means the recreation fee authorized by section 3(g).

(3) ENTRANCE FEE.—The term "entrance fee" means the recreation fee authorized to be charged to enter onto lands managed by the National Park Service or the United States Fish and Wildlife Service.

(4) FEDERAL LAND MANAGEMENT AGENCY.—The term "Federal land management agency" means the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service.

(5) FEDERAL RECREATIONAL LANDS AND WATERS.—The term "Federal recreational lands and waters" means lands or waters managed by a Federal land management agency.

(6) NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.—The term "National Parks and Federal Recreational Lands Pass" means the interagency national pass authorized by section 5.

(7) PASSHOLDER.—The term "passholder" means the person who is issued a recreation pass.

(8) RECREATION FEE.—The term "recreation fee" means an entrance fee, standard amenity recreation fee, expanded amenity recreation fee, or special recreation permit fee.

(9) RECREATION PASS.—The term "recreation pass" means the National Parks and Federal Recreational Lands Pass or one of the other recreation passes available as authorized by section 5.

(10) SECRETARY.—The term "Secretary" means—

(A) the Secretary of the Interior, with respect to a Federal land management agency (other than the Forest Service); and

(B) the Secretary of Agriculture, with respect to the Forest Service.

(11) SECRETARIES.—The term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture acting jointly.

(12) SPECIAL ACCOUNT.—The term "special account" means the special account established in the Treasury under section 7 for a Federal land management agency.

(13) SPECIAL RECREATION PERMIT FEE.—The term "special recreation permit fee" means the fee authorized by section 3(h).

SEC. 3. RECREATION FEE AUTHORITY.

(a) AUTHORITY OF SECRETARY.—Beginning in fiscal year 2005 and thereafter, the Secretary may establish, modify, charge, and collect recreation fees at Federal recreational lands and waters as provided for in this section.

(b) BASIS FOR RECREATION FEES.—Recreation fees shall be established in a manner consistent with the following criteria:

(1) The amount of the recreation fee shall be commensurate with the benefits and services provided to the visitor.

(2) The Secretary shall consider the aggregate effect of recreation fees on recreation users and recreation service providers.

(3) The Secretary shall consider comparable fees charged elsewhere and by other public agencies and by nearby private sector operators.

(4) The Secretary shall consider the public policy or management objectives served by the recreation fee.

(5) The Secretary shall obtain input from the appropriate Recreation Resource Advisory Committee, as provided in section 4(d).

(6) The Secretary shall consider such other factors or criteria as determined appropriate by the Secretary.

(c) SPECIAL CONSIDERATIONS.—The Secretary shall establish the minimum number of recreation fees and shall avoid the collection of multiple or layered recreation fees for similar uses, activities, or programs.

(d) LIMITATIONS ON RECREATION FEES.—

(1) PROHIBITION ON FEES FOR CERTAIN ACTIVITIES OR SERVICES.—The Secretary shall not charge any standard amenity recreation fee or expanded amenity recreation fee for Federal recreational lands and waters administered by the Bureau of Land Management, the Forest Service, or the Bureau of Reclamation under this Act for any of the following:

(A) Solely for parking, undesignated parking, or picnicking along roads or trailsides.

(B) For general access unless specifically authorized under this section.

(C) For dispersed areas with low or no investment unless specifically authorized under this section.

(D) For persons who are driving through, walking through, boating through, horseback riding through, or hiking through Federal recreational lands and waters without using the facilities and services.

(E) For camping at undeveloped sites that do not provide a minimum number of facilities and services as described in subsection (g)(2)(A).

(F) For use of overlooks or scenic pullouts.

(G) For travel by private, noncommercial vehicle over any national parkway or any road or highway established as a part of the Federal-aid System, as defined in section 101 of title 23, United States Code, which is commonly used by the public as a means of travel between two places either or both of which are outside any unit or area at which recreation fees are charged under this Act.

(H) For travel by private, noncommercial vehicle, boat, or aircraft over any road or highway, waterway, or airway to any land in which such person has any property right if such land is within any unit or area at which recreation fees are charged under this Act.

(I) For any person who has a right of access for hunting or fishing privileges under a specific provision of law or treaty.

(J) For any person who is engaged in the conduct of official Federal, State, Tribal, or local government business.

(K) For special attention or extra services necessary to meet the needs of the disabled.

(2) RELATION TO FEES FOR USE OF HIGHWAYS OR ROADS.—An entity that pays a special recreation permit fee or similar permit fee shall not be subject to a road cost-sharing fee or a fee for the use of highways or roads that are open to private, noncommercial use within the boundaries of any Federal recreational lands or waters, as authorized under section 6 of Public Law 88-657 (16 U.S.C. 537; commonly known as the Forest Roads and Trails Act).

(3) PROHIBITION ON FEES FOR CERTAIN PERSONS OR PLACES.—The Secretary shall not charge an entrance fee or standard amenity recreation fee for the following:

(A) Any person under 16 years of age.

(B) Outings conducted for noncommercial educational purposes by schools or bona fide academic institutions.

(C) The U.S.S. Arizona Memorial, Independence National Historical Park, any unit of the National Park System within the District of Columbia, or Arlington House-Robert E. Lee National Memorial.

(D) The Flight 93 National Memorial.

(E) Entrance on other routes into the Great Smoky Mountains National Park or any part thereof unless fees are charged for entrance into that park on main highways and thoroughfares.

(F) Entrance on units of the National Park System containing deed restrictions on charging fees.

(G) An area or unit covered under section 203 of the Alaska National Interest Lands Conservation Act (Public Law 96–487; 16 U.S.C. 410hh–2), with the exception of Denali National Park and Preserve.

(H) A unit of the National Wildlife Refuge System created, expanded, or modified by the Alaska National Interest Lands Conservation Act (Public Law 96–487).

(I) Any person who visits a unit or area under the jurisdiction of the United States Fish and Wildlife Service and who has been issued a valid migratory bird hunting and conservation stamp issued under section 2 of the Act of March 16, 1934 (16 U.S.C. 718b; commonly known as the Duck Stamp Act).

(J) Any person engaged in a nonrecreational activity authorized under a valid permit issued under any other Act, including a valid grazing permit.

(4) NO RESTRICTION ON RECREATION OPPORTUNITIES.—Nothing in this Act shall limit the use of recreation opportunities only to areas designated for collection of recreation fees.

(e) ENTRANCE FEE.—

(1) AUTHORIZED SITES FOR ENTRANCE FEES.—The Secretary of the Interior may charge an entrance fee for a unit of the National Park System, including a national monument administered by the National Park Service, or for a unit of the National Wildlife Refuge System.

(2) PROHIBITED SITES.—The Secretary shall not charge an entrance fee for Federal recreational lands and waters managed by the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service.

(f) STANDARD AMENITY RECREATION FEE.—Except as limited by subsection (d), the Secretary may charge a standard amenity recreation fee for Federal recreational lands and waters under the jurisdiction of the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service, but only at the following:

(1) A National Conservation Area.

(2) A National Volcanic Monument.

(3) A destination visitor or interpretive center that provides a broad range of interpretive services, programs, and media.

(4) An area—

(A) that provides significant opportunities for outdoor recreation;

(B) that has substantial Federal investments;

(C) where fees can be efficiently collected; and

(D) that contains all of the following amenities:

(i) Designated developed parking.

(ii) A permanent toilet facility.

(iii) A permanent trash receptacle.

(iv) Interpretive sign, exhibit, or kiosk.

(v) Picnic tables.

(vi) Security services.

(g) EXPANDED AMENITY RECREATION FEE.—

(1) NPS AND USFWS AUTHORITY.—Except as limited by subsection (d), the Secretary of the Interior may charge an expanded amenity recreation fee, either in addition to an entrance fee or by itself, at Federal recreational lands and waters under the jurisdiction of the National Park Service or the United States Fish and Wildlife Service when the Secretary of the Interior determines that the visitor uses a specific or specialized facility, equipment, or service.

(2) OTHER FEDERAL LAND MANAGEMENT AGENCIES.—Except as limited by subsection (d), the Secretary may charge an expanded amenity recreation fee, either in addition to a standard amenity fee or by itself, at Federal recreational lands and waters under the jurisdiction of the Forest Service, the Bureau of Land Management, or the Bureau of Reclamation, but only for the following facilities or services:

(A) Use of developed campgrounds that provide at least a majority of the following:

(i) Tent or trailer spaces.

(ii) Picnic tables.

(iii) Drinking water.

(iv) Access roads.

(v) The collection of the fee by an employee or agent of the Federal land management agency.

(vi) Reasonable visitor protection.

(vii) Refuse containers.

(viii) Toilet facilities.

(ix) Simple devices for containing a campfire.

(B) Use of highly developed boat launches with specialized facilities or services such as mechanical or hydraulic boat lifts or facilities, multi-lane paved ramps, paved parking, restrooms and other improvements such as boarding floats, loading ramps, or fish cleaning stations.

(C) Rental of cabins, boats, stock animals, lookouts, historic structures, group day-use or overnight sites, audio tour devices, portable sanitation devices, binoculars or other equipment.

(D) Use of hookups for electricity, cable, or sewer.

(E) Use of sanitary dump stations.

(F) Participation in an enhanced interpretive program or special tour.

(G) Use of reservation services.

(H) Use of transportation services.

(I) Use of areas where emergency medical or first-aid services are administered from facilities staffed by public employees or employees under a contract or reciprocal agreement with the Federal Government.

(J) Use of developed swimming sites that provide at least a majority of the following:

(i) Bathhouse with showers and flush toilets.

(ii) Refuse containers.

(iii) Picnic areas.

(iv) Paved parking.

(v) Attendants, including lifeguards.

(vi) Floats encompassing the swimming area.

(vii) Swimming deck.

(h) SPECIAL RECREATION PERMIT FEE.—The Secretary may issue a special recreation permit, and charge a special recreation permit fee in connection with the issuance of the permit, for specialized recreation uses of Federal recreational lands and waters, such as group activities, recreation events, motorized recreational vehicle use.

SEC. 4. PUBLIC PARTICIPATION.

(a) IN GENERAL.—As required in this section, the Secretary shall provide the public with opportunities to participate in the development of or changing of a recreation fee established under this Act.

(b) ADVANCE NOTICE.—The Secretary shall publish a notice in the Federal Register of the establishment of a new recreation fee area for each agency 6 months before establishment. The Secretary shall publish notice of a new recreation fee or a change to an existing recreation fee established under this Act in local newspapers and publications located near the site at which the recreation fee would be established or changed.

(c) PUBLIC INVOLVEMENT.—Before establishing any new recreation fee area, the Secretary shall provide opportunity for public involvement by—

(1) establishing guidelines for public involvement;

(2) establishing guidelines on how agencies will demonstrate on an annual basis how they have provided information to the public on the use of recreation fee revenues; and

(3) publishing the guidelines in paragraphs (1) and (2) in the Federal Register.

(d) RECREATION RESOURCE ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—

(A) AUTHORITY TO ESTABLISH.—Except as provided in subparagraphs (C) and (D), the Secretary or the Secretaries shall establish a Recreation Resource Advisory Committee in each State or region for Federal recreational lands and waters managed by the Forest Service or the Bureau of Land Management to perform the duties described in paragraph (2).

(B) NUMBER OF COMMITTEES.—The Secretary may have as many additional Recreation Resource Advisory Committees in a State or region as the Secretary considers necessary for the effective operation of this Act.

(C) EXCEPTION.—The Secretary shall not establish a Recreation Resource Advisory Committee in a State if the Secretary determines, in consultation with the Governor of the State, that sufficient interest does not exist to ensure that participation on the Committee is balanced in terms of the points of view represented and the functions to be performed.

(D) USE OF OTHER ENTITIES.—In lieu of establishing a Recreation Resource Advisory Committee under subparagraph (A), the Secretary may use a Resource Advisory Committee established pursuant to another provision of law and in accordance with that law or a recreation fee advisory board otherwise established by the Secretary to perform the duties specified in paragraph (2).

(2) DUTIES.—In accordance with the procedures required by paragraph (9), a Recreation Resource Advisory Committee may make recommendations to the Secretary regarding a standard amenity recreation fee or an expanded amenity recreation fee, whenever the recommendations relate to public concerns in the State or region covered by the Committee regarding—

(A) the implementation of a standard amenity recreation fee or an expanded amenity recreation fee or the establishment of a specific recreation fee site;

(B) the elimination of a standard amenity recreation fee or an expanded amenity recreation fee; or

(C) the expansion or limitation of the recreation fee program.

(3) MEETINGS.—A Recreation Resource Advisory Committee shall meet at least annually, but may, at the discretion of the Secretary, meet as often as needed to deal with citizen concerns about the recreation fee program in a timely manner.

(4) NOTICE OF REJECTION.—If the Secretary rejects the recommendation of a Recreation Resource Advisory Committee, the Secretary shall issue a notice that identifies the reasons for rejecting the recommendation to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 30 days before the Secretary implements a decision pertaining to that recommendation.

(5) COMPOSITION OF THE ADVISORY COMMITTEE.—

(A) NUMBER.—A Recreation Resource Advisory Committee shall be comprised of 11 members.

(B) NOMINATIONS.—The Governor and the designated county official from each county in the relevant State or Region may submit a list of nominations in the categories described under subparagraph (D).

(C) APPOINTMENT.—The Secretary may appoint members of the Recreation Resource Advisory Committee from the list as provided in subparagraph (B).

(D) BROAD AND BALANCED REPRESENTATION.—In appointing the members of a Recreation Resource Advisory Committee, the Secretary shall provide for a balanced and broad representation from the recreation community that shall include the following:

(i) Five persons who represent recreation users and that include, as appropriate, persons representing the following:

(I) Winter motorized recreation, such as snowmobiling.

(II) Winter non-motorized recreation, such as snowshoeing, cross country and down hill skiing, and snowboarding.

(III) Summer motorized recreation, such as motorcycles, boaters, and off-highway vehicles.

(IV) Summer nonmotorized recreation, such as backpacking, horseback riding, mountain biking, canoeing, and rafting.

(V) Hunting and fishing.

(ii) Three persons who represent interest groups that include, as appropriate, the following:

(I) Motorized outfitters and guides.

(II) Non-motorized outfitters and guides.

(III) Local environmental groups.

(iii) Three persons, as follows:

(I) State tourism official to represent the State.

(II) A person who represents affected Indian tribes.

(III) A person who represents affected local government interests.

(6) TERM.—

(A) LENGTH OF TERM.—The Secretary shall appoint the members of a Recreation Resource Advisory Committee for staggered terms of two and three years beginning on the date of the members are first appointed. The Secretary may reappoint members to subsequent two- or three-year terms.

(B) EFFECT OF VACANCY.—The Secretary shall make appointments to fill a vacancy on a Recreation Resource Advisory Committee as soon as practicable after the vacancy has occurred.

(C) EFFECT OF UNEXPECTED VACANCY.—Where an unexpected vacancy occurs, the Governor and the designated county officials from each county in the relevant state shall provide the Secretary with a list of nominations in the relevant category, as described under paragraph (5)(D), not later than two months after notification of the vacancy. To the extent possible, a vacancy shall be filled in the same category and term in which the original appointment was made.

(7) CHAIRPERSON.—The chairperson of a Recreation Resource Advisory Committee shall be selected by the majority vote of the members of the Committee.

(8) QUORUM.—Eight members shall constitute a quorum. A quorum must be present to constitute an official meeting of a Recreation Resource Advisory Committee.

(9) APPROVAL PROCEDURES.—A Recreation Resource Advisory Committee shall establish procedures for making recommendations to the Secretary. A recommendation may be submitted to the Secretary only if the recommendation is approved by a majority of the members of the Committee from each of the categories specified in paragraph (5)(D) and general public support for the recommendation is documented.

(10) COMPENSATION.—Members of the Recreation Resource Advisory Committee shall not receive any compensation.

(11) PUBLIC PARTICIPATION IN THE RECREATION RESOURCE ADVISORY COMMITTEE.—

(A) NOTICE OF MEETINGS.—All meetings of a Recreation Resource Advisory Committee shall be announced at least one week in advance in a local newspaper of record and the Federal Register, and shall be open to the public.

(B) RECORDS.—A Recreation Resource Advisory Committee shall maintain records of the meetings of the Recreation Resource Advisory Committee and make the records available for public inspection.

(12) FEDERAL ADVISORY COMMITTEE ACT.—A Recreation Resource Advisory Committee is subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

(e) MISCELLANEOUS ADMINISTRATIVE PROVISIONS REGARDING RECREATION FEES AND RECREATION PASSES.—

(1) NOTICE OF ENTRANCE FEES, STANDARD AMENITY RECREATION FEES, AND PASSES.—The Secretary shall post clear notice of any entrance fee, standard amenity recreation fee, and available recreation passes at appropriate locations in each unit or area of a Federal land management agency where an entrance fee or a standard amenity recreation fee is charged. The Secretary shall include such notice in publications distributed at the unit or area.

(2) NOTICE OF RECREATION FEE PROJECTS.—To the extent practicable, the Secretary shall post clear notice of locations where work is performed using recreation fee or recreation pass revenues collected under this Act.

SEC. 5. RECREATION PASSES.

(a) AMERICA THE BEAUTIFUL—THE NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.—

(1) AVAILABILITY AND USE.—The Secretaries shall establish, and may charge a fee for, an interagency national pass to be known as the "America the Beautiful—the National Parks and Federal Recreational Lands Pass", which shall cover the entrance fee and standard amenity recreation fee for all Federal recreational lands and waters for which an entrance fee or a standard amenity recreation fee is charged.

(2) IMAGE COMPETITION FOR RECREATION PASS.—The Secretaries shall hold an annual competition to select the image to be used on the National Parks and Federal Recreational Lands Pass for a year. The competition shall be open to the public and used as a means to educate the American people about Federal recreational lands and waters.

(3) Notice of establishment.—The Secretaries shall publish a notice in the Federal Register when the National Parks and Federal Recreational Lands Pass is first established and available for purchase.

(4) Duration.—The National Parks and Federal Recreational Lands Pass shall be valid for a period of 12 months from the date of the issuance of the recreation pass to a passholder, except in the case of the age and disability discounted passes issued under subsection (b).

(5) Price.—The Secretaries shall establish the price at which the National Parks and Federal Recreational Lands Pass will be sold to the public.

(6) Sales locations and marketing.—

(A) In general.—The Secretary shall sell the National Parks and Federal Recreational Lands Pass at all Federal recreational lands and waters at which an entrance fee or a standard amenity recreation fee is charged and at such other locations as the Secretaries consider appropriate and feasible.

(B) Use of vendors.—The Secretary may enter into fee management agreements as provided in section 6.

(C) Marketing.—The Secretaries shall take such actions as are appropriate to provide for the active marketing of the National Parks and Federal Recreational Lands Pass.

(7) Administrative guidelines.—The Secretaries shall issue guidelines on administration of the National Parks and Federal Recreational Lands Pass, which shall include agreement on price, the distribution of revenues between the Federal land management agencies, the sharing of costs, benefits provided, marketing and design, adequate documentation for age and disability discounts under subsection (b), and the issuance of that recreation pass to volunteers. The Secretaries shall take into consideration all relevant visitor and sales data available in establishing the guidelines.

(8) Development and implementation agreements.—The Secretaries may enter into cooperative agreements with governmental and nongovernmental entities for the development and implementation of the National Parks and Federal Recreational Lands Pass Program.

(9) Prohibition on other national recreation passes.—The Secretary may not establish any national recreation pass, except as provided in this section.

(b) Discounted Passes.—

(1) Age discount.—The Secretary shall make the National Parks and Federal Recreational Lands Pass available, at a cost of $10.00, to any United States citizen or person domiciled in the United States who is 62 years of age or older, if the citizen or person provides adequate proof of such age and such citizenship or residency. The National Parks and Federal Recreational Lands Pass made available under this subsection shall be valid for the lifetime of the pass holder.

(2) Disability discount.—The Secretary shall make the National Parks and Federal Recreational Lands Pass available, without charge, to any United States citizen or person domiciled in the United States who has been medically determined to be permanently disabled for purposes of section 7(20)(B)(i)of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)(B)(i)), if the citizen or person provides adequate proof of the disability and such citizenship or residency. The National Parks and Federal Recreational Lands Pass made available under this subsection shall be valid for the lifetime of the passholder.

(c) Site-Specific Agency Passes.—The Secretary may establish and charge a fee for a site-specific pass that will cover the entrance fee or standard amenity recreation fee for particular Federal recreational lands and waters for a specified period not to exceed 12 months.

(d) Regional Multientity Passes.—

(1) Passes authorized.—The Secretary may establish and charge a fee for a regional multientity pass that will be accepted by one or more Federal land management agencies or by one or more governmental or nongovernmental entities for a specified period not to exceed 12 months. To include a Federal land management agency or governmental or nongovernmental entity over which the Secretary does not have jurisdiction, the Secretary shall obtain the consent of the head of such agency or entity.

(2) Regional multientity pass agreement.—In order to establish a regional multientity pass under this subsection, the Secretary shall enter into a regional multientity pass agreement with all the participating agencies or entities on price, the distribution of revenues between participating agencies or entities, the sharing of costs, benefits provided, marketing and design, and the issuance of the pass to volunteers. The Secretary shall take into consideration all relevant visitor and sales data available when entering into this agreement.

(e) Discounted or Free Admission Days or Use.—The Secretary may provide for a discounted or free admission day or use of Federal recreational lands and waters.

(f) Effect on Existing Passports and Permits.—

(1) Existing passports.—A passport issued under section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a) or title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 16 U.S.C. 5991–5995), such as the Golden Eagle Passport, the Golden Age Passport, the Golden Access Passport, and the National Parks Passport, that was valid on the day before the publication of the Federal Register notice required under subsection (a)(3) shall be valid in accordance with the terms agreed to at the time of issuance of the passport, to the extent practicable, and remain in effect until expired, lost, or stolen.

(2) Permits.—A permit issued under section 4 of the Land and Water Conservation Fund Act of 1965 that was valid on the day before the date of the enactment of this Act shall be valid and remain in effect until expired, revoked, or suspended.

SEC. 6. COOPERATIVE AGREEMENTS.

(a) Fee Management Agreement.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into a fee management agreement, including a contract, which may provide for a reasonable commission, reimbursement, or discount, with the following entities for the following purposes:

(1) With any governmental or nongovernmental entity, including those in a gateway community, for the purpose of obtaining fee collection and processing services, including visitor reservation services.

(2) With any governmental or nongovernmental entity, including those in a gateway community, for the purpose of obtaining emergency medical services.

(3) With any governmental entity, including those in a gateway community, to obtain law enforcement services.

(b) Revenue Sharing.—A State or legal subdivision of a State that enters into an agreement with the Secretary under subsection (a) may share in a percentage of the revenues collected at the site in accordance with that fee management agreement.

(c) County Proposals.—The Secretary shall consider any proposal submitted by a county to provide services described in subsection (a). If the Secretary decides not to enter into a fee management agreement with the county under subsection (a), the Secretary shall notify the county in writing of the decision, identifying the reasons for the decision. The fee management agreement may include cooperative site planning and management provisions.

SEC. 7. SPECIAL ACCOUNT AND DISTRIBUTION OF FEES AND REVENUES.

(a) Special Account.—The Secretary of the Treasury shall establish a special account in the Treasury for each Federal land management agency.

(b) Deposits.—Subject to subsections (c), (d), and (e), revenues collected by each Federal land management agency under this Act shall—

(1) be deposited in its special account; and

(2) remain available for expenditure, without further appropriation, until expended.

(c) Distribution of Recreation Fees and Single-Site Agency Pass Revenues.—

(1) Local distribution of funds.—

(A) Retention of revenues.—Not less than 80 percent of the recreation fees and site-specific agency pass revenues collected at a specific unit or area of a Federal land management agency shall remain available for expenditure, without further appropriation, until expended at that unit or area.

(B) Reduction.—The Secretary may reduce the percentage allocation otherwise applicable under subparagraph (A) to a unit or area of a Federal land management agency, but not below 60 percent, for a fiscal year if the Secretary determines that the revenues collected at the unit or area exceed the reasonable needs of the unit or area for which expenditures may be made for that fiscal year.

(2) Agency-wide distribution of funds.—The balance of the recreation fees and site-specific agency pass revenues collected at a specific unit or area of a Federal land management and not distributed in accordance with paragraph (1) shall remain available to that Federal land management agency for expenditure on an agency-wide basis, without further appropriation, until expended.

(3) Other amounts.—Other amounts collected at other locations, including recreation fees collected by other entities or for a reservation service, shall remain available, without further appropriation, until expended in accordance with guidelines established by the Secretary.

(d) Distribution of National Parks and Federal Recreational Lands Pass Revenues.—Revenues collected from the sale of the National Parks and Federal Recreational Lands Pass shall be deposited in the special accounts established for the Federal land management agencies in accordance with the guidelines issued under section 5(a)(7).

(e) Distribution of Regional Multientity Pass Revenues.—Revenues collected from the sale of a regional multientity pass authorized under section 5(d) shall be deposited in each participating Federal land management agency's special account in accordance with the terms of the region multientity pass agreement for the regional multientity pass.

SEC. 8. EXPENDITURES.

(a) Use of Fees at Specific Site or Area.—Amounts available for expenditure at a specific site or area—

(1) shall be accounted for separately from the amounts collected;

(2) may be distributed agency-wide; and

(3) shall be used only for—

(A) repair, maintenance, and facility enhancement related directly to visitor enjoyment, visitor access, and health and safety;

(B) interpretation, visitor information, visitor service, visitor needs assessments, and signs;

(C) habitat restoration directly related to wildlife-dependent recreation that is limited to hunting, fishing, wildlife observation, or photography;

(D) law enforcement related to public use and recreation;

(E) direct operating or capital costs associated with the recreation fee program; and

(F) a fee management agreement established under section 6(a) or a visitor reservation service.

(b) LIMITATION ON USE OF FEES.—The Secretary may not use any recreation fees for biological monitoring on Federal recreational lands and waters under the Endangered Species Act of 1973 for listed or candidate species.

(c) ADMINISTRATION, OVERHEAD, AND INDIRECT COSTS.—The Secretary may use not more than an average of 15 percent of total revenues collected under this Act for administration, overhead, and indirect costs related to the recreation fee program by that Secretary.

(d) TRANSITIONAL EXCEPTION.—Notwithstanding any other provision of this Act, the Secretary may use amounts available in the special account of a Federal land management agency to supplement administration and marketing costs associated with—

(1) the National Parks and Federal Recreational Lands Pass during the five-year period beginning on the date the joint guidelines are issued under section 5(a)(7); and

(2) a regional multientity pass authorized section 5(d) during the five-year period beginning on the date the regional multientity pass agreement for that recreation pass takes effect.

SEC. 9. REPORTS.

Not later than May 1, 2006, and every three years thereafter, the Secretary shall submit to the Congress a report detailing the status of the recreation fee program conducted for Federal recreational lands and waters, including an evaluation of the recreation fee program, examples of projects that were funded using such fees, and future projects and programs for funding with fees, and containing any recommendations for changes in the overall fee system.

SEC. 10. SUNSET PROVISION.

The authority of the Secretary to carry out this Act shall terminate 10 years after the date of the enactment of this Act.

SEC. 11. VOLUNTEERS.

(a) AUTHORITY TO USE VOLUNTEERS.—The Secretary may use volunteers, as appropriate, to collect recreation fees and sell recreation passes.

(b) WAIVER OR DISCOUNT OF FEES; SITE-SPECIFIC AGENCY PASS.—In exchange for volunteer services, the Secretary may waive or discount an entrance fee, standard amenity recreation fee, or an expanded amenity recreation fee that would otherwise apply to the volunteer or issue to the volunteer a site-specific agency pass authorized under section 5(c).

(c) NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.—In accordance with the guidelines issued under section 5(a)(7), the Secretaries may issue a National Parks and Federal Recreational Lands Pass to a volunteer in exchange for significant volunteer services performed by the volunteer.

(d) REGIONAL MULTIENTITY PASSES.—The Secretary may issue a regional multientity pass authorized under section 5(d) to a volunteer in exchange for significant volunteer services performed by the volunteer, if the regional multientity pass agreement under which the regional multientity pass was established provides for the issuance of the pass to volunteers.

SEC. 12. ENFORCEMENT AND PROTECTION OF RECEIPTS.

(a) ENFORCEMENT AUTHORITY.—The Secretary concerned shall enforce payment of the recreation fees authorized by this Act.

(b) EVIDENCE OF NONPAYMENT.—If the display of proof of payment of a recreation fee, or the payment of a recreation fee within a certain time period is required, failure to display such proof as required or to pay the recreation fee within the time period specified shall constitute nonpayment.

(c) JOINT LIABILITY.—The registered owner and any occupant of a vehicle charged with a nonpayment violation involving the vehicle shall be jointly liable for penalties imposed under this section, unless the registered owner can show that the vehicle was used without the registered owner's express or implied permission.

(d) LIMITATION ON PENALTIES.—The failure to pay a recreation fee established under this Act shall be punishable as a Class A or Class B misdemeanor, except that in the case of a first offense of nonpayment, the fine imposed may not exceed $100, notwithstanding section 3571(e) of title 18, United States Code.

SEC. 13. REPEAL OF SUPERSEDED ADMISSION AND USE FEE AUTHORITIES.

(a) LAND AND WATER CONSERVATION FUND ACT.—Subsections (a), (b), (c), (d), (e), (f), (g), and (i) of section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a et seq.) are repealed, except that the Secretary may continue to issue Golden Eagle Passports, Golden Age Passports, and Golden Access Passports under such section until the date the notice required by section 5(a)(3) is published in the Federal Register regarding the establishment of the National Parks and Federal Recreational Lands Pass.

(b) RECREATIONAL FEE DEMONSTRATION PROGRAM.—Section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134; 16 U.S.C. 460l–6a), is repealed.

(c) ADMISSION PERMITS FOR REFUGE UNITS.—Section 201 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3911) is repealed.

(d) NATIONAL PARK PASSPORT, GOLDEN EAGLE PASSPORT, GOLDEN AGE PASSPORT, AND GOLDEN ACCESS PASSPORT.—Effective on the date the notice required by section 5(a)(3) is published in the Federal Register, the following provisions of law authorizing the establishment of a national park passport program or the establishment and sale of a national park passport, Golden Eagle Passport, Golden Age Passport, or Golden Access Passport are repealed:

(1) Section 502 of the National Parks Omnibus Management Act of 1998 (Public Law 105–391; 16 U.S.C. 5982).

(2) Title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105–391; 16 U.S.C. 5991–5995).

(e) TREATMENT OF UNOBLIGATED FUNDS.—

(1) LAND AND WATER CONSERVATION FUND SPECIAL ACCOUNTS.—Amounts in the special accounts established under section 4(i)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)(1)) for Federal land management agencies that are unobligated on the date of the enactment of this Act shall be transferred to the appropriate special account established under section 7 and shall be available to the Secretary in accordance with this Act. A special account established under section 4(i)(1) of the Land and Water Conservation Fund Act of 1965 for a Federal agency that is not a Federal land management area, and the use of such special account, is not affected by the repeal of section 4 of the Land and Water Conservation Fund Act of 1965 by subsection (a) of this section.

(2) NATIONAL PARKS PASSPORT.—Any funds collected under title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105–391; 16 U.S.C. 5991–5995) that are unobligated on the day before the publication of the Federal Register notice required under section 5(a)(3) shall be transferred to the special account of the National Park Service for use in accordance with this Act. The Secretary of the Interior may use amounts available in that special account to pay any outstanding administration, marketing, or close-out costs associated with the national parks passport.

(3) RECREATIONAL FEE DEMONSTRATION PROGRAM.—Any funds collected in accordance with section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134; 16 U.S.C. 460l–6a), that are unobligated on the day before the date of the enactment of this Act shall be transferred to the appropriate special account and shall be available to the Secretary in accordance with this Act.

(4) ADMISSION PERMITS FOR REFUGE UNITS.—Any funds collected in accordance with section 201 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3911) that are available as provided in subsection (c)(A) of such section and are unobligated on the day before the date of the enactment of this Act shall be transferred to the special account of the United States Fish and Wildlife Service for use in accordance with this Act.

(f) EFFECT OF REGULATIONS.—A regulation or policy issued under a provision of law repealed by this section shall remain in effect to the extent such a regulation or policy is consistent with the provisions of this Act until the Secretary issues a regulation, guideline, or policy under this Act that supersedes the earlier regulation.

SEC. 14. RELATION TO OTHER LAWS AND FEE COLLECTION AUTHORITIES.

(a) FEDERAL AND STATE LAWS UNAFFECTED.—Nothing in this Act shall authorize Federal hunting or fishing licenses or fees or charges for commercial or other activities not related to recreation, affect any rights or authority of the States with respect to fish and wildlife, or repeal or modify any provision of law that permits States or political subdivisions of States to share in the revenues from Federal lands or, except as provided in subsection (b), any provision of law that provides that any fees or charges collected at particular Federal areas be used for or credited to specific purposes or special funds as authorized by that provision of law.

(b) RELATION TO REVENUE ALLOCATION LAWS.—Amounts collected under this Act, and the existence of a fee management agreement with a governmental entity under section 6(a), may not be taken into account for the purposes of any of the following laws:

(1) The sixth paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908 (16 U.S.C. 500).

(2) Section 13 of the Act of March 1, 1911 (16 U.S.C. 500; commonly known as the Weeks Act).

(3) The fourteenth paragraph under the heading "FOREST SERVICE" in the Act of March 4, 1913 (16 U.S.C. 501).

(4) Section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012).

(5) Title II of the Act of August 8, 1937, and the Act of May 24, 1939 (43 U.S.C. 1181f et seq.).

(6) Section 6 of the Act of June 14, 1926 (43 U.S.C. 869–4).

(7) Chapter 69 of title 31, United States Code.

(8) Section 401 of the Act of June 15, 1935 (16 U.S.C. 715s; commonly known as the Refuge Revenue Sharing Act).

(9) The Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), except that the exception made for such Act by this subsection is unique and is not intended to be construed as precedent for amounts collected from the use of Federal lands under any other provision of law.

(10) Section 2 of the Boulder Canyon Project Adjustment Act (43 U.S.C. 618a).

(11) The Federal Water Project Recreation Act (16 U.S.C. 460l–12 et seq.).

(12) The first section of the Act of June 17, 1902, as amended or supplemented (43 U.S.C. 391).

(13) The Act of February 25, 1920 (30 U.S.C. 181 et seq.; commonly known as the Mineral Leasing Act).

(14) Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 31 U.S.C. 6901 note).

(15) Section 5(a) of the Lincoln County Land Act of 2000 (Public Law 106–298; 114 Stat. 1047).

(16) Any other provision of law relating to revenue allocation.

(c) CONSIDERATION OF OTHER FUNDS COLLECTED.—Amounts collected under any other law may not be disbursed under this Act.

(d) SOLE RECREATION FEE AUTHORITY.—Recreation fees charged under this Act shall be in lieu of fees charged for the same purposes under any other provision of law.

(e) FEES CHARGED BY THIRD PARTIES.—Notwithstanding any other provision of this Act, a third party may charge a fee for providing a good or service to a visitor of a unit or area of the Federal land management agencies in accordance with any other applicable law or regulation.

(f) MIGRATORY BIRD HUNTING STAMP ACT.—Revenues from the stamp established under the Act of March 16, 1934 (16 U.S.C. 718 et seq.; commonly known as the Migratory Bird Hunting Stamp Act or Duck Stamp Act), shall not be covered by this Act.

SEC. 15. LIMITATION ON USE OF FEES FOR EMPLOYEE BONUSES.

Notwithstanding any other provision of law, fees collected under the authorities of this Act may not be used for employee bonuses.

TITLE IX—SATELLITE HOME VIEWER EXTENSION AND REAUTHORIZATION ACT OF 2004

SECTION 1. SHORT TITLES; TABLE OF CONTENTS.

(a) SHORT TITLES.—This title may be cited as the "Satellite Home Viewer Extension and Reauthorization Act of 2004" or the "W. J. (Billy) Tauzin Satellite Television Act of 2004".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short titles; table of contents.

TITLE I—STATUTORY LICENSE FOR SATELLITE CARRIERS

Sec. 101. Extension of authority.
Sec. 102. Reporting of subscribers; significantly viewed and other signals; technical amendments.
Sec. 103. Statutory license for satellite carriers outside local markets.
Sec. 104. Statutory license for satellite retransmission of low power television stations.
Sec. 105. Definitions.
Sec. 106. Effect on certain proceedings.
Sec. 107. Statutory license for satellite carriers retransmitting superstation signals to commercial establishments.
Sec. 108. Expedited consideration of voluntary agreements to provide satellite secondary transmissions to local markets.
Sec. 109. Study.
Sec. 110. Additional study.
Sec. 111 Special rules.
Sec. 112. Technical amendment.

TITLE II—FEDERAL COMMUNICATIONS COMMISSION OPERATIONS

Sec. 201. Extension of retransmission consent exemption.
Sec. 202. Cable/satellite comparability.
Sec. 203. Carriage of local stations on a single dish.
Sec. 204. Replacement of distant signals with local signals.
Sec. 205. Additional notices to subscribers, networks, and stations concerning signal carriage.
Sec. 206. Privacy rights of satellite subscribers.
Sec. 207. Reciprocal bargaining obligations.
Sec. 208. Study of impact on cable television service.
Sec. 209. Reduction of required tests.
Sec. 210. Satellite carriage of television stations in noncontiguous States.
Sec. 211. Carriage of television signals to certain subscribers.
Sec. 212. Digital transition savings provision.
Sec. 213. Authorizing broadcast service in unserved areas of Alaska.

TITLE I—STATUTORY LICENSE FOR SATELLITE CARRIERS

SEC. 101. EXTENSION OF AUTHORITY.

(a) IN GENERAL.—Section 4(a) of the Satellite Home Viewer Act of 1994 (17 U.S.C. 119 note; Public Law 103–369; 108 Stat. 3481) is amended by striking "December 31, 2004" and inserting "December 31, 2009".

(b) EXTENSION FOR CERTAIN SUBSCRIBERS.—Section 119(e) of title 17, United States Code, is amended by striking "December 31, 2004" and inserting "December 31, 2009".

SEC. 102. REPORTING OF SUBSCRIBERS; SIGNIFICANTLY VIEWED AND OTHER SIGNALS; TECHNICAL AMENDMENTS.

Section 119(a) of title 17, United States Code, is amended—

(1) in paragraph (1)—

(A) in the paragraph heading, by striking "AND PBS SATELLITE FEED";

(B) in the first sentence, by striking "(3), (4), and (6)" and inserting "(5), (6), and (8)";

(C) in the first sentence, by striking "or by the Public Broadcasting Service satellite feed"; and

(D) by striking the second sentence;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "(3), (4), (5), and (6)" and inserting "(5), (6), (7), and (8)"; and

(B) by striking subparagraph (C) and inserting the following:

"(C) EXCEPTIONS.—

"(i) STATES WITH SINGLE FULL-POWER NETWORK STATION.—In a State in which there is licensed by the Federal Communications Commission a single full-power station that was a network station on January 1, 1995, the statutory license provided for in subparagraph (A) shall apply to the secondary transmission by a satellite carrier of the primary transmission of that station to any subscriber in a community that is located within that State and that is not within the first 50 television markets as listed in the regulations of the Commission as in effect on such date (47 CFR 76.51).

"(ii) STATES WITH ALL NETWORK STATIONS AND SUPERSTATIONS IN SAME LOCAL MARKET.—In a State in which all network stations and superstations licensed by the Federal Communications Commission within that State as of January 1, 1995, are assigned to the same local market and that local market does not encompass all counties of that State, the statutory license provided under subparagraph (A) shall apply to the secondary transmission by a satellite carrier of the primary transmissions of such station to all subscribers in the State who reside in a local market that is within the first 50 major television markets as listed in the regulations of the Commission as in effect on such date (section 76.51 of title 47 of the Code of Federal Regulations).

"(iii) ADDITIONAL STATIONS.—In the case of that State in which are located 4 counties that—

"(I) on January 1, 2004, were in local markets principally comprised of counties in another State, and

"(II) had a combined total of 41,340 television households, according to the U.S. Television Household Estimates by Nielsen Media Research for 2004,

the statutory license provided under subparagraph (A) shall apply to secondary transmissions by a satellite carrier to subscribers in any such county of the primary transmissions of any network station located in that State, if the satellite carrier was making such secondary transmissions to any subscribers in that county on January 1, 2004.

"(iv) CERTAIN ADDITIONAL STATIONS.—If 2 adjacent counties in a single State are in a local market comprised principally of counties located in another State, the statutory license provided for in subparagraph (A) shall apply to the secondary transmission by a satellite carrier to subscribers in those 2 counties of the primary transmissions of any network station located in the capital of the State in which such 2 counties are located, if—

"(I) the 2 counties are located in a local market that is in the top 100 markets for the year 2003 according to Nielsen Media Research; and

"(II) the total number of television households in the 2 counties combined did not exceed 10,000 for the year 2003 according to Nielsen Media Research.

"(v) APPLICABILITY OF ROYALTY RATES.—The royalty rates under subsection (b)(1)(B) apply to the secondary transmissions to which the statutory license under subparagraph (A) applies under clauses (i), (ii), (iii), and (iv).

"(D) SUBMISSION OF SUBSCRIBER LISTS TO NETWORKS.—

"(i) INITIAL LISTS.—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station pursuant to subparagraph (A) shall, 90 days after commencing such secondary transmissions, submit to the network that owns or is affiliated with the network station—

"(I) a list identifying (by name and address, including street or rural route number, city, State, and zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission to subscribers in unserved households; and

"(II) a separate list, aggregated by designated market area (as defined in section 122(j)) (by name and address, including street or rural route number, city, State, and zip code), which shall indicate those subscribers being served pursuant to paragraph (3), relating to significantly viewed stations.

"(ii) MONTHLY LISTS.—After the submission of the initial lists under clause (i), on the 15th of each month, the satellite carrier shall submit to the network—

"(I) a list identifying (by name and address, including street or rural route number, city, State, and zip code) any persons who have been added or dropped as subscribers under clause (i)(I) since the last submission under clause (i); and

"(II) a separate list, aggregated by designated market area (by name and street address, including street or rural route number, city, State, and zip code), identifying those subscribers whose service pursuant to paragraph (3), relating to significantly viewed stations, has been added or dropped.

"(iii) USE OF SUBSCRIBER INFORMATION.—Subscriber information submitted by a satellite carrier under this subparagraph may be used only for purposes of monitoring compliance by the satellite carrier with this subsection.

"(iv) APPLICABILITY.—The submission requirements of this subparagraph shall apply to a satellite carrier only if the network to which the submissions are to be made places on file with the Register of Copyrights a document identifying the name and address of the person to whom such submissions are to be made. The Register shall maintain for public inspection a file of all such documents.";

(3) by striking paragraph (8);

(4) by redesignating paragraphs (9) through (12) as paragraphs (10) through (13), respectively;

(5) by redesignating paragraphs (3) through (7) as paragraphs (5) through (9), respectively;

(6) by inserting after paragraph (2) the following:

"(3) SECONDARY TRANSMISSIONS OF SIGNIFICANTLY VIEWED SIGNALS.—

"(A) IN GENERAL.—Notwithstanding the provisions of paragraph (2)(B), and subject to subparagraph (B) of this paragraph, the statutory license provided for in paragraphs (1) and (2) shall apply to the secondary transmission of the primary transmission of a network station or a superstation to a subscriber who resides outside the station's local market (as defined in section 122(j)) but within a community in which the signal has been determined by the Federal Communications Commission, to be significantly viewed in such community, pursuant to the rules, regulations, and authorizations of the Federal Communications Commission in effect on April 15, 1976, applicable to determining with respect to a cable system whether signals are significantly viewed in a community.

"(B) LIMITATION.—Subparagraph (A) shall apply only to secondary transmissions of the primary transmissions of network stations and superstations to subscribers who receive secondary transmissions from a satellite carrier pursuant to the statutory license under section 122.

"(C) WAIVER.—

"(i) IN GENERAL.—A subscriber who is denied the secondary transmission of the primary transmission of a network station under subparagraph (B) may request a waiver from such denial by submitting a request, through the subscriber's satellite carrier, to the network station in the local market affiliated with the same network where the subscriber is located. The network station shall accept or reject the subscriber's request for a waiver within 30 days after receipt of the request. If the network station fails to accept or reject the subscriber's request for a waiver within that 30-day period, that network station shall be deemed to agree to the waiver request. Unless specifically stated by the network station, a waiver that was granted before the date of the enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004 under section 339(c)(2) of the Communications Act of 1934 shall not constitute a waiver for purposes of this subparagraph.

"(ii) SUNSET.—The authority under clause (i) to grant waivers shall terminate on December 31, 2008, and any such waiver in effect shall terminate on that date.";

(7) in paragraph (2)(B)(i), by adding at the end the following new sentence: "The limitation in this clause shall not apply to secondary transmissions under paragraph (3).".

SEC. 103. STATUTORY LICENSE FOR SATELLITE CARRIERS OUTSIDE LOCAL MARKETS.

Section 119 of title 17, United States Code, is amended as follows:

(1) Subsection (a) is amended by inserting after paragraph (3), as added by section 102 of this Act, the following:

"(4) STATUTORY LICENSE WHERE RETRANSMISSIONS INTO LOCAL MARKET AVAILABLE.—

"(A) RULES FOR SUBSCRIBERS TO ANALOG SIGNALS UNDER SUBSECTION (e).—

"(i) FOR THOSE RECEIVING DISTANT ANALOG SIGNALS.—In the case of a subscriber of a satellite carrier who is eligible to receive the secondary transmission of the primary analog transmission of a network station solely by reason of subsection (e) (in this subparagraph referred to as a 'distant analog signal'), and who, as of October 1, 2004, is receiving the distant analog signal of that network station, the following shall apply:

"(I) In a case in which the satellite carrier makes available to the subscriber the secondary transmission of the primary analog transmission of a local network station affiliated with the same television network pursuant to the statutory license under section 122, the statutory license under paragraph (2) shall apply only to secondary transmissions by that satellite carrier to that subscriber of the distant analog signal of a station affiliated with the same television network—

"(aa) if, within 60 days after receiving the notice of the satellite carrier under section 338(h)(1) of the Communications Act of 1934, the subscriber elects to retain the distant analog signal; but

"(bb) only until such time as the subscriber elects to receive such local analog signal.

"(II) Notwithstanding subclause (I), the statutory license under paragraph (2) shall not apply with respect to any subscriber who is eligible to receive the distant analog signal of a television network station solely by reason of subsection (e), unless the satellite carrier, within 60 days after the date of the enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004, submits to that television network a list, aggregated by designated market area (as defined in section 122(j)(2)(C)), that—

"(aa) identifies that subscriber by name and address (street or rural route number, city, State, and zip code) and specifies the distant analog signals received by the subscriber; and

"(bb) states, to the best of the satellite carrier's knowledge and belief, after having made diligent and good faith inquiries, that the subscriber is eligible under subsection (e) to receive the distant analog signals.

"(ii) FOR THOSE NOT RECEIVING DISTANT ANALOG SIGNALS.—In the case of any subscriber of a satellite carrier who is eligible to receive the distant analog signal of a network station solely by reason of subsection (e) and who did not receive a distant analog signal of a station affiliated with the same network on October 1, 2004, the statutory license under paragraph (2) shall not apply to secondary transmissions by that satellite carrier to that subscriber of the distant analog signal of a station affiliated with the same network.

"(B) RULES FOR OTHER SUBSCRIBERS.—In the case of a subscriber of a satellite carrier who is eligible to receive the secondary transmission of the primary analog transmission of a network station under the statutory license under paragraph (2) (in this subparagraph referred to as a 'distant analog signal'), other than subscribers to whom subparagraph (A) applies, the following shall apply:

"(i) In a case in which the satellite carrier makes available to that subscriber, on January 1, 2005, the secondary transmission of the primary analog transmission of a local network station affiliated with the same television network pursuant to the statutory license under section 122, the statutory license under paragraph (2) shall apply only to secondary transmissions by that satellite carrier to that subscriber of the distant analog signal of a station affiliated with the same television network if the subscriber's satellite carrier, not later than March 1, 2005, submits to that television network a list, aggregated by designated market area (as defined in section 122(j)(2)(C)), that identifies that subscriber by name and address (street or rural route number, city, State, and zip code) and specifies the distant analog signals received by the subscriber.

"(ii) In a case in which the satellite carrier does not make available to that subscriber, on January 1, 2005, the secondary transmission of the primary analog transmission of a local network station affiliated with the same television network pursuant to the statutory license under section 122, the statutory license under paragraph (2) shall apply only to secondary transmissions by that satellite carrier of the distant analog signal of a station affiliated with the same network to that subscriber if—

"(I) that subscriber seeks to subscribe to such distant analog signal before the date on which such carrier commences to provide pursuant to the statutory license under section 122 the secondary transmissions of the primary analog transmission of stations from the local market of such local network station; and

"(II) the satellite carrier, within 60 days after such date, submits to each television network a list that identifies each subscriber in that local market provided such an analog signal by name and address (street or rural route number, city, State, and zip code) and specifies the distant analog signals received by the subscriber.

"(C) FUTURE APPLICABILITY.—The statutory license under paragraph (2) shall not apply to the secondary transmission by a satellite carrier of a primary analog transmission of a network station to a person who—

"(i) is not a subscriber lawfully receiving such secondary transmission as of the date of the enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004; and

"(ii) at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the secondary transmission of the primary analog transmission of a local network station affiliated with the same television network pursuant to the statutory license under section 122, and such secondary transmission of such primary transmission can reach such person.

"(D) SPECIAL RULES FOR DISTANT DIGITAL SIGNALS.—The statutory license under paragraph (2) shall apply to secondary transmissions by a satellite carrier to a subscriber of primary digital transmissions of network stations if such secondary transmissions to such subscriber are permitted under section 339(a)(2)(D) of the Communications Act of 1934, as in effect on the day after the date of the enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004, except that the reference to section 73.683(a) of title 47, Code of Federal Regulations, referred to in section 339(a)(2)(D)(i)(I) shall refer to such section as in effect on the date of the enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004.

"(E) OTHER PROVISIONS NOT AFFECTED.—This paragraph shall not affect the applicability of the statutory license to secondary transmissions under paragraph (3) or to unserved households included under paragraph (12).

"(F) WAIVER.—A subscriber who is denied the secondary transmission of a network station under subparagraph (C) or (D) may request a waiver from such denial by submitting a request, through the subscriber's satellite carrier, to the network station in the local market affiliated with the same network where the subscriber is located. The network station shall accept or reject the subscriber's request for a waiver within 30 days after receipt of the request. If the network station fails to accept or reject the subscriber's request for a waiver within that 30-day period, that network station shall be deemed to agree to the waiver request. Unless specifically stated by the network station, a waiver that was granted before the date of the enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004 under section 339(c)(2) of the Communications Act of 1934 shall not constitute a waiver for purposes of this subparagraph.

"(G) AVAILABLE DEFINED.—For purposes of this paragraph, a satellite carrier makes available a secondary transmission of the primary transmission of a local station to a subscriber or person if the satellite carrier offers that secondary transmission to other subscribers who reside in the same zip code as that subscriber or person.".

(2) Subsection (a) is amended by adding at the end the following:

"(14) WAIVERS.—A subscriber who is denied the secondary transmission of a signal of a network station under subsection (a)(2)(B) may request a waiver from such denial by submitting a request, through the subscriber's satellite carrier, to the network station asserting that the *secondary transmission is prohibited. The network station shall accept or reject a subscriber's request for a waiver within 30 days after receipt of the request. If a television network station fails to accept or reject a subscriber's request for a waiver within the 30-day period after receipt of the request, that station shall be deemed to agree to the waiver request and have filed such written waiver. Unless specifically stated by the network station, a waiver that was granted before the date of the enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004 under section 339(c)(2) of the Communications Act of 1934, and that was in effect on such date of enactment, shall constitute a waiver for purposes of this paragraph.".*

(3) Subsection (b)(1) is amended by striking subparagraph (B) and inserting the following:

"(B) a royalty fee for that 6-month period, computed by multiplying the total number of subscribers receiving each secondary transmission of each superstation or network station during each calendar month by the appropriate rate in effect under this section.".

(4) Subsection (b)(1) is further amended by adding at the end the following flush sentence: "Notwithstanding the provisions of subparagraph (B), a satellite carrier whose secondary transmissions are subject to statutory licensing under paragraph (1) or (2) of subsection (a) shall have no royalty obligation for secondary transmissions to a subscriber under paragraph (3) of such subsection.".

(5) Subsection (c) is amended to read as follows:

"(c) ADJUSTMENT OF ROYALTY FEES.—

"(1) APPLICABILITY AND DETERMINATION OF ROYALTY FEES FOR ANALOG SIGNALS.—

"(A) INITIAL FEE.—The appropriate fee for purposes of determining the royalty fee under subsection (b)(1)(B) for the secondary transmission of the primary analog transmissions of network stations and superstations shall be the appropriate fee set forth in part 258 of title 37, Code of Federal Regulations, as in effect on July 1, 2004, as modified under this paragraph.

"(B) FEE SET BY VOLUNTARY NEGOTIATION.—On or before January 2, 2005, the Librarian of Congress shall cause to be published in the Federal Register of the initiation of voluntary negotiation proceedings for the purpose of determining the royalty fee to be paid by satellite carriers for the secondary transmission of the primary analog transmission of network stations and superstations under subsection (b)(1)(B).

"(C) NEGOTIATIONS.—Satellite carriers, distributors, and copyright owners entitled to royalty fees under this section shall negotiate in good faith in an effort to reach a voluntary agreement or agreements for the payment of royalty fees. Any such satellite carriers, distributors and copyright owners may at any time negotiate and agree to the royalty fee, and may designate common agents to negotiate, agree to, or pay such fees. If the parties fail to identify common agents, the Librarian of Congress shall do so, after requesting recommendations from the parties to the negotiation proceeding. The parties to each negotiation proceeding shall bear the cost thereof.

"(D) AGREEMENTS BINDING ON PARTIES; FILING OF AGREEMENTS; PUBLIC NOTICE.—(i) Voluntary agreements negotiated at any time in accordance with this paragraph shall be binding upon all satellite carriers, distributors, and copyright owners that a parties thereto. Copies of such agreements shall be filed with the Copyright Office within 30 days after execution in accordance with regulations that the Register of Copyrights shall prescribe.

"(ii)(I) Within 10 days after publication in the Federal Register of a notice of the initiation of voluntary negotiation proceedings, parties who have reached a voluntary agreement may request that the royalty fees in that agreement be applied to all satellite carriers, distributors, and copyright owners without convening an arbitration proceeding pursuant to subparagraph (E).

"(II) Upon receiving a request under subclause (I), the Librarian of Congress shall immediately provide public notice of the royalty fees from the voluntary agreement and afford parties an opportunity to state that they object to those fees.

"(III) The Librarian shall adopt the royalty fees from the voluntary agreement for all satellite carriers, distributors, and copyright owners without convening an arbitration proceeding unless a party with an intent to participate in the arbitration proceeding and a significant interest in the outcome of that proceeding objects under subclause (II).

"(E) PERIOD AGREEMENT IS IN EFFECT.—The obligation to pay the royalty fees established under a voluntary agreement which has been filed with the Copyright Office in accordance with this paragraph shall become effective on the date specified in the agreement, and shall remain in effect until December 31, 2009, or in accordance with the terms of the agreement, whichever is later.

"(F) FEE SET BY COMPULSORY ARBITRATION.—

"(i) NOTICE OF INITIATION OF PROCEEDINGS.—On or before May 1, 2005, the Librarian of Congress shall cause notice to be published in the Federal Register of the initiation of arbitration proceedings for the purpose of determining the royalty fee to be paid for the secondary transmission of primary analog transmission of network stations and superstations under subsection (b)(1)(B) by satellite carriers and distributors

"(I) in the absence of a voluntary agreement filed in accordance with subparagraph (D) that establishes royalty fees to be paid by all satellite carriers and distributors; or

"(II) if an objection to the fees from a voluntary agreement submitted for adoption by the Librarian of Congress to apply to all satellite carriers, distributors, and copyright owners is received under subparagraph (D) from a party with an intent to participate in the arbitration proceeding and a significant interest in the outcome of that proceeding.

Such arbitrary proceeding shall be conducted under chapter 8 as in effect on the day before the date of the enactment of the Copyright Royalty and Distribution Act of 2004.

"(ii) ESTABLISHMENT OF ROYALTY FEES.—In determining royalty fees under this subparagraph, the copyright arbitration royalty panel appointed under chapter 8, as in effect on the day before the date of the enactment of the Copyright Royalty and Distribution Act of 2004 shall establish fees for the secondary transmissions of the primary analog transmission of network stations and superstations that most clearly represent the fair market value of secondary transmissions, except that the Librarian of Congress and any copyright arbitration royalty panel shall adjust those fees to account for the obligations of the parties under any applicable voluntary agreement filed with the Copyright Office pursuant to subparagraph (D). In determining the fair market value, the panel shall base its decision on economic, competitive, and programming information presented by the parties, including—

"(I) the competitive environment in which such programming is distributed, the cost of similar signals in similar private and compulsory license marketplaces, and any special features and conditions of the retransmission marketplace;

"(II) the economic impact of such fees on copyright owners and satellite carriers; and

"(III) the impact on the continued availability of secondary transmissions to the public.

"(iii) PERIOD DURING WHICH DECISION OF ARBITRATION PANEL OR ORDER OF LIBRARIAN EFFECTIVE.—The obligation to pay the royalty fee established under a determination which—

"(I) is made by a copyright arbitration royalty panel in an arbitration proceeding under this paragraph and is adopted by the Librarian of Congress under section 802(f), as in effect on the day before the date of the enactment of the Copyright Royalty and Distribution Act of 2004; or

"(II) is established by the Librarian under section 802(f) as in effect on the day before such date of enactment shall be effective as of January 1, 2005.

"(iv) PERSONS SUBJECT TO ROYALTY FEE.—The royalty fee referred to in (iii) shall be binding on all satellite carriers, distributors and copyright owners, who are not party to a voluntary agreement filed with the Copyright Office under subparagraph (D).

"(2) APPLICABILITY AND DETERMINATION OF ROYALTY FEES FOR DIGITAL SIGNALS.—The process and requirements for establishing the royalty fee payable under subsection (b)(1)(B) for the secondary transmission of the primary digital transmissions of network stations and superstations shall be the same as that set forth in paragraph (1) for the secondary transmission of the primary analog transmission of network stations and superstations, except that—

"(A) the initial fee under paragraph (1)(A) shall be the rates set forth in section 298.3(b)(1) and (2) of title 37, Code of Federal Regulations, as in effect on the date of the enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004, reduced by 22.5 percent;

"(B) the notice of initiation of arbitration proceedings required in paragraph (1)(F)(i) shall be published on or before December 31, 2005; and

"(C) the royalty fees that are established for the secondary transmission of the primary digital transmission of network stations and superstations in accordance with to the procedures set forth in paragraph (1)(F)(iii) and are payable under subsection (b)(1)(B)—

"(i) shall be reduced by 22.5 percent; and

"(ii) shall be adjusted by the Librarian of Congress on January 1, 2007, and on January 1 of each year thereafter, to reflect any changes occurring during the preceding 12 months in the cost of living as determined by the most recent Consumer Price Index (for all consumers and items) published by the Secretary of Labor.".

(6) Subsection (a)(7), as redesignated by section 102(5) of this Act, is amended—

(A) in subparagraph (A), by striking "who does not reside in an unserved household" and inserting "who is not eligible to receive the transmission under this section";

(B) in subparagraph (B), by striking "who do not reside in unserved households" and inserting "who are not eligible to receive the transmission under this section"; and

(C) in subparagraph (D), by striking "is for private home viewing to an unserved household" and inserting "is to a subscriber who is eligible to receive the secondary transmission under this section".

SEC. 104. STATUTORY LICENSE FOR SATELLITE RETRANSMISSION OF LOW POWER TELEVISION STATIONS.

(a) IN GENERAL.—Section 119(a) of title 17, United States Code (as amended by sections 102 and 103 of this Act), is further amended by adding at the end the following:

"(15) CARRIAGE OF LOW POWER TELEVISION STATIONS.—

"(A) IN GENERAL.—Notwithstanding paragraph (2)(B), and subject to subparagraphs (B) through (F) of this paragraph, the statutory license provided for in paragraphs (1) and (2) shall apply to the secondary transmission of the primary transmission of a network station or a

superstation that is licensed as a low power television station, to a subscriber who resides within the same local market.

"(B) GEOGRAPHIC LIMITATION.—

"(i) NETWORK STATIONS.—With respect to network stations, secondary transmissions provided for in subparagraph (A) shall be limited to secondary transmissions to subscribers who—

"(I) reside in the same local market as the station originating the signal; and

"(II) reside within 35 miles of the transmitter site of such station, except that in the case of such a station located in a standard metropolitan statistical area which has 1 of the 50 largest populations of all standard metropolitan statistical areas (based on the 1980 decennial census of population taken by the Secretary of Commerce), the number of miles shall be 20.

"(ii) SUPERSTATIONS.—With respect to superstations, secondary transmissions provided for in subparagraph (A) shall be limited to secondary transmissions to subscribers who reside in the same local market as the station originating the signal.

"(C) NO APPLICABILITY TO REPEATERS AND TRANSLATORS.—Secondary transmissions provided for in subparagraph (A) shall not apply to any low power television station that retransmits the programs and signals of another television station for more than 2 hours each day.

"(D) ROYALTY FEES.—Notwithstanding subsection (b)(1)(B), a satellite carrier whose secondary transmissions of the primary transmissions of a low power television station are subject to statutory licensing under this section shall have no royalty obligation for secondary transmissions to a subscriber who resides within 35 miles of the transmitter site of such station, except that in the case of such a station located in a standard metropolitan statistical area which has 1 of the 50 largest populations of all standard metropolitan statistical areas (based on the 1980 decennial census of population taken by the Secretary of Commerce), the number of miles shall be 20. Carriage of a superstation that is a low power television station within the station's local market, but outside of the 35-mile or 20-mile radius described in the preceding sentence, shall be subject to royalty payments under section (b)(1)(B).

"(E) LIMITATION TO SUBSCRIBERS TAKING LOCAL-INTO-LOCAL SERVICE.—Secondary transmissions provided for in subparagraph (A) may be made only to subscribers who receive secondary transmissions of primary transmissions from that satellite carrier pursuant to the statutory license under section 122, and only in conformity with the requirements under 340(b) of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004.".

SEC. 105. DEFINITIONS.

Section 119(d) of title 17, United States Code, is amended—

(1) in paragraph (2)(A), by striking "a television broadcast station" and inserting "a television station licensed by the Federal Communications Commission";

(2) by amending paragraph (9) to read as follows:

"(9) SUPERSTATION.—The term 'superstation' means a television station, other than a network station, licensed by the Federal Communications Commission, that is secondarily transmitted by a satellite carrier.";

(3) in paragraph (10)—

(A) in subparagraph (B), by striking "granted under regulations established under section 339(c)(2) of the Communications Act of 1934" and inserting "that meets the standards of subsection (a)(14) whether or not the waiver was granted before the date of the enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004"; and

(B) in subparagraph (D), by striking "(a)(11)" and inserting "(a)(12)"; and

(4) by striking paragraphs (11) and (12) and inserting the following:

"(11) LOCAL MARKET.—The term 'local market' has the meaning given such term under section 122(j), except that with respect to a low power television station, the term 'local market' means the designated market area in which the station is located.

"(12) LOW POWER TELEVISION STATION.—The term 'low power television station' means a low power television as defined under section 74.701(f) of title 47, Code of Federal Regulations, as in effect on June 1, 2004. For purposes of this paragraph, the term 'low power television station' includes a low power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations.

"(13) COMMERCIAL ESTABLISHMENT.—The term 'commercial establishment'—

"(A) means an establishment used for commercial purposes, such as a bar, restaurant, private office, fitness club, oil rig, retail store, bank or other financial institution, supermarket, automobile or boat dealership, or any other establishment with a common business area; and

"(B) does not include a multi-unit permanent or temporary dwelling where private home viewing occurs, such as a hotel, dormitory, hospital, apartment, condominium, or prison.".

SEC. 106. EFFECT ON CERTAIN PROCEEDINGS.

Nothing in this title shall modify any remedy imposed on a party that is required by the judgment of a court in any action that was brought before May 1, 2004, against that party for a violation of section 119 of title 17, United States Code.

SEC. 107. STATUTORY LICENSE FOR SATELLITE CARRIERS RETRANSMITTING SUPERSTATION SIGNALS TO COMMERCIAL ESTABLISHMENTS.

(a) IN GENERAL.—Section 119 of title 17, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by inserting "or for viewing in a commercial establishment" after "for private home viewing" each place it appears; and

(B) by striking "household" and inserting "subscriber";

(2) in subsection (b), by striking "for private home viewing" each place it appears;

(3) in subsection (d)(1)—

(A) by striking "for private home viewing"; and

(B) by inserting "in accordance with the provisions of this section" before the period;

(4) in subsection (d)(6), by inserting "pursuant to this section" before the period; and

(5) in subsection (d)(8)—

(A) by striking "who" and inserting "or entity that";

(B) by striking "for private home viewing"; and

(C) by inserting "in accordance with the provisions of this section" before the period.

(b) CONFORMING AMENDMENTS.—Subsections (a)(4) and (d)(1)(A) of section 111 of title 17, United States Code, are each amended by striking "for private home viewing".

SEC. 108. EXPEDITED CONSIDERATION OF VOLUNTARY AGREEMENTS TO PROVIDE SATELLITE SECONDARY TRANSMISSIONS TO LOCAL MARKETS.

Section 119 of title 17, United States Code, is amended by adding at the end the following:

"(f) EXPEDITED CONSIDERATION BY JUSTICE DEPARTMENT OF VOLUNTARY AGREEMENTS TO PROVIDE SATELLITE SECONDARY TRANSMISSIONS TO LOCAL MARKETS.—

"(1) IN GENERAL.—In a case in which no satellite carrier makes available, to subscribers located in a local market, as defined in section 122(j)(2), the secondary transmission into that market of a primary transmission of one or more television broadcast stations licensed by the Federal Communications Commission, and two or more satellite carriers request a business review letter in accordance with section 50.6 of title 28, Code of Federal Regulations (as in effect on July 7, 2004), in order to assess the legality under the antitrust laws of proposed business conduct to make or carry out an agreement to provide such secondary transmission into such local market, the appropriate official of the Department of Justice shall respond to the request no later than 90 days after the date on which the request is received.

"(2) DEFINITION.—For purposes of this subsection, the term 'antitrust laws'—

"(A) has the meaning given that term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

"(B) includes any State law similar to the laws referred to in paragraph (1).".

SEC. 109. STUDY.

No later than June 30, 2008, the Register of Copyrights shall report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate the Register's findings and recommendations on the operation and revision of the statutory licenses under sections 111, 119, and 122 of title 17, United States Code. The report shall include, but not be limited to, the following:

(1) A comparison of the royalties paid by licensees under such sections, including historical rates of increases in these royalties, a comparison between the royalties under each such section and the prices paid in the marketplace for comparable programming.

(2) An analysis of the differences in the terms and conditions of the licenses under such sections, an analysis of whether these differences are required or justified by historical, technological, or regulatory differences that affect the satellite and cable industries, and an analysis of whether the cable or satellite industry is placed in a competitive disadvantage due to these terms and conditions.

(3) An analysis of whether the licenses under such sections are still justified by the bases upon which they were originally created.

(4) An analysis of the correlation, if any, between the royalties, or lack thereof, under such sections and the fees charged to cable and satellite subscribers, addressing whether cable and satellite companies have passed to subscribers any savings realized as a result of the royalty structure and amounts under such sections.

(5) An analysis of issues that may arise with respect to the application of the licenses under such sections to the secondary transmissions of the primary transmissions of network stations and superstations that originate as digital signals, including issues that relate to the application of the unserved household limitations under section 119 of title 17, United States Code, and to the determination of royalties of cable systems and satellite carriers.

SEC. 110. ADDITIONAL STUDY.

No later than December 31, 2005, the Register of Copyrights shall report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate the Register's findings and recommendations on the following:

(1) The extent to which the unserved household limitation for network stations contained in section 119 of title 17, United States Code, has operated efficiently and effectively and has forwarded the goal of title 17, United States Code,

to protect copyright owners of over-the-air television programming, including what amendments, if any, are necessary to effectively identify the application of the limitation to individual households to receive secondary transmissions of primary digital transmissions of network stations.

(2) The extent to which secondary transmissions of primary transmissions of network stations and superstations under section 119 of title 17, United States Code, harm copyright owners of broadcast programming throughout the United States and the effect, if any, of the statutory license under section 122 of title 17, United States Code, in reducing such harm.

SEC. 111. SPECIAL RULES.

(a) RESTRICTIONS ON TRANSMISSION OF DISTANT TELEVISION STATIONS IN AREAS OF ALASKA WHERE LOCAL-INTO-LOCAL SERVICE IS AVAILABLE.—Section 119(a) of title 17, United States Code, is amended by adding at the end thereof the following:

"(16) RESTRICTED TRANSMISSION OF OUT-OF-STATE DISTANT NETWORK SIGNALS INTO CERTAIN MARKETS.—

"(A) OUT-OF-STATE NETWORK AFFILIATES.—Notwithstanding any other provision of this title, the statutory license in this subsection and subsection (b) shall not apply to any secondary transmission of the primary transmission of a network station located outside of the State of Alaska to any subscriber in that State to whom the secondary transmission of the primary transmission of a television station located in that State is made available by the satellite carrier pursuant to section 122.

"(B) EXCEPTION.—The limitation in subparagraph (A) shall not apply to the secondary transmission of the primary transmission of a digital signal of a network station located outside of the State of Alaska if at the time that the secondary transmission is made, no television station licensed to a community in the State and affiliated with the same network makes primary transmissions of a digital signal.".

(b) EXTRA DMA DEEMED LOCAL.—Section 122(j)(2) of title 17, United States Code, is amended by adding at the end thereof the following:

"(D) CERTAIN AREAS OUTSIDE OF ANY DESIGNATED MARKET AREA.—Any census area, borough, or other area in the State of Alaska that is outside of a designated market area, as determined by Nielsen Media Research, shall be deemed to be part of one of the local markets in the State of Alaska. A satellite carrier may determine which local market in the State of Alaska will be deemed to be the relevant local market in connection with each subscriber in such census area, borough, or other area.".

SEC. 112. TECHNICAL AMENDMENT.

Section 803(b)(1)(A)(i)(V) of title 17, United States Code, as amended by the Copyright Royalty and Distribution Reform Act of 2004, is amended by inserting before the period at the end the following: ", except that in the case of proceedings under section 111 that are scheduled to commence in 2005, such notice may not be published.

TITLE II—FEDERAL COMMUNICATIONS COMMISSION OPERATIONS

SEC. 201. EXTENSION OF RETRANSMISSION CONSENT EXEMPTION.

Section 325(b)(2)(C) of the Communications Act of 1934 (47 U.S.C. 325(b)(2)(C)) is amended by striking "December 31, 2004" and inserting "December 31, 2009".

SEC. 202. CABLE/SATELLITE COMPARABILITY.

(a) AMENDMENT.—Part I of title III of the Communications Act of 1934 is amended by inserting after section 339 (47 U.S.C. 339) the following new section:

"SEC. 340. SIGNIFICANTLY VIEWED SIGNALS PERMITTED TO BE CARRIED.

"(a) SIGNIFICANTLY VIEWED STATIONS.—In addition to the broadcast signals that subscribers may receive under section 338 and 339, a satellite carrier is also authorized to retransmit to a subscriber located in a community the signal of any station located outside the local market in which such subscriber is located, to the extent such signal—

"(1) has, before the date of enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004, been determined by the Federal Communications Commission to be a signal a cable operator may carry as significantly viewed in such community, except to the extent that such signal is prevented from being carried by a cable system in such community under the Commission's network nonduplication and syndicated exclusivity rules; or

"(2) is, after such date of enactment, determined by the Commission to be significantly viewed in such community in accordance with the same standards and procedures concerning shares of viewing hours and audience surveys as are applicable under the rules, regulations, and authorizations of the Commission to determining with respect to a cable system whether signals are significantly viewed in a community.

"(b) LIMITATIONS.—

"(1) ANALOG SERVICE LIMITED TO SUBSCRIBERS TAKING LOCAL-INTO-LOCAL SERVICE.—With respect to a signal that originates as an analog signal of a network station, this section shall apply only to retransmissions to subscribers of a satellite carrier who receive retransmissions of a signal that originates as an analog signal of a local network station from that satellite carrier pursuant to section 338.

"(2) DIGITAL SERVICE LIMITATIONS.—With respect to a signal that originates as a digital signal of a network station, this section shall apply only if—

"(A) the subscriber receives from the satellite carrier pursuant to section 338 the retransmission of the digital signal of a network station in the subscriber's local market that is affiliated with the same television network; and

"(B) either—

"(i) the retransmission of the local network station occupies at least the equivalent bandwidth as the digital signal retransmitted pursuant to this section; or

"(ii) the retransmission of the local network station is comprised of the entire bandwidth of the digital signal broadcast by such local network station.

"(3) LIMITATION NOT APPLICABLE WHERE NO NETWORK AFFILIATES.—The limitations in paragraphs (1) and (2) shall not prohibit a retransmission under this section to a subscriber located in a local market in which there are no network stations affiliated with the same television network as the station whose signal is being retransmitted pursuant to this section.

"(4) AUTHORITY TO GRANT STATION-SPECIFIC WAIVERS.—Paragraphs (1) and (2) shall not prohibit a retransmission of a network station to a subscriber if and to the extent that the network station in the local market in which the subscriber is located, and that is affiliated with the same television network, has privately negotiated and affirmatively granted a waiver from the requirements of paragraph (1) and (2) to such satellite carrier with respect to retransmission of the significantly viewed station to such subscriber.

"(c) PUBLICATION AND MODIFICATIONS OF LISTS; REGULATIONS.—

"(1) IN GENERAL.—The Commission shall—

"(A) within 60 days after the date of enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004—

"(i) publish a list of the stations that are eligible for retransmission under subsection (a) (1) and the communities in which such stations are eligible for such retransmission; and

"(ii) commence a rulemaking proceeding to implement this section by publication of a notice of proposed rulemaking;

"(B) adopt rules pursuant to such rulemaking within one year after such date of enactment.

"(2) PUBLIC AVAILABILITY OF LIST.—The Commission shall make readily available to the public in electronic form, on the Internet website of the Commission or other comparable facility, a list of the stations that are eligible for retransmission under subsection (a) and the communities in which such stations are eligible for such retransmission. The Commission shall update such list within 10 business days after the date on which the Commission issues an order making any modification of such stations and communities.

"(3) MODIFICATIONS.—In addition to cable operators and television broadcast station licensees, the Commission shall permit a satellite carrier to petition for decisions and orders—

"(A) by which stations may be added to those that are eligible for retransmission under subsection (a), and by which communities may be added in which such stations are eligible for such retransmission; and

"(B) by which network nonduplication or syndicated exclusivity regulations are applied to the retransmission in accordance with subsection (e).

"(d) EFFECT ON OTHER OBLIGATIONS AND RIGHTS.—

"(1) NO EFFECT ON CARRIAGE OBLIGATIONS.—Carriage of a signal under this section is not mandatory, and any right of a station licensee to have the signal of such station carried under section 338 is not affected by the eligibility of such station to be carried under this section.

"(2) RETRANSMISSION CONSENT RIGHTS NOT AFFECTED.—The eligibility of the signal of a station to be carried under this section does not affect any right of the licensee of such station to grant (or withhold) retransmission consent under section 325(b)(1).

"(e) NETWORK NONDUPLICATION AND SYNDICATED EXCLUSIVITY.—

"(1) NOT APPLICABLE EXCEPT AS PROVIDED BY COMMISSION REGULATIONS.—Signals eligible to be carried under this section are not subject to the Commission's regulations concerning network nonduplication or syndicated exclusivity unless, pursuant to regulations adopted by the Commission, the Commission determines to permit network nonduplication or syndicated exclusivity to apply within the appropriate zone of protection.

"(2) LIMITATION.—Nothing in this subsection or Commission regulations shall permit the application of network nonduplication or syndicated exclusivity regulations to the retransmission of distant signals of network stations that are carried by a satellite carrier pursuant to a statutory license under section 119(a)(2)(A) or (B) of title 17, United States Code, with respect to persons who reside in unserved households, under 119(a)(4)(A), or under section 119(a)(12), of such title.

"(f) ENFORCEMENT.—

"(1) ORDERS AND DAMAGES.—Upon complaint, the Commission shall issue a cease and desist order to any satellite carrier found to have violated this section in carrying any television broadcast station. Such order may, if a complaining station requests damages—

"(A) provide for the award of damages to a complaining station that establishes that the violation was committed in bad faith, in an amount up to $50 per subscriber, per station, per day of the violation; and

"(B) provide for the award of damages to a prevailing satellite carrier if the Commission determines that the complaint was frivolous, in an

amount up to $50 per subscriber alleged to be in violation, per station alleged, per day of the alleged violation.

"(2) COMMISSION DECISION.—The Commission shall issue a final determination resolving a complaint brought under this subsection not later than 180 days after the submission of a complaint under this subsection. The Commission may hear witnesses if it clearly appears, based on written filings by the parties, that there is a genuine dispute about material facts. Except as provided in the preceding sentence, the Commission may issue a final ruling based on written filings by the parties.

"(3) REMEDIES IN ADDITION.—The remedies under this subsection are in addition to any remedies available under title 17, United States Code.

"(4) NO EFFECT ON COPYRIGHT PROCEEDINGS.—Any determination, action, or failure to act of the Commission under this subsection shall have no effect on any proceeding under title 17, United States Code, and shall not be introduced in evidence in any proceeding under that title. In no instance shall a Commission enforcement proceeding under this subsection be required as a predicate to the pursuit of a remedy available under title 17.

"(g) NOTICES CONCERNING SIGNIFICANTLY VIEWED STATIONS.—Each satellite carrier that proposes to commence the retransmission of a station pursuant to this section in any local market shall—

"(1) not less than 60 days before commencing such retransmission, provide a written notice to any television broadcast station in such local market of such proposal; and

"(2) designate on such carrier's website all significantly viewed signals carried pursuant to section 340 and the communities in which the signals are carried.

"(h) ADDITIONAL CORRESPONDING CHANGES IN REGULATIONS.—

"(1) COMMUNITY-BY-COMMUNITY ELECTIONS.—The Commission shall, no later than October 30, 2005, revise section 76.66 of its regulations (47 CFR 76.66), concerning satellite broadcast signal carriage, to permit (at the next cycle of elections under section 325) a television broadcast station that is located in a local market into which a satellite carrier retransmits a television broadcast station pursuant to section 338, to elect, with respect to such satellite carrier, between retransmission consent pursuant to such section 325 and mandatory carriage pursuant to section 338 separately for each county within such station's local market, if—

"(A) the satellite carrier has notified the station, pursuant to paragraph (3), that it intends to carry another affiliate of the same network pursuant to this section during the relevant election period in the station's local market; or

"(B) on the date notification under paragraph (3) was due, the satellite carrier was retransmitting into the station's local market pursuant to this section an affiliate of the same television network.

"(2) UNIFIED NEGOTIATIONS.—In revising its regulations as required by paragraph (1), the Commission shall provide that any such station shall conduct a unified negotiation for the entire portion of its local market for which retransmission consent is elected.

"(3) ADDITIONAL PROVISIONS.—The Commission shall, no later than October 30, 2005, revise its regulations to provide the following:

"(A) NOTIFICATIONS BY SATELLITE CARRIER.—A satellite carrier's retransmission of television broadcast stations pursuant to this section shall be subject to the following limitations:

"(i) In any local market in which the satellite carrier provides service pursuant to section 338 on the date of enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004, the carrier may notify a television broadcast station in that market, at least 60 days prior to any date on which the station must thereafter make an election under section 76.66 of the Commission's regulations (47 CFR 76.66), of—

"(I) each affiliate of the same television network that the carrier reserves the right to retransmit into that station's local market pursuant to this section during the next election cycle under such section of such regulations; and

"(II) for each such affiliate, the communities into which the satellite carrier reserves the right to make such retransmissions.

"(ii) In any local market in which the satellite carrier commences service pursuant to section 338 after the date of enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004, the carrier may notify a station in that market, at least 60 days prior to the introduction of such service in that market, and thereafter at least 60 days prior to any date on which the station must thereafter make an election under section 76.66 of the Commission's regulations (47 CFR 76.66), of each affiliate of the same television network that the carrier reserves the right to retransmit into that station's local market during the next election cycle under such section of such regulations.

"(iii) Beginning with the 2005 election cycle, a satellite carrier may only retransmit pursuant to this section during the pertinent election period a signal—

"(I) as to which it has provided the notifications set forth in clauses (i) and (ii); or

"(II) that it was retransmitting into the local market under this section as of the date such notifications were due.

"(B) HARMONIZATION OF ELECTIONS AND RETRANSMISSION CONSENT AGREEMENTS.—If a satellite carrier notifies a television broadcast station that it reserves the right to retransmit an affiliate of the same television network during the next election cycle pursuant to this section, the station may choose between retransmission consent and mandatory carriage for any portion of the 3-year election cycle that is not covered by an existing retransmission consent agreement.

"(i) DEFINITIONS.—As used in this section:

"(1) LOCAL MARKET; SATELLITE CARRIER; SUBSCRIBER; TELEVISION BROADCAST STATION.—The terms 'local market', 'satellite carrier', 'subscriber', and 'television broadcast station' have the meanings given such terms in section 338(k).

"(2) NETWORK STATION; TELEVISION NETWORK.—The terms 'network station' and 'television network' have the meanings given such terms in section 339(d).

"(3) COMMUNITY.—The term 'community' means—

"(A) a county or a cable community, as determined under the rules, regulations, and authorizations of the Commission applicable to determining with respect to a cable system whether signals are significantly viewed; or

"(B) a satellite community, as determined under such rules, regulations, and authorizations (or revisions thereof) as the Commission may prescribe in implementing the requirements of this section.

"(4) BANDWIDTH.—The terms 'equivalent bandwidth' and 'entire bandwidth' shall be defined by the Commission by regulation, except that this paragraph shall not be construed—

"(A) to prevent a satellite operator from using compression technology;

"(B) to require a satellite operator to use the identical bandwidth or bit rate as the local or distant broadcaster whose signal it is retransmitting;

"(C) to require a satellite operator to use the identical bandwidth or bit rate for a local network station as it does for a distant network station;

"(D) to affect a satellite operator's obligations under subsection (a)(1); or

"(E) to affect the definitions of 'program related' and 'primary video'.".

SEC. 203. CARRIAGE OF LOCAL STATIONS ON A SINGLE DISH.

(a) AMENDMENTS.—Section 338 of the Communications Act of 1934 (47 U.S.C. 338(d)) is amended—

(1) by redesignating subsections (g) and (h) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (f) the following new subsection:

"(g) CARRIAGE OF LOCAL STATIONS ON A SINGLE DISH.—

"(1) SINGLE DISH.—Each satellite carrier that retransmits the analog signals of local television broadcast stations in a local market shall retransmit such analog signals in such market by means of a single reception antenna and associated equipment.

"(2) EXCEPTION.—If the carrier retransmits signals in the digital television service, the carrier shall retransmit such digital signals in such market by means of a single reception antenna and associated equipment, but such antenna and associated equipment may be separate from the single reception antenna and associated equipment used for analog television service signals.

"(3) EFFECTIVE DATE.—The requirements of paragraphs (1) and (2) of this subsection shall apply on and after 18 months after the date of enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004.

"(4) NOTICE OF DISRUPTIONS.—A carrier that is providing signals of a local television broadcast station in a local market under this section on the date of enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004 shall, not later than 15 months after such date of enactment, provide to the licensees for such stations and the carrier's subscribers in such local market a notice that displays prominently and conspicuously a clear statement of—

"(A) any reallocation of signals between different reception antennas and associated equipment that the carrier intends to make in order to comply with the requirements of this subsection;

"(B) the need, if any, for subscribers to obtain an additional reception antenna and associated equipment to receive such signals; and

"(C) any cessation of carriage or other material change in the carriage of signals as a consequence of the requirements of this paragraph.".

(b) CONFORMING AMENDMENTS: COMMISSION ENFORCEMENT OF SECTION; LOW POWER TELEVISION STATIONS.—

(1) Section 338(a) of such Act is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—Each satellite carrier providing, under section 122 of title 17, United States Code, secondary transmissions to subscribers located within the local market of a television broadcast station of a primary transmission made by that station shall carry upon request the signals of all television broadcast stations located within that local market, subject to section 325(b).

"(2) REMEDIES FOR FAILURE TO CARRY.—In addition to the remedies available to television broadcast stations under section 501(f) of title 17, United States Code, the Commission may use the Commission's authority under this Act to assure compliance with the obligations of this subsection, but in no instance shall a Commission enforcement proceeding be required as a predicate to the pursuit of a remedy available under such section 501(f).

"(3) LOW POWER STATION CARRIAGE OPTIONAL.—No low power television station whose signals are provided under section 119(a)(14) of *title 17, United States Code, shall be entitled to insist on carriage under this section, regardless of whether the satellite carrier provides secondary transmissions of the primary transmissions of other stations in the same local market pursuant to section 122 of such title, nor shall any such carriage be considered in connection with the requirements of subsection (c) of this section.".*

(2) Section 338(c)(1) of such Act is amended by striking "subsection (a)" and inserting "subsection (a)(1)".

(3) Section 338(k) of such Act (as redesignated by subsection (a)(1)) is amended—

(A) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(B) by inserting after paragraph (3) the following new paragraph:

"(4) LOW POWER TELEVISION STATION.—The term 'low power television station' means a low power television station as defined under section 74.701(f) of title 47, Code of Federal Regulations, as in effect on June 1, 2004. For purposes of this paragraph, the term 'low power television station' includes a low power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations.".

SEC. 204. REPLACEMENT OF DISTANT SIGNALS WITH LOCAL SIGNALS.

(a) REPLACEMENT.—Section 339(a) of the Communications Act of 1934 (47 U.S.C. 339(a)) is amended—

(1) in paragraph (1), by adding at the end the following new sentence: "Such two network stations may be comprised of both the analog signal and digital signal of not more than two network stations.";

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph:

"(2) REPLACEMENT OF DISTANT SIGNALS WITH LOCAL SIGNALS.—Notwithstanding any other provision of paragraph (1), the following rules shall apply after the date of enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004:

"(A) RULES FOR GRANDFATHERED SUBSCRIBERS TO ANALOG SIGNALS.—

"(i) FOR THOSE RECEIVING DISTANT ANALOG SIGNALS.—In the case of a subscriber of a satellite carrier who is eligible to receive the analog signal of a network station solely by reason of section 119(e) of title 17, United States Code (in this subparagraph referred to as a 'distant analog signal'), and who, as of October 1, 2004, is receiving the distant analog signal of that network station, the following shall apply:

"(I) In a case in which the satellite carrier makes available to the subscriber the analog signal of a local network station affiliated with the same television network pursuant to section 338, the carrier may only provide the secondary transmissions of the distant analog signal of a station affiliated with the same network to that subscriber—

"(aa) if, within 60 days after receiving the notice of the satellite carrier under section 338(h)(1) of this Act, the subscriber elects to retain the distant analog signal; but

"(bb) only until such time as the subscriber elects to receive such local analog signal.

"(II) Notwithstanding subclause (I), the carrier may not retransmit the distant analog signal to any subscriber who is eligible to receive the analog signal of a network station solely by reason of section 119(e) of title 17, United States Code, unless such carrier, within 60 days after the date of the enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004, submits to that television network the list and statement required by subparagraph (F)(i).

"(ii) FOR THOSE NOT RECEIVING DISTANT ANALOG SIGNALS.—In the case of any subscriber of a satellite carrier who is eligible to receive the distant analog signal of a network station solely by reason of section 119(e) of title 17, United States Code, and who did not receive a distant analog signal of a station affiliated with the same network on October 1, 2004, the carrier may not provide the secondary transmissions of the distant analog signal of a station affiliated with the same network to that subscriber.

"(B) RULES FOR OTHER SUBSCRIBERS TO ANALOG SIGNALS.—In the case of a subscriber of a satellite carrier who is eligible to receive the analog signal of a network station under this section (in this subparagraph referred to as a 'distant analog signal'), other than subscribers to whom subparagraph (A) applies, the following shall apply:

"(i) In a case in which the satellite carrier makes available to that subscriber, on January 1, 2005, the analog signal of a local network station affiliated with the same television network pursuant to section 338, the carrier may only provide the secondary transmissions of the distant analog signal of a station affiliate with the same network to that subscriber if the subscriber's satellite carrier, not later than March 1, 2005, submits to that television network the list and statement required by subparagraph (F)(i).

"(ii) In a case in which the satellite carrier does not make available to that subscriber, on January 1, 2005, the analog signal of a local network station pursuant to section 338, the carrier may only provide the secondary transmissions of the distant analog signal of a station affiliated with the same network to that subscriber if—

"(I) that subscriber seeks to subscribe to such distant analog signal before the date on which such carrier commences to carry pursuant to section 338 the analog signals of stations from the local market of such local network station; and

"(II) the satellite carrier, within 60 days after such date, submits to each television network the list and statement required by subparagraph (F)(ii).

"(C) FUTURE APPLICABILITY.—A satellite carrier may not provide a distant analog signal (within the meaning of subparagraph (A) or (B)) to a person who—

"(i) is not a subscriber lawfully receiving such secondary transmission as of the date of the enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004; and

"(ii) at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the analog signal of a local network station affiliated with the same television network pursuant to section 338, and the retransmission of such signal by such carrier can reach such subscriber.

"(D) SPECIAL RULES FOR DISTANT DIGITAL SIGNALS.—

"(i) ELIGIBILITY.—In the case of a subscriber of a satellite carrier who, with respect to a local network station—

"(I) is a subscriber whose household is located outside the coverage area of the analog signal of such station as predicted by the model specified in subsection (c)(3) of this section for the signal intensity required under section 73.683(a) of title 47 of the Code of Federal Regulations, or a successor regulation;

"(II) is in an unserved household as determined under section 119(d)(1)(A) of title 17, United States Code; or

"(III) is, after the date on which the conditions required by clause (vii) are met with respect to such station, determined under clause (vi) of this subparagraph to be unable to receive a digital signal of such local network station that exceeds the signal intensity standard specified in such clause;

such subscriber is eligible to receive the digital signal of a distant network station affiliated with the same network under this section (in this subparagraph referred to as a 'distant digital signal') subject to the provisions of this subparagraph.

"(ii) PRE-ENACTMENT DISTANT DIGITAL SIGNAL SUBSCRIBERS.—Any eligible subscriber under this subparagraph who is a lawful subscriber to such a distant digital signal as of the date of enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004 may continue to receive such distant digital signal, whether or not such subscriber elects to subscribe to local digital signals.

"(iii) LOCAL-TO-LOCAL ANALOG MARKETS.—In a case in which the satellite carrier makes available to an eligible subscriber under this subparagraph the analog signal of a local network station pursuant to section 338, the carrier may only provide the distant digital signal of a station affiliated with the same network to that subscriber if—

"(I) in the case of any local market in the 48 contiguous States of the United States, the distant digital signal is the secondary transmission of a station whose prime time network programming is generally broadcast simultaneously with, or later than, the prime time network programming of the affiliate of the same network in the local market;

"(II) in any local market, the retransmission of the distant digital signal of the distant station occupies at least the equivalent bandwidth (as such term is defined by the Commission under section 340(h)(4)) as the digital signal broadcast by such station; and

"(III) the subscriber subscribes to the analog signal of such local network station within 60 days after such signal is made available by the satellite carrier, and adds to or replaces such analog signal with the digital signal from such local network station within 60 days after such signal is made available by the satellite carrier, except that such distant digital signal may continue to be provided to a subscriber who cannot be reached by the satellite transmission of the local digital signal.

"(iv) LOCAL-TO-LOCAL DIGITAL MARKETS.—After the date on which a satellite carrier makes available the digital signal of a local network station, the carrier may not offer the distant digital signal of a network station affiliated with the same television network to any new subscriber to such distant digital signal after such date, except that such distant digital signal may be provided to a new subscriber who cannot be reached by the satellite transmission of the local digital signal.

"(v) NON-LOCAL-TO-LOCAL MARKETS.—After the date of enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004, if the satellite carrier does not make available the digital signal of a local network station in a local market, the satellite carrier may offer a new subscriber after such date who is eligible under this subparagraph a distant digital signal from a station affiliated with the same network and, in the case of any local market in the 48 contiguous States of the United States, whose prime time network programming is generally broadcast simultaneously with, or later than, the prime time network programming of the affiliate of the same network in the local market, except that—

"(I) such carrier may continue to provide such distant digital signal to such a subscriber after the date on which the carrier makes available the digital signal of a local network station affiliated with such network only if such subscriber subscribes to the digital signal from such local network station; and

"(II) the limitation contained in subclause (I) of this clause shall not apply to a subscriber that cannot be reached by the satellite transmission of the local digital signal.

"(vi) SIGNAL TESTING FOR DIGITAL SIGNALS.—

"(I) A subscriber shall be eligible for a distant digital signal under clause (i)(III) if such subscriber is determined, based on a test conducted in accordance with section 73.686(d) of title 47, Code of Federal Regulations, or any successor regulation, not to be able to receive a signal that exceeds the signal intensity standard in section 73.622(e)(1) of title 47, Code of Federal Regulations, as in effect on the date of enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004.

"(II) Such test shall be conducted, upon written request for a digital signal strength test by the subscriber to the satellite carrier, within 30 days after the date the subscriber submits such request for the test. Such test shall be conducted by a qualified and independent person selected by the satellite carrier and the network station or stations, or who has been previously approved by the satellite carrier and by each affected network station but not previously disapproved. A tester may not be so disapproved for a test after the tester has commenced such test.

"(III) Unless the satellite carrier and the network station or stations otherwise agree, the costs of conducting the test shall be borne as follows:

"(aa) If the subscriber is not eligible for a distant digital signal under clause (i)(I) of this subparagraph (by reason of being outside of the coverage area of the analog signal), the satellite carrier may request the station licensee for a waiver.

"(bb) If the licensee agrees to a waiver, or fails to respond to a waiver request within 30 days, the subscriber may receive such distant digital signal.

"(cc) If the licensee refuses to grant a waiver, the subscriber may request the satellite carrier to conduct the test.

"(dd) If the satellite carrier requests the test and—

"(AA) the station's signal is determined to exceed such signal intensity standard, the costs of the test shall be borne by the satellite carrier;

"(BB) the station's signal is determined to not exceed such signal intensity standard, the costs of the test shall be borne by the licensee.

"(ee) If the satellite carrier does not request the test, or fails to respond within 30 days, the subscriber may request the test be conducted under the supervision of the carrier, and the costs of the test shall be borne by the subscriber in accordance with regulations prescribed by the Commission. Such regulations shall also require the carrier to notify the subscriber of the typical costs of such test.

"(vii) TRIGGER EVENTS FOR USE OF TESTING.—A subscriber shall not be eligible for a distant digital signal under clause (i)(III) pursuant to a test conducted under clause (vii) until—

"(I) in the case of a subscriber whose household is located within the area predicted to be served (by the predictive model for analog signals under subsection (b)(3) of this section) by the signal of a local network station and who is seeking a distant digital signal of a station affiliated with the same network as that local network station—

"(aa) April 30, 2006, if such local network station is within the top 100 television markets and—

"(AA) has received a tentative digital television service channel designation that is the same as such station's current digital television service channel; or

"(BB) has been found by the Commission to have lost interference protection; or

"(bb) July 15, 2007, for any other local network stations, other than translator stations licensed to broadcast on the date of enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004; or

"(II) in the case of a translator station, one year after the date on which the Commission completes all actions necessary for the allocation and assignment of digital television licenses to television translator stations.

"(viii) TESTING WAIVERS.—Upon request by a local network station, the Commission may grant a waiver with respect to such station to the beginning of testing under clause (vii), and prohibit subscribers from receiving digital signal strength testing with respect to such station. Such a request shall be filed not less than 5 months prior to the implementation deadline specified in such clause, and the Commission shall act on such request by such implementation deadline. Such a waiver shall expire at the end of not more than 6 months, except that a waiver may be renewed upon a proper showing. The Commission may only grant such a request upon submission of clear and convincing evidence that the station's digital signal coverage is limited due to the unremediable presence of one or more of the following:

"(I) the need for international coordination or approvals;

"(II) clear zoning or environmental legal impediments;

"(III) force majeure;

"(IV) the station experiences a substantial decrease in its digital signal coverage area due to necessity of using side-mounted antenna;

"(V) substantial technical problems that result in a station experiencing a substantial decrease in its coverage area solely due to actions to avoid interference with emergency response providers; or

"(VI) no satellite carrier is providing the retransmission of the analog signals of local network stations under section 338 in the local market.

Under no circumstances may such a waiver be based upon financial exigency.

"(ix) SPECIAL WAIVER PROVISION FOR TRANSLATORS.—Upon request by a television translator station, the Commission may grant, for not more than 3 years, a waiver with respect to such station to the beginning of testing under clause (vii), and prohibit subscribers from receiving digital signal strength testing with respect to such station, if the Commission determines that the translator station is not broadcasting a digital signal due to one or more of the following:

"(I) frequent occurrence of inclement weather; or

"(II) mountainous terrain at the transmitter tower location.

"(x) SAVINGS PROVISION.—Nothing in this subparagraph shall be construed to affect a satellite carrier's obligations under section 338.

"(xi) DEFINITION.—For purposes of clause (viii), the term 'emergency response providers' means Federal, State, or local governmental and nongovernmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, or authorities.

"(E) AUTHORITY TO GRANT STATION-SPECIFIC WAIVERS.—This paragraph shall not prohibit a retransmission of a distant analog signal or distant digital signal (within the meaning of subparagraph (A), (B), or (D)) of any distant network station to any subscriber to whom the signal of a local network station affiliated with the same network is available, if and to the extent that such local network station has affirmatively granted a waiver from the requirements of this paragraph to such satellite carrier with respect to retransmission of such distant network station to such subscriber.

"(F) NOTICES TO NETWORKS OF DISTANT SIGNAL SUBSCRIBERS.—

"(i) Within 60 days after the date of enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004, each satellite carrier that provides a distant signal of a network station to a subscriber pursuant to subparagraph (A) or (B)(i) of this paragraph shall submit to each network—

"(I) a list, aggregated by designated market area, identifying each subscriber provided such a signal by—

"(aa) name;

"(bb) address (street or rural route number, city, State, and zip code); and

"(cc) the distant network signal or signals received; and

"(II) a statement that, to the best of the carrier's knowledge and belief after having made diligent and good faith inquiries, the subscriber is qualified under the existing law to receive the distant network signal or signals pursuant to subparagraph (A) or (B)(i) of this paragraph.

"(ii) Within 60 days after the date a satellite carrier commences to carry pursuant to section 338 the signals of stations from a local market, such a satellite carrier that provides a distant signal of a network station to a subscriber pursuant to subparagraph (B)(ii) of this paragraph shall submit to each network—

"(I) a list identifying each subscriber in that local market provided such a signal by—

"(aa) name;

"(bb) address (street or rural route number, city, State, and zip code); and

"(cc) the distant network signal or signals received; and

"(II) a statement that, to the best of the carrier's knowledge and belief after having made diligent and good faith inquiries, the subscriber is qualified under the existing law to receive the distant network signal or signals pursuant to subparagraph (B)(ii) of this paragraph.

"(G) OTHER PROVISIONS NOT AFFECTED.—This paragraph shall not affect the eligibility of a subscriber to receive secondary transmissions under section 340 of this Act or as an unserved household included under section 119(a)(12) of title 17, United States Code.

"(H) AVAILABLE DEFINED.—For purposes of this paragraph, a satellite carrier makes available a local signal to a subscriber or person if the satellite carrier offers that local signal to other subscribers who reside in the same zip code as that subscriber or person."; and

(4) in paragraph (3) (as redesignated by paragraph (2) of this subsection), by adding at the end the following: ", except that paragraph (2)(D) of this subsection, relating to the provision of distant digital signals, shall be enforceable under the provisions of section 340(f)".

(b) STUDY OF DIGITAL STRENGTH TESTING PROCEDURES.—Section 339(c) of such Act (47 U.S.C. 339(c)) is amended by striking paragraph (1) and inserting the following:

"(1) STUDY OF DIGITAL STRENGTH TESTING PROCEDURES.—

"(A) STUDY REQUIRED.—Not later than one year after the date of the enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004, the Federal Communications Commission shall complete an inquiry regarding whether, for purposes of identifying if a household is unserved by an adequate digital signal under section 119(d)(10) of title 17, United States Code, the digital signal strength standard in section 73.622(e)(1) of title 47, Code of Federal Regulations, or the testing procedures in section 73.686(d) of title 47, Code of Federal Regulations, such statutes or regulations should be revised to take into account the types of antennas that are available to consumers.

"(B) STUDY CONSIDERATIONS.—In conducting the study under this paragraph, the Commission shall consider whether—

''(i) to account for the fact that an antenna can be mounted on a roof or placed in a home and can be fixed or capable of rotating;

''(ii) section 73.686(d) of title 47, Code of Federal Regulations, should be amended to create different procedures for determining if the requisite digital signal strength is present than for determining if the requisite analog signal strength is present;

''(iii) a standard should be used other than the presence of a signal of a certain strength to ensure that a household can receive a high-quality picture using antennas of reasonable cost and ease of installation;

''(iv) to develop a predictive methodology for determining whether a household is unserved by an adequate digital signal under section 119(d)(10) of title 17, United States Code;

''(v) there is a wide variation in the ability of reasonably priced consumer digital television sets to receive over-the-air signals, such that at a given signal strength some may be able to display high-quality pictures while others cannot, whether such variation is related to the price of the television set, and whether such variation should be factored into setting a standard for determining whether a household is unserved by an adequate digital signal; and

''(vi) to account for factors such as building loss, external interference sources, or undesired signals from both digital television and analog television stations using either the same or adjacent channels in nearby markets, foliage, and man-made clutter.

''(C) REPORT.—Not later than one year after the date of the enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004, the Federal Communications Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

''(i) the results of the study under this paragraph; and

''(ii) recommendations, if any, as to what changes should be made to Federal statutes or regulations.''.

SEC. 205. ADDITIONAL NOTICES TO SUBSCRIBERS, NETWORKS, AND STATIONS CONCERNING SIGNAL CARRIAGE.

Section 338 of the Communications Act of 1934 (47 U.S.C. 338) is further amended by inserting after subsection (g) (as added by section 203) the following new subsection:

''(h) ADDITIONAL NOTICES TO SUBSCRIBERS, NETWORKS, AND STATIONS CONCERNING SIGNAL CARRIAGE.—

''(1) NOTICES TO AND ELECTIONS BY SUBSCRIBERS CONCERNING GRANDFATHERED SIGNALS.—Any carrier that provides a distant signal of a network station to a subscriber pursuant section 339(a)(2)(A) shall—

''(A) within 60 days after the local signal of a network station of the same television network is available pursuant to section 338, or within 60 days after the date of enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004, whichever is later, send a notice to the subscriber—

''(i) offering to substitute the local network signal for the duplicating distant network signal; and

''(ii) informing the subscriber that, if the subscriber fails to respond in 60 days, the subscriber will lose the distant network signal but will be permitted to subscribe to the local network signal;-and

''(B) if the subscriber—

''(i) elects to substitute such local network signal within such 60 days, switch such subscriber to such local network signal within 10 days after the end of such 60-day period; or

''(ii) fails to respond within such 60 days, terminate the distant network signal within 10 days after the end of such 60-day period.

''(2) NOTICE TO STATION LICENSEES OF COMMENCEMENT OF LOCAL-INTO-LOCAL SERVICE.—

''(A) NOTICE REQUIRED.—Within 180 days after the date of enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004, the Commission shall revise the regulations under this section relating to notice to broadcast station licensees to comply with the requirements of this paragraph.

''(B) CONTENTS OF COMMENCEMENT NOTICE.—The notice required by such regulations shall inform each television broadcast station licensee within any local market in which a satellite carrier proposes to commence carriage of signals of stations from that market, not later than 60 days prior to the commencement of such carriage—

''(i) of the carrier's intention to launch local-into-local service under this section in a local market, the identity of that local market, and the location of the carrier's proposed local receive facility for that local market;

''(ii) of the right of such licensee to elect carriage under this section or grant retransmission consent under section 325(b);

''(iii) that such licensee has 30 days from the date of the receipt of such notice to make such election; and

''(iv) that failure to make such election will result in the loss of the right to demand carriage under this section for the remainder of the 3-year cycle of carriage under section 325.

''(C) TRANSMISSION OF NOTICES.—Such regulations shall require that each satellite carrier shall transmit the notices required by such regulation via certified mail to the address for such television station licensee listed in the consolidated database system maintained by the Commission.''.

SEC. 206. PRIVACY RIGHTS OF SATELLITE SUBSCRIBERS.

(a) AMENDMENT.—Section 338 of the Communications Act of 1934 (47 U.S.C. 338) is further amended by inserting after subsection (h) (as added by section 205) the following new subsection:

''(i) PRIVACY RIGHTS OF SATELLITE SUBSCRIBERS.—

''(1) NOTICE.—At the time of entering into an agreement to provide any satellite service or other service to a subscriber and at least once a year thereafter, a satellite carrier shall provide notice in the form of a separate, written statement to such subscriber which clearly and conspicuously informs the subscriber of—

''(A) the nature of personally identifiable information collected or to be collected with respect to the subscriber and the nature of the use of such information;

''(B) the nature, frequency, and purpose of any disclosure which may be made of such information, including an identification of the types of persons to whom the disclosure may be made;

''(C) the period during which such information will be maintained by the satellite carrier;

''(D) the times and place at which the subscriber may have access to such information in accordance with paragraph (5); and

''(E) the limitations provided by this section with respect to the collection and disclosure of information by a satellite carrier and the right of the subscriber under paragraphs (7) and (9) to enforce such limitations.

In the case of subscribers who have entered into such an agreement before the effective date of this subsection, such notice shall be provided within 180 days of such date and at least once a year thereafter.

''(2) DEFINITIONS.—For purposes of this subsection, other than paragraph (9)—

''(A) the term 'personally identifiable information' does not include any record of aggregate data which does not identify particular persons;

''(B) the term 'other service' includes any wire or radio communications service provided using any of the facilities of a satellite carrier that are used in the provision of satellite service; and

''(C) the term 'satellite carrier' includes, in addition to persons within the definition of satellite carrier, any person who—

''(i) is owned or controlled by, or under common ownership or control with, a satellite carrier; and

''(ii) provides any wire or radio communications service.

''(3) PROHIBITIONS.—

''(A) CONSENT TO COLLECTION.—Except as provided in subparagraph (B), a satellite carrier shall not use any facilities used by the satellite carrier to collect personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber concerned.

''(B) EXCEPTIONS.—A satellite carrier may use such facilities to collect such information in order to—

''(i) obtain information necessary to render a satellite service or other service provided by the satellite carrier to the subscriber; or

''(ii) detect unauthorized reception of satellite communications.

''(4) DISCLOSURE.—

''(A) CONSENT TO DISCLOSURE.—Except as provided in subparagraph (B), a satellite carrier shall not disclose personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber concerned and shall take such actions as are necessary to prevent unauthorized access to such information by a person other than the subscriber or satellite carrier.

''(B) EXCEPTIONS.—A satellite carrier may disclose such information if the disclosure is—

''(i) necessary to render, or conduct a legitimate business activity related to, a satellite service or other service provided by the satellite carrier to the subscriber;

''(ii) subject to paragraph (9), made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed;

''(iii) a disclosure of the names and addresses of subscribers to any satellite service or other service, if—

''(I) the satellite carrier has provided the subscriber the opportunity to prohibit or limit such disclosure; and

''(II) the disclosure does not reveal, directly or indirectly, the—

''(aa) extent of any viewing or other use by the subscriber of a satellite service or other service provided by the satellite carrier; or

''(bb) the nature of any transaction made by the subscriber over any facilities used by the satellite carrier; or

''(iv) to a government entity as authorized under chapters 119, 121, or 206 of title 18, United States Code, except that such disclosure shall not include records revealing satellite subscriber selection of video programming from a satellite carrier.

''(5) ACCESS BY SUBSCRIBER.—A satellite subscriber shall be provided access to all personally identifiable information regarding that subscriber which is collected and maintained by a satellite carrier. Such information shall be made available to the subscriber at reasonable times and at a convenient place designated by such satellite carrier. A satellite subscriber shall be provided reasonable opportunity to correct any error in such information.

''(6) DESTRUCTION OF INFORMATION.—A satellite carrier shall destroy personally identifiable information if the information is no longer necessary for the purpose for which it was collected and there are no pending requests or orders for access to such information under paragraph (5) or pursuant to a court order.

"(7) PENALTIES.—Any person aggrieved by any act of a satellite carrier in violation of this section may bring a civil action in a United States district court. The court may award—

"(A) actual damages but not less than liquidated damages computed at the rate of $100 a day for each day of violation or $1,000, whichever is higher;

"(B) punitive damages; and

"(C) reasonable attorneys' fees and other litigation costs reasonably incurred.

The remedy provided by this subsection shall be in addition to any other lawful remedy available to a satellite subscriber.

"(8) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to prohibit any State from enacting or enforcing laws consistent with this section for the protection of subscriber privacy.

"(9) COURT ORDERS.—Except as provided in paragraph (4)(B)(iv), a governmental entity may obtain personally identifiable information concerning a satellite subscriber pursuant to a court order only if, in the court proceeding relevant to such court order—

"(A) such entity offers clear and convincing evidence that the subject of the information is reasonably suspected of engaging in criminal activity and that the information sought would be material evidence in the case; and

"(B) the subject of the information is afforded the opportunity to appear and contest such entity's claim.".

(b) EFFECTIVE DATE.—Section 338(i) of the Communications Act of 1934 (47 U.S.C. 338(i)) as amended by subsection (a) of this section shall be effective 60 days after the date of enactment of this Act.

SEC. 207. RECIPROCAL BARGAINING OBLIGATIONS.

(a) AMENDMENTS.—Section 325(b)(3)(C) of the Communications Act of 1934 (47 U.S.C. 325(b)(3)(C)) is amended—

(1) by striking "Within 45 days" and all that follows through "1999, the" and inserting "The";

(2) by striking the second sentence;

(3) by striking "and" at the end of clause (i);

(4) in clause (ii)—

(A) by striking "January 1, 2006" and inserting "January 1, 2010"; and

(B) by striking the period at the end and inserting "; and"; and

(5) by adding at the end the following new clauses:

"(iii) until January 1, 2010, prohibit a multichannel video programming distributor from failing to negotiate in good faith for retransmission consent under this section, and it shall not be a failure to negotiate in good faith if the distributor enters into retransmission consent agreements containing different terms and conditions, including price terms, with different broadcast stations if such different terms and conditions are based on competitive marketplace considerations.".

(b) DEADLINE.—The Federal Communications Commission shall prescribe regulations to implement the amendments made by subsection (a)(5) within 180 days after the date of enactment of this Act.

SEC. 208. STUDY OF IMPACT ON CABLE TELEVISION SERVICE.

(a) STUDY REQUIRED.—No later than 9 months after the date of enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004, the Federal Communications Commission shall complete an inquiry regarding the impact on competition in the multichannel video programming distribution market of the current retransmission consent, network nonduplication, syndicated exclusivity, and sports blackout rules, including the impact of those rules on the ability of rural cable operators to compete with direct broadcast satellite industry in the provision of digital broadcast television signals to consumers. Such report shall include such recommendations for changes in any statutory provisions relating to such rules as the Commission deems appropriate.

(b) REPORT REQUIRED.—The Federal Communications Commission shall submit a report on the results of the inquiry required by subsection (a) to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 9 months after the date of the enactment of this Act.

SEC. 209. REDUCTION OF REQUIRED TESTS.

Section 339(c)(4) of the Communications Act of 1934 (47 U.S.C. 339(c)(4)) is amended by inserting after subparagraph (C) the following new subparagraphs:

"(D) REDUCTION OF VERIFICATION BURDENS.—Within one year after the date of enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004, the Commission shall by rule exempt from the verification requirements of subparagraph (A) any request for a test made by a subscriber to a satellite carrier to whom the retransmission of the signals of local broadcast stations is available under section 338 from such carrier.

"(E) EXCEPTION.—A satellite carrier may refuse to engage in the testing process. If the carrier does so refuse, a subscriber in a local market in which the satellite carrier does not offer the signals of local broadcast stations under section 338 may, at his or her own expense, authorize a signal intensity test to be performed pursuant to the procedures specified by the Commission in section 73.686(d) of title 47, Code of Federal Regulations, by a tester who is approved by the satellite carrier and by each affected network station, or who has been previously approved by the satellite carrier and by each affected network station but not previously disapproved. A tester may not be so disapproved for a test after the tester has commenced such test. The tester shall give 5 business days advance written notice to the satellite carrier and to the affected network station or stations. A signal intensity test conducted in accordance with this subparagraph shall be determinative of the signal strength received at that household for purposes of determining whether the household is capable of receiving a Grade B intensity signal.".

SEC. 210. SATELLITE CARRIAGE OF TELEVISION STATIONS IN NONCONTIGUOUS STATES.

Section 338(a) of the Communications Act of 1934 (47 U.S.C. 338(a)) is amended by adding at the end the following:

"(4) CARRIAGE OF SIGNALS OF LOCAL STATIONS IN CERTAIN MARKETS.—A satellite carrier that offers multichannel video programming distribution service in the United States to more than 5,000,000 subscribers shall (A) within 1 year after the date of the enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004, retransmit the signals originating as analog signals of each television broadcast station located in any local market within a State that is not part of the contiguous United States, and (B) within 30 months after such date of enactment retransmit the signals originating as digital signals of each such station. The retransmissions of such stations shall be made available to substantially all of the satellite carrier's subscribers in each station's local market, and the retransmissions of the stations in at least one market in the State shall be made available to substantially all of the satellite carrier's subscribers in areas of the State that are not within a designated market area. The cost to subscribers of such retransmissions shall not exceed the cost of retransmissions of local television stations in other States. Within 1 year after the date of enactment of that Act, the Commission shall promulgate regulations concerning elections by television stations in such State between mandatory carriage pursuant to this section and retransmission consent pursuant to section 325(b), which shall take into account the schedule on which local television stations are made available to viewers in such State.".

SEC. 211. CARRIAGE OF TELEVISION SIGNALS TO CERTAIN SUBSCRIBERS.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by inserting after section 339 the following:

"SEC. 341. CARRIAGE OF TELEVISION SIGNALS TO CERTAIN SUBSCRIBERS.

"(a)(1) IN GENERAL.—A cable operator or satellite carrier may elect to retransmit, to subscribers in an eligible county—

"(A) any television broadcast stations that are located in the State in which the county is located and that any cable operator or satellite carrier was retransmitting to subscribers in the county on January 1, 2004; or

"(B) up to 2 television broadcast stations located in the State in which the county is located, if the number of television broadcast stations that the cable operator or satellite carrier is authorized to carry under paragraph (1) is less than 3.

"(2) DEEMED SIGNIFICANTLY VIEWED.—Any station described in subsection (a) is deemed to be significantly viewed in the eligible county within the meaning of section 76.54 of the Commission's regulations (47 C.F.R. 76.54).

"(3) DEFINITION OF ELIGIBLE COUNTY.—For purposes of this section, the term "eligible county" means any 1 of 4 counties that—

"(A) are in a single State;

"(B) on January 1, 2004, were each in designated market ares in which the majority of counties were located in another State or States; and

"(C) as a group had a combined total of 41,340 television households according to the U.S. Television Household Estimates by Nielsen Media Research for 2003–2004.

"(4) LIMITATION.—Carriage of a station under this section shall be at the option of the cable operator or satellite carrier.".

"(b) CERTAIN MARKETS.—Notwithstanding any other provision of law, a satellite carrier may not carry the signal of a television station into an adjacent local market that is comprised of only a portion of a county, other than to unserved households located in that county.".

SEC. 212. DIGITAL TRANSITION SAVINGS PROVISION.

Nothing in the dates by which requirements or other provisions are effective under this Act or the amendments made by this Act shall be construed—

(1) to impair the authority of the Federal Communications Commission to take any action with respect to the transition by television broadcasters to the digital television service; or

(2) to require the Commission to take any such action.

SEC. 213. AUTHORIZING BROADCAST SERVICE IN UNSERVED AREAS OF ALASKA.

Title III of the Communications Act of 1934 is amended as follows:

(1) In section 307(c)(3)—

(A) by striking "any hearing" and inserting in lieu thereof "any administrative or judicial hearing"; and

(B) by inserting "or section 402" after "section 405".

(2) In section 307, by adding at the end the following new subsection:

"(f) Notwithstanding any other provision of law, (1) any holder of a broadcast license may broadcast to an area of Alaska that otherwise does not have access to over the air broadcasts via translator, microwave, or other alternative signal delivery even if another holder of a broadcast license begins broadcasting to such area, (2) any holder of a broadcast license who has broadcast to an area of Alaska that did not have access to over the air broadcasts via translator, microwave, or other alternative signal delivery may continue providing such service even if another holder of a broadcast license begins broadcasting to such area, and shall not be fined or subject to any other penalty, forfeiture, or revocation related to providing such service including any fine, penalty, forfeiture, or revocation for continuing to operate notwithstanding orders to the contrary.".

(3) In section 312(g), by inserting before the period at the end the following: "; except that the Commission may extend or reinstate such station license if the holder of the station license prevails in an administrative or judicial appeal, the applicable law changes, or for any other reason to promote equity and fairness. Any broadcast license revoked or terminated in Alaska in a proceeding related to broadcasting via translator, microwave, or other alternative signal delivery is reinstated".

TITLE X—SNAKE RIVER WATER RIGHTS ACT OF 2004

SECTION 1. SHORT TITLE.

This title may be cited as the "Snake River Water Rights Act of 2004".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to resolve some of the largest outstanding issues with respect to the Snake River Basin Adjudication in Idaho in such a manner as to provide important benefits to the United States, the State of Idaho, the Nez Perce Tribe, the allottees, and citizens of the State;

(2) to achieve a fair, equitable, and final settlement of all claims of the Nez Perce Tribe, its members, and allottees and the United States on behalf of the Tribe, its members, and allottees to the water of the Snake River Basin within Idaho;

(3) to authorize, ratify, and confirm the Agreement among the parties submitted to the Snake River Basin Adjudication Court and provide all parties with the benefits of the Agreement;

(4) to direct—

(A) the Secretary, acting through the Bureau of Reclamation, the Bureau of Land Management, the Bureau of Indian Affairs, and other agencies; and

(B) the heads of other Federal agencies authorized to execute and perform actions necessary to carry out the Agreement;

to perform all of their obligations under the Agreement and this Act; and

(5) to authorize the actions and appropriations necessary for the United States to meet the obligations of the United States under the Agreement and this Act.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the document titled "Mediator's Term Sheet" dated April 20, 2004, and submitted on that date to the SRBA Court in SRBA Consolidated Subcase 03-10022 and SRBA Consolidated Subcase 67-13701, with all appendices to the document.

(2) ALLOTTEE.—The term "allottee" means a person that holds a beneficial real property interest in an Indian allotment that is—

(A) located within the Nez Perce Reservation; and

(B) held in trust by the United States.

(3) CONSUMPTIVE USE RESERVED WATER RIGHT.—The term "consumptive use reserved water right" means the Federal reserved water right of 50,000 acre-feet per year, as described in the Agreement, to be decreed to the United States in trust for the Tribe and the allottees, with a priority date of 1855.

(4) PARTIES.—The term "parties" means the United States, the State, the Tribe, and any other entity or person that submitted, or joined in the submission of, the Agreement to the SRBA Court on April 20, 2004.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) SNAKE RIVER BASIN.—The term "Snake River Basin" means the geographic area in the State described in paragraph 3 of the Commencement Order issued by the SRBA Court on November 19, 1987.

(7) SPRINGS OR FOUNTAINS WATER RIGHT.—The term "springs or fountains water right" means the Tribe's treaty right of access to and use of water from springs or fountains on Federal public land within the area ceded by the Tribe in the Treaty of June 9, 1863 (14 Stat. 647), as recognized under the Agreement.

(8) SRBA.—The term "SRBA" means the Snake River Basin Adjudication litigation before the SRBA Court styled as In re Snake River Basin Adjudication, Case No. 39576.

(9) SRBA COURT.—The term "SRBA Court" means the District Court of the Fifth Judicial District of the State of Idaho, In and For the County of Twin Falls in re Snake River Basin Adjudication.

(10) STATE.—The term "State" means the State of Idaho.

(11) TRIBE.—The term "Tribe" means the Nez Perce Tribe.

SEC. 4. APPROVAL, RATIFICATION, AND CONFIRMATION OF AGREEMENT.

(a) IN GENERAL.—Except to the extent that the Agreement conflicts with this Act, the Agreement is approved, ratified, and confirmed.

(b) EXECUTION AND PERFORMANCE.—The Secretary and the other heads of Federal agencies with obligations under the Agreement shall execute and perform all actions, consistent with this Act, that are necessary to carry out the Agreement.

SEC. 5. BUREAU OF RECLAMATION WATER USE.

(a) IN GENERAL.—As part of the overall implementation of the Agreement, the Secretary shall take such actions consistent with the Agreement, this Act, and water law of the State as are necessary to carry out the Snake River Flow Component of the Agreement.

(b) MITIGATION FOR CHANGE OF USE OF WATER.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $2,000,000 for a 1-time payment to local governments to mitigate for the change of use of water acquired by the Bureau of Reclamation under section III.C.6 of the Agreement.

(2) DISTRIBUTION OF FUNDS.—Funds made available under paragraph (1) shall be distributed by the Secretary to local governments in accordance with a plan provided to the Secretary by the State.

(3) PAYMENTS.—Payments by the Secretary shall be made on a pro rata basis as water rights are acquired by the Bureau of Reclamation.

SEC. 6. BUREAU OF LAND MANAGEMENT LAND TRANSFER.

(a) TRANSFER.—

(1) IN GENERAL.—The Secretary shall transfer land selected by the Tribe under paragraph (2) to the Bureau of Indian Affairs to be held in trust for the Tribe.

(2) LAND SELECTION.—The land transferred shall be selected by the Tribe from a list of parcels of land managed by the Bureau of Land Management that are available for transfer, as depicted on the map entitled "North Idaho BLM Land Eligible for Selection by the Nez Perce Tribe" dated May 2004, on file with the Director of the Bureau of Land Management, not including any parcel designated on the map as being on the Clearwater River or Lolo Creek.

(3) MAXIMUM VALUE.—The land selected by the Tribe for transfer shall be limited to a maximum value in total of not more than $7,000,000, as determined by an independent appraisal of fair market value prepared in accordance with the Uniform Standards of Professional Appraisal Practice and the Uniform Appraisal Standards for Federal Land Acquisitions.

(b) EXISTING RIGHTS AND USES.—

(1) IN GENERAL.—On any land selected by the Tribe under subsection (a)(2), any use in existence on the date of transfer under subsection (a) under a lease or permit with the Bureau of Land Management, including grazing, shall remain in effect until the date of expiration of the lease or permit, unless the holder of the lease or permit requests an earlier termination of the lease or permit, in which case the Secretary shall grant the request.

(2) AVAILABILITY OF AMOUNTS.—Amounts that accrue to the United States under a lease or permit described in paragraph (1) from sales, bonuses, royalties, and rentals relating to any land transferred to the Tribe under this section shall be made available to the Tribe by the Secretary in the same manner as amounts received from other land held by the Secretary in trust for the Tribe.

(c) DATE OF TRANSFER.—No land shall be transferred to the Bureau of Indian Affairs to be held in trust for the Tribe under this section until the waivers and releases under section 10(a) take effect.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary $200,000 for 1-time payments to local governments to mitigate for the transfer of land by the Bureau of Land Management to the Tribe under section I.F of the Agreement.

(2) PAYMENTS.—Payments under paragraph (1) shall be made on a pro rata basis as parcels of land are acquired by the Tribe.

SEC. 7. WATER RIGHTS.

(a) HOLDING IN TRUST.—

(1) IN GENERAL.—The consumptive use reserved water right shall—

(A) be held in trust by the United States for the benefit of the Tribe and allottees as set forth in this section; and

(B) be subject to section 7 of the Act of February 8, 1887 (25 U.S.C. 381).

(2) SPRINGS OR FOUNTAINS WATER RIGHT.—The springs or fountains water right of the Tribe shall be held in trust by the United States for the benefit of the Tribe.

(3) ALLOTTEES.—Allottees shall be entitled to a just and equitable allocation of the consumptive use reserved water right for irrigation purposes.

(b) WATER CODE.—

(1) ENACTMENT OF WATER CODE.—Not later than 3 years after the date of enactment of this Act, the Tribe shall enact a water code, subject to any applicable provision of law, that—

(A) manages, regulates, and controls the consumptive use reserved water right so as to allocate water for irrigation, domestic, commercial, municipal, industrial, cultural, or other uses; and

(B) includes, subject to approval of the Secretary—

(i) a due process system for the consideration and determination of any request by an allottee, or any successor in interest to an allottee, for an allocation of such water for irrigation purposes on allotted land, including a process for an appeal and adjudication of denied or disputed distribution of water and for resolution of contested administrative decisions; and

(ii) a process to protect the interests of allottees when entering into any lease under subsection (e).

(2) SECRETARIAL APPROVAL.—Any provision of the water code and any amendments to the water code that affect the rights of the allottees shall be subject to approval by the Secretary, and no such provision or amendment shall be valid until approved by the Secretary.

(3) INTERIM ADMINISTRATION.—The Secretary shall administer the consumptive use reserved water right until such date as the water code described in paragraph (2) has been enacted by the Tribe and the Secretary has approved the relevant portions of the water code.

(c) EXHAUSTION OF REMEDIES.—Before asserting any claim against the United States under section 7 of the Act of February 8, 1887 (25 U.S.C. 381) or other applicable law, a claimant shall exhaust remedies available under the Tribe's water code and Tribal law.

(d) PETITION TO THE SECRETARY.—Following exhaustion of remedies in accordance with subsection (c), a claimant may petition the Secretary for relief.

(e) SATISFACTION OF CLAIMS.—

(1) IN GENERAL.—The water rights and other benefits granted or confirmed by the Agreement and this Act shall be in full satisfaction of all claims for water rights and injuries to water rights of the allottees.

(2) SATISFACTION OF ENTITLEMENTS.—Any entitlement to water of any allottee under Federal law shall be satisfied out of the consumptive use reserved water right.

(3) COMPLETE SUBSTITUTION.—The water rights, resources, and other benefits provided by this Act are a complete substitution for any rights that may have been held by, or any claims that may have been asserted by, allottees within the exterior boundaries of the Reservation before the date of enactment of this Act.

(f) ABANDONMENT, FORFEITURE, OR NONUSE.—The consumptive use reserved water right and the springs or fountains water right shall not be subject to loss by abandonment, forfeiture, or nonuse.

(g) LEASE OF WATER.—

(1) IN GENERAL.—Subject to the water code, the Tribe, without further approval of the Secretary, may lease water to which the Tribe is entitled under the consumptive use reserved water right through any State water bank in the same manner and subject to the same rules and requirements that govern any other lessor of water to the water bank.

(2) FUNDS.—Any funds accruing to the Tribe from any lease under paragraph (1) shall be the property of the Tribe, and the United States shall have no trust obligation or other obligation to monitor, administer, or account for any consideration received by the Tribe under any such lease.

SEC. 8. TRIBAL FUNDS.

(a) DEFINITION OF FUND.—In this section, the term "Fund" means—

(1) the Nez Perce Tribe Water and Fisheries Fund established under subsection (b)(1); and

(2) the Nez Perce Tribe Domestic Water Supply Fund established under subsection (b)(2).

(b) ESTABLISHMENT.—There are established in the Treasury of the United States—

(1) a fund to be known as the "Nez Perce Tribe Water and Fisheries Fund", to be used to pay or reimburse costs incurred by the Tribe in acquiring land and water rights, restoring or improving fish habitat, or for fish production, agricultural development, cultural preservation, water resource development, or fisheries-related projects; and

(2) a fund to be known as the "Nez Perce Domestic Water Supply Fund", to be used to pay the costs for design and construction of water supply and sewer systems for tribal communities, including a water quality testing laboratory.

(c) MANAGEMENT OF THE FUNDS.—The Secretary shall manage the Funds, make investments from the Funds, and make amounts available from the Funds for distribution to the Tribe consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), this Act, and the Agreement.

(d) INVESTMENT OF THE FUNDS.—The Secretary shall invest amounts in the Funds in accordance with—

(1) the Act of April 1, 1880 (25 U.S.C. 161; 21 Stat. 70, chapter 41);

(2) the first section of the Act of June 24, 1938 (25 U.S.C. 162a; 52 Stat. 1037, chapter 648); and

(3) subsection (c).

(e) AVAILABILITY OF AMOUNTS FROM THE FUNDS.—Amounts made available under subsection (h) shall be available for expenditure or withdrawal only after the waivers and releases under section 10(a) take effect.

(f) EXPENDITURES AND WITHDRAWAL.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—The Tribe may withdraw all or part of amounts in the Funds on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Tribe spend any amounts withdrawn from the Funds in accordance with the purposes described in subsection (b).

(C) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Funds under the plan are used in accordance with this Act and the Agreement.

(D) LIABILITY.—If the Tribe exercises the right to withdraw amounts from the Funds, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts.

(2) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Tribe shall submit to the Secretary for approval an expenditure plan for any portion of the amounts made available under subsection (h) that the Tribe does not withdraw under this subsection.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, amounts of the Tribe remaining in the Funds will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act and the Agreement.

(D) ANNUAL REPORT.—For each Fund, the Tribe shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(g) NO PER CAPITA PAYMENTS.—No part of the principal of the Funds, or of the income accruing in the Funds, shall be distributed to any member of the Tribe on a per capita basis.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) to the Nez Perce Tribe Water and Fisheries Fund—

(A) for fiscal year 2007, $7,830,000;
(B) for fiscal year 2008, $4,730,000;
(C) for fiscal year 2009, $7,380,000;
(D) for fiscal year 2010, $10,080,000;
(E) for fiscal year 2011, $11,630,000;
(F) for fiscal year 2012, $9,450,000; and
(G) for fiscal year 2013, $9,000,000; and

(2) to the Nez Perce Tribe Domestic Water Supply Fund—

(A) for fiscal year 2007, $5,100,000;
(B) for fiscal year 2008, $8,200,000;
(C) for fiscal year 2009, $5,550,000;
(D) for fiscal year 2010, $2,850,000; and
(E) for fiscal year 2011, $1,300,000.

SEC. 9. SALMON AND CLEARWATER RIVER BASINS HABITAT FUND.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the "Salmon and Clearwater River Basins Habitat Fund" (referred to in this section as the "Fund"), to be administered by the Secretary.

(2) ACCOUNTS.—There is established within the Fund—

(A) an account to be known as the "Nez Perce Tribe Salmon and Clearwater River Basins Habitat Account", which shall be administered by the Secretary for use by the Tribe subject to the same provisions for management, investment, and expenditure as the funds established by section 8; and

(B) an account to be known as the "Idaho Salmon and Clearwater River Basins Habitat Account", which shall be administered by the Secretary and provided to the State as provided in the Agreement and this Act.

(b) USE OF THE FUND.—

(1) IN GENERAL.—The Fund shall be used to supplement amounts made available under any other law for habitat protection and restoration in the Salmon and Clearwater River Basins in Idaho, including projects and programs intended to protect and restore listed fish and their habitat in those basins, as specified in the Agreement and this Act.

(2) RELEASE OF FUNDS.—The Secretary shall release funds from the Idaho Salmon and Clearwater River Basins Habitat Account in accordance with section 6(d)(2) of the Endangered Species Act (16 U.S.C. 1535(d)(2)).

(3) NO ALLOCATION REQUIREMENT.—The use of the Fund shall not be subject to the allocation procedures under section 6(d)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1535(d)(1)).

(c) AVAILABILITY OF AMOUNTS IN THE FUND.—Amounts made available under subsection (d) shall be available for expenditure or withdrawal only after the waivers and releases under section 10(a) take effect.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) to the Nez Perce Tribe Salmon and Clearwater River Basins Habitat Account, $2,533,334 for each of fiscal years 2007 through 2011; and

(2) to the Idaho Salmon and Clearwater River Basins Habitat Account, $5,066,666 for each of fiscal years 2007 through 2011.

SEC. 10. TRIBAL WAIVER AND RELEASE OF CLAIMS.

(a) WAIVER AND RELEASE OF CLAIMS IN GENERAL.—

(1) CLAIMS TO WATER RIGHTS; CLAIMS FOR INJURIES TO WATER RIGHTS OR TREATY RIGHTS.—Except as otherwise provided in this Act, the United States on behalf of the Tribe and the allottees, and the Tribe, waive and release—

(A) all claims to water rights within the Snake River Basin (as defined in section 3);

(B) all claims for injuries to such water rights; and

(C) all claims for injuries to the treaty rights of the Tribe to the extent that such injuries result or resulted from flow modifications or reductions in the quantity of water available that accrued at any time up to and including the effective date of the settlement, and any continuation thereafter of any such claims, against the State, any agency or political subdivision of the State, or any person, entity, corporation, municipal corporation, or quasi-municipal corporation.

(2) CLAIMS BASED ON REDUCED WATER QUALITY OR REDUCTIONS IN WATER QUANTITY.—The

United States on behalf of the Tribe and the allottees, and the Tribe, waive and release any claim, under any treaty theory, based on reduced water quality resulting directly from flow modifications or reductions in the quantity of water available in the Snake River Basin against any party to the Agreement.

(3) NO FUTURE ASSERTION OF CLAIMS.—No water right claim that the Tribe or the allottees have asserted or may in the future assert outside the Snake River Basin shall require water to be supplied from the Snake River Basin to satisfy the claim.

(4) EFFECT OF WAIVERS AND RELEASES.—The waivers and releases by the United States and the Tribe under this subsection—

(A) shall be permanent and enforceable; and

(B) shall survive any subsequent termination of any component of the settlement described in the Agreement or this Act.

(5) EFFECTIVE DATE.—The waivers and releases under this subsection shall take effect on the date on which the Secretary causes to be published in the Federal Register a statement of findings that the actions set forth in section IV.L of the Agreement—

(A) have been completed, including issuance of a judgment and decree by the SRBA court from which no further appeal may be taken; and

(B) have been determined by the United States on behalf of the Tribe and the allottees, the Tribe, and the State of Idaho to be consistent in all material aspects with the Agreement.

(b) WAIVER AND RELEASE OF CLAIMS AGAINST THE UNITED STATES.—

(1) IN GENERAL.—In consideration of performance by the United States of all actions required by the Agreement and this Act, including the appropriation of all funds authorized under sections 8(h) and 9(d)(1), the Tribe shall execute a waiver and release of the United States from—

(A) all claims for water rights within the Snake River Basin, injuries to such water rights, or breach of trust claims for failure to protect, acquire, or develop such water rights that accrued at any time up to and including the effective date determined under paragraph (2);

(B) all claims for injuries to the Tribe's treaty fishing rights, to the extent that such injuries result or resulted from reductions in the quantity of water available in the Snake River Basin;

(C) all claims of breach of trust for failure to protect Nez Perce springs or fountains treaty rights reserved in article VIII of the Treaty of June 9, 1863 (14 Stat. 651); and

(D) all claims of breach of trust arising out of the negotiation of or resulting from the adoption of the Agreement.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The waiver and release contained in this subsection shall take effect on the date on which the amounts authorized under sections 8(h) and 9(d)(1) are appropriated.

(B) PERIODS OF LIMITATION; EQUITABLE CLAIMS.—

(i) IN GENERAL.—All periods of limitation and time-based equitable defenses applicable to the claims set forth in paragraph (1) are tolled for the period between the date of enactment of this Act until the earlier of—

(I) the date on which the amounts authorized under sections 8(h) and 9(d)(1) are appropriated; or

(II) October 1, 2017.

(ii) EFFECT OF SUBPARAGRAPH.—This subparagraph neither revives any claim nor tolls any period of limitation or time-based equitable defense that may have expired before the date of enactment of this Act.

(3) DEFENSE.—The making of the amounts of appropriations authorized under sections 8(h) and 9(d)(1) shall constitute a complete defense to any claim pending in any court of the United States on the date on which the appropriations are made.

(c) RETENTION OF RIGHTS.—

(1) IN GENERAL.—The Tribe shall retain all rights not specifically waived or released in the Agreement or this Act.

(2) DWORSHAK PROJECT.—Nothing in the Agreement or this Act constitutes a waiver by the Tribe of any claim against the United States resulting from the construction and operation of the Dworshak Project (Project PWI 05090), other than those specified in subparagraphs (A) and (B) of subsection (b)(1).

(3) FUTURE ACQUISITION OF WATER RIGHTS.—Nothing in the Agreement or this Act precludes the Tribe or allottees, or the United States as trustee for the Tribe or allottees, from purchasing or otherwise acquiring water rights in the future to the same extent as any other entity in the State.

SEC. 11. MISCELLANEOUS.

(a) GENERAL DISCLAIMER.—The parties expressly reserve all rights not specifically granted, recognized, or relinquished by the settlement described in the Agreement or this Act.

(b) DISCLAIMER REGARDING OTHER AGREEMENTS AND PRECEDENT.—

(1) IN GENERAL.—Subject to section 9(b)(3), nothing in this Act amends, supersedes, or preempts any State law, Federal law, Tribal law, or interstate compact that pertains to the Snake River Basin.

(2) NO ESTABLISHMENT OF STANDARD.—Nothing in this Act—

(A) establishes any standard for the quantification of Federal reserved water rights or any other Indian water claims of any other Indian tribes in any other judicial or administrative proceeding; or

(B) limits the rights of the parties to litigate any issue not resolved by the Agreement or this Act.

(3) NO ADMISSION AGAINST INTEREST.—Nothing in this Act constitutes an admission against interest against any party in any legal proceeding.

(c) TREATY RIGHTS.—Nothing in the Agreement or this Act impairs the treaty fishing, hunting, pasturing, or gathering rights of the Tribe except to the extent expressly provided in the Agreement or this Act.

(d) OTHER CLAIMS.—Nothing in the Agreement or this Act quantifies or otherwise affects the water rights, claims, or entitlements to water, or any other treaty right, of any Indian tribe, band, or community other than the Tribe.

(e) RECREATION ON DWORSHAK RESERVOIR.—

(1) IN GENERAL.—In implementing the provisions of the Agreement and this Act relating to the use of water stored in Dworshak Reservoir for flow augmentation purposes, the heads of the Federal agencies involved in the operational Memorandum of Agreement referred to in the Agreement shall implement a flow augmentation plan beneficial to fish and consistent with the Agreement.

(2) CONTENTS OF PLAN.—The flow augmentation plan may include provisions beneficial to recreational uses of the reservoir through maintenance of the full level of the reservoir for prolonged periods during the summer months.

(f) JURISDICTION.—

(1) NO EFFECT ON SUBJECT MATTER JURISDICTION.—Nothing in the Agreement or this Act restricts, enlarges, or otherwise determines the subject matter jurisdiction of any Federal, State, or Tribal court.

(2) CONSENT TO JURISDICTION.—The United States consents to jurisdiction in a proper forum for purposes of enforcing the provisions of the Agreement.

(3) EFFECT OF SUBSECTION.—Nothing in this subsection confers jurisdiction on any State court to—

(A) enforce Federal environmental laws regarding the duties of the United States; or

(B) conduct judicial review of Federal agency action.

DIVISION —SMALL BUSINESS

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Small Business Reauthorization and Manufacturing Assistance Act of 2004".

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

TITLE I—SMALL BUSINESS REAUTHORIZATION AND MANUFACTURING

Sec. 1. Short title; table of contents.

Subtitle A—Small manufacturers assistance

Sec. 101. Express loans.
Sec. 102. Loan guarantee fees.
Sec. 103. Increase in guarantee amount and institution of associated fee.
Sec. 104. Debenture size.
Sec. 105. Job requirements.
Sec. 106. Report regarding national database of small manufacturers.
Sec. 107. International trade.

Subtitle B—Authorizations

CHAPTER 1—PROGRAM AUTHORIZATION LEVELS AND ADDITIONAL REAUTHORIZATIONS

Sec. 121. Program authorization levels.
Sec. 122. Additional reauthorizations.

CHAPTER 2—PAUL D. COVERDELL DRUG-FREE WORKPLACE PROGRAM AUTHORIZATIONS AND SUNDRY AMENDMENTS

Sec. 123. Paul D. Coverdell drug-free workplace program authorization provisions.
Sec. 124. Grant provisions.
Sec. 125. Drug-free communities coalitions as eligible intermediaries.
Sec. 126. Promotion of effective practices of eligible intermediaries.
Sec. 127. Report to Congress.

Subtitle C—Administration Management

Sec. 131. Lender examination and review fees.
Sec. 132. Gifts and co-sponsorship of events.

Subtitle D—Entrepreneurial development programs

CHAPTER 1—OFFICE OF ENTREPRENEURIAL DEVELOPMENT

Sec. 141. Service Corps of Retired Executives.
Sec. 142. Small business development center program.

CHAPTER 2—OFFICE OF VETERANS BUSINESS DEVELOPMENT

Sec. 143. Advisory Committee on Veterans Business Affairs.
Sec. 144. Outreach grants for veterans.
Sec. 145. Authorization of appropriations.
Sec. 146. National Veterans Business Development Corporation.

CHAPTER 3—MANUFACTURING AND ENTREPRENEURIAL DEVELOPMENT

Sec. 147. Small Business Manufacturing Task Force.

Subtitle E—HUBZone Program

Sec. 151. Streamlining and revision of HUBZone eligibility requirements.
Sec. 152. Expansion of qualified areas.
Sec. 153. Price evaluation preference.
Sec. 154. HUBZone Authorizations.
Sec. 155. Participation in federally funded projects.

Subtitle F—Small business lending companies

Sec. 161. Supervisory and enforcement authority for small business lending companies.
Sec. 162. Definitions relating to small business lending companies.

TITLE II—MISCELLANEOUS AMENDMENTS

Sec. 201. Amendment to definition of equity capital with respect to issuers of participating securities.

Sec. 202. Investment of excess funds.
Sec. 203. Surety bond amendments.
Sec. 204. Effective date for certain fees.

TITLE I—SMALL BUSINESS REAUTHORIZATION AND MANUFACTURING

Subtitle A—Small Manufacturers Assistance

SEC. 101. EXPRESS LOANS.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(31) EXPRESS LOANS.—

"(A) DEFINITIONS.—As used in this paragraph:

"(i) The term 'express lender' means any lender authorized by the Administration to participate in the Express Loan Program.

"(ii) The term 'express loan' means any loan made pursuant to this paragraph in which a lender utilizes to the maximum extent practicable its own loan analyses, procedures, and documentation.

"(iii) The term 'Express Loan Program' means the program for express loans established by the Administration under paragraph (25)(B), as in existence on April 5, 2004, with a guaranty rate of not more than 50 percent.

"(B) RESTRICTION TO EXPRESS LENDER.—The authority to make an express loan shall be limited to those lenders deemed qualified to make such loans by the Administration. Designation as an express lender for purposes of making an express loan shall not prohibit such lender from taking any other action authorized by the Administration for that lender pursuant to this subsection.

"(C) GRANDFATHERING OF EXISTING LENDERS.—Any express lender shall retain such designation unless the Administration determines that the express lender has violated the law or regulations promulgated by the Administration or modifies the requirements to be an express lender and the lender no longer satisfies those requirements.

"(D) MAXIMUM LOAN AMOUNT.—The maximum loan amount under the Express Loan Program is $350,000.

"(E) OPTION TO PARTICIPATE.—Except as otherwise provided in this paragraph, the Administration shall take no regulatory, policy, or administrative action, without regard to whether such action requires notification pursuant to paragraph (24), that has the effect of requiring a lender to make an express loan pursuant to subparagraph (D).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 102. LOAN GUARANTEE FEES.

(a) ADDITIONAL GUARANTEE FEE LEVEL.—Section 7(a)(18)(A) of the Small Business Act (15 U.S.C. 636(a)(18)(A)) is amended to read as follows:

"(A) IN GENERAL.—With respect to each loan guaranteed under this subsection (other than a loan that is repayable in 1 year or less), the Administration shall collect a guarantee fee, which shall be payable by the participating lender, and may be charged to the borrower, as follows:

"(i) A guarantee fee not to exceed 2 percent of the deferred participation share of a total loan amount that is not more than $150,000.

"(ii) A guarantee fee not to exceed 3 percent of the deferred participation share of a total loan amount that is more than $150,000, but not more than $700,000.

"(iii) A guarantee fee not to exceed 3.5 percent of the deferred participation share of a total loan amount that is more than $700,000.

"(iv) In addition to the fee under clause (iii), a guarantee fee equal to 0.25 percent of any portion of the deferred participation share that is more than $1,000,000.".

(b) CLERICAL AMENDMENT.—Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended by striking subparagraph (C).

(c) YEARLY FEE.—Section 7(a)(23) of the Small Business Act (15 U.S.C. 636(a)(23)) is amended—

(1) in the heading, by striking "ANNUAL" and inserting "YEARLY";

(2) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—With respect to each loan approved under this subsection, the Administration shall assess, collect, and retain a fee, not to exceed 0.55 percent per year of the outstanding balance of the deferred participation share of the loan, in an amount established once annually by the Administration in the Administration's annual budget request to Congress, as necessary to reduce to zero the cost to the Administration of making guarantees under this subsection. As used in this paragraph, the term 'cost' has the meaning given that term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).";

(3) in subparagraph (B), by striking "annual" and inserting "yearly"; and

(4) by adding at the end the following:

"(C) LOWERING OF BORROWER FEES.—If the Administration determines that fees paid by lenders and by small business borrowers for guarantees under this subsection may be reduced, consistent with reducing to zero the cost to the Administration of making such guarantees—

"(i) the Administration shall first consider reducing fees paid by small business borrowers under clauses (i) through (iii) of paragraph (18)(A), to the maximum extent possible; and

"(ii) fees paid by small business borrowers shall not be increased above the levels in effect on the date of enactment of this subparagraph.".

SEC. 103. INCREASE IN GUARANTEE AMOUNT AND INSTITUTION OF ASSOCIATED FEE.

(a) INCREASE IN AMOUNT PERMITTED TO BE OUTSTANDING AND COMMITTED.—Section 7(a)(3)(A) of the Small Business Act (15 U.S.C. 636(a)(3)(A)) is amended by striking "$1,000,000" and inserting "$1,500,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 104. DEBENTURE SIZE.

Section 502(2) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)) is amended to read as follows:

"(2) MAXIMUM AMOUNT.—

"(A) IN GENERAL.—Loans made by the Administration under this section shall be limited to—

"(i) $1,500,000 for each small business concern if the loan proceeds will not be directed toward a goal or project described in subparagraph (B) or (C);

"(ii) $2,000,000 for each small business concern if the loan proceeds will be directed toward 1 or more of the public policy goals described under section 501(d)(3); and

"(iii) $4,000,000 for each project of a small manufacturer.

"(B) DEFINITION.—As used in this paragraph, the term 'small manufacturer' means a small business concern—

"(i) the primary business of which is classified in sector 31, 32, or 33 of the North American Industrial Classification System; and

"(ii) all of the production facilities of which are located in the United States.".

SEC. 105. JOB REQUIREMENTS.

Section 501 of the Small Business Investment Act of 1958 (15 U.S.C. 695) is amended by adding at the end the following:

"(e)(1) A project meets the objective set forth in subsection (d)(1) if the project creates or retains one job for every $50,000 guaranteed by the Administration, except that the amount is $100,000 in the case of a project of a small manufacturer.

"(2) Paragraph (1) does not apply to a project for which eligibility is based on the objectives set forth in paragraph (2) or (3) of subsection (d), if the development company's portfolio of outstanding debentures creates or retains one job for every $50,000 guaranteed by the Administration.

"(3) For projects in Alaska, Hawaii, State-designated enterprise zones, empowerment zones and enterprise communities, labor surplus areas, as determined by the Secretary of Labor, and for other areas designated by the Administrator, the development company's portfolio may average not more than $75,000 per job created or retained.

"(4) Loans for projects of small manufacturers shall be excluded from calculations under paragraph (2) or (3).

"(5) Under regulations prescribed by the Administrator, the Administrator may waive, on a case-by-case basis or by regulation, any requirement of this subsection (other than paragraph (4)). With respect to any waiver the Administrator is prohibited from adopting a dollar amount that is lower than the amounts set forth in paragraphs (1), (2), and (3).

"(6) As used in this subsection, the term 'small manufacturer' means a small business concern—

"(A) the primary business of which is classified in sector 31, 32, or 33 of the North American Industrial Classification System; and

"(B) all of the production facilities of which are located in the United States.".

SEC. 106. REPORT REGARDING NATIONAL DATABASE OF SMALL MANUFACTURERS.

(a) STUDY AND REPORT.—The Administrator, in consultation with the Association of Small Business Development Centers authorized by section 21(k) of the Small Business Act (15 U.S.C. 648(k)), shall—

(1) study the feasibility of creating a national database of small manufacturers that institutions of higher education could access for purposes of meeting procurement needs; and

(2) not later than 1 year after the date of enactment of this Act, submit a report to the Congress regarding the findings and conclusions of such study.

(b) COST ESTIMATE.—The report referred to in subsection (a)(2) shall include an estimate of the cost of creating and maintaining the database described in subsection (a)(1).

(c) DEFINITION.—As used in this section, the term "small manufacturer" means a small business concern—

(1) the primary business of which is classified in sector 31, 32, or 33 of the North American Industrial Classification System; and

(2) all of the production facilities of which are located in the United States.

SEC. 107. INTERNATIONAL TRADE.

(a) IN GENERAL.—Section 7(a)(16) of the Small Business Act (15 U.S.C. 636(a)(16)) is amended to read as follows:

"(16) INTERNATIONAL TRADE.—

"(A) IN GENERAL.—If the Administrator determines that a loan guaranteed under this subsection will allow an eligible small business concern that is engaged in or adversely affected by international trade to improve its competitive position, the Administrator may make such loan to assist such concern in—

"(i) the financing of the acquisition, construction, renovation, modernization, improvement, or expansion of productive facilities or equipment to be used in the United States in the production of goods and services involved in international trade; or

"(ii) the refinancing of existing indebtedness that is not structured with reasonable terms and conditions.

"(B) SECURITY.—Each loan made under this paragraph shall be secured by a first lien position or first mortgage on the property or equipment financed by the loan or on other assets of the small business concern.

"(C) ENGAGED IN INTERNATIONAL TRADE.—For purposes of this paragraph, a small business concern is engaged in international trade if, as determined by the Administrator, the small business concern is in a position to expand existing export markets or develop new export markets.

"(D) ADVERSELY AFFECTED BY INTERNATIONAL TRADE.—For purposes of this paragraph, a small business concern is adversely affected by international trade if, as determined by the Administrator, the small business concern—

"(i) is confronting increased competition with foreign firms in the relevant market; and

"(ii) is injured by such competition.

"(E) FINDINGS BY CERTAIN FEDERAL AGENCIES.—For purposes of subparagraph (D)(ii) the Administrator shall accept any finding of injury by the International Trade Commission or any finding of injury by the Secretary of Commerce pursuant to chapter 3 of title II of the Trade Act of 1974.".

(b) LIMITATION INCREASE.—Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended—

(1) by striking "$1,250,000" and inserting "$1,750,000"; and

(2) by striking "$750,000" and inserting "$1,250,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

Subtitle B—Authorizations

CHAPTER 1—PROGRAM AUTHORIZATION LEVELS AND ADDITIONAL REAUTHORIZATIONS

SEC. 121. PROGRAM AUTHORIZATION LEVELS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) in subsection (a)(1), by striking "certification" each place it appears in subparagraphs (D) and (E) and inserting "accreditation"; and

(2) by striking subsections (c) through (i) and inserting the following:

"(c) DISASTER MITIGATION PILOT PROGRAM.—The following program levels are authorized for loans under section 7(b)(1)(C):

"(1) $15,000,000 for fiscal year 2005.

"(2) $15,000,000 for fiscal year 2006.

"(d) FISCAL YEAR 2005.—

"(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2005:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $75,000,000 in technical assistance grants, as provided in section 7(m); and

"(ii) $105,000,000 in direct loans, as provided in 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $23,050,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $16,500,000,000 in general business loans, as provided in section 7(a);

"(ii) $6,000,000,000 in certified development company financings, as provided in section 7(a)(13) and as provided in section 504 of the Small Business Investment Act of 1958;

"(iii) $500,000,000 in loans, as provided in section 7(a)(21); and

"(iv) $50,000,000 in loans, as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $4,250,000,000 in purchases of participating securities; and

"(ii) $3,250,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $6,000,000,000, of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter into cooperative agreements for a total amount of $7,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

"(2) ADDITIONAL AUTHORIZATIONS.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 2005 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding any other provision of this paragraph, for fiscal year 2005—

"(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

"(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $2,000,000.

"(e) FISCAL YEAR 2006.—

"(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2006:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $80,000,000 in technical assistance grants, as provided in section 7(m); and

"(ii) $110,000,000 in direct loans, as provided in 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $25,050,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $17,000,000,000 in general business loans, as provided in section 7(a);

"(ii) $7,500,000,000 in certified development company financings, as provided in section 7(a)(13) and as provided in section 504 of the Small Business Investment Act of 1958;

"(iii) $500,000,000 in loans, as provided in section 7(a)(21); and

"(iv) $50,000,000 in loans, as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $4,500,000,000 in purchases of participating securities; and

"(ii) $3,500,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $6,000,000,000, of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter into cooperative agreements for a total amount of $7,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

"(2) ADDITIONAL AUTHORIZATIONS.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 2006 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding any other provision of this paragraph, for fiscal year 2006—

"(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

"(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $2,000,000.".

SEC. 122. ADDITIONAL REAUTHORIZATIONS.

(a) DRUG-FREE WORKPLACE PROGRAM ASSISTANCE.—Section 21(c)(3)(T) of the Small Business Act (15 U.S.C. 648(c)(3)(T)) is amended by striking "October 1, 2003" and inserting "October 1, 2006".

(b) SMALL BUSINESS DEVELOPMENT CENTERS.—Section 21(a)(4)(C) of the Small Business Act (15 U.S.C. 648(a)(4)(C)) is amended—

(1) by striking clause (vii) and inserting the following:

"(vii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph—

"(I) $130,000,000 for fiscal year 2005; and

"(II) $135,000,000 for fiscal year 2006.";

(2) by redesignating clause (viii) as clause (ix); and

(3) by inserting after clause (vii) the following:

"(viii) LIMITATION.—From the funds appropriated pursuant to clause (vii), the Administration shall reserve not less than $1,000,000 in each fiscal year to develop portable assistance for startup and sustainability non-matching grant programs to be conducted by eligible small business development centers in communities that are economically challenged as a result of a business or government facility down sizing or closing, which has resulted in the loss of jobs or small business instability. A non-matching grant under this clause shall not exceed $100,000, and shall be used for small business development center personnel expenses and related small business programs and services.".

CHAPTER 2—PAUL D. COVERDELL DRUG-FREE WORKPLACE PROGRAM AUTHORIZATIONS AND SUNDRY AMENDMENTS

SEC. 123. PAUL D. COVERDELL DRUG-FREE WORKPLACE PROGRAM AUTHORIZATION PROVISIONS.

(a) IN GENERAL.—Section 27(g)(1) of the Small Business Act (15 U.S.C. 654(g)(1)) is amended by striking ", $5,000,000" in the first sentence and all that follows through "subsection" in the second sentence and inserting the following: "(other than subsection (b)(2)), $5,000,000 for each of fiscal years 2005 and 2006. Amounts made available under this paragraph".

(b) LIMITATION ON AUTHORIZATION FOR SMALL BUSINESS DEVELOPMENT CENTERS.—Section 27(g)(2) of the Small Business Act (15 U.S.C. 654(g)) is amended by striking "this subsection, not more than the greater of 10 percent or $1,000,000" and inserting "paragraph (1) for each of fiscal years 2005 and 2006, not more than the greater of 10 percent or $500,000".

(c) ADDITIONAL AUTHORIZATION FOR TECHNICAL ASSISTANCE GRANTS.—Section 27(g) of the Small Business Act (15 U.S.C. 654(g)) is amended by adding at the end the following:

"(3) ADDITIONAL AUTHORIZATION FOR TECHNICAL ASSISTANCE GRANTS.—There are authorized to be appropriated to carry out subsection (b)(2), $1,500,000 for each of fiscal years 2005 and 2006. Amounts made available under this paragraph shall remain available until expended.''.

(d) LIMITATION ON ADMINISTRATIVE COSTS.—Section 27(g) of the Small Business Act (15 U.S.C. 654(g)), as amended by subsection (c), is further amended by adding at the end the following:

''(4) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the total amount made available under this subsection for any fiscal year shall be used for administrative costs (determined without regard to the administrative costs of eligible intermediaries).''.

SEC. 124. GRANT PROVISIONS.

(a) ADDITIONAL GRANTS FOR TECHNICAL ASSISTANCE.—Section 27(b) of the Small Business Act (15 U.S.C. 654) is amended—

(1) by striking ''There is established'' and inserting the following:

''(1) IN GENERAL.—There is established''; and

(2) by adding at the end the following new paragraph:

''(2) ADDITIONAL GRANTS FOR TECHNICAL ASSISTANCE.—In addition to grants under paragraph (1), the Administrator may make grants to, or enter into cooperative agreements or contracts with, any grantee for the purpose of providing, in cooperation with one or more small business development centers, technical assistance to small business concerns seeking to establish a drug-free workplace program.''.

(b) 2-YEAR GRANTS.—Section 27(b) of the Small Business Act (15 U.S.C. 654(b)), as amended by subsection (a), is further amended by adding at the end the following:

''(3) 2-YEAR GRANTS.—Each grant made under this subsection shall be for a period of 2 years, subject to an annual performance review by the Administrator.''.

SEC. 125. DRUG-FREE COMMUNITIES COALITIONS AS ELIGIBLE INTERMEDIARIES.

Section 27(a)(2)(D) of the Small Business Act (15 U.S.C. 654(a)(2)) is amended to read as follows:

''(D)(i) the purpose of which is—

''(I) to develop comprehensive drug-free workplace programs or to supply drug-free workplace services; or

''(II) to provide other forms of assistance and services to small business concerns; or

''(ii) that is eligible to receive a grant under chapter 2 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1521 et seq.).''.

SEC. 126. PROMOTION OF EFFECTIVE PRACTICES OF ELIGIBLE INTERMEDIARIES.

Section 27(c) of the Small Business Act (15 U.S.C. 654(c)) is amended to read as follows:

''(c) PROMOTION OF EFFECTIVE PRACTICES OF ELIGIBLE INTERMEDIARIES.—

''(1) TECHNICAL ASSISTANCE AND INFORMATION.—The Administrator, after consultation with the Director of the Center for Substance Abuse and Prevention, shall provide technical assistance and information to each eligible intermediary under subsection (b) regarding the most effective practices in establishing and carrying out drug-free workplace programs.

''(2) EVALUATION OF PROGRAM.—

''(A) DATA COLLECTION AND ANALYSIS.—Each eligible intermediary receiving a grant under this section shall establish a system to collect and analyze information regarding the effectiveness of drug-free workplace programs established with assistance provided under this section through the intermediary, including information regarding any increase or decrease among employees in drug use, awareness of the adverse consequences of drug use, and absenteeism, injury, and disciplinary problems related to drug use. Such system shall conform to such requirements as the Administrator, after consultation with the Director of the Center for Substance Abuse and Prevention, may prescribe. Not more than 5 percent of the amount of each grant made under subsection (b) shall be used by the eligible intermediary to carry out this paragraph.

''(B) METHOD OF EVALUATION.—The Administrator, after consultation with the Director of the Center for Substance Abuse and Prevention, shall provide technical assistance and guidance to each eligible intermediary receiving a grant under subsection (b) regarding the collection and analysis of information to evaluate the effectiveness of drug-free workplace programs established with assistance provided under this section, including the information referred to in paragraph (1). Such assistance shall include the identification of additional information suitable for measuring the benefits of drug-free workplace programs to the small business concern and to the concern's employees and the identification of methods suitable for analyzing such information.''.

SEC. 127. REPORT TO CONGRESS.

Not later than March 31, 2006, the Administrator, in consultation with the Secretary of Labor, the Secretary of Health and Human Services, and the Director of National Drug Control Policy, shall submit to Congress a report that—

(1) analyzes the information collected under section 27(c) of the Small Business Act;

(2) identifies trends in such information; and

(3) evaluates the effectiveness of the drug-free workplace programs established with assistance under section 27 of the Small Business Act (15 U.S.C. 654).

Subtitle C—Administration Management

SEC. 131. LENDER EXAMINATION AND REVIEW FEES.

Section 5(b) of the Small Business Act (15 U.S.C. 634(b)) is amended—

(1) in paragraph (12), by striking ''and'' at the end;

(2) in paragraph (13), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(14) require any lender authorized to make loans under section 7 of this Act to pay examination and review fees, which shall be deposited in the account for salaries and expenses of the Administration, and shall be available for the costs of examinations, reviews, and other lender oversight activities.''.

SEC. 132. GIFTS AND CO-SPONSORSHIP OF EVENTS.

(a) IN GENERAL.—Section 4 of the Small Business Act (15 U.S.C. 633) is amended by adding at the end the following:

''(g) GIFTS.—

''(1) IN GENERAL.—The Administrator may, for purposes of this Act, the Small Business Investment Act of 1954, and title IV of the Women's Business Ownership Act of 1988, solicit, accept, hold, administer, utilize, and dispose of gifts, devises, and bequests of cash, property (including tangible, intangible, real, and personal), subsistence, and services. Notwithstanding any other provision of law, the Administrator may utilize gifts, devises, or bequests for marketing and outreach activities, including the cost of promotional materials and wearing apparel.

''(2) AUDITS.—Any gift, devise, or bequest of cash accepted by the Administrator shall be held in a separate account and shall be subject to semi-annual audits by the Inspector General of the Administration who shall report his findings to the Congress.

''(3) CONFLICTS OF INTEREST.—No gift, devise, or bequest shall be solicited or accepted under the authority of this subsection if such solicitation or acceptance would, in the determination of the General Counsel, create a conflict of interest.

''(4) ACCEPTANCE OF SERVICES AND FACILITIES FOR DISASTER LOAN PROGRAM.—The Administrator may accept the services and facilities of Federal, State, and local agencies and groups, both public and private, and utilize such gratuitous services and facilities as may, from time to time, be necessary, to further the objectives of section 7(b).

''(h) CO-SPONSORSHIP OF EVENTS.—

''(1) AUTHORIZATION.—The Administrator, after consultation with the General Counsel, may provide assistance for the benefit of small business through Administration-sponsored activities, through cosponsored activities with any eligible entity, or through such other activities that the Administrator determines to be appropriate, including recognition events.

''(2) ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' means any for-profit or not-for-profit entity, any Federal, State, or local government official, or any Federal, State, or local government entity.

''(3) PROHIBITION ON ENDORSEMENTS.—The Administrator shall ensure that the Administration and any eligible entities that cosponsor activities receive appropriate recognition for such cosponsorship, and that such recognition does not constitute or imply an endorsement by the Administration of any product or service of such entity.

''(4) AUTHORITY TO CHARGE FEES.—Notwithstanding any other provision of law, the Administrator may charge a participant in any activity sponsored or cosponsored by the Administration a minimal fee, and retain and use such fee to cover the costs of such activity.

''(5) LIMITED DELEGATION.—The Administrator may not delegate the authority described in this subsection except to the Deputy Administrator, an Associate Administrator, or an Assistant Administrator.

''(6) REPORT TO CONGRESS.—The Inspector General of the Administration shall report semiannually to Congress on the Administrator's use of authority under this subsection.

''(7) RULEMAKING.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall promulgate regulations to carry out the provisions of this subsection.''.

(b) CONFORMING AMENDMENTS.—Section 8(b)(1)(A) of the Small Business Act (15 U.S.C. 637(b)(1)(A)) is amended—

(1) by striking clause (ii);

(2) by striking ''(1)(A) to provide—'' and all that follows through ''business concerns—'' and inserting the following:

''(1)(A) to provide technical, managerial, and informational aids to small business concerns—'';

(3) by redesignating subclauses (I) through (IV) as clauses (i) through (iv), respectively;

(4) by redesignating items (aa) and (bb) of clause (ii), as so redesignated by paragraph (3), as subclauses (I) and (II), respectively; and

(5) by striking ''; and'' at the end of clause (iv), as so redesignated by paragraph (3), and inserting a period.

(c) SUNSET PROVISION.—The amendments made by this section are repealed on October 1, 2006.

Subtitle D—Entrepreneurial Development Programs

CHAPTER 1—OFFICE OF ENTREPRENEURIAL DEVELOPMENT

SEC. 141. SERVICE CORPS OF RETIRED EXECUTIVES.

(a) IN GENERAL.—Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)) is amended—

(1) by striking ''this Act; and to'', and inserting ''this Act. To'';

(2) by striking ''may maintain at its headquarters'' and all that follows through ''That any'' and inserting ''shall maintain at its headquarters and pay the salaries, benefits, and expenses of a volunteer and professional staff to manage and oversee the program. Any''; and

(3) by striking the period at the end and inserting "and the management of the contributions received.".

(b) REGULATIONS.—The Administration shall, not later than 180 days after the date of enactment of this Act, promulgate regulations to carry out the amendments made by subsection (a).

SEC. 142. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM.

(a) PRIVACY REQUIREMENTS.—Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended by adding at the end the following:

"(7) PRIVACY REQUIREMENTS.—

"(A) IN GENERAL.—A small business development center, consortium of small business development centers, or contractor or agent of a small business development center may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern, unless—

"(i) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

"(ii) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a small business development center, but a disclosure under this clause shall be limited to the information necessary for such audit.

"(B) ADMINISTRATOR USE OF INFORMATION.—This section shall not—

"(i) restrict Administrator access to program activity data; or

"(ii) prevent the Administrator from using client information to conduct client surveys.

"(C) REGULATIONS.—

"(i) IN GENERAL.—The Administrator shall issue regulations to establish standards—

"(I) for disclosures with respect to financial audits under subparagraph (A)(ii); and

"(II) for client surveys under subparagraph (B)(ii), including standards for oversight of such surveys and for dissemination and use of client information.

"(ii) MAXIMUM PRIVACY PROTECTION.—Regulations under this subparagraph, shall, to the extent practicable, provide for the maximum amount of privacy protection.

"(iii) INSPECTOR GENERAL.—Until the effective date of regulations under this subparagraph, any client survey and the use of such information shall be approved by the Inspector General who shall include such approval in his semi-annual report.".

(b) TERM CHANGE.—Section 21(k) of the Small Business Act (15 U.S.C. 648(k)) is amended—

(1) by striking "CERTIFICATION" each place it appears and inserting "ACCREDITATION"; and

(2) by striking "certification" each place it appears and inserting "accreditation".

CHAPTER 2—OFFICE OF VETERANS BUSINESS DEVELOPMENT

SEC. 143. ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS.

(a) RETENTION OF DUTIES.—Section 33(h) of the Small Business Act (15 U.S.C. 657c(h)) is amended by striking "October 1, 2004" and inserting "October 1, 2006".

(b) EXTENSION OF AUTHORITY.—Section 203(h) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking "September 30, 2004" and inserting "September 30, 2006".

SEC. 144. OUTREACH GRANTS FOR VETERANS.

Section 8(b)(17) of the Small Business Act (15 U.S.C. 637(b)(17)) is amended by inserting before the period at the end the following: ", veterans, and members of a reserve component of the Armed Forces".

SEC. 145. AUTHORIZATION OF APPROPRIATIONS.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by adding at the end the following:

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $1,500,000 for fiscal year 2005; and

"(2) $2,000,000 for fiscal year 2006.".

SEC. 146. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

Section 33(a) of the Small Business Act (15 U.S.C. 657c(a)) is amended by adding at the end the following: "Notwithstanding any other provision of law, the Corporation is a private entity and is not an agency, instrumentality, authority, entity, or establishment of the United States Government.".

CHAPTER 3—MANUFACTURING AND ENTREPRENEURIAL DEVELOPMENT

SEC. 147. SMALL BUSINESS MANUFACTURING TASK FORCE.

(a) ESTABLISHMENT.—The Administrator of the Small Business Administration (referred to in this subtitle as the "Administrator") shall establish a Small Business Manufacturing Task Force (referred to in this section as the "Task Force") to address the concerns of small manufacturers.

(b) CHAIR.—The Administrator shall assign a member of the Task Force to serve as chair of the Task Force.

(c) DUTIES.—The Task Force shall—

(1) evaluate and identify whether programs and services are sufficient to serve the needs of small manufacturers;

(2) actively promote the programs and services of the Small Business Administration that serve small manufacturers; and

(3) identify and study the unique conditions facing small manufacturers and develop and propose policy initiatives to support and assist small manufacturers.

(d) MEETINGS.—

(1) FREQUENCY.—The Task Force shall meet not less than 4 times per year, and more frequently if necessary to perform its duties.

(2) QUORUM.—A majority of the members of the Task Force shall constitute a quorum to approve recommendations or reports.

(e) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Task Force shall serve without compensation in addition to that received for services rendered as an officer or employee of the United States.

(2) DETAIL OF SBA EMPLOYEES.—Any employee of the Small Business Administration may be detailed to the Task Force without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Task Force shall submit a report containing the findings and recommendations of the task force to—

(1) the President;

(2) the Committee on Small Business and Entrepreneurship of the Senate; and

(3) the Committee on Small Business of the House of Representatives.

Subtitle E—HUBZone Program

SEC. 151. STREAMLINING AND REVISION OF HUBZONE ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (3)—

(A) by amending subparagraph (A) to read as follows:

"(A) a small business concern that is at least 51 percent owned and controlled by United States citizens;"

(B) in subparagraph (C), by striking "or" at the end;

(C) in subparagraph (D)(ii), by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following:

"(E) a small business concern that is—

"(i) a small agricultural cooperative organized or incorporated in the United States;

"(ii) wholly owned by 1 or more small agricultural cooperatives organized or incorporated in the United States; or

"(iii) owned in part by 1 or more small agricultural cooperatives organized or incorporated in the United States, if all owners are small business concerns or United States citizens."; and

(2) in paragraph (5)(A)(i)(I)(aa), by striking "or (D)" and inserting "(C), (D), or (E)".

(b) CONFORMING AMENDMENT.—Section 3(j) of the Small Business Act (15 U.S.C. 632(j)) is amended by striking "of section 7(b)(2)".

SEC. 152. EXPANSION OF QUALIFIED AREAS.

(a) TREATMENT OF CERTAIN AREAS AS HUBZONES.—

(1) BASE CLOSURE AREAS.—Section 3(p)(1) of the Small Business Act (15 U.S.C. 632(p)(1)) is amended—

(A) in subparagraph (C), by striking "or" at the end;

(B) in subparagraph (D), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(E) base closure areas."

(2) HUBZONE STATUS TIME LINE AND COMMENCEMENT.—A base closure area that has undergone final closure shall be treated as a HUBZone for purposes of the Small Business Act for a period of 5 years.

(3) DEFINITION.—Section 3(p)(4) of the Small Business Act (15 U.S.C. 632(p)(4)) is amended by adding at the end the following:

"(D) BASE CLOSURE AREA.—The term 'base closure area' means lands within the external boundaries of a military installation that were closed through a privatization process under the authority of—

"(i) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Division B of Public Law 101–510; 10 U.S.C. 2687 note);

"(ii) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note);

"(iii) section 2687 of title 10, United States Code; or

"(iv) any other provision of law authorizing or directing the Secretary of Defense or the Secretary of a military department to dispose of real property at the military installation for purposes relating to base closures of redevelopment, while retaining the authority to enter into a leaseback of all or a portion of the property for military use."

(b) QUALIFIED NONMETROPOLITAN COUNTY.—Section 3(p)(4)(B)(ii)(II) of the Small Business Act (15 U.S.C. 632(p)(4)(B)(ii)(II)) is amended to read as follows:

"(II) the unemployment rate is not less than 140 percent of the average unemployment rate for the United States or for the State in which such county is located, whichever is less, based on the most recent data available from the Secretary of Labor."

(c) TEMPORARY QUALIFIED AREAS EXTENSION AND QUALIFIED AREAS STUDY.—

(1) REDESIGNATED AREA.—Section 3(p)(4)(C) of the Small Business Act (15 U.S.C. 632(p)(4)(C)) is amended by striking "only for the 3-year period following" and inserting the following:

" only until the later of—

"(i) the date on which the Census Bureau publicly releases the first results from the 2010 decennial census; or

"(ii) 3 years after"

(2) STUDY AND REPORT.—

(A) STUDY.—The Independent Office of Advocacy of the Small Business Administration shall conduct a study of the HUBZone program to measure the effectiveness of the definitions under section 3(p)(4) of the Small Business Act (15 U.S.C. 632(p)(4)) relating to HUBZone qualified areas for the purposes of economic impact on small business development and jobs creation.

(B) REPORT.—Not later than May 1, 2008, the Independent Office of Advocacy shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

(i) the results of the study conducted under paragraph (1); and

(ii) any proposed changes to the existing definitions under section 3(p)(4) of the Small Business Act (15 U.S.C. 632(p)(4)) relating to HUBZone qualified areas.

SEC. 153. PRICE EVALUATION PREFERENCE.

Section 31(b)(3) of the Small Business Act (15 U.S.C. 657a(b)(3)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by adding at the end the following:

"(C) PROCUREMENT OF COMMODITIES FOR INTERNATIONAL FOOD AID EXPORT OPERATIONS.—The price evaluation preference for purchases of agricultural commodities by the Secretary of Agriculture for export operations through international food aid programs administered by the Farm Service Agency shall be 5 percent on the first portion of a contract to be awarded that is not greater than 20 percent of the total volume of each commodity being procured in a single invitation."

SEC. 154. HUBZONE AUTHORIZATIONS.

Section 31(d) of the Small Business Act (15 U.S.C. 657a(d)) is amended by striking "2001 through 2003" and inserting "2004 through 2006".

SEC. 155. PARTICIPATION IN FEDERALLY FUNDED PROJECTS.

Any small business concern that is certified, or otherwise meets the criteria for participation in any program under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), shall not be required by any State, or political subdivision thereof, to meet additional criteria or certification, unrelated to the capability to provide the requested products or services, in order to participate as a small disadvantaged business in any program or project that is funded, in whole or in part, by the Federal Government.

Subtitle F—Small Business Lending Companies

SEC. 161. SUPERVISORY AND ENFORCEMENT AUTHORITY FOR SMALL BUSINESS LENDING COMPANIES.

Section 23 of the Small Business Act (15 U.S.C. 650) is amended to read as follows:

"SEC. 23. SUPERVISORY AND ENFORCEMENT AUTHORITY FOR SMALL BUSINESS LENDING COMPANIES.

"(a) IN GENERAL.—The Administrator is authorized—

"(1) to supervise the safety and soundness of small business lending companies and non-Federally regulated lenders;

"(2) with respect to small business lending companies to set capital standards to regulate, to examine, and to enforce laws governing such companies, in accordance with the purposes of this Act; and

"(3) with respect to non-Federally regulated lenders to regulate, to examine, and to enforce laws governing the lending activities of such lenders under section 7(a) in accordance with the purposes of this Act.

"(b) CAPITAL DIRECTIVE.—

"(1) IN GENERAL.—If the Administrator determines that a small business lending company is being operated in an imprudent manner, the Administrator may, in addition to any other action authorized by law, issue a directive to such company to increase capital to such level as the Administrator determines will result in the safe and sound operation of such company.

"(2) DELEGATION.—The Administrator may not delegate the authority granted under paragraph (1) except to an Associate Deputy Administrator.

"(3) REGULATIONS.—The Administrator shall issue regulations outlining the conditions under which the Administrator may determine the level of capital pursuant to paragraph (1).

"(c) CIVIL ACTION.—If a small business lending company violates this Act, the Administrator may institute a civil action in an appropriate district court to terminate the rights, privileges, and franchises of the company under this Act.

"(d) REVOCATION OR SUSPENSION OF LOAN AUTHORITY.—

"(1) The Administrator may revoke or suspend the authority of a small business lending company or a non-Federally regulated lender to make, service or liquidate business loans authorized by section 7(a) of this Act—

"(A) for false statements knowingly made in any written submission required under this Act;

"(B) for omission of a material fact from any written submission required under this Act;

"(C) for willful or repeated violation of this Act;

"(D) for willful or repeated violation of any condition imposed by the Administrator with respect to any application, request, or agreement under this Act; or

"(E) for violation of any cease and desist order of the Administrator under this section.

"(2) The Administrator may revoke or suspend authority under paragraph (1) only after a hearing under subsection (f). The Administrator may delegate power to revoke or suspend authority under paragraph (1) only to the Deputy Administrator and only if the Administrator is unavailable to take such action.

"(A) The Administrator, after finding extraordinary circumstances and in order to protect the financial or legal position of the United States, may issue a suspension order without conducting a hearing pursuant to subsection (f). If the Administrator issues a suspension under the preceding sentence, the Administrator shall within two business days follow the procedures set forth in subsection (f).

"(B) Any suspension under paragraph (1) shall remain in effect until the Administrator makes a decision pursuant to subparagraph (4) to permanently revoke the authority of the small business lending company or non-Federally regulated lender, suspend the authority for a time certain, or terminate the suspension.

"(3) The small business lending company or non-Federally regulated lender must notify borrowers of a revocation and that a new entity has been appointed to service their loans. The Administrator or an employee of the Administration designated by the Administrator may provide such notice to the borrower.

"(4) Any revocation or suspension under paragraph (1) shall be made by the Administrator except that the Administrator shall delegate to an administrative law judge as that term is used in section 3105 of title 5, United States Code the authority to conduct any hearing required under subsection (f). The Administrator shall base the decision to revoke on the record of the hearing.

"(e) CEASE AND DESIST ORDER.—

"(1) Where a small business lending company, a non-Federally regulated lender, or other person violates this Act or is engaging or is about to engage in any acts or practices which constitute or will constitute a violation of this Act, the Administrator may order, after the opportunity for hearing pursuant to subsection (f), the company, lender, or other person to cease and desist from such action or failure to act. The Administrator may delegate the authority under the preceding sentence only to the Deputy Administrator and only if the Administrator is unavailable to take such action.

"(2) The Administrator, after finding extraordinary circumstances and in order to protect the financial or legal position of the United States, may issue a cease and desist order without conducting a hearing pursuant to subsection (f). If the Administrator issues a cease and desist order under the preceding sentence, the Administrator shall within two business days follow the procedures set forth in subsection (f).

"(3) The Administrator may further order such small business lending company or non-Federally regulated lender or other person to take such action or to refrain from such action as the Administrator deems necessary to insure compliance with this Act.

"(4) A cease and desist order under this subsection may also provide for the suspension of authority to lend in subsection (d).

"(f) PROCEDURE FOR REVOCATION OR SUSPENSION OF LOAN AUTHORITY AND FOR CEASE AND DESIST ORDER.—

"(1) Before revoking or suspending authority under subsection (d) or issuing a cease and desist order under subsection (e), the Administrator shall serve an order to show cause upon the small business lending company, non-Federally regulated lender, or other person why an order revoking or suspending the authority or a cease and desist order should not be issued. The order to show cause shall contain a statement of the matters of fact and law asserted by the Administrator and the legal authority and jurisdiction under which a hearing is to be held, and shall set forth that a hearing will be held before an administrative law judge at a time and place stated in the order. Such hearing shall be conducted pursuant to the provisions of sections 554, 556, and 557 of title 5, United States Code. If after hearing, or a waiver thereof, the Administrator determines that an order revoking or suspending the authority or a cease and desist order should be issued, the Administrator shall promptly issue such order, which shall include a statement of the findings of the Administrator and the grounds and reasons therefor and specify the effective date of the order, and shall cause the order to be served on the small business lending company, non-Federally regulated lender, or other person involved.

"(2) Witnesses summoned before the Administrator shall be paid by the party at whose instance they were called the same fees and mileage that are paid witnesses in the courts of the United States.

"(3) A cease and desist order, suspension or revocation issued by the Administrator, after the hearing under this subsection is final agency action for purposes of chapter 7 of title 5, United States Code. An adversely aggrieved party shall have 20 days from the date of issuance of the cease and desist order, suspension or revocation, to seek judicial review in an appropriate district court.

"(g) REMOVAL OR SUSPENSION OF MANAGEMENT OFFICIAL.—

"(1) DEFINITION.—In this section, the term 'management official' means, with respect to a small business lending company or a non-Federally regulated lender, an officer, director, general partner, manager, employee, agent, or other participant in the management of the affairs of the company's or lender's activities under section 7(a) of this Act.

"(2) REMOVAL OF MANAGEMENT OFFICIAL.—

"(A) NOTICE.—The Administrator may serve upon any management official a written notice *of its intention to remove that management official if, in the opinion of the Administrator, the management official—*

"(i) willfully and knowingly commits a substantial violation of—

"(I) this Act;

"(II) any regulation issued under this Act;

"(III) a final cease-and-desist order under this Act; or

"(IV) any agreement by the management official, the small business lending company or non-Federally regulated lender under this Act; or

"(ii) willfully and knowingly commits a substantial breach of a fiduciary duty of that person as a management official and the violation or breach of fiduciary duty is one involving personal dishonesty on the part of such management official.

"(B) CONTENTS OF NOTICE.—A notice under subparagraph (A) shall contain a statement of the facts constituting grounds therefor and shall fix a time and place at which a hearing, conducted pursuant to sections 554, 556, and 557 of title 5, United States Code, will be held thereon.

"(C) HEARING.—

"(i) TIMING.—A hearing under subparagraph (B) shall be held not earlier than 30 days and later than 60 days after the date of service of notice of the hearing, unless an earlier or a later date is set by the Administrator at the request of—

"(I) the management official, and for good cause shown; or

"(II) the Attorney General.

"(ii) CONSENT.—Unless the management official appears at a hearing under this paragraph in person or by a duly authorized representative, the management official shall be deemed to have consented to the issuance of an order of removal under subparagraph (A).

"(D) ORDER OF REMOVAL.—

"(i) IN GENERAL.—In the event of consent under subparagraph (C)(ii), or if upon the record made at a hearing under this subsection, the Administrator finds that any of the grounds specified in the notice of removal has been established, the Administrator may issue such orders of removal from office as the Administrator deems appropriate.

"(ii) EFFECTIVENESS.—An order under clause (i) shall—

"(I) take effect 30 days after the date of service upon the subject small business lending company or non-Federally regulated lender and the management official concerned (except in the case of an order issued upon consent as described in subparagraph (C)(ii), which shall become effective at the time specified in such order); and

"(II) remain effective and enforceable, except to such extent as it is stayed, modified, terminated, or set aside by action of the Administrator or a reviewing court in accordance with this section.

"(3) AUTHORITY TO SUSPEND OR PROHIBIT PARTICIPATION.—

"(A) IN GENERAL.—In order to protect a small business lending company, a non-Federally regulated lender or the interests of the Administration or the United States, the Administrator may suspend from office or prohibit from further participation in any manner in the management or conduct of the affairs of a small business lending company or a non-Federally regulated lender a management official by written notice to such effect served upon the management official. Such suspension or prohibition may prohibit the management official from making, servicing, reviewing, approving, or liquidating any loan under section 7(a) of this Act.

"(B) EFFECTIVENESS.—A suspension or prohibition under subparagraph (A)—

"(i) shall take effect upon service of notice under paragraph (2); and

"(ii) unless stayed by a court in proceedings authorized by subparagraph (C), shall remain in effect—

"(I) pending the completion of the administrative proceedings pursuant to a notice of intention to remove served under paragraph (2); and

"(II) until such time as the Administrator dismisses the charges specified in the notice, or, if an order of removal or prohibition is issued against the management official, until the effective date of any such order.

"(C) JUDICIAL REVIEW OF SUSPENSION PRIOR TO HEARING.—Not later than 10 days after a management official is suspended or prohibited from participation under subparagraph (A), the management official may apply to an appropriate district court for a stay of the suspension or prohibition pending the completion of the administrative proceedings pursuant to a notice of intent to remove served upon the management official under paragraph (2).

"(4) AUTHORITY TO SUSPEND ON CRIMINAL CHARGES.—

"(A) IN GENERAL.—If a management official is charged in any information, indictment, or complaint authorized by a United States attorney, with a felony involving dishonesty or breach of trust, the Administrator may, by written notice served upon the management official, suspend the management official from office or prohibit the management official from further participation in any manner in the management or conduct of the affairs of the small business lending company or non-Federally regulated lender.

"(B) EFFECTIVENESS.—A suspension or prohibition under subparagraph (A) shall remain in effect until the information, indictment, or complaint is finally disposed of, or until terminated by the Administrator or upon an order of a district court.

"(C) AUTHORITY UPON CONVICTION.—If a judgment of conviction with respect to an offense described in subparagraph (A) is entered against a management official, then at such time as the judgment is not subject to further judicial review (and for purposes of this subparagraph shall not include any petition for a writ of habeas corpus), the Administrator may issue and serve upon the management official an order removing the management official, effective upon service of a copy of the order upon the small business lending company or non-Federally regulated lender.

"(D) AUTHORITY UPON DISMISSAL OR OTHER DISPOSITION.—A finding of not guilty or other disposition of charges described in subparagraph (A) shall not preclude the Administrator from instituting proceedings under subsection (e) or (f).

"(5) NOTIFICATION TO SMALL BUSINESS LENDING COMPANY OR A NON-FEDERALLY REGULATED LENDER.—Copies of each notice required to be served on a management official under this section shall also be served upon the small business lending company or non-Federally regulated lender involved.

"(6) FINAL AGENCY ACTION AND JUDICIAL REVIEW.—

"(A) ISSUANCE OF ORDERS.—After a hearing under this subsection, and not later than 30 days after the Administrator notifies the parties that the case has been submitted for final decision, the Administrator shall render a decision in the matter (which shall include findings of fact upon which its decision is predicated), and shall issue and cause to be served upon each party to the proceeding an order or orders consistent with this section. The decision of the Administrator shall constitute final agency action for purposes of chapter 7 of title 5, United States Code.

"(B) JUDICIAL REVIEW.—An adversely aggrieved party shall have 20 days from the date of issuance of the order to seek judicial review in an appropriate district court.

"(h) APPOINTMENT OF RECEIVER.—

"(1) In any proceeding under subsection (f)(4) or subsection (g)(6)(C), the court may take exclusive jurisdiction of a small business lending company or a non-Federally regulated lender and appoint a receiver to hold and administer the assets of the company or lender.

"(2) Upon request of the Administrator, the court may appoint the Administrator as a receiver under paragraph (1).

"(i) POSSESSION OF ASSETS.—

"(1) If a small business lending company or a non-Federally regulated lender is not in compliance with capital requirements or is insolvent, the Administrator may take possession of the portfolio of loans guaranteed by the Administrator and sell such loans to a third party by means of a receiver appointed under subsection (h).

"(2) If a small business lending company or a non-Federally regulated lender is not in compliance with capital requirements or is insolvent or otherwise operating in an unsafe and unsound condition, the Administrator may take possession of servicing activities of loans that are guaranteed by the Administrator and sell such servicing rights to a third party by means of a receiver appointed under subsection (h).

"(j) PENALTIES AND FORFEITURES.—

"(1) Except as provided in paragraph (2), a small business lending company or a non-Federally regulated lender which violates any regulation or written directive issued by the Administrator regarding the filing of any regular or special report shall pay to the United States a civil penalty of not more than $5,000 for each day of the continuance of the failure to file such report, unless it is shown that such failure is due to reasonable cause and not due to willful neglect. The civil penalties under this subsection may be enforced in a civil action brought by the Administrator. The penalties under this subsection shall not apply to any affiliate of a small business lending company that procures at least 10 percent of its annual purchasing requirements from small manufacturers.

"(2) The Administrator may by rules and regulations that shall be codified in the Code of Federal Regulations, after an opportunity for notice and comment, or upon application of an interested party, at any time previous to such failure, by order, after notice and opportunity for hearing which shall be conducted pursuant to sections 554, 556, and 557 of title 5, United States Code, exempt in whole or in part, any small business lending company or non-Federally regulated lender from paragraph (1), upon such terms and conditions and for such period of time as it deems necessary and appropriate, if the Administrator finds that such action is not inconsistent with the public interest or the protection of the Administration. The Administrator may for the purposes of this section make any alternative requirements appropriate to the situation.".

SEC. 162. DEFINITIONS RELATING TO SMALL BUSINESS LENDING COMPANIES.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following new subsection:

"(r) DEFINITIONS RELATING TO SMALL BUSINESS LENDING COMPANIES.—As used in section 23 of this Act:

"(1) SMALL BUSINESS LENDING COMPANY.—The term 'small business lending company' means a business concern that is authorized by the Administrator to make loans pursuant to section 7(a) and whose lending activities are not subject to regulation by any Federal or State regulatory agency.

"(2) NON-FEDERALLY REGULATED SBA LENDER.—The term 'non-Federally regulated SBA lender' means a business concern if—

"(A) such concern is authorized by the Administrator to make loans under section 7;

"(B) such concern is subject to regulation by a State, and

"(C) the lending activities of such concern are not regulated by any Federal banking authority.".

TITLE II—MISCELLANEOUS AMENDMENTS

SEC. 201. AMENDMENT TO DEFINITION OF EQUITY CAPITAL WITH RESPECT TO ISSUERS OF PARTICIPATING SECURITIES.

Section 303(g)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 683 (g)(4)) is amended—

(1) in the first sentence, by striking "subsection" and inserting "Act"; and

(2) in the second sentence, by striking "contingent upon and limited to the extent of earnings" and inserting "from appropriate sources, as determined by the Administration".

SEC. 202. INVESTMENT OF EXCESS FUNDS.

Section 308(b) of the Small Business Investment Act (15 U.S.C. 687(b)) is amended by striking the last sentence and inserting the following: "Any such company that is licensed before October 1, 2004 and has outstanding financings is authorized to invest funds not needed for its operations—

"(1) in direct obligations of, or obligations guaranteed as to principal and interest by, the United States;

"(2) in certificates of deposit or other accounts of federally insured banks or other federally insured depository institutions, if the certificates or other accounts mature or are otherwise fully available not more than 1 year after the date of the investment; or

"(3) in mutual funds, securities, or other instruments that consist of, or represent pooled assets of, investments described in paragraphs (1) or (2).".

SEC. 203. SURETY BOND AMENDMENTS.

(a) CLARIFICATION OF MAXIMUM SURETY BOND GUARANTEE.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended by striking "contract up to" and inserting "total work order or contract amount at the time of bond execution that does not exceed".

(b) AUDIT FREQUENCY.—Section 411(g)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(g)(3)) is amended by striking "each year" and inserting "every three years".

(c) REPEAL.—Section 207 of the Small Business Reauthorization and Amendment Act of 1988 (15 U.S.C. 694b note) is repealed.

SEC. 204. EFFECTIVE DATE FOR CERTAIN FEES.

Section 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697(f)) is amended by striking ", but" and all that follows through the end and inserting a period.

And the Senate agree to the same.

JIM KOLBE,
JOE KNOLLENBERG,
JERRY LEWIS,
ROGER F. WICKER,
HENRY BONILLA,
DAVID VITTER,
MARK STEVEN KIRK,
ANDER CRENSHAW,
BILL YOUNG,
RALPH REGULA,
DAVID L. HOBSON,
STEVEN R. ROTHMAN,
Managers on the Part of the House.

MITCH MCCONNELL,
THAD COCHRAN,
JUDD GREGG,
RICHARD C. SHELBY,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
CHRISTOPHER S. BOND,
MIKE DEWINE,
TED STEVENS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005 and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

This conference agreement includes the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005; the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005; the Energy and Water Development Appropriations Act, 2005; the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005; the Interior and Related Agencies Appropriations Act, 2005; the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2005; the Legislative Branch Appropriations Act, 2005; the Transportation, Treasury, and Independent Agencies Appropriations Act, 2005; the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2005; and other matters included in division J.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

CONGRESSIONAL DIRECTIVES

The statement of the managers remains silent on provisions that were in both the House and Senate bills that remain unchanged by this conference agreement, except as noted in this statement of the managers.

The conferees agree that executive branch wishes cannot substitute for Congress' own statements as to the best evidence of congressional intentions-that is, the official reports of the Congress. The conferees further point out that funds in this Act must be used for the purposes for which appropriated, as required by section 1301 of title 31 of the United States Code, which provides: "Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law."

The House and Senate report language that is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

In cases in which the House or the Senate have directed the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations.

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

The conference agreement provides $5,124,000 for the Office of the Secretary as proposed by the Senate instead of $4,185,000 as proposed by the House.

The conference agreement provides the fiscal year 2004 funding level for cross- cutting trade negotiations and biotechnology resources in the following accounts: Office of the Secretary; Animal and Plant Health Inspection Service; Grain Inspection, Packers and Stockyards Administration; and the Foreign Agricultural Service.

The conferees appreciate receiving the detailed information provided in the Explanatory Notes prepared by the Department and rely heavily on this information when considering budget proposals. These materials have traditionally been prepared for the sole use of the Committees on Appropriations in a format consistent with the organization and operation of the programs and the structure of the Appropriations Act. At the direction of the Office of Management and Budget, the Department has changed the format and content of these materials to focus on broader goals and objectives rather than the major program structure followed in the Act, and in the actual conduct of the programs. The new organization and content-does not present budget information in a format useful to the deliberations of the Committees. For fiscal year 2006 and future years, the Department is directed to present Explanatory Notes in a format consistent with the presentation used for the fiscal year 2002 Budget. Any deviations from that format are to be approved in advance by the Committees.

The Homeland Security Act of 2002 transferred a number of functions previously under the direct jurisdiction of USDA to the newly created Department of Homeland Security [DHS]. Among these functions were research and diagnostic activities located at Plum Island, New York, and Agricultural Quarantine Inspection [AQI] activities located along our nation's borders and at select transportation centers. The conferees are aware of ongoing concerns within the agriculture sector that the transfer of these responsibilities may shift the focus away from agriculture to other priority areas of DHS. In order to ensure that the interests of U.S. agriculture are protected and that the intent of the Homeland Security Act of 2002 is being fully met, including the proper allocation of AQI and other funds, the conferees request the Government Accountability Office to provide a report, no later than March 1, 2005, on the coordination between USDA and DHS in protecting the U.S. agriculture sector, including a description of the long-term objectives of joint activities at Plum Island and the effectiveness of AQI and other inspection activities.

On previous occasions, both Committees have made clear that they expect the administration to abide by the statutory set-aside for non-emergency food aid programs. The Bill Emerson Humanitarian Trust (BEHT) exists so that the United States can provide emergency food aid above the appropriated level and not have to reduce funding for non-emergency programs. The conferees are concerned that the administration has continued to use non-emergency funds for emergency purposes. The conferees urge the administration to use the trust for its intended purpose. If the administration continues to waive the non-emergency set-aside for emergencies that could be funded from the BEHT, the Committees may consider taking action to ensure this does not continue.

Despite numerous communications from the Congress over the past year urging USDA to improve the utilization and budget of the U.S. National Arboretum, operated by the Agricultural Research Service, the Department continues to neglect the management of this important public resource. The Department has failed to conclude longstanding discussions to enter into effective fund-raising initiatives through the not-for-profit association, Friends of the National Arboretum, which would offer the prospects of enhanced financial resources beyond federal taxpayers' dollars. At the same time, the Department has failed to manage the budget of the Arboretum in a manner that adequately provides for its current and future needs, including appropriate security and public access measures. The conferees are disturbed by the inadequacy of the Department's actions to date, and direct the Secretary to take immediate steps to address and resolve these inadequacies. The conferees direct the Secretary to submit a written report, within 30 days of enactment of this Act, to the Committees on Appropriations on the steps taken as well as plans for any additional steps to address such concerns. The report shall include a timetable for implementation and monitoring of results.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

The conference agreement provides $10,317,000 for the Office of the Chief Economist instead of $10,810,000 as proposed by the House and $9,817,000 as proposed by the Senate.

The conference agreement provides an increase of $1,500,000 for a preferred procurement system and a labeling system for biobased products.

NATIONAL APPEALS DIVISION

The conference agreement provides $14,331,000 for the National Appeals Division instead of $14,526,000 as proposed by the House and $14,154,000 as proposed by the Senate. The conferees provide an increase of $477,000 to be applied to the highest priority needs for which additional funding was requested.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

The conference agreement provides $8,228,000 for the Office of Budget and Program Analysis instead of $8,246,000 as proposed by the House and $8,128,000 as proposed by the Senate.

HOMELAND SECURITY STAFF

The conference agreement provides $775,000 for Homeland Security Staff instead of $508,000 as proposed by the House and $1,000,000 as proposed by the Senate. Of the amount provided, $270,000 is to continue operations originally funded by counterterrorism/homeland security supplemental funds.

OFFICE OF THE CHIEF INFORMATION OFFICER

The conference agreement provides $16,595,000 for the Office of the Chief Information Officer instead of $15,608,000 as proposed by the House and $17,595,000 as proposed by the Senate. The conferees provide an increase of $1,000,000 to be applied to the highest priority needs for which additional funding was requested.

The conferees have learned that the Department transferred more than $16,000,000 in agency funds to the Office of the Chief Information Officer in fiscal years 2003 and 2004 to help finance several Presidential eGovernment initiatives. The Department testified that, in addition, it collected fiscal years 2003 and 2004 funds in unspecified amounts from USDA agencies for its own eGovernment initiatives. The conferees are extremely disturbed that the Department has failed to comply with Section 718 of Public Law 108–199 that plainly states that no funds may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress. The USDA General Counsel's office advised the USDA Chief Information Officer in a memorandum dated April 20, 2004, that the Department notify the Committees of its intention to transfer funds to the Office of the Chief Information Officer and await a response. Yet, in spite of the clear legislative language and the General Counsel's advice, the Department proceeded to transfer these funds without the notification and approval of Congress. The Department further testified that the cost of these eGovernment initiatives will exceed $40,000,000 in fiscal year 2005, and about its plans to use the Greenbook mechanism to manage agency contributions towards funding these initiatives. The conferees again direct that no funds be transferred, contributed, pooled or otherwise made available from the agencies to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress. The conferees further direct that the Department provide, no later than February 1, 2005, a report on the fiscal years 2003, 2004, and estimated 2005 funds, transferred to the Office of the Chief Information Officer through interagency agreements, the Greenbook mechanism, or any other means. The report should identify the amounts transferred or otherwise made available, by Agency, how those funds were or are to be used and the impact of the transfers on agency program activities.

COMMON COMPUTING ENVIRONMENT

The conference agreement provides $125,585,000 for common computing environment as proposed by the Senate. The House proposed funding these activities within the affected mission areas.

The conferees are aware that the acquisition of geospatial data and Geographic Information System technologies is critical to the Department of Agriculture's plans to modernize its County Service Centers and install a common computing environment that optimizes information sharing, customer service, and staff efficiencies, and improves the Department's ability to track and react to natural and/or man-made disasters. Within the funds provided in this Act, the conferees encourage the Department to provide the appropriate level of support to the National Agricultural Imagery Program for the acquisition of geospatial data and Geographic Information System technologies.

OFFICE OF THE CHIEF FINANCIAL OFFICER

The conference agreement provides $5,742,000 for the Office of the Chief Financial Officer as proposed by the Senate instead of $5,811,000 as proposed by the House.

WORKING CAPITAL FUND

The conference agreement provides $12,850,000 for the Working Capital Fund as proposed by the House. The Senate bill contained no such account. The conference agreement also includes a general provision (Section 705) that authorizes the Secretary to transfer unobligated balances of other accounts to the Working Capital Fund.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

The conference agreement provides $818,000 for the Office of the Assistant Secretary for Civil Rights instead of $803,000 as proposed by the House and $819,000 as proposed by the Senate.

OFFICE OF CIVIL RIGHTS

The conference agreement provides $19,889,000 for the Office of Civil Rights instead of $19,452,000 as proposed by the House and $20,347,000 as proposed by the Senate. The conferees provide an increase of $1,458,000 to be applied to the highest priority needs for which additional funding was requested.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

The conference agreement provides $669,000 for the Office of the Assistant Secretary for Administration as proposed by the House instead of $682,000 as proposed by the Senate.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

The conference agreement provides $163,870,000 for agriculture buildings and facilities and rental payments instead of $128,216,000 as proposed by the House and $170,870,000 as proposed by the Senate. The conferees provide an increase of $3,000,000 for building operations and maintenance to be applied to the highest priority needs for which additional funding was requested.

HAZARDOUS MATERIALS MANAGEMENT

The conference agreement provides $15,532,000 as proposed by the Senate instead of $15,730,000 as proposed by the House.

DEPARTMENTAL ADMINISTRATION

The conference agreement provides $22,626,000 for Departmental Administration as proposed by the Senate instead of $22,939,000 as proposed by the House.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

The conference agreement provides $3,852,000 for the Office of the Assistant Secretary for Congressional Relations as proposed by the House and the Senate.

OFFICE OF COMMUNICATIONS

The conference agreement provides $9,365,000 as proposed by the Senate instead of $9,378,000 as proposed by the House.

The conferees direct the Office of Communications to continue providing them with copies of open source news material made available to USDA officials through the use of appropriated funds.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides $78,289,000 for the Office of the Inspector General as proposed by the Senate instead of $78,392,000 as proposed by the House.

OFFICE OF THE GENERAL COUNSEL

The conference agreement provides $35,861,000 for the Office of the General Counsel instead of $35,486,000 as proposed by the House and $36,236,000 as proposed by the Senate. The conferees provide an increase of $625,000 to be applied to the highest priority needs for which additional funding was requested.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

The conference agreement provides $592,000 for the Office of the Under Secretary for Research, Education and Economics as proposed by the House instead of $605,000 as proposed by the Senate.

ECONOMIC RESEARCH SERVICE

The conference agreement provides $74,768,000 for the Economic Research Service instead of $76,575,000 as proposed by the House and $75,268,000 as proposed by the Senate.

The conferees provide an increase of $3,500,000 to be applied to the highest priority needs for which additional funding was requested.

The conference agreement does not adopt House report language for a comprehensive study of WIC-only stores.

NATIONAL AGRICULTURAL STATISTICS SERVICE

The conference agreement provides $129,480,000 for the National Agricultural Statistics Service instead of $128,661,000 as proposed by the House and $130,299,000 as proposed by the Senate. The conferees provide an increase of $2,681,000 for requested program initiatives for agricultural estimates. Also included in this amount is $22,405,000 for the Census of Agriculture as proposed by the Senate, instead of $22,520,000 as proposed by the House.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

The conference agreement provides $1,110,887,000 for the Agricultural Research Service, Salaries and Expenses, instead of $1,057,029,000 as proposed by the House and $1,090,261,000 as proposed by the Senate.

The conferees have agreed to increased funding for the following areas of research: Budgeted increases, as follows: Controlling Invasive Species, $500,000; Genetic Resources, $400,000; Genomics Research, $1,200,000; Food Safety, $4,313,000; Controlling Exotic/Emerging Diseases, $3,217,000 of which $800,000 is for soybean rust research at Ames, IA, and Beltsville, MD; Native Plant Disease Recovery System, $1,800,000; Information Technology/Cyber Security, $150,000; Library and Information Services, $400,000; Obesity Epidemic and Promote a Healthier Lifestyle, $500,000; and, Climate Change Research Initiative, $519,000.

Further increases, as follows: Aflotoxin in Cotton, Phoenix, AZ, $150,000; Agricultural Genome Bioinformatics, Ames, IA (Bioinformatics Institute for Model Plant Species), $125,000; Air Quality Research, Logan, UT (Utah State University), $125,000; Animal Waste Treatment, Florence, SC, $50,000; Appalachian Horticulture Research, Poplarville, MS (U TN/TN State), $200,000; Aquaculture Initiative for Mid-Atlantic Highlands, Leetown, WV, $100,000; Aquaculture Research (University of Idaho, Hagerman Fish Culture Exp. Station), $125,000; Arbuscular Mycorrhizal Fungi (Rodale Institute), $46,000; Arkansas Children's Nutrition Center, Little Rock, AR, $125,000; Biological Control and Agriculture Research, Gainesville, FL, $50,000; Biotechnology Research and Development Corporation, Peoria, IL, $80,000; Bovine Genetics, Beltsville, MD (U CT/U IL), $100,000; Catfish Genome, Auburn, AL, $225,000; Central Great Plains Research Station, Akron, CO, $50,000; Cereal Crops Research, Madison, WI, $100,000; Cereal Disease Research, St. Paul, MN, $25,000; Chronic Diseases of Children, Houston, TX (Baylor U / Peanut Institute), $125,000; Citrus and Horticulture Research, Ft. Pierce, FL, $125,000; Citrus Waste Utilization, Winter Haven, FL, $42,124; Coffee and Cocoa Research, Miami, FL, and Beltsville, MD, $200,000; Corn Germplasm, Ames, IA, $150,000; Cotton Pathology Research, Shafter, CA, $100,000; Cropping Systems Research (U TN / West TN Ag Experiment Station), $75,000; Dairy Forage (Madison, WI) $225,000; Delta Nutrition Intervention Initiative, Little Rock, AR (Southern U Center for Food Nutrition and Health Promotion), $50,000; Food Fermentation Research, Raleigh, NC, $100,000; Forage and Range Research (Logan, UT), $125,000; Ft. Pierce Horticultural Research Laboratory (Ft. Pierce, FL), $100,000; Foundry Sand By-products Utilization (Beltsville, MD), $50,000; Golden Nematode (Ithaca, NY), $50,000; Grand Forks Human Nutrition Lab (Grand Forks, ND), $75,000; Grape Genetics (Geneva, NY), $125,000; Grape Rootstock (Geneva, NY) $150,000; Grapefruit Juice/Drug Interaction, Winter Haven, FL, $3,708; Greenhouse and Hydroponics Research, Wooster, OH, $25,000; Hides and Leather Research, Wyndmoor, PA, $75,000; Human Nutrition Research Center on Aging (Boston, MA) (Equipment), $100,000; Improved Crop Production Practices, Auburn, AL, Auburn University, $225,000; Improved Forage-Livestock Production, Lexington, KY, $90,000; Livestock and Range Research (Ft. Keogh, MT), $50,000; Mid-West / Mid-South Irrigation (Columbia, MO), $26,728; National Cold Water Marine Aquaculture (Franklin, ME), $50,000; Northern Plains Agricultural Research Lab (Sidney, MT), $75,000; Noxious Weeds in the Desert Southwest (Las Cruces, NM), $63,000; Nutrition Interventions, $50,000; Obesity Research/Children's Nutrition Research Center (Houston, TX), $175,000, and Human Nutrition Research on Aging (Boston, MA), $125,000; Ogallala Aquifer (Bushland, TX), $850,000; Organic Minor Crop Research (Salinas, CA), $125,000; Pecan Scab Research (Byron, GA), $100,000; Phytoestrogen Research, SRRC (Tulane / Xavier / U of Toledo), $100,000; Poisonous Plant Research Laboratory (Logan, UT), $225,000; Potato Storage (Madison, WI), $1,593; Poult Enteritis-Mortality Syndrome (Athens, GA), $50,000; Quantify Basin Water Budget Components in the Southwest (Tucson, AZ), $125,000; Regional Grains Genotyping (Raleigh, NC), $100,000; Residue Management in Sugarcane, Houma, LA, $125,000; Salmonella, Listeria, E. coli, and other food pathogens (Wyndmoor, PA), $199,931 (of which $50,000 goes to Penn State); Seafood Waste, Fairbanks, AK (U of AK), $160,000 (of which $50,000 goes to the State of Alaska); Seismic and Acoustic Technologies and Soils (Oxford, MS), $125,000; Sorghum Research (Bushland, TX), $125,000; Southeastern Fruit and Tree Nut Research (Byron, GA), $200,000; Soybean and Nitrogen Fixation (Raleigh, NC), $100,000; Sudden Oak Disease / Sudden Oak Disease Syndrome (Ft. Detrick, MD / Davis, CA), $200,000; Sugarbeet Research (Kimberly, ID), $75,000; Sugarcane Variety Research (Canal Point, FL), $175,000; Sustainable Viticulture Research (Davis, CA), $50,000; Transmissible Spongiform Encephalopathies, $225,000; Tree Fruit Quality Research (Wenatchee, WA), $175,000; Turfgrass Research (Beaver, WV), $150,000; United States National Arboretum (Washington, D.C.), $125,000; U.S. Pacific Basin Agricultural Research Center, Hilo, HI (Univ HI Manoa / Univ HI Hilo), $125,000; Vaccines and Microbe Control for Fish Health (Auburn University), $20,000; Verticillium Wilt (Salinas, CA), $125,000; Waste Management Research, Bowling Green, KY (Western Kentucky University), $137,500; and Wild Rice Research (St. Paul, MN), $50,000.

The conference agreement continues the fiscal year 2004 level of funding for all research projects proposed to be terminated in the President's budget as provided in House Report 108-584 and Senate Report 108–340 accompanying the fiscal year 2005 Agriculture Appropriations bills, including the following at all locations: Aquaculture Density Research (Stuttgart, AR); Water Resources Management (Tifton, GA); Water Use Management Technology (Tifton, GA); Great Basins Rangeland (Boise, ID); Source Water Protection (West Lafeyette, IN); Great Basins Rangeland (Reno, NV); Western Grazinglands (Reno, NV); and, Pasture Systems and Watershed Management (University Park, PA).

The conference agreement provides an increase of $125,000 for the Children's Nutrition Research Center at Houston, TX, for a cooperative research project with Baylor College of Medicine and the Peanut Institute to examine ways to prevent the onset of chronic diseases and the growing problem of overweight children.

The conferees direct that a portion of the funding for grape rootstock should be allocated to support the ongoing grape industry research strategic planning process.

The conference agreement provides an increase of $75,000 above the fiscal year 2004 level for the Grand Forks Human Nutrition Laboratory for a cooperative agreement with the Northern Great Plains Research Laboratory, Mandan, ND, the University of North Dakota, and North Dakota State University on a healthy beef initiative.

The conferees note the growing concern raised by the soybean industry due to the threat of soybean rust. The conferees also note the recent announcement by the Department of Agriculture that soybean rust has now been confirmed in the United States. Soybean rust is a fungus that appears on the leaves of the plant and eventually causes premature defoliation which brings about substantial yield loss. The conferees encourage the Department to accelerate research on plant varieties that improve tolerance to soybean rust pathogens.

The conferees do not include funding for the development of a wine grape foundation block of certified "clean" rootstock in ARS. The conference agreement provides funding for this vital research in the Cooperative State Research, Education, and Extension Service account.

BUILDINGS AND FACILITIES

The conference agreement provides $187,838,000 for the Agricultural Research Service, Buildings and Facilities, instead of $202,000,000 as proposed by the House and $172,838,000 as proposed by the Senate.

The following items reflect the conference agreement: National Center for Animal Health (Ames, Iowa), $122,000,000; Grape Genomics Research Center (Davis, California), $3,000,000; U.S. Agricultural Research Station (Salinas, California), $3,000,000; U.S. Pacific Basin Agricultural Research Center (Hilo, Hawaii), $3,000,000; Aquaculture Facility (Aberdeen/Billingsley Creek, Idaho) $1,000,000; National Center for Agricultural Utilization Research (Peoria, Illinois), $3,000,000; Animal Waste Management Research Laboratory (Bowling Green, Kentucky), $2,300,000; Forage-Animal Research Laboratory (Lexington, Kentucky) $3,000,000; ARS Sugarcane Research Laboratory (Houma, Louisiana), $3,000,000; Northeast Marine Cold Water Aquaculture Research Center (Orono/Franklin, Maine), $3,000,000; Beltsville Agricultural Research Center (Beltsville, Maryland), $3,000,000; Jamie Whitten Delta States Research Center (Stoneville, Mississippi), $3,000,000; Poultry Science Research Facility (Starkville, Mississippi), $3,000,000; National Plant and Genetics Security Center (Columbia, Missouri), $5,000,000; Animal Bioscience Facility (Bozeman, Montana), $2,000,000; Center for Grape Genetics (Geneva, New York), $3,000,000; Center for Crop-based Health Genomics (Ithaca, New York), $3,000,000; University of Toledo (Toledo, Ohio), $2,000,000; Southern Plains Research Station (Woodward, Oklahoma), $3,000,000; U.S. Vegetable Laboratory (Charleston, South Carolina), $3,000,000; ARS Research Laboratory (Pullman, Washington), $3,000,000; Appalachian Fruit Laboratory (Kearneysville, West Virginia), $3,638,000; and, Nutrient Management Laboratory (Marshfield, Wisconsin), $4,900,000.

The conferees note that there is widespread interest in additional construction and renovation of ARS facilities throughout the country. This is not surprising when considering the fact that many of the existing facilities are decades old. The conferees continue to believe that the ARS needs a master plan for addressing these needs. Until such a master plan can be developed, however, the Committees will not consider funding requests for projects for which a prospectus has not been completed and submitted to the Committees by March 1 of each year. Each prospectus shall, at a minimum, include the following information: the feasibility, requirements, and scope of the proposed project; details on building size, cost, associated facilities, scientific capacity, and other requirements; and details on existing and planned program and resource requirements. Further, the conferees strongly encourage the ARS to determine the merits and priority for these projects.

The purpose and intent of the ARS Buildings and Facilities account is to provide new, replacement, and modernized Federal laboratories and facilities needed to carry out and strengthen ARS research and to protect the Government's significant investment in these Federal assets. As noted in House Report 108-584 and Senate Report 108-340, there has been widespread interest in additional construction and renovation of the Department's research facilities throughout the country. The conferees encourage ARS to consider the development of a master plan that deals with ARS programs and related buildings priorities. This will be useful to the Committees in assessing and determining ARS in-house laboratory requirements.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

The conference agreement provides $660,781,000 for research and education activities instead of $628,607,000 as proposed by the House and $628,492,000 as proposed by the Senate.

The conference agreement includes bill language for the following items: West Virginia State University as proposed by the Senate instead of West Virginia State College as proposed by the House; and, $500,000 for resident instruction grants for insular areas as proposed by the House.

The following table reflects the conference agreement:

Cooperative State Research, Education, and Extension Service—research and education activities

[Dollars in thousands]

	FY 2005 Conference
Hatch Act	$180,148
McIntire Stennis Cooperative Forestry	22,384
Evans-Allen Program	37,000
National Research Initiative	181,000
Special Research Grants	136,564
Animal Health and Disease (Sec. 1433)	5,098
1994 Institutions Research Program	1,087
Joe Skeen Institute for Rangeland Restoration (NM, TX, MT)	1,000
Graduate Fellowship Grants	3,000
Institution Challenge Grants	5,500
Multicultural Scholars Program	998
Hispanic Education Partnership Grants	5,645
Secondary/2-year Post-secondary	1,000
Capacity Building Grants (1890 Institutions)	12,411
Payments to the 1994 Institutions	2,250
Alaska Native-serving and Native Hawaiian-serving Education Grants	3,500
Resident Instruction Grants for Insular Areas	500
Subtotal	599,085
Federal Administration:	
Ag-based Industrial Lubricants (IA)	527
Agriculture Development in the American Pacific	490
Agriculture Waste Utilization (WV)	654
Agriculture Water Policy (GA)	898
Alternative Fuels Characterization Laboratory (ND)	284
Animal Waste Management (OK)	298
Aquaculture (OH)	853
Aquaculture (PA)	222
Biotechnology Research (MS)	667
Botanical Research (UT)	896
Center for Agricultural and Rural Development (IA)	600
Center for Food Industry Excellence (TX)	874
Center for Innovative Food Technology (OH)	1,154
Center for North American Studies (TX)	1,000
Climate Forecasting (FL)	3,631
Cotton Research (TX)	2,500
Council for Agriculture Science and Technology (Funded thru SRG in FY 2004)	150
Data Information System (REEIS)	2,444
Dietary Intervention (OH) (Funded thru SRG in FY 2004)	1,148
Electronic Grants Administration System	1,944
Feed Efficiency (WV)	152
Global Environmental Management (Funded thru NRCS in 2004)	1,000
High Value Horticultural Crops (VA)	572
Hispanic Leadership in Agriculture (TX) (Funded thru SRG in House)	550
Greenhouse Nurseries (OH)	732
Income Enhancement Demonstration (OH) (Funded thru Extension in FY 2004)	731
Information Technology (GA)	372
Livestock Marketing Information Center (CO)	175
Mariculture (NC)	320
Mississippi Valley State University, Curriculum Development	933
Monitoring Agricultural Sewage Sludge Application (OH)	1,287
Office of Extramural Programs (Grants)	401
Pasteurization of Shell Eggs (MI)	1,247
Pay Costs and FERS	2,665
Peer Panels	312
Phytoremediation Plant Research (OH)	785
PM-10 Study (WA) (moved from SRG in FY 2004)	390
Precision Agriculture, Tennessee Valley Research Center (AL)	604
Produce Pricing (AZ)	76
Rural Systems (MS)	311
Salmon Quality Standards (AK)	167
Shrimp Aquaculture (AZ, HI, MS, MA, SC, LA, TX)	3,973
Sustainable Agricultural Freshwater Conservation (TX)	1,820
Urban Silviculture (NY)	270
Vitis Gene Discovery (MO)	608
Water Pollutants (WV)	569
Water Quality (ND)	443
Wetland Plants (WV)	190
Total, Federal Administration	42,889
Other:	
Alternative Crops	1,196
Aquaculture Centers (Sec. 1475)	4,000
Critical Agricultural Materials Act	1,111
Sustainable Agriculture	12,500
Total, Other	18,807
Total, Research and Education Activities	$660,781

Cooperative State Research, Education, and Extension Service—research and education activities, special research grants

[Dollars in thousands]

	FY 2005 Conference
Advanced Genetic Technologies (KY)	$650
Advanced Spatial Technologies (MS)	943
Aegilops Cylindricum (Jointed Goatgrass) (WA)	358
Agricultural Diversification (HI)	113
Agricultural Diversity/Red River Cooridor (MN, ND)	597
Agriculture Science (OH)	547
Agriculture Water Usage (GA)	260
Agroecology (MD)	390
Air Quality (TX)	1,074
Alliance for Food Protection (NE, GA)	316
Alternative Nutrient Management (VT)	174
Alternative Salmon Products (AK)	1,108
Alternative Uses for Tobacco (MD)	335
Animal Disease Research (WY)	336
Animal Science Food Safety Consortium (AR, KS, IA)	1,444
Apple Fireblight (MI, NY)	483
Aquaculture (AR)	207
Aquaculture (WA, ID)	770

	FY 2005 Conference
Aquaculture (LA)	332
Aquaculture (MS)	521
Aquaculture (NC)	280
Aquaculture (VA)	190
Aquaculture Product and Marketing Development (WV)	711
Armilliaria Root Rot (MI)	151
Asparagus Technology and Production (WA)	250
Babcock Institute (WI)	569
Beef Technology Transfer (MO)	261
Berry Research (AK)	1,790
Biobased Nanocomposite Research (ND)	178
Biomass-based Energy Research (OK, MS)	1,023
Biotechnology (NC)	289
Biotechnology Test Production (IA)	469
Bovine Tuberculosis (MI)	355
Brucellosis Vaccine (MT)	444
Center for Public Lands and Rural Economies (UT)	225
Center for Rural Studies (VT)	351
Chesapeake Bay Agroecology (MD)	317
Childhood Obesity and Nutrition (VT)	192
Citrus Canker (FL)	474
Citrus Tristeza (WA)	697
Competitiveness of Agricultural Products (WA)	652
Computational Agriculture (NY)	241
Cool Season Legume Research (ID, WA)	569
Cotton Fiber Quality (GA)	474
Cranberry/Blueberry (MA)	153
Cranberry/Blueberry Disease and Breeding (NJ)	355
Crop Integration and Production (SD)	297
Crop Diversification Center (MO)	378
Crop Pathogens (NC)	253
Dairy and Meat Goat Research (TX)	100
Dairy Farm Profitability (PA)	472
Delta Rural Revitalization (MS)	246
Designing Foods for Health (TX)	1,624
Diaprepes/Root Weevil (FL)	450
Drought Mitigation (NE)	213
Drought Management (UT)	786
Efficient Irrigation (NM, TX)	1,500
Environmental Biotechnology (RI)	617
Environmental Research (NY)	376
Environmental Risk Factors/Cancer (NY)	219
Environmentally Safe Products (VT)	746
Ethnobotany Research (AK)	284
Exotic Pest Diseases (CA)	1,945
Expanded Wheat Pasture (OK)	275
Farm Injuries and Illnesses (NC)	299
Feed Barley for Rangeland Cattle (MT)	741
Feed Efficiency in Cattle (FL)	297
Feedstock Conversion (SD)	673
Fish and Shellfish Technologies (VA)	457
Food Chain Economic Analysis (IA)	419
Floriculture (HI)	355
Food and Agriculture Policy Research Institute (IA, MO)	1,549
Food Marketing Policy Center (CT)	584
Food Quality (AK)	344
Food Safety (AL)	1,100
Food Safety (OK, ME)	556
Food Safety (TX)	189
Food Safety Research Consortium	900
Food Safety Risk Assessment (ND)	1,377
Food Security (WA)	401
Food Systems Research Group (WI)	521
Forages for Advancing Livestock Production (KY)	393
Forestry (AR)	465
Fruit/Vegetable Market Analaysis (AZ/MO)	326
Functional Genomics (UT)	1,484
Future Foods (IL)	549
Generic Commodity Promotions, Research and Evaluation (NY)	192
Genomics (MS)	890
Geographic Information System	1,716
Global Change	2,000
Grain Sorghum (KS)	137
Grapefruit Juice/Drug Interaction (FL)	347
Grass Seed Cropping for Sustainable Agriculture (WA, OR, ID)	454
Grazing Research (WI)	262
Greenhouse Crop Production (AK)	449
Horn Fly Research (AL)	167
Human Nutrition (IA)	655
Human Nutrition (LA)	712
Human Nutrition (NY)	585
Hydroponic Tomato Production (OH)	180
Illinois-Missouri Alliance for Biotechnology	1,179
Improved Dairy Management Practices (PA)	355
Improved Fruit Practices (MI)	212
Increasing Shelf Life of Agricultural Commodities (ID)	829
Infectious Disease Research (CO)	784
Institute for Biobased Products and Food Science (MT)	567
Institute for Food Science and Engineering (AR)	1,119
Integrated Production Systems (OK)	207
International Arid Lands Consortium (AZ)	584
Iowa Biotechnology Consortium	1,789
Leopold Center Hypoxia Project (IA)	224
Livestock and Dairy Policy (NY, TX)	900
Livestock Genome Sequencing (IL)	821
Livestock Waste (IA)	268
Lowbush Blueberry Research (ME)	236
Maple Research (VT)	133
Meadow Foam (OR)	262
Michigan Biotechnology Consortium	559
Midwest Advanced Food Manufacturing Alliance (NE)	528
Midwest Agricultural Products (IA)	617
Midwest Poultry Consortium (IA)	688
Milk Safety (PA)	709
Minor Use Animal Drugs	588
Molluscan Shellfish (OR)	351
Montana Sheep Institute	574
Multi-commodity Research (OR)	356
Multi-cropping Strategies for Aquaculture (HI)	110
National Beef Cattle Genetic Evaluation Consortium (NY)	786
National Biological Impact Assessment Program (VA)	253
National Center for Soybean Technology (MO)	948
Nematode Resistance Genetic Engineering (NM)	140
Nevada Arid Rangelands Initiative (NV)	484
New Crop Opportunities (AK)	447
New Crop Opportunities (KY)	730
Nursery, Greenhouse, Turf Specialities (AL)	275
Oil Resources from Desert Plants (NM)	213
Organic Cropping (WA)	362
Organic Waste Utilization (NM)	94
Oyster Post Harvest Treatment (FL)	450
Ozone Air Quality (CA)	404
Pasture and Forage Research (UT)	225
Peach Tree Short Life (SC)	267
Perrenial Wheat (WA)	142
Pest Control Alternatives (SC)	271
Phytophthora Root Rot (NM)	183
Pierce's Disease (CA)	2,088
Plant, Drought, and Disease Resistance Gene Cataloging (NM)	235
Potato Research	1,509
Precision Agriculture (KY)	680
Preharvest Food Safety (KS)	193
Preservation and Processing Research (OK)	200
Protein Utilitzation (IA)	811
Rangeland Ecosystem (NM)	284
Regional Barley Gene Mapping Project (OR)	688
Regionalized Implications of Farm Programs (MO, TX)	766
Rice Agronomy (MO)	214
Ruminant Nutrition (MT, ND, SD, WY)	474
Rural Development Centers (LA, ND)	232
Rural Obesity (NY)	189
Rural Policies Institute (NE, IA, MO)	1,215
Russian Wheat Aphid (CO)	292
Seafood Harvesting, Processing and Marketing (AK)	1,067
Seafood and Aquaculture Harvesting, Prcessing and Marketing (MS)	269
Seafood Safety (MA)	439
Seed Research (AK)	358
Seed Technology (SD)	357

	FY 2005 Conference
Small Fruit Research (OR, WA, ID)	425
Soil and Environmental Quality (DE)	283
Southwest Consortium for Plant Genetics and Water Resources (NM)	376
Soybean Cyst Nematode (MO)	708
Soybean Research (IL)	963
STEEP III—Water Quality in Northwest	645
Sudden Oak Death (CA)	94
Sustainable Agriculture (CA)	519
Sustainable Agriculture (MI)	387
Sustainable Agriculture and Natural Resources (PA)	192
Sustainable Beef Supply (MT)	945
Sustainable Engineered Materials from Renewable Sources (VA)	608
Swine and Other Animal Waste Management (NC)	470
Tick Borne Disease Prevention (RI)	144
Tillage, Silviculture, Waste Management (LA)	428
Tri-state Joint Peanut Research (AL)	567
Tropical Aquaculture (FL)	213
Tropical and Subtropical Research/T-Star	9,474
Uniform Farm Management Program (MN)	283
Value-added Product Development from Agriculture Resources (MT)	408
Virtual Plant Database Enhancement Project (MO)	711
Viticulture Consortium (NY, CA, PA)	1,850
Water Conservation, (KS)	75
Water Use Efficiency and Water Quality Enhancements (GA)	474
Weed Control (ND)	387
West Nile Virus (IL)	500
Wetland Plants (LA)	567
Wheat Genetic Research (KS)	246
Wheat Sawfly Research (MT)	525
Wine Grape Foundation Block (WA)	325
Wood Utilization (OR, MS, NC, MN, ME, MI, ID, TN, AK, WV)	6,285
Wool Research (TX, MT, WY)	300
Subtotal, Special Research Grants	121,284
Improved Pest Control:	
Expert IPM Decision Support Systsem	158
Integrated Pest Management	2,439
Minor Crop Pest Management (IR–4)	11,235
Pest Management Alternatives	1,448
Total, Improved Pest Control	15,280
Total, Special Research Grants	$136,564

The conference agreement provides $3,000,000 for Graduate Fellowship Grants instead of $4,500,000 as proposed by the House, and $2,883,000 as proposed by the Senate.

The conference agreement provides $5,645,000 for Hispanic Education Partnership Grants as proposed by the House instead of $4,645,000 as proposed by the Senate.

The conference agreement provides $1,148,000 for Dietary Intervention in Ohio. Of this amount, $735,000 is provided for Ohio State University and $413,000 is for the University of Toledo.

The conference agreement provides $316,000 for the Alliance for Food Protection. Of this amount, $158,000 shall be used to continue integrated fruit and vegetable research at the University of Georgia.

The conference agreement provides $1,108,000 for alternative salmon products research. Of this amount, $443,000 shall be used to continue research into and development of baby food containing salmon.

The conference agreement provides $1,549,000 for the Food and Agriculture Policy Research Institute. Of that amount, $79,000 shall be used to fund the Center for Agricultural and Trade Policies for the Northern Plains Region at North Dakota State University.

The conference agreement provides $1,790,000 for berry research. Of this amount, $1,400,000 shall be used for nutraceutical research at the University of Alaska-Fairbanks.

The conference agreement provides $528,000 for the Midwest Advanced Food Marketing Alliance in Nebraska. Of this amount, $98,000 shall be used for food allergens research to be conducted at the University of Nebraska-Lincoln Food Allergy Research & Resource Program.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

The conference agreement provides $12,000,000 for the Native American Institutions Endowment Fund as proposed by both the House and Senate.

EXTENSION ACTIVITIES

The conference agreement provides $449,225,000 for extension activities instead of $440,349,000 as proposed by the House and $443,061,000 as proposed by the Senate.

The conference agreement includes bill language for the following: West Virginia State University as proposed by the Senate instead of West Virginia State College as proposed by the House; $1,981,000 for payments for rural health and safety education as proposed by the Senate; and, $2,667,000 for grants to youth organizations as proposed by the Senate.

The following table reflects the conference agreement:

Cooperative State Research, Education, and Extension Service—extension activities

[Dollars in thousands]

	FY 2005 Conference
Smith-Lever Sections 3(b) and 3(c)	$277,742
Smith-Lever Section 3(d) Farm Safety	4,600
Food and Nutrition Education (EFNEP)	58,909
Indian Reservation Agents	1,774
Pest Management	10,000
Sustainable Agriculture	4,100
Youth at Risk	7,538
Youth Farm Safety Education and Certification	444
Total Section 3(d) Programs	87,365
1890 Colleges and Tuskegee	33,133
1890 Facilities Grants (Sec. 1447)	16,912
Renewable Resources Extension Act (RREA)	4,093
Rural Health and Safety Education	1,981
Extension Services at the 1994 Institutions	3,273
Grants to Youth Organizations	2,667
Subtotal	427,166
Federal Administration and Special Grants:	
Ag in the Classroom	736
Agricultural and Entrepreneurship Education (WI)	241
Alabama Beef Connection	393
Beef Producers Improvement (AR)	182
Conservation Technology Transfer (WI)	467
Dairy Education (IA)	231
Dairy Industry Revitalization (WI)	300
Diabetes Detection, Prevention (WA)	1,093
E-commerce (MS)	334
Efficient Irrigation (NM, TX)	2,179
Enterpreneurial Alternatives (PA)	336
Extension Specialist (MS)	133
Food Animal Residue Avoidance Database (FARAD)	812
Food Preparation and Marketing (AK)	334
Food Product Development (AK)	476
General Administration	5,842
Health Education Leadership (KY)	850
Iowa Vitality Center	250
National Center for Agriculture Safety (IA)	243
National Wild Turkey Federation	225
Nursery Production (RI)	297
Nutrition Enhancement (WI)	973
Ohio-Israel Agriculture Initiative	569
Oquirrh Institute	284
Pilot Technology Transfer (OK, MS)	300
Pilot Technology Transfer (WI)	233
Potato Pest Management (WI)	379
Range Improvement (NM)	234
Resilient Communities (NY)	131
Rural Business Enhancement (WI)	190
Rural Development (AK)	688
Rural Development (NM)	351
Rural Technologies (HI, WI)	312
Urban Horticulture (WI)	817
Urban Market Development (NY)	275
Web-based Agriculture Classes (MO)	179

	FY 2005 Conference
Wood Biomass as an Alternative Farm Product (NY)	190
Total, Federal Administration	22,059
Total, Extension Activities	449,225

Within funds provided for the farm safety program, the conference agreement includes $4,600,000 for the AgrAbility project as proposed by the House instead of $3,312,000 as proposed by the Senate.

The conference agreement provides $736,000 for Ag in the Classroom. Of that amount, no less than $125,000 shall be used to expand efforts in Illinois to promote consumption of healthy foods and proper school nutrition.

The conference agreement provides $973,000 for nutrition enhancement. Of this amount, $25,000 shall be used for a cooperative agreement with the Research Institute of Family Health and Wellness at Marywood University in Scranton, Pennsylvania.

INTEGRATED ACTIVITIES

The conference agreement provides $55,153,000 for integrated activities instead of $66,255,000 as proposed by the House and $57,242,000 as proposed by the Senate.

The following table reflects the conference agreement:

Cooperative State Research, Education, and Extension Service—integrated activities

[Dollars in thousands]

	FY 2005 conference
Water Quality	$12,971
Food Safety	14,967
Regional Pest Management Centers	4,200
Crops at Risk from FQPA Implementation	1,400
FQPA Risk Mitigation Program for Major Food Crop Systems	4,500
Methyl Bromide Transition Program	3,131
Organic Transition Program	1,889
International Science and Education Grants Program	1,000
Critical Issues Program	750
Regional Rural Development Centers Program	1,345
Homeland Security, Food and Agriculture Defense Initiative	9,000
Total, Integrated Activities	55,153

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

The conference agreement provides $5,935,000 for Outreach for Socially Disadvantaged Farmers as proposed by both the House and Senate.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

The conference agreement provides $721,000 for the Office of the Under Secretary for Marketing and Regulatory Programs as proposed by the House instead of $733,000 as proposed by the Senate.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

The conference agreement provides $814,623,000 for the Animal and Plant Health Inspection Service (APHIS) instead of $831,823,000 as proposed by the House and $786,866,000 as proposed by the Senate.

The conferees direct that projects identified in House Report 108–193, Senate Report 108–107, and House Report 108–401 that were directed to be funded in fiscal year 2004 are not funded for fiscal year 2005 unless specifically mentioned in this conference report and the reports of the House and Senate that accompany this Act. Further, the conferees direct APHIS not to redirect funding for programs and activities without prior notification to and approval by the House and Senate Committees on Appropriations in accordance with the reprogramming procedures specified in this Act.

The following table reflects the conference agreement:

Animal and Plant Health Inspection Service

[In thousands of dollars]

Program	*Conference recommendation*
Pest and Disease Exclusion:	
Agricultural quarantine inspection	$25,292
Cattle ticks	6,720
Foreign animal diseases/FMD	8,740
Fruit fly exclusion and detection	58,343
Import-export inspection	12,874
Screwworm	27,374
Trade issues resolution management	12,578
Tropical bont tick	425
Total, Pest and Disease Exclusion	152,346
Plant and Animal Health Monitoring:	
Animal health monitoring & surveillance	145,082
Animal and plant health regulatory enforcement	9,382
Bio Surveillance	2,000
Emergency management systems	12,968
Pest detection	27,132
Total, Plant & Animal Health Monitoring	196,564
Pest and Disease Management:	
Aquaculture	1,255
Biological control	9,429
Boll weevil	47,500
Brucellosis	10,356
Chronic wasting disease	18,839
Emerging plant pests	101,567
Golden nematode	801
Grasshopper and Mormon cricket	5,528
Gypsy moth	4,768
Imported fire ant	2,148
Johnes disease	18,740
Low pathogen avian influenza	23,000
Noxious weeds	1,991
Pink bollworm	2,150
Plum pox	3,471
Pseudorabies	4,350
Scrapie	17,768
Tuberculosis	14,937
Wildlife services operations	73,756
Witchweed	1,523
Total, Pest and Disease Management	363,877
Animal Care:	
Anilam welfare	16,618
Horse protection	497
Total, Animal Care	17,115
Scientific and Technical Services:	
Biosecurity	1,988
Information technology infrastructure	4,589
Biotechnology regulatory services	9,504
Environmental Compliance	2,624
Plant methods development labs	8,381
Veterianary biologics	15,513
Veterinary diagnostics	20,575
Wilflife services methods development	17,428
Total, Scientific and Technical Services	80,602
Contingency fund	4,119
Physical security	0
Total, Salaries and Expenses	814,623

The conferees provide the following increases in the APHIS salaries and expenses account for new and enhanced activities related to the Food and Agriculture Defense Initiative: $33,197,000 for a national animal identification program, $3,600,000 for state cooperative agreements, $2,000,000 for biosurveillance, $2,500,000 for the control of select agents, $2,303,000 for the National Veterinary Vaccine Bank, $8,641,000 for BSE testing, and $2,900,000 for the national animal laboratory network.

Animal Health Monitoring and Surveillance.—The conference agreement includes $145,082,000 for Animal Health Monitoring and Surveillance. Within that amount, the conference agreement provides an increase of $33,197,000 for the National Animal Identification System (NAIS) and includes bill language naming the amount and requiring a report on the system components. The conferees note that, in addition, the Secretary transferred $18,792,997 from the Commodity Credit Corporation for animal identification in April 2004.

The conference agreement includes not less than $2,000,000 for a cooperative agreement with the Wisconsin Department of Agriculture, Trade and Consumer Protection to continue work carried out by the Wisconsin Livestock Identification Consortium.

The conferees provide $600,000 for the Farm Animal Identification and Records (FAIR) program. Both the Wisconsin consortium and the FAIR project should also be eligible to apply for additional cooperative agreement funding for animal identification, which is funded within the NAIS total.

The conference agreement provides the full increase requested, $8,641,000 over the fiscal year 2004 level, for activities related to Bovine Spongiform Encephalopathy (BSE). In addition, the conferees note that the Department has available $69,900,000, which the Secretary transferred in March 2004 from the Commodity Credit Corporation (CCC) to fund an intensive BSE surveillance and testing program. That funding will allow APHIS to conduct testing for approximately 268,000 animals within a 12 to 18 month period starting June 1, 2004; as of November 9, 2004, APHIS has tested 106,484 cattle. The conferees note that the CCC-transferred amount will cover all BSE testing during that timeframe.

The conference agreement includes: $300,000 to assist in creating a database of North Carolina's agriculture industry for rapid response capabilities; funding of the New Mexico Rapid Syndrome Validation Program at $450,000 to support early detection of pathogens in animals and prevent their spread; $300,000 for Iowa State's work regarding risk assessments of genetically modified agricultural products; $746,000 for an alkaline digester for the Ohio Agriculture Research and Development Center in Wooster, Ohio; and $298,000 to address bio-safety issues relating to antibiotic-resistant strains of bacteria in Vermont.

The conference agreement includes increases of $3,600,000 for cooperative agreements with states and $1,900,000 for cooperative agreements as part of the National Animal Health Laboratory Network.

Import-Export Inspection.—The conferees provide $12,874,000 for import-export inspection, including an increase of $1,000,000 for select agents, and an increase of $500,000 for a cooperative agreement with the California County Pest Detection Augmentation Program.

Emerging Plant Pests.—The conference agreement includes an increase of $8,469,000 above the amount available in fiscal year 2004. The conferees provide $36,578,000 for citrus canker eradication; $23,190,000 for Pierce's Disease/Glassy-winged sharpshooter; $5,000,000 for Emerald Ash borer; $3,000,000 for Sudden Oak Death; and $29,168,000 for the Asian long-horned beetle. The conferees provide $100,000 of funding for hydrilla eradication around Smith Mountain Lake in Virginia, and Lake Gaston in Virginia and North Carolina. Funding for Karnal bunt, olive fruit fly, and miscellaneous pests continue at the fiscal year 2004 level.

The conferees expect the Secretary to utilize authorities and resources of the Commodity Credit Corporation (CCC) to provide assistance in response to animal and plant health threats.

Johne's Disease.—The conference agreement provides $18,740,000 for Johne's Disease. From within that amount, the conference agreement provides the fiscal year 2004 funding level to continue cooperative agreements with the Wisconsin Department of Agriculture, Trade and Consumer Protection.

Low Pathogenic Avian Influenza.—The conferees provide $23,000,000 for activities relating to the prevention, control, and eradication of Low Pathogenic Avian Influenza (LPAI) to remain available until expended. Within the total amount, $12,000,000 is for indemnities, $3,000,000 is for surveillance activities, up to $2,000,000 is for reagents and costs of administering tests, and up to $2,000,000 is for live bird market closure for disinfection, as needed. Full funding for other LPAI activities that were included in the budget request is included in the total. The conferees are concerned that LPAI, which appears to be endemic in certain live bird markets in urban areas, could mutate into highly pathogenic forms. To prevent this from happening, a robust surveillance and control system in both commercial poultry industries and live bird markets is important. The conferees believe that industry cooperation and program fairness will be maximized through the indemnification of losses.

Wildlife Services Operations.—The conferees direct that, other than funding for the specific items noted in this statement, the funds provided in the Wildlife Services Operations line item are available for general operations needs.

The conferees do not concur with the President's request to reduce funding in the Wildlife Services account to allow cooperators to assume a larger share of the costs associated with these activities.

The conferees provide $1,215,000 for wolf predation management, of which $1,065,000 is for Wisconsin, Minnesota, and Michigan, and $150,000 is for New Mexico and Arizona. The conference agreement does not include separate funding for Minnesota, as proposed by the House.

The conference agreement continues funding for the following projects: $300,000 for beaver management in North Carolina; $250,000 for crop and aquaculture losses in southwest Missouri; $625,000 for game bird predation work with the University of Georgia; $100,000 for predation wildlife services in western Virginia; $120,000 for blackbird control in Louisiana; $1,300,000 for predator control programs in Montana, Idaho, and Wyoming; $1,000,000 for wildlife services in Texas; $150,000 for beaver management and damage in Wisconsin; $515,000 for brown tree snake management in Guam; $310,000 for Hawaii and Guam operations; $300,000 for sandhill cranes in Idaho; $50,000 for control of feral hogs in Missouri; $1,000,000 for cormorant control in New York; $150,000 for cormorant control in Michigan; $100,000 for cormorant control in the Lake Champlain basin; $750,000 for wildlife service operations with the South Dakota Department of Game, Fish, and Parks to meet the growing demands of controlling predatory, nuisance, and diseased animals; $550,000 for the management of beavers in Mississippi; $335,000 to continue control measures for minimizing blackbird damage to sunflowers in North Dakota and $33,000 for those purposes in South Dakota; $120,000 for blackbird management efforts in Louisiana; $174,000 for Kansas blackbird control; $247,000 for the Jack Berryman Institute, Utah; $199,000 for beaver control in Kentucky; $325,000 for Delta states operations; $199,000 for geese control in New York; $249,000 for the New Hampshire State operations; and $474,000 for the Nevada Division of Wildlife. The conferees do not provide $50,000 for the Cooperative Livestock Protection Program in Pennsylvania as proposed by the Senate.

The conference agreement includes $21,850,000 for a cooperative oral rabies vaccination program. This amount includes an increase of $1,000,000, of which not less than $420,000 is directed to go to the state of Florida for bait and related costs.

Emergency management systems.—The conference agreement includes $12,968,000 for emergency management systems, which includes a total of $4,000,000 for emergency coordinators and a total of $3,000,000 to establish a vaccine bank.

Pest Detection.—The conference agreement includes $1,500,000 for select agents, $200,000 for a remote sensing, hyperspectral imaging and light detection and ranging project; and an increase of $1,000,000 for surveys through the Cooperative Agricultural Pest Surveys system.

Chronic wasting disease.—For chronic wasting disease, the conferees provide $18,839,000. The conferees direct that of this amount $1,750,000 is for Wisconsin and $250,000 is for Alaska. Funding for Utah and the Conservation Medicine Center of Chicago remains at fiscal year 2004 levels.

Veterinary Diagnostics.—The conferees provide an increase of $1,000,000 for the National Animal Health Laboratory Network, as requested. The conferees do not continue the funding for equipment needs recommended in the Senate report.

Wildlife Services Methods Development.—The conference agreement includes $17,428,000 for wildlife services methods development. Within that amount, the conferees provide $400,000 in funding for the National Wildlife Research Station in Kingsville, Texas, to address emerging infectious disease issues associated with wildlife populations; $498,000 for the Jack Berryman Institute, Utah, for addressing wildlife damage management issues; and $352,000 to continue research efforts at the National Wildlife Research Center field station in Starkville, MS, for resolving problems regarding bird damage to aquaculture farms in the Southeast.

Agricultural Quarantine Inspection.—For fiscal year 2005, the conferees provide $25,292,000 for the AQI appropriated account to conduct preclearance quarantine inspections. The conferees have included the fiscal year 2004 funding level for interline activities in Hawaii as proposed by the Senate, assume the reduction of $1,246,000 due to one-time equipment purchases, and provide an increase of $490,000 for the National Germplasm Laboratory.

Boll Weevil Eradication.—The conferees provide $47,500,000 for fiscal year 2005 to continue the Boll Weevil Eradication Program, as proposed by the Senate instead of $47,000,000 as proposed by the House.

Brucellosis.—The conferees provide an increase of $114,000 above the fiscal year 2004 level for the brucellosis program. This amount continues funding at the fiscal year 2004 level for Montana to protect the State's brucellosis-free status and for the operation of the bison quarantine facility and the testing of bison that surround Yellowstone National Park.

Noxious Weeds.—The conferees provide $1,991,000 for the noxious weeds account. This amount includes $199,000 for the Nez Perce Bio-control Center to increase the availability and distribution of biological control organisms used in an integrated weed management system, and $298,000 for the Kiski Basin Initiative.

The conference agreement provides continued funding at the fiscal year 2004 level for an invasive species program to prevent the spread of cogongrass in Mississippi, and requests that the agency take necessary steps to address this invasive weed as a regional infestation problem.

Fruit fly exclusion and detection.—The conferees include $58,343,000 for fruit fly exclusion and detection, a $1,000,000 increase over the fiscal year 2004 level. Of the increase, $100,000 is for Texas.

Grasshopper and mormon cricket.—The conference agreement includes $5,528,000 for grasshopper and mormon cricket control. Of this amount, no less than $1,000,000 is for activities in Utah and funding for Nevada is at no less than the fiscal year 2004 level for survey, control and eradication activities.

Pierce's Disease/Glassy-winged Sharpshooter.—The conferees strongly object to the recent decision of the Office of Management and Budget (OMB) to deny funding that the Secretary identified as necessary to combat the glassy-winged sharpshooter and to contain Pierce's Disease. The conferees note that OMB's decision to deny this funding has needlessly increased the serious threat posed by Pierce's Disease to California's multi-billion dollar wine and grape industries, constituted an unwelcome intrusion upon the Secretary's exercise of discretion, and was in total disregard of the fact that 33 Members of Congress supported the Secretary's request for these funds. The conferees further note that OMB's decision in this matter contradicted the direction provided to OMB by Congress in fiscal year 2004 to "disregard any arbitrarily imposed cost-share requirements." Accordingly, the conferees strongly encourage OMB to approve the $5.2 million USDA requested for efforts to combat Pierce's Disease.

The conferees recognize the work conducted in Texas related to the glassy-winged sharpshooter, and direct the Department to continue this work.

Vine Mealy Bug.—The conferees are concerned about the effect of the vine mealy bug (*Planococcus ficus*) on grapes. Over 900,000 acres of grapes are threatened by this pest. The conferees encourage APHIS to appropriately address this emerging threat through the funds available to the agency.

The conferees direct the agency to initiate a cooperative agreement with the Louisiana Department of Wildlife and Fisheries for development of diagnostics related to disease affecting the domestic alligator industry.

The conferees have included language under the Office of the Secretary to address concerns that the veterinary diagnostic work conducted at Plum Island, New York, remains focused on agriculture.

BUILDINGS AND FACILITIES

The conference agreement provides $4,967,000 for Animal and Plant Health Inspection Service Buildings and Facilities as proposed by the Senate instead of $4,996,000 as proposed by the House.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

The conference agreement provides $75,698,000 for the Agricultural Marketing Service instead of $75,892,000 as proposed by the House and $78,198,000 as proposed by the Senate.

The conferees do not include Senate bill language or funding under this section for a web-based supply chain management system, but the conference agreement does provide funding for this system under the section 32 account.

The conferees provide $2,000,000 for activities relating to organic standards. The conferees continue to encourage AMS to use this funding to finalize the hiring of an executive director for the National Organic Standards Board (NOSB), to create a Peer Review Panel to oversee the USDA accreditation process for organic certifiers, and to improve scientific technical support for the NOSB. The conferees also encourage AMS to regularly collect and report agricultural price trends in the organic industry.

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement provides $84,459,000 as proposed by both the House and Senate.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

The conference agreement provides $15,800,000 for Funds for Strengthening Markets, Income, and Supply as proposed by the House and Senate.

The conferees are aware that farmed salmon imports have undercut the market for Alaska wild salmon creating a domestic surplus of wild pink salmon. The conferees encourage the Department to use all existing authorities under the section 32 program to purchase surplus domestic salmon and stabilize the domestic salmon industry. The conferees are aware that section 32 funds have been used to assist food producers affected by adverse market conditions caused by an imbalance of supply and demand.

The conferees strongly encourage the Department to begin development of the Web-based Supply Chain Management System, which will benefit the programs of the Agricultural Marketing Service, the Farm Service Agency, and the Food and Nutrition Service, as well as enhancing food distribution to schools and other feeding outlets. Administrative expenses to support section 32 purposes are expressly allowed, and section 32 funds, accordingly, should be used to fund support computer systems. The conferees believe that all of the cost of the Web-based Supply Chain Management System should be financed from section 32. The first phase of the system should be funded at no less than $10,000,000, as included in the Commodity Purchase Support line in the following table.

Section 32

	FY 2005 conference
Appropriation (30% of Customs Receipts)	$6,030,964,691
Less Transfers:	
Food and Nutrition Service	−5,152,962,000
Commerce Department	−77,538,934
Total, Transfers	−5,230,500,934
Budget Authority	800,463,757
Unobligated Balance Year Available, Start of Year	408,050,634
Recoveries of Prior Year Obligations	0
Rescission	−163,000,000
Available for Obligation	1,045,514,391
Less Obligations:	
Commodity Procurement:	
Child Nutrition Programs (Entitlement Commodities)	400,000,000
State Option Contract	5,000,000
Removal of Defective Commodities	1,000,000
Emergency Surplus Removal	73,865,287
Disaster Relief	332,202,000
Estimated Future Needs	196,415,104
Total, Commodity Procurement	1,008,482,391
Administrative Funds:	
Commodity Purchase Support	21,232,000
Marketing Agreements and Orders	15,800,000
Total, Administrative Funds	37,032,000
Total Obligations	1,045,514,391
Unobligated Balance Available, End of Year	0

PAYMENTS TO STATES AND POSSESSIONS

The conference agreement provides $3,847,000 for Payments to States and Possessions as proposed by the Senate instead of $1,347,000 as proposed by the House.

The conference agreement includes bill language and funding for a specialty markets grant as proposed by the Senate.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides $37,299,000 for the Grain Inspection, Packers and Stockyards Administration as proposed by the Senate instead of $37,540,000 as proposed by the House.

The conference agreement provides an increase of $1,000,000 for budgeted increases including IT security and BSE-related activities.

The conference agreement includes $500,000 to continue the product verification protocols pilot program, in conjunction with the Missouri, Illinois, and Iowa Corn Growers Associations. The pilot program is to establish controls for regulated seed varieties and augment grain marketing.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

The conference agreement provides $42,463,000 as proposed by the House and Senate.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

The conference agreement provides $595,000 for the Office of the Under Secretary for Food Safety as proposed by the House instead of $608,000 as proposed by the Senate.

FOOD SAFETY AND INSPECTION SERVICE

The conference agreement provides $823,760,000 for the Food Safety and Inspection Service, instead of $824,746,000 as proposed by the House and $823,757,000 as proposed by the Senate.

The conferees include bill language, as proposed by the Senate, regarding full-time equivalent positions for inspections and enforcement of laws and regulations related to the Humane Methods of Slaughter Act.

The conference agreement includes bill language to provide $3,000,000 for the Humane Animal Tracking System, a component of the Field Automation and Information Management System (FAIM). These funds will remain available until September 30, 2006. The conferees direct FSIS to provide notice to the Committees on Appropriations prior to obligating funds for this purpose, with details on specific costs associated with this action, a schedule for incorporation, and how this action will benefit enforcement of the Humane Methods of Slaughter Act regulations.

The conference agreement includes $20,653,000 for regulatory and scientific training.

The conferees provide the following increases: $17,267,000 for frontline inspectors and humane slaughter enforcement; $3,000,000 for surveillance related to Bovine Spongiform Encephalopathy; $7,153,000 for entry-level training for field employees, food safety regulatory essentials training, and biosecurity training; $2,100,000 for biosurveillance; $2,000,000 for the Food Emergency Response Network (FERN); $1,500,000 for FERN data systems; and $350,000 for microbiological baseline studies, bringing total funding for this activity to $2,000,000.

The conferees commend FSIS for beginning to include photographs of recalled products and website addresses of manufacturers in recall press release notices. The conferees urge FSIS to continue to do this to the greatest extent possible and also to ask manufacturers if they will voluntarily provide information on retail outlets of recalled products for inclusion on the FSIS press release, so that consumers may readily locate them.

Food Safety and Inspection Service, funding by activity

[In thousands of dollars]

Food Safety & Inspection:	
Federal	$742,305
State	52,175

Food Safety and Inspection Service, funding by activity—Continued

International	19,335
Codex	2,726
FAIM Project	7,219
Total	823,760

Office of the Under Secretary For Farm and Foreign Agricultural Services

The conference agreement provides $631,000 for the Office of the Under Secretary for Farm and Foreign Agricultural Services as proposed by the House instead of $648,000 as proposed by the Senate.

Farm Service Agency

SALARIES AND EXPENSES

The conference agreement provides $1,007,597,000 for the Farm Service Agency instead of $1,060,471,000 as proposed by the House and $1,004,032,000 as proposed by the Senate. The conferees direct that of this amount $854,000 shall be for additional salaries and expenses to carry out disaster assistance related activities.

STATE MEDIATION GRANTS

The conference agreement provides $4,000,000 for State Mediation Grants, as proposed by the House and Senate.

DAIRY INDEMNITY PROGRAM

The conference agreement provides $100,000 for the Dairy Indemnity Program, as proposed by the House and Senate.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

The following table reflects the conference agreement:

Farm Ownership Loans:	
Direct	($210,000,000)
Subsidy	11,235,000
Guaranteed	(1,400,000,000)
Subsidy	7,420,000
Farm Operating Loans:	
Direct	(650,000,000)
Subsidy	65,585,000
Unsubsidized Guaranteed	(1,100,000,000)
Subsidy	35,530,000
Subsidized guaranteed	(285,000,000)
Subsidy	37,934,000
Indian tribe land acquisition	(2,000,000)
Subsidy	$105,000
Boll weevil eradication	(100,000,000)
Subsidy	0
ACIF expenses:	
Salaries and expenses (transfer to FSA)	293,764,000
Administrative expenses	8,000,000

Risk Management Agency

The conference agreement provides $72,044,000 for the Risk Management Agency as proposed by the House and the Senate.

Federal Crop Insurance Corporation Fund

The conference agreement provides an appropriation of such sums as may be necessary for the Federal Crop Insurance Corporation Fund (estimated to be $4,095,128,000 in the President's fiscal year 2005 Budget Request), as proposed by the House and Senate.

Commodity Credit Corporation Fund

REIMBURSEMENT FOR NET REALIZED LOSSES

The conference agreement provides an appropriation of such sums as may be necessary for Reimbursement for Net Realized Losses of the Commodity Credit Corporation (estimated to be $16,452,377,000 in the President's fiscal year 2005 Budget Request), as proposed by the House and Senate.

Hazardous Waste Management

The conference agreement provides a limitation of $5,000,000 for Hazardous Waste Management, as proposed by the House and Senate.

TITLE II—CONSERVATION PROGRAMS

Office of the Under Secretary for Natural Resources and Environment

The conference agreement provides $741,000 for the Office of the Under Secretary for Natural Resources and Environment instead of $731,000 as proposed by the House and $758,000 as proposed by the Senate.

The conferees direct the Natural Resources Conservation Service (NRCS) to provide the Committees on Appropriations a report no later than 90 days after enactment of this Act detailing the steps necessary and the funds required to complete the Kagman watershed project in the Northern Mariana Islands.

The conference agreement directs the NRCS to provide funding from within the Mississippi Wetland Reserve Program allocation to restore catfish ponds to functioning wetlands in order to reduce flooding, improve water quality, and provide habitat for aquatic wildlife.

Natural Resources Conservation Service

CONSERVATION OPERATIONS

The conference agreement includes $837,360,000 for Conservation Operations, instead of $854,132,000 as proposed by the House and $845,863,000 as proposed by the Senate. The agreement includes statutory language to make the funds in this account available until June 30, 2006, instead of the funds remaining available until expended, as proposed by the Senate.

The Committee provides $23,500,000 for the Grazing Lands Conservation Initiative, $10,500,000 for snow surveys, $14,433,000 for Plant Materials Centers, and $87,196,000 for the Soil Surveys Program.

Misuse of discretionary funds.—The conferees are concerned about the misuse of discretionary conservation technical assistance funds. The fiscal year 2004 instructions to State Conservationists from the Chief of NRCS, state, "Your fiscal and performance responsibilities include . . . Assuring that all planning that occurs before the approval of an application for Farm Bill conservation programs is charged to Conservation Technical Assistance (CTA), but charge the planning that occurs after the application has been approved (contract planning) to the benefiting program . . .". This instruction is in clear violation of provisions of Public Law 108–199, which are restated in this Act, directing that none of the funds made available to NRCS may be used to provide technical assistance "with respect to programs listed in section 1241(a) of the Food Security Act of 1985." The Office of the General Counsel has opined that the language is clear in its prohibition of the use of discretionary CTA funds for Farm Bill conservation programs. The NRCS is directed to provide the Committees on Appropriations with a detailed accounting of all CTA funds that were used for Farm Bill conservation programs at any point in fiscal years 2003 and 2004, including the amounts and dates of any charges made to CTA during the planning process before application approval, by January 15, 2005.

State funding allocations.—The conferees are concerned that funding allocations to the States are being reduced in proportion to Congressional earmarks funded in the Conservation Operations account. The conferees direct the Chief of the NRCS, in making the fiscal year 2005 Conservation Operations funding allocations to the States, to treat Congressional earmarks as additions to the States' funding allocation. The conferees direct the NRCS to provide a report to the Committees on Appropriations, not later than 45 days after the enactment of this Act, including the following: fiscal year 2004 Conservation Operations Allocation by State, fiscal year 2005 Conservation Operations Allocation by State, the fiscal year 2005 Congressional Earmarks by State, and the Total Conservation Operations Allocation by State.

Projects identified with a specific dollar amount in House Report 108–401 that were directed to be funded by the conferees for fiscal year 2004 or identified with a specific dollar amount in House Report 108–584 or Senate Report 108–340 are not funded for fiscal year 2005, unless specifically mentioned herein.

The conferees direct NRCS to obligate the funds for the projects named within this account within 45 days of enactment, and to provide a report within 60 days of enactment to the Committees on Appropriations regarding those obligations, and specifically noting any projects for which funding has been delayed beyond 45 days and the reason for the delay.

The following funds are directed to be used in cooperative agreements continued with the same cooperator entities as in the fiscal year 2004 agreements, unless otherwise noted.

Cooperative agreement between the Alabama Department of Conservation and Natural Resources and the Alabama Wildlife Federation for conservation education in Millbrook, Alabama—$450,000; Obtain/evaluate materials for cold region seeds of plants in conjunction w/ Alaska Division of Agriculture (AK)—$315,000; Native Plant Materials (evaluating and developing) (AK)—$315,000; GIS-based mapping/hyperspectral imaging of agriculture lands (AK)—$400,000; NRI pilot development (AK)—$1,200,000; Cooperative agreement w/ Soil and Water Conservation District (AK)—$1,500,000; National Water Management Center (AR)—$2,612,500; Little Red River Irrigation Project (AR)—$399,000; Study to determine logistics of transportation/coordination of excess nutrient management (AR)—$225,000; East Valley Conservation District/Santa Ana Watershed Authority Non-native Plant Removal (CA)—$1,000,000; Monterey Bay Sanctuary (CA)—$600,000; Cooperative agreement with the Municipal Water District of Orange County, California—$100,000; Cooperative agreement w/ Tufts University to improve conservation practices (CT)—$480,000; Pilot projects for technology systems resulting in nutrient reduction (FL)—$5,500,000; Manatee Agriculture Reuse System (FL)—$2,000,000; Lake Okeechobee Watershed project planning (FL)—$310,000; Suwannee, Dixie, and Lafayette Counties dairy and poultry waste treatment (FL)—$280,000; Cooperative agreement w/Green Institute (FL)— $340,000; Implementation of pilot projects for nutrient reducing waste treatment systems (FL)—$720,000; Georgia Soil and Water Conservation Commission Cooperative Agreement (GA)—$3,600,000; Community nutrient management facilities (GA)—$350,000; PMC for Native Plants to clean up the Island of Kahoolawe (HI)—$108,000; Molokai Agriculture Community Committee (HI)—$250,000; Agricultural development/resource conservation—Molokai (HI)—$740,000; Idaho One Plan (ID)—$200,000; Conversion to sprinkler irrigation—Minidoka (ID)—$950,000; Basalt and ground water protection project (ID)—$275,000; Ecological site description project w/ ID Association of Conservation Districts (ID)—$300,000; Trees Forever Program (IL)—

$100,000; Iroquois River watershed (IL)—$468,000; Illinois River Agricultural Conservation Project w/ Ducks Unlimited (IL)—$244,000; Wildlife habitat education program in conjunction w/National Wild Turkey Federation (IL)—$244,000; Cooperative agreement with Kane County, Illinois, for Blackberry Creek watershed (IL)—$360,000; Illinois River Basin—EQIP; Hungry Canyon/Loess Hills Erosion Control/Western Iowa (IA)—$1,200,000; Trees Forever Program (IA)—$100,000; CEMSA w/ Iowa Soybean Association (IA)—$431,500; Cooperative agreement w/ Northern Iowa University (IA)—$450,000; Innovative environmental technology program (IN)—$650,000; Soil erosion control cost-share program/soil survey program (KY)—$2,800,000; Technical assistance to provide grants to Soil Conservation Districts in Kentucky (KY)—$940,000; Cooperative agreement w/ Western Kentucky University (KY)—$400,000; Dairy waste remediation-Lake Ponchartrain Basin (LA)—$295,000; Cooperative agreement w/ LSU on effectiveness of agriculture and forestry (LA)—$336,500; False River sedimentation/Bayou Grosse (LA)—$150,000; Chesapeake Bay activities (MD)—$6,000,000; Conservation related to cranberry production (MA/WI)—$570,000; Weed It Now—Taconic Mountains (MA/NY/CT)—$200,000; Great Lakes pilot program for conservation (MI)—$575,000; Mississippi Conservation Initiative (MS)—$2,500,000; Delta Water Resources Study (MS) $700,000; Delta Conservation Demonstration Center, Washington County (MS) $1,400,000; Soil erosion/Alcorn State (MS)—$175,000; Cattle and nutrient management in stream crossings (MS)—$900,000; Choctaw County feasibility study for surface impoundment (MS)—$230,000; Wildlife Management Institute (MS)—$5,813,000; Humphrey's County Hospital flood protection (MS)—$125,000; Drainage improvements/Hinds County (MS)—$250,000; Drainage improvements, Port Gibson, (MS)—$397,000; Rankin County-Richland Creek Watershed (MS)—$250,000; Rankin County erosion control project, Mill Creek (MS)—$225,000; Upper White River Water Quality Project in southern Missouri (MO)—$391,500; Lake Tahoe Basin Soil Conservation Project (NV/CA)—$500,000; Great Basin Land and Water study (NV)—$300,000; State conservation cost share program (NJ)—$950,000; Riparian restoration activities along Rio Grande and Pecos River (NM)—$540,000; Pastureland Management/Rotational Grazing (NY)—$600,000; Best management practices/Skaneateles and Owasco Watersheds (NY)—$325,000; Address non-point pollution in Onondaga and Oneida Lake Watersheds (NY)—$500,000; Phase II/Watershed Agriculture Council in Walton (NY)—$700,000 of which $80,000 is for monitoring the easements purchased by the Council's Whole Farm Easement Program; Pace University Land Use Law Center (NY)—$200,000; technical assistance to address water quality problems in Sodus Bay watershed, Wayne County (NY)—$250,000; New York State Agriculture and Environment Management Program (NY)—$800,000; Long Island Sound watershed initiative (NY)—$200,000; Erosion control/stabilization for Hudson River shoreline (NY)—$250,000; Technical assistance to livestock/poultry industry (NC)—$450,000; West Cary Watershed and Farmland Protection Project (NC)—$300,000; Red River Flood Prevention/Energy and Environmental Research Center (ND)—$1,000,000; North Central Planning Council water utilization/Devil's Lake (ND)—$350,000; Maumee Watershed Hydrological Study and Flood Mitigation Plan (OH)—$1,000,000; Oregon Garden, Silverton (OR)—$325,000; Native grassland demo project in the vicinity of Tar Creek (OK)—$2,350,000; Pawcatuck Watershed (RI)—$500,000; Study to characterize land use change while preserving natural resources in cooperation with Clemson University (SC)—$1,200,000; GIS based Model to integrate commodity and conservation (SC)—$900,000; Bexar, Medina, Uvalde Counties irrigation in Edwards Aquifer (TX)—$500,000; Field office telecommunications pilot program/advanced soil survey methods (TX)—$2,400,000; Leon River Restoration project (TX)—$100,000; Range vegetation pilot project, Ft. Hood (TX)—$500,000; a cooperative agreement with the Texas Water Resources Institute to implement a watershed protection plan for Tarrant County (TX)—$500,000; AFO/CAFO Pilot Project (UT)—$300,000; Dry Creek/Neff's Grove project (UT)—$1,050,000; Study to examine effects of vegetative manipulation on water yields w/ Utah State (UT)—$625,000; Washington Fields (UT)—$1,125,000; Utah Conservation Initiative (UT)—$1,000,000; Reduce phosphorus loading into Lake Champlain (VT)—$295,000; Pilot farm viability program project (VT) $233,500; Walla Walla watershed alliance (WA)—$500,000; Design/implement natural stream restoration initiatives (WV)—$785,000; Soil survey geographic database in the Mid-Atlantic Highlands (WV)—$190,000; Poultry Litter Composting (WV)—$160,000; Potomac and Ohio River Basin Soil Nutrient Project (WV)—$300,000; Appalachian Small Farmer Outreach Program (WV)—$860,000; GIS Center of Excellence at West Virginia University (WV)—$4,418,500; Grazing Lands Initiative/Wisconsin Department of Ag (WI)—$950,000; Examine benefits of using vegetative buffers w/ Univ. of Wisconsin—Madison (WI)—$550,000; Conservation land internship program (WI)—$114,000; Wisconsin Tribal Conservation Advisory Committee cooperative agreement (WI)—$287,500; Cooperative agreement w/ Sand County Foundation (WI)—$1,050,000; University of Wisconsin cooperative agreement on conservation tech transfer (WI)—$300,000; Cooperative agreement with Pioneer Farm (WI)—$300,000; Soil survey mapping project (WY)—$300,000; Audubon at Home Pilot Program—$500,000; Great Lakes Basin Program for Soil & Erosion Sediment—$2,500,000; On-Farm Management Systems Evaluation Network—$200,000; Watershed management demo program/NPPC—$548,000; National Fish and Wildlife Foundation Partnerships—$3,000,000; Source water protection project to States showing greatest need—$3,250,000; and Operation Oak Program to restore hardwoods—$350,000.

The conferees provide $900,000 for the continued development of a geographic information system database in South Carolina to integrate commodity and conservation program data at the field level for watershed analysis and other purposes as the agency deems appropriate. The conferees encourage the agency to consider the designation of the University of South Carolina Earth Sciences Resources Institute as an Information Technology Center of Excellence.

The conferees recognize that the High Plains Aquifer, with the Ogallala Aquifer as its most important component, lies beneath eight States and is the primary source of water for all reported uses in western Kansas. The conferees are aware that the aquifer is depleting at alarming rates and absent conservation efforts could be dry within two decades. The conferees urge the agency to give consideration to the use of ground and surface water funding for projects in Kansas that will conserve this aquifer.

The conferees support the preservation of the last tallgrass prairie in North America, most of which is located in the Flint Hills region of Kansas. The conferees recognize that the tallgrass prairie provides rich ranching lands, open spaces, and habitat for a diverse assemblage of plants and animals. The conferees urge the agency to give consideration to the use of all appropriate funding sources for projects in Kansas that will preserve and protect this unique area.

Edwards Aquifer.—The conferees encourage the Agency to provide technical and financial assistance to the Edwards Aquifer Authority, San Antonio Water Systems, and other local entities, regarding plugging of wells to address pollution concerns.

The conferees appreciate previous efforts by NRCS to conserve sage grouse habitat in the western United States. The conferees encourage the agency to use no less than $5,000,000 in fiscal year 2005 to enhance its efforts on sage grouse habitat conservation. Additionally, NRCS should consider using such funds on public land grazing leases in addition to private lands.

Plant Materials Centers.—The conference agreement provides funding to complete construction of the Fallon, Nevada, Plant Materials Center, $1,500,000, and of the storage facility at the Alaska Plant Materials Center, $1,350,000. The conference agreement provides funding for the Kika de la Garza Plant Materials Center at no less than the fiscal year 2004 level, to continue the work conducted at the Center.

WATERSHED SURVEYS AND PLANNING

The conference agreement provides $7,083,000 for Watershed Surveys and Planning instead of $11,083,000 as proposed by the House and $7,500,000 as proposed by the Senate.

The conferees are concerned that additional watershed surveys and planning work is being initiated at a time when ongoing planning is not being completed in a timely manner, and the backlog for watershed project implementation and construction continues to mount. The conferees direct the Chief of NRCS to evaluate and rank planning efforts in order to fund and complete the most promising projects based upon merit, and notify the Committees on Appropriations of the selected watershed projects.

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement provides $75,576,000 for Watershed and Flood Prevention Operations instead of $86,487,000 as proposed by the House and $64,000,000 as proposed by the Senate.

The conferees include bill language which limits the amount spent on technical assistance to not more than $35,000,000.

The conferees include funding to complete the next phase of projects listed in the House and Senate reports.

WATERSHED REHABILITATION PROGRAM

The conference agreement provides $27,500,000 for the Watershed Rehabilitation Program instead of $30,091,000 as proposed by the House and $25,000,000 as proposed by the Senate.

The conferees direct that funding under this program be provided for rehabilitation of structures determined to be of high priority need in order to protect property and ensure public safety.

RESOURCE CONSERVATION AND DEVELOPMENT

The conference agreement provides $51,641,000 for Resource Conservation and Development as proposed by the House instead of $50,760,000 as proposed by the Senate.

The conferees include bill language as proposed by the House that directs the Secretary to enter into an agreement with a national association related to the Resource

Conservation and Development program, and directs that such an agreement must maintain the same matching, contribution requirements and funding set forth in previous agreements.

The conferees also include bill language that limits funding for national headquarters activities as proposed by the House.

TITLE III—RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

The conference agreement provides $632,000 for the Office of the Under Secretary for Rural Development as proposed by the House instead of $645,000 as proposed by the Senate.

The conferees direct the Under Secretary to give consideration to the following projects or organizations requesting financial and/or technical assistance, and grants and/or loans made available under the Rural Development mission area: Las Lomas Colonia, Starr County (TX), park and youth center; City of Benevides (TX), infrastructure for town park; City of Penitas (TX), development of wildlife park; City of Rio Grande City (TX), improvements for neighborhood pocket park; water and waste disposal loans for Pojoaque Pueblo (NM); and Union-Lincoln Regional Water Supply Initiative (LA), for alternative water supply program.

The conferees expect the Under Secretary to approve these projects only when such applications are judged to be meritorious when subject to established review procedures.

The conference agreement includes a general provision (Section 793) that provides $2,250,000 to assist in the establishment of pilot cooperative healthcare purchasing alliances for farmers, ranchers, small businesses and non-profit organizations in Wisconsin and Minnesota. The conferees expect the Department to provide the grant within 60 days of enactment of this Act to the Wisconsin Federation of Cooperatives, of which $2,000,000 is for the establishment of a stop loss fund and of which $250,000 is for administrative expenses, including actuarial studies.

RURAL COMMUNITY ADVANCEMENT PROGRAM

The conference agreement provides $716,049,000 for the Rural Community Advancement Program (RCAP) instead of $668,408,000 as proposed by the House and $733,360,000 as proposed by the Senate. The conference agreement provides $89,180,000 for rural community programs; $552,689,000 for rural utilities programs, of which $1,000,000 is for grants to nonprofit organizations to finance construction, refurbishing, and servicing of individually-owned household water well systems in rural areas, and of which $500,000 is for revolving funds for financing water and wastewater projects; and $74,180,000 is for rural business and cooperative development programs.

The conference agreement provides $25,000,000 for loans and grants to benefit Federally Recognized Native American Tribes.

The conference agreement provides $4,500,000 for community facilities grants to tribal colleges.

The conference agreement provides $6,350,000 for the Rural Community Development Initiative.

The conference agreement provides $1,000,000 for grants to the Delta Regional Authority for any Rural Community Advancement Program purpose.

The conference agreement provides $18,250,000 for technical assistance grants for rural water and waste systems.

The conference agreement provides $5,600,000 for the Rural Community Assistance Programs, of which $800,000 shall be for a qualified national Native American Organization to provide technical assistance for rural water systems for tribal communities.

The conference agreement provides $13,500,000 for a circuit rider program.

The conference agreement provides $26,000,000 for rural and Native villages in Alaska.

The conference agreement provides $21,000,000 for facilities in rural communities with extreme unemployment and severe economic depression.

The conference agreement provides $28,000,000 to be transferred to the Rural Utilities Service, High Energy Cost Grants Account.

The conference agreement does not include $200,000 for predevelopment planning grants from the Rural Community Development Initiative.

The conferees expect the Department to continue Rural Community Advancement Program predevelopment planning grants.

The conferees encourage the Department to provide a rural business enterprise grant for the Tioga County Rural Economic Area Partnership Zone to coordinate and facilitate local community development projects in Tioga County, New York.

The following table indicates the distribution of funding for the RCAP:

Community Facilities	$89,180,000
Business-Cooperative Development	74,180,000
Water and Waste	552,689,000
Total	716,049,000
Directed spending:	
Federally Recognized Native American Tribes	25,000,000
Rural Community Development Initiative	6,350,000
Technical Assistance for Rural Transportation	750,000
Delta Regional Authority	1,000,000
Colonias	25,000,000
Alaska Villages	26,000,000
Technical Assistance	18,250,000
Circuit Rider	13,500,000
EZ/EC and REAP	22,166,000
Economic Impact Initiative Grants	21,000,000
High Energy Cost Grants	28,000,000
RCAP	5,600,000
Nonprofit individually-owned water well grants	1,000,000
Water and Wastewater Revolving Funds	500,000
Tribal Colleges	4,500,000

RURAL DEVELOPMENT SALARIES AND EXPENSES

The conference agreement provides $148,452,000 for Rural Development Salaries and Expenses instead of $171,250,000 as proposed by the House and $143,452,000 as proposed by the Senate.

The conferees provide an increase of $5,000,000 within the Rural Development Salaries and Expenses account to be used to complete the consolidation of St. Louis Rural Development activities at the Goodfellow facility. The conferees further request the Department to provide the Committees on Appropriations a report on the status of the consolidation within 60 days after enactment of this Act.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

The conference agreement provides a total subsidy of $228,256,000 for activities under the Rural Housing Insurance Fund Program Account instead of $230,030,000 as proposed by the House and $228,847,000 as proposed by the Senate.

The conference agreement provides for an estimated loan program level of $4,720,843,000 instead of $4,686,906,000 as proposed by the House and $4,157,691,000 as proposed by the Senate.

The conference agreement provides for a transfer of $448,342,000 to salaries and expenses as proposed by the Senate instead of $448,889,000 as proposed by the House.

The conference agreement includes a provision authorizing housing funds initially allocated to Alaska to be available until September 30, 2006.

The conference agreement does not include bill language restricting the section 515 rental housing program to repair and rehabilitation.

The conferees include a general provision (Section 726) to increase the guarantee fee for the guaranteed single-family housing loan program to two percent. The conferees are concerned that in fiscal years 2003 and 2004, the Rural Housing Service needed to exercise the Secretary's interchange authority to transfer additional budget authority to avoid shutting down the guaranteed loan program. The fiscal year 2005 President's budget request included only a small increase in loan level above the appropriated fiscal year 2004 level. Raising the guarantee fee to two percent will allow this guarantee loan program to more effectively use its budget authority.

The following table indicates loan and subsidy levels provided in the conference agreement:

Rural Housing Insurance Fund Program Account

Loan authorizations:	
Single family (sec. 502)	($1,150,000,000)
Unsubsidized guaranteed	(3,309,297,000)
Housing repair (sec. 504)	(35,000,000)
Rental housing (sec. 515)	(100,000,000)
Site loans (sec. 524)	(5,045,000)
Multi-family housing guarantees	(100,000,000)
Multi-family housing credit sales	(1,501,000)
Single family housing credit sales	(10,000,000)
Self help housing land development	(10,000,000)
Total, Loan authorizations	(4,720,843,000)
Loan subsidies:	
Single family (sec. 502)	133,170,000
Unsubsidized guaranteed	33,608,000
Housing repair (sec. 504)	10,171,000
Rental housing (sec. 515)	47,090,000
Site loans (sec. 524)	–
Multi-family housing guarantees	3,490,000
Multi-family housing credit sales	727,000
Single family housing credit sales	–
Self help housing land development	–
Total, Loan subsidies	228,256,000
RHIF administration expenses (transfer to RD)	448,342,000

RENTAL ASSISTANCE PROGRAM

The conference agreement provides $592,000,000 for the Rental Assistance Program as proposed by the House instead of $585,900,000 as proposed by the Senate.

MUTUAL AND SELF-HELP HOUSING GRANTS

The conference agreement provides $34,000,000 for Mutual and Self-Help Housing Grants as proposed by the House and Senate.

RURAL HOUSING ASSISTANCE GRANTS

The conference agreement provides $43,992,000 for Rural Housing Assistance Grants instead of $42,500,000 as proposed by the House and $46,992,000 as proposed by the Senate.

The conferees provide $3,000,000 for the preservation of the section 515 multi-family housing portfolio. The conferees encourage the Secretary to issue a Notice of Funding Availability within 90 days of enactment of this Act. The Secretary should give funding priority to entities with equal or greater matching funds, including housing tax credits for rural housing assistance. Additional priority should be provided to entities with experience in the administration of revolving loan funds and the preservation of multifamily housing.

The conference agreement provides $1,800,000 for Empowerment Zones and Enterprise Communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

The conference agreement provides $34,118,000 for the Farm Labor Program Account instead of $36,765,000 as proposed by the House and $31,471,000 as proposed by the Senate.

The conference agreement provides $38,500,000 for an estimated loan program level, $18,118,000 for loan subsidies, and $16,000,000 for grants.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

The conference agreement provides an estimated loan program level of $34,213,000 with a subsidy of $15,868,000 for the Rural Development Loan Fund as proposed by the House and Senate.

The conference agreement provides for a transfer of $4,316,000 to the Rural Development salaries and expenses account as proposed by the Senate instead of $4,321,000 as proposed by the House.

The conference agreement includes $3,449,000 for Mississippi Delta Region counties, of which up to $1,500,000 is for the Delta Regional Authority.

RURAL ECONOMIC DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

The conference agreement provides an estimated loan program level of $25,003,000 for the Rural Economic Development Loan Fund Program Account with a subsidy of $4,698,000 as proposed by the House and Senate to remain available until expended.

RURAL COOPERATIVE DEVELOPMENT GRANTS

The conference agreement provides $24,000,000 for Rural Cooperative Development Grants as proposed by the Senate instead of $23,500,000 as proposed by the House.

The conference agreement provides $15,500,000 for value-added agricultural product market development grants.

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

The conference agreement provides $12,500,000 for Rural Empowerment Zones and Enterprise Communities Grants as proposed by the Senate instead of $11,419,000 as proposed by the House.

The conference agreement includes bill language providing that $1,000,000 shall be for third round empowerment zones.

RENEWABLE ENERGY PROGRAM

The conference agreement provides $23,000,000 for the Renewable Energy Program as proposed by the House instead of $20,000,000 as proposed by the Senate.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

The conference agreement provides a total subsidy of $5,158,000 for activities under the Rural Electrification and Telecommunications Loans Program Account. The conference agreement provides for an estimated loan program level of $4,840,000,000 as proposed by the House and Senate.

The conference agreement provides for a transfer of $38,277,000 to the Rural Development salaries and expenses account as proposed by the Senate instead of $38,323,000 as proposed by the House.

The conferees are concerned by the Department's reprogramming of the Rural Electrification and Telecommunications Loan Program in fiscal year 2004. The program levels are estimates, not limitations, and the affected direct loan program levels had negative subsidy rates in fiscal year 2004. If the program levels with negative subsidy rates in this account are insufficient to meet the expected demand, the program level should be increased with no offset to another program level. The Committees on Appropriations continue to require notification of any reprogramming and expect that all loan level reprogramming be consistent with this paragraph.

The following table indicates loan and subsidy levels provided in the conference agreement:

Rural Electrification and Telecommunications Loans Program Account

Loan authorizations:	
Electric:	
Direct, 5 percent	($120,000,000)
Direct, Muni	(100,000,000)
Direct, FFB	(2,000,000,000)
Direct, Treasury rate	(1,000,000,000)
Guaranteed	(100,000,000)
Guaranteed underwriting	(1,000,000,000)
Subtotal	(4,320,000,000)
Telecommunications:	
Direct, 5 percent	(145,000,000)
Direct, Treasury rate	(250,000,000)
Direct, FFB	(125,000,000)
Subtotal	(520,000,000)
Total, loan authorizations	(4,840,000,000)
Loan subsidies:	
Electric:	
Direct, 5 percent	3,648,000
Direct, Muni	1,350,000
Guaranteed	60,000
Subtotal	5,058,000
Telecommunications: Direct, Treasury rate	100,000
Total, loan subsidies	5,158,000
RETLP administrative expenses (transfer to RD)	38,277,000

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The conference agreement provides an estimated loan program level of $175,000,000 for the Rural Telephone Bank Program Account as proposed by the House and Senate.

The conference agreement provides for a transfer of $3,152,000 to the Rural Development salaries and expenses account as proposed by the House and the Senate.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

The conference agreement provides $56,425,000 for the Distance Learning, Telemedicine, and Broadband Program instead of $44,594,000 as proposed by the House and $60,064,000 as proposed by the Senate.

The conference agreement provides for an estimated loan program level of $50,000,000 for distance learning and telemedicine and $550,000,000 for broadband telecommunications.

The conference agreement includes $35,000,000 for distance learning and telemedicine grants, of which $10,000,000 is for public broadcasting system grants. The conference agreement also includes $710,000 for the distance learning and telemedicine loan subsidy.

The conference agreement includes $11,715,000 for broadband telecommunications loan subsidy, and $9,000,000 for grants.

TITLE IV—DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

The conference agreement provides $595,000 for the Office of the Under Secretary for Food, Nutrition and Consumer Services, as proposed by the House, instead of $608,000 as proposed by the Senate.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

The conference agreement provides $11,782,000,000 for Child Nutrition Programs, instead of $11,380,557,000, as proposed by both the House and Senate. Included in the total is an appropriated amount of $6,629,038,000 and a transfer from section 32 of $5,152,962,000.

The conference agreement includes a provision prohibiting use of funds for studies and evaluations.

The conference agreement provides the following for Child Nutrition programs:

Total Obligational Authority

Child Nutrition Programs:	
School lunch program	$6,794,930,000
School breakfast program	1,925,044,000
Child and adult care food program	2,058,976,000
Summer food service program	282,787,000
Special milk program	17,210,000
State administrative expenses	144,878,000
Commodity procurement and computer support	541,858,000
School meals initiative/ Team nutrition	10,025,000
Food safety education	1,000,000
Coordinated review effort	5,235,000
Program pay cost	57,000
Total	11,782,000,000

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

The conference agreement provides $5,277,250,000 for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), instead of $4,907,250,000 as proposed by the House, and $5,175,250,000 as proposed by the Senate.

The conference agreement provides an increase of $190,000,000 above the budget amendment that was submitted July 14, 2004. Within the total provided, the conferees redirect $37,250,000 from requested initiatives to meet current and anticipated increases in program participation.

The conference agreement includes $125,000,000 for a contingency reserve fund, to be allocated as the Secretary deems necessary, as proposed by the Senate. The conference agreement does not include statutory language designating the amount as an emergency requirement.

The conference agreement does not include bill language that sets aside $5,000,000 for childhood obesity and $20,000,000 for State management information systems.

FOOD STAMP PROGRAM

The conference agreement provides $35,154,554,000 for the Food Stamp Program, instead of $33,635,798,000 as proposed by the House and $33,641,798,000 as proposed by the Senate. Included in this amount is a reserve of $3,000,000,000, to remain available until September 30, 2006.

In addition to the $3,000,000,000 in the reserve, the conference agreement includes $30,499,527,000 for program expenses, $1,515,027,000 for grants to Puerto Rico and Samoa, and $140,000,000 for commodity purchase for The Emergency Food Assistance Program.

The conference agreement includes a provision allowing for purchase of bison meat, in an amount not to exceed $4,000,000, for the Food Distribution Program on Indian Reservations (FDPIR).

COMMODITY ASSISTANCE PROGRAM

The conference agreement provides $178,797,000 for the Commodity Assistance Program as proposed by the House, instead of $172,081,000, as proposed by the Senate.

Within that amount, the conference agreement provides $107,716,000 for the Commodity Supplemental Food Program, as proposed by the House.

The conference agreement includes a provision allowing the Secretary to determine what form of special assistance would go towards supporting the nuclear affected islands in this account.

The conferees provide $50,000,000 for administration—processing, storage, transport, and distribution—of The Emergency Food Assistance Program (TEFAP). The conference agreement includes a general provision (Section 739) that provides the Secretary with authority to transfer up to $10,000,000 from TEFAP commodity purchases to administration.

NUTRITION PROGRAMS ADMINISTRATION

The conference agreement provides $139,937,000 for Nutrition Programs Administration, instead of $133,742,000 as proposed by the House, and $142,592,000 as proposed by the Senate. The conference agreement does not include funding for the requested initiatives as proposed by the Senate.

The conference agreement does not include language regarding WIC-only stores, as proposed by the House.

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

The conference agreement provides $137,822,000 for the Foreign Agricultural Service, Salaries and Expenses instead of $137,722,000 as proposed by the House and $139,162,000 as proposed by the Senate.

The conference agreement includes the following increases: $1,759,000 for ICASS; $1,565,000 to offset the increased costs in overseas currency rates; $490,000 for overseas telecommunications; $516,000 for capital surcharge; and $600,000 for technical assistance for the promotion of specialty crop exports.

PUBLIC LAW 480 TITLE I AND TITLE II PROGRAM AND GRANT ACCOUNTS

The conference agreement provides $94,198,000 for Title I loan subsidies for a loan level of $109,000,000 as proposed by the Senate instead of $86,420,000 for Title I loan subsidies and a loan level of $100,000,000 as proposed by the House.

The conference agreement includes bill language providing that the Secretary of Agriculture may implement a commodity monetization program under existing provisions of the Food for Progress Act of 1985 to provide no less than $5,000,000 in local-currency funding support for rural electrification overseas as proposed by the House.

The conference agreement provides $22,723,000 for Ocean Freight Differential Grants as proposed by the House and the Senate.

The conference agreement provides $1,182,501,000 for Public Law 480 Title II Grants instead of $1,180,002,000 as proposed by the House and $1,185,000,000 as proposed by the Senate.

The following table reflects the conference agreement for Public Law 480 program accounts:

Public Law 480

Title 1—Program account:	
Loan authorization, direct	($109,000,000)
Loan subsidies	94,198,000
Ocean freight differential	22,723,000
Title II—Commodities for disposition abroad:	
Program level	(1,182,501,000)
Appropriation	1,182,501,000
Salaries and expenses:	
Foreign Agricultural Service (transfer)	1,097,000
Farm Service Agency (transfer)	2,937,000

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

The conference agreement provides $4,423,000 for the Commodity Credit Corporation Export Loans Program Account as proposed by the Senate instead of $4,473,000 as proposed by the House.

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

The conference agreement provides $87,500,000 for McGovern-Dole International Food for Education and Child Nutrition Program Grants instead of $75,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides total appropriations, including Prescription Drug User Fee Act, Medical Device User Fee Act, and Animal Drug User Fee Act collections, of $1,788,478,000 for the salaries and expenses of the Food and Drug Administration, instead of $1,788,849,000, as proposed by the House and $1,791,599,000 as proposed by the Senate, and provides specific amounts by FDA activity as reflected in the following table.

FOOD AND DRUG ADMINISTRATION, SALARIES AND EXPENSES

[In thousands of dollars]

Program	Budget authority	Prescription drug user fees	Medical device user fees	Animal drug user fees	Total
Foods	439,038				439,038
Human Drugs	293,839	204,808			498,647
Biologics	124,104	40,441	8,169		172,714
Animal Drugs and Feeds	91,216			7,748	98,964
Medical Devices	216,699		18,379		235,078
National Center for Toxicological Research	40,530				40,530
Other Activities	87,936	23,738	4,061	235	115,970
Rent and Rent-related Activities	54,036	3,000	686		57,722
Rental Payments to GSA	114,394	12,407	2,643	371	129,815
Total Recommendation	1,461,792	284,394	33,938	8,354	1,788,478

The conference agreement also makes mammography user fees and export certification user fees available to the agency.

Within the total funding for the Food and Drug Administration, the following increases above the fiscal year 2004 level are provided: $35,500,000 for activities related to food safety and food defense, as proposed by the Senate, instead of $43,367,000 as proposed by the House; $8,325,000 for activities related to BSE, as proposed by the House and Senate; $25,555,000 for medical device review, as proposed by the Senate, instead of $23,055,000 as proposed by the House; $5,000,000 for medical countermeasures to ensure preparedness in the event of war or catastrophic events, as proposed by the House and Senate; and $15,628,000 for relocation expenses related to the move of the Center for Drug Evaluation and Research offices to the consolidated White Oak campus, instead of $10,628,000 as proposed by the House and $20,628,000 as proposed by the Senate.

In addition, the conference agreement includes increases above the budget request for the following: $1,200,000 for Orphan Product Grants, instead of $1,800,000 as proposed by the House; $325,000 for the Office of Women's Health, as proposed by the House; $250,000 for the Food Technology Evaluation Laboratory at New Mexico State University, as proposed by the Senate; and $300,000 for additional activities relating to the vaccine for influenza.

The conferees note the intense public interest in two recent events related to prescription drug safety—the changes ordered in anti-depressant drug labels and the September 2004 withdrawal of a widely-prescribed painkiller. The conferees are aware that FDA has undertaken a number of steps in response to concerns raised about drug safety in the aftermath of those incidents, including commissioning a study by the Institute of Medicine (IOM) on how FDA handles drug safety issues. The conferees direct FDA to regularly advise the Committees about any changes that FDA anticipates regarding drug safety, and to provide the Committees with regular progress reports on the IOM review and with a copy of the IOM report as soon as it is completed.

The conferees find it necessary to remind the Food and Drug Administration that the Committees on Appropriations perform critical oversight functions for the agency. The ultimate expression of this oversight is the funding decisions for the agency and accompanying language in the statement of managers. The conferees expect that Members of Congress will be provided requested information from FDA so that the Committees can perform their oversight function. It is insupportable that in some cases FDA has given information about major policy matters to the press before providing the same information to Congress. The conferees expect FDA to be fully cooperative with all Congressional oversight activities.

The conferees direct that no less than $14,392,000 be available for grants and contracts awarded under Section 5 of the Orphan Drug Act.

The conferees appreciate receiving the detailed information provided in the Explanatory Notes prepared by the Department of Health and Human Services, Food and Drug Administration, and rely heavily on this information when considering budget proposals. These materials have traditionally been prepared for the sole use of the Committees on Appropriations in a format consistent with the organization and operation of the programs and the structure of the Appropriations Act. At the direction of the Office of Management and Budget, agencies have changed the format and content of these materials to focus on broader goals and objectives rather than the major program structure followed in the Act, and in the actual conduct of the programs. The new organization and content does not present budget information in a format useful to the deliberations of the Committees. For fiscal year 2006 and future years, the FDA is directed to present Explanatory Notes in a format consistent with the presentation used for the fiscal year 2002 Budget. Any deviations from that format are to be approved in advance by the Committees.

The conference agreement also includes savings related to administrative efficiencies, as proposed in the budget.

The conference agreement does not include language regarding collection of the fiscal year 2006 Prescription Drug User Fee Act fees as proposed by the House.

The conferees include a $300,000 increase for the Center for Biologics Evaluation and Research (CBER) and related field activities in the Office of Regulatory Affairs for flu vaccine-related activities. The conferees understand that CBER will be undertaking a number of additional activities in fiscal year 2005 to secure additional units of flu vaccine for the 2004-2005 flu season and to ensure an adequate supply of flu vaccine for the 2005-2006 flu season.

Relocation to White Oak Facility.—The conferees provide a $15,628,000 budget authority increase and expect that appropriated user fees will fully fund the additional amount needed for relocation costs to the White Oak, Maryland, facility.

National Center for Food Safety and Technology.—The conferees recognize the contributions which the National Center for Food Safety and Technology (NCFST) is making toward ensuring the security of the nation's food supply. The conferees direct that FDA continue to provide $3,000,000 to NCFST through the cooperative agreement. The $3,000,000 in funding shall be exclusive of any additional initiative funds that FDA may award to NCFST.

Human Drug Compounding.—The conferees do not include the language in the Senate report on human drug compounding. The conferees believe that drugs for human use compounded by pharmacists in response to a practitioner's prescription or order in conformity with state law should be prepared according to established guidelines on quality, purity, and strength, and preparation-specific monographs when they exist. The conferees also recognize, however, that the nature of compounding and the medical need it serves makes it impossible for all compounded medications to be prepared according to pre-existing monographs, and doing so would infringe on the professional obligation of a medical practitioner to prescribe the optimal medications for their patients.

There are existing state laws and official United States Pharmacopoeia (USP) pharmacy standards which necessitate good compounding practices. However, the conferees believe it is desirable to develop additional formal monographs to provide additional guidance and conformity for doctors, patients and pharmacists.

Presently, the USP, a national drug standard setting organization recognized by Congress, has developed a number of monographs for individual compounded preparations. The conferees believe that a private sector partnership of involved organizations with demonstrated expertise regarding pharmacist compounding of preparations for humans should be expeditiously established to help assure a significant expansion of USP monographs and other relevant guidelines.

The conferees believe that the FDA should assist in the establishment of the private sector partnership to commence the expansion of available monographs relevant to pharmacist compounding of drugs for humans. The conferees encourage the FDA to request adequate funding in the fiscal year 2006 budget request to support this effort at increasing the number of formal monographs.

Nothing in this statement regarding human drug compounding should be interpreted to change or impact in any way the existing state and federal regulatory roles regarding compounding.

Alpha-1 Antitrypsin Deficiency.—The conferees commend FDA for the progress made in bringing two additional plasma based therapies to market for the treatment of the progressive degenerative lung disease Alpha-1. Currently the only treatment for Alpha-1 is weekly infusions of plasma based augmentation therapy that is life sustaining and helps these individuals maintain lung function. Further, the Center for Biologics and Evaluation and Research (CBER) is recognized for meeting with consumer stakeholders in efforts to further the development of next generation therapies. The conferees encourage CBER to facilitate the development of novel and innovative therapies for the Alpha-1 community to treat the entire spectrum of individuals with Chronic Obstructive Pulmonary Disease.

Consolidation and Fees.—The conferees direct the Department of Health and Human Services (DHHS) to include all anticipated consolidations that impact FDA in the President's budget requests submitted to Congress. Further, the conferees direct that none of the funds made available to FDA in this Act be used for any assessments, fees, or charges by DHHS unless such assessments, fees, or charges are identified in the FDA budget justification and expressly provided by Congress, or approved by Congress in the official reprogramming process as required in the General Provisions of this Act.

Biotechnology.—The conferees understand that the FDA frequently receives requests from foreign governments for FDA regulators to visit foreign countries to educate regulators on the evaluation of the safety of biotechnology. Providing information on the soundness of the U.S. regulatory process will promote the understanding of the benefits of biotechnology to human health and the environment and improve the climate for acceptance of U.S. agricultural products abroad. The conferees encourage FDA to allocate adequate funding so that agency representatives may perform this service.

INDEPENDENT AGENCIES

Commodity Futures Trading Commission

The conference agreement provides $94,327,000 for the Commodity Futures Trading Commission, instead of $93,327,000 as proposed by the House and $95,327,000 as proposed by the Senate.

Farm Credit Administration

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement includes a limitation of $42,350,000 on administrative expenses of the Farm Credit Administration, instead of $42,900,000 as proposed by the House and $41,800,000 as proposed by the Senate.

TITLE VII—GENERAL PROVISIONS

Section 705. The conference agreement includes language that allows for unobligated balances to be transferred to the Working Capital Fund.

Section 710. The conference agreement limits indirect costs for grants awarded by the Cooperative State Research, Education, and Extension Service to 20 percent.

Section 714. The conference agreement includes language for funds to cover necessary expenses related to advisory committees.

Section 718. The conference agreement includes language regarding the transfer of funds to the Office of the Chief Information Officer and information technology funding obligations.

Section 719. The conference agreement includes language regarding the reprogramming of funds.

Section 720. The conference agreement includes language regarding the Initiative for Future Agriculture and Food Systems.

Section 725. The conference agreement includes language regarding the National Sheep Industry Improvement Center revolving fund.

Section 726. The conference agreement includes language regarding the guaranteed single-family housing loan program guarantee fee.

Section 727. The conference agreement includes language that provides that certain locations shall be considered eligible for certain rural development programs.

Section 728. The conference agreement directs the Secretary to make commodity tonnage available, to the extent practicable, to assist foreign countries to mitigate the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome.

Section 729. The conference agreement includes language regarding Natural Resources Conservation Service financial and technical assistance for certain projects in Illinois and Kentucky and sets limits for that funding.

Section 730. The conference agreement includes language regarding Natural Resources Conservation Service financial and technical assistance for certain projects in Arkansas, Alaska, Illinois, and Utah.

Section 736. The conference agreement allows unobligated balances within the Department of Agriculture to be used to reimburse the Office of the General Counsel for certain services provided.

Section 740. The conference agreement includes language regarding the Wetlands Reserve Program.

Section 741. The conference agreement includes language regarding the Environmental Quality Incentives Program.

Section 742. The conference agreement provides the Secretary of Agriculture with authority to authorize employees of the Department to carry and use firearms for personal protection while conducting field work in remote locations.

Section 743. The conference report includes language regarding the renewable energy program.

Section 744. The conference report includes language regarding the broadband telecommunications program.

Section 745. The conference agreement prohibits funds in excess of $20,000,000, to be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under the Bill Emerson Humanitarian Trust Act.

Section 746. The conference agreement includes language regarding the value-added market development program.

Section 748. The conference agreement includes language regarding Natural Resources Conservation Service financial and technical assistance to the Dry Creek project, Utah.

Section 749. The conference report includes language regarding the Conservation Security Program.

Section 750. The conference agreement includes language regarding the Wildlife Habitat Incentive Program.

Section 751. The conference report includes language regarding the Farmland Protection Program.

Section 752. The conference report includes assistance for certain tree losses.

Section 753. The conference agreement includes language regarding the Rural Business Investment Program.

Section 754. The conference agreement includes language regarding Public Law 105–264.

Section 755. The conference report includes language regarding the ground and surface water conservation program.

Section 756. The conference agreement includes language related to final rulemaking on APHIS cost-sharing.

Section 757. The conference agreement includes language related to competitive sourcing of rural development or farm loan programs.

Section 758. The conference agreement gives the Secretary of Agriculture the authority to enter into cooperative agreements to lease aircraft.

Section 759. The conference report includes $1,491,000 for the Northern Great Plains Regional Authority and stipulates that the Federal cost share is 100 percent.

Section 760. The conference agreement includes language regarding the Bioenergy Program.

Section 761. The conference agreement includes language regarding the Delta Regional Authority.

Section 762. The conference agreement includes language that rescinds certain unobligated balances.

Section 763. The conference agreement includes language regarding the use of discretionary funds for certain purposes.

Section 764. The conference agreement includes language that rescinds certain unobligated balances.

Section 765. The conference agreement includes a provision regarding eligibility for housing assistance in Alaska.

Section 766. The conference agreement includes language regarding certain conservation programs.

Section 767. The conference agreement provides $1,500,000 to the Denali Commission to address deficiencies in solid waste disposal sites.

Section 768. The conference agreement includes language that provides that certain locations shall be considered eligible for certain rural development programs.

Section 769. The conference agreement includes language regarding the Agricultural Trade Development and Assistance Act of 1954.

Section 770. The conference agreement includes a provision giving the Secretary of Agriculture the authority to allow Community Facility Program borrowers to enter into contracts with third parties for necessary services.

Section 771. The conference agreement includes language regarding the Emergency Watershed Protection Program.

Section 772. The conference agreement includes language regarding agriculture credits or credit guarantees.

Section 773. The conference agreement includes language regarding eligibility for the Conservation Reserve Program for land planted in hardwood trees, and previously enrolled in the program, to remain enrolled.

Section 774. The conference agreement includes language regarding the use of funds to restrict to prescription use certain contraceptives.

Section 775. The conference agreement includes language that rescinds certain unobligated balances.

Section 776. The conference agreement includes language regarding privacy protection of certain sellers of farm products.

Section 777. The conference agreement includes language regarding a 1994 institution.

Section 778. The conference agreement includes language that rescinds certain unobligated balances.

Section 779. The conference agreement includes language regarding the Dakota Value Capture Cooperative.

Section 780. The conference agreement includes language regarding new WIC-only stores.

Section 781. The conference agreement includes language that rescinds certain unobligated balances.

Section 782. The conference agreement includes language that rescinds certain unobligated balances.

Section 783. The conference agreement includes language allowing use of unobligated balances in certain accounts within the Rural Utilities Service for the purposes of section 315 of the Rural Electrification Act of 1936.

Section 784. The conference agreement includes language regarding the Wildlife Habitat Management Institute.

Section 785. The conference agreement includes language regarding Livestock Assistance eligibility.

Section 786. The conference agreement includes funding to carry out provisions of Section 751 of Public Law 108–7.

Section 787. The conference agreement includes funding for a private lands wildlife management program.

Section 788. The conference agreement includes certain technical corrections regarding the Child Nutrition Act.

Section 789. The conference agreement includes a technical correction regarding the Hurricane Disasters Assistance Act.

Section 790. The conference agreement includes funds for a certain grant.

Section 791. The conference agreement includes funds for a certain grant.

Section 792. The conference agreement includes language that rescinds certain unobligated balances.

Section 793. The conference agreement includes funds for a certain grant.

Section 794. The conference agreement includes language regarding EQIP participation.

Section 795. The conference agreement includes funds for a certain grant.

Section 796. The conference agreement includes language regarding Child and Adult Care Food Program audit funds.

Section 797. The conference agreement includes language regarding the Grassland Reserve Program.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2005 recommended by the Committee of Conference, with comparisons to the fiscal year 2004 amount, the 2005 budget estimates, and the House and Senate bills for 2005 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2004	$86,761,836
Budget estimates of new (obligational) authority, fiscal year 2005	83,586,539
House bill, fiscal year 2005	83,670,594
Senate bill, fiscal year 2005	84,053,760
Conference agreement, fiscal year 2005	86,190,567
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2004	−571,269
Budget estimates of new (obligational) authority, fiscal year 2005	+2,604,028
House bill, fiscal year 2005	+2,519,973
Senate bill, fiscal year 2005	+2,136,807

DIVISION B—DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conferees recommend a total of $124,100,000 for General Administration, Salaries and Expenses, instead of $97,856,000 as proposed by the House and $141,466,000 as proposed by the Senate.

The conference agreement includes the following program increases: $100,000 and 2 positions for the Office of Public Affairs; $6,592,000 and 30 positions for the Office of Intelligence Policy and Review; $200,000 for diversity programs; and $250,000 to enhance attorney recruitment and retention through the Student Loan Repayment Program.

In addition, the conferees strongly support the request for the Justice Unified Telecom Network, Public Key Infrastructure, Enterprise Architecture, Information Sharing Initiative, Information Technology Project Oversight, Investment Management, E-gov initiatives, and the Unified Financial Management System (UFMS). The conference agreement provides $1,073,000 in additional direct appropriations for the Chief Information Officer's highest priority needs and an additional $1,000,000 for the UFMS. The conferees support additional funding for these initiatives through the recovery of obligated but unexpended funds transferred to the Working Capital Fund, or through other sources, subject to section 605 of this Act.

The conferees direct the Department of Justice to provide quarterly reports describing Department resources dedicated to Indian Country and the activities of the Indian Gaming Working Group. Additionally, the Department shall also provide quarterly reports to Congress detailing efforts to reduce the violent victimization of Native Americans, including efforts to reduce murder rates, serious assaults, violence against women, and child abuse. These reports shall include: the number of agents assigned to Indian Country; man-hours worked in Indian Country; the amount and type of training provided; the number of matters initiated; the number of cases; the number of subjects/defendants; the number of convictions; and the amount of restitution ordered.

The conferees adopt by reference the Senate report language directing the Office of the Chief Information Officer to evaluate commercially-proven enterprise data warehousing and analytic systems and to provide a report to the Committees on Appropriations summarizing the findings on this technology's applicability to the counterterrorism mission not later than March 31, 2005.

The conference agreement includes necessary sums to continue efforts to replace locks used to store classified information.

The conference agreement adopts by reference the House report language concerning budget models and directs that the Department of Justice submit a report, no later than August 1, 2005, describing how the hiring of an investigator impacts the workload of the U.S. Attorneys, the U.S. Marshals Service, the Detention Trustee, and the Federal Prison System.

In addition to the concerns stated above, the conferees have expressed concerns elsewhere in the report about the rationale underlying the allocation of staffing between the litigating divisions and the United States Attorneys. The conferees believe that it is critical that the Department of Justice take a systemic approach to resource requests and subsequent allocations. With that in mind, the conferees direct the Government Accountability Office to initiate a review of the Department of Justice resource planning and allocation processes, with particular emphasis on consistency of resource allocation within the operating year with national law enforcement priorities, in particular the counterterrorism and counterintelligence priorities, articulated by the Administration and supported by the Committees on Appropriations.

The conference agreement adopts by reference the House report language concerning fast track programs and directs the Department of Justice to submit a report within 45 days of enactment of this Act providing a list of the fast track programs operating throughout the country, and an estimate of the resources the Department of Justice saves and the costs that are avoided by these programs. The report shall also discuss opportunities to expand fast track programs to other districts.

The conferees believe that the Department of Justice needs to coordinate its efforts to address gang-related crimes. The Department of Justice is directed to submit a report to the Committees on Appropriations no later than 30 days after enactment of this Act on how the Department is addressing gang issues throughout the country.

The conference agreement adopts by reference the House report language concerning the establishment of an international law enforcement alliance.

Office of Privacy and Civil Liberties.—The conference agreement includes not less than $690,000 for the salaries and benefits of this office including funding for 2 additional professional staff positions. The conference agreement adopts by reference the House report language requiring the submission of a report detailing the specific responsibilities and authorities of the Office of Privacy and Civil Liberties within 30 days of enactment of this Act. In addition, the Department of Justice shall report to the Committees on Appropriations annually on the activities of this office.

Debt Collection.—The Government Accountability Office recently found that outstanding criminal debt as reported by the Department of Justice totaled about $25,000,000,000 as of September 30, 2002, almost double the amount reported by Justice 3 years earlier. Moreover, the Department of Justice reported collecting only about $800,000,000 of criminal debt for fiscal year 2002.

In view of the increase in reported outstanding criminal debt and low collections of such debt, the conferees are concerned that the Department of Justice along with other agencies still has not taken action to develop a strategic plan for improving criminal debt collection. The conferees understand one of the reasons for this outstanding criminal debt is that the Mandatory Victims Restitution Act of 1996 makes restitution mandatory in all violent crimes and most property crimes regardless of a defendant's ability to pay. Nevertheless, there appears to be criminal debt that may be collectible.

To address the large balances of outstanding criminal debt, the conferees direct the Attorney General to establish a task force within 90 days of enactment of this Act that includes other Federal agencies, including, but not limited to, the Department of the Treasury, the Office of Management and Budget, and the Administrative Office of the U.S. Courts, to participate in the task force. Led by the Department of Justice, the task force will be responsible for developing a strategic plan for improving criminal debt collection. The strategic plan shall include specific approaches for better managing, accounting for, reporting, and collecting criminal debt. Specifically, the plan shall include steps that can be taken to better and more promptly identify all collectible criminal debt so that a meaningful allowance for uncollectable criminal debt can be reported and used for measuring debt collection performance. The conferees direct the Attorney General to report to the Committees on Appropriations within 180 days of enactment of this Act on the activities of the task force and the development of a strategic plan.

Fugitive Apprehension.—In an October 19, 2004, report, the Department of Justice acknowledges that "the United States Marshals Service is the federal government's primary agency for apprehending fugitives". While the Department does not recommend transferring fugitive apprehension activities to the USMS to ensure continued departmental management flexibility, it recognizes that USMS fugitive efforts free up resources for other Federal law enforcement agencies to focus on their core missions. For example, the report states that for the past 15 years, the USMS has been responsible for the apprehension of many DEA fugitives, leaving DEA agents free to develop new drug crime cases.

The conferees are aware that the USMS arrest statistics far exceed other Federal law enforcement agencies. The conferees also understand that the statistical success, in terms of the number of Federal, state, and local warrants closed, has coincided with the on-going development of the regional fugitive task forces, showing a benefit of linking performance with budget. While the conferees recognize the Department's desire not to consolidate fugitive apprehension activities under one component, the conferees strongly urge the Department to update its 1988 memorandum of understanding to provide greater latitude for the USMS and to promote greater inter-agency cooperation. The conferees commend the USMS, DEA, Interpol, and ATF in its continuing efforts to coordinate investigations.

JOINT AUTOMATED BOOKING SYSTEM

The conference agreement includes $20,185,000 for the continued operation of the Joint Automated Booking System (JABS), as proposed by the Senate, instead of $20,000,000 as proposed by the House.

AUTOMATED BIOMETRIC IDENTIFICATION SYSTEM/INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM

The conference agreement includes $5,054,000 for this account, as provided by the House and Senate.

The conferees are troubled by the security gap on the nation's borders caused by delays in linking the Automated Biometrics Identification System (IDENT), the fingerprint database managed by Customs and Border Protection (CBP) and US Visitor and Immigrant Status Indicator Technology (US–VISIT), with criminal history data contained in the Federal Bureau of Investigation's Integrated Automated Fingerprint Identification System (IAFIS). The conferees understand that by the end of calendar year 2004, interoperability will exist at airports, seaports, and the largest and busiest Border Patrol stations and land ports of entry. CBP and Immigration and Customs Enforcement (ICE) locations will not be completed until December 31, 2005. With implementation of a new visa tracking system and enrollment of millions of visitors into US–VISIT, it is essential that the Federal Bureau of Investigation (FBI) collaborate with the Directorate of Border and Transportation Security to ensure that IDENT and US–VISIT can retrieve, in real time, biometric information contained in the IAFIS database, and that the IAFIS database can retrieve, in real time, biometric information contained in IDENT and US–VISIT.

The conferees direct the Department of Justice and the Department of State, in coordination with the Under Secretary for Border and Transportation Security (BTS), to report, not later than 90 days after enactment of this Act, on the status of efforts to achieve real time interoperability between these systems, including steps the Departments will take to integrate IAFIS into IDENT and US–VISIT, funds needed, and a timetable for full interoperability of these systems. This report should address the recommendations from the March, 2004, Department of Justice Inspector General report, which documented the need to integrate existing biometric databases.

LEGAL ACTIVITIES OFFICE AUTOMATION

The conference agreement provides $40,510,000 for this account, which is equal to the amended budget request. The conferees support additional funding for this program through the recovery of obligated but unexpended funds transferred to the Working Capital Fund, or through other sources, subject to section 605 of this Act.

NARROWBAND COMMUNICATIONS

The conference agreement includes $100,000,000 for Narrowband Communications, as proposed by the House, instead of $68,021,000 as proposed by the Senate.

ADMINISTRATIVE REVIEW AND APPEALS

The conference agreement includes $203,965,000 for this account, instead of $202,518,000 as proposed by the House and $205,411,000 as proposed by the Senate. The funding level provides for the annualization costs associated with filling immigration judge vacancies.

It is the conferees' understanding that the Executive Office for Immigration Review (EOIR) has issued interim procedural guidelines for the adjudication of unaccompanied alien children's cases before immigration judges. The conferees commend EOIR for this initiative. The conferees further urge EOIR to dedicate resources from its appropriation to developing and implementing policies and procedural guidelines as well as training programs for judges and pro bono attorneys in this area in order to protect the children's due process rights under the Immigration and Nationality Act—including their right to apply for forms of relief from removal—and to further their access to pro bono representation rights, due process and relief under the Immigration and Nationality Act.

DETENTION TRUSTEE

The conference agreement includes $885,994,000 for the Detention Trustee, as proposed by the Senate, instead of $938,810,000 as proposed by the House. The conferees are aware that the Trustee has made progress in refining the detention forecasting model, which will provide better projections for this account, and the conferees encourage the much-needed work to continue. The conferees believe that the Trustee should review the entire Federal detention process from commencement to incarceration to identify greater efficiencies in operations. The conferees anticipate that these efforts will result in cost savings. When the Trustee can provide assurance of the funding needs for this account, the Committees will consider options for providing additional resources. The conferees also direct the Attorney General to ensure that the Department's entire law enforcement agenda, including its prosecutorial policies and detention resources, is thoroughly considered when determining the future funding needs for this account.

The conference agreement incorporates by reference Senate report language that prohibits any construction, planning, support, or contracting of new detention facilities and directs the Detention Trustee to withdraw any solicitations for such activities.

The Justice Prisoner and Alien Transportation System (JPATS) has become an increasingly complex system, in part because its biggest user is now Immigration and Customs Enforcement within the Department of Homeland Security. The conferees expect that the United States Marshals Service will continue to operate JPATS, but believe the Federal Detention Trustee, as an independent entity that oversees detention issues for the Department, must play a heightened role with this program. The conferees therefore direct the Trustee to address immediate and long-term planning, management, and policy issues with JPATS, with the goal of improving efficiencies and ensuring equality among participating agencies, and to submit a report on those efforts to the Committees on Appropriations, no later than May 31, 2005.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $63,813,000 for the Office of Inspector General, as proposed by the House, instead of $63,187,000 as proposed by the Senate.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $10,638,000 for the United States Parole Commission, as proposed by the Senate, instead of $10,650,000 as proposed by the House. The conferees adopt by reference House language regarding a study required under Public Law 107–273.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement includes $634,193,000 for General Legal Activities, instead of $639,314,000 as proposed by the House and $623,364,000 as proposed by the Senate. The distribution of funding provided is as follows:

General legal activities

[In thousands of dollars]

	2005 appropriation
Office of the Solicitor General	$8,245
Tax Division	81,399
Criminal Division	137,177
Civil Division	188,754
Environment and Natural Resources Division	90,856
Office of Legal Counsel	5,858
Civil Rights Division	109,141
Interpol USNCB	12,426
Office of Dispute Resolution	337
Total	634,193

The funding provided is equal to the requested current services level less requested program reductions for the Department of Justice's litigating divisions. The conferees understand the Department has reviewed the allocation of attorneys between headquarters and the field. The conferees further understand that the Department believes that 59 attorney positions should be realigned from headquarters litigating divisions to those U.S. Attorney Offices that have a critical shortage of attorney resources to address priority areas such as counter-terrorism, drugs, violent crime, corporate fraud, and immigration. The conferees applaud the Department's efforts to allocate attorney positions to where they can be most productive. The conferees understand this will be a multi-year effort and, therefore, have not provided any of the increases in attorney positions for the litigating divisions at this time. Within the level of funding provided, the conferees expect attorney resources to be provided to the Department's highest priorities, including counterterrorism, violent crime and corporate fraud.

The conferees direct the Attorney General to submit a detailed study to the Committees on Appropriations, not later than January 3, 2005, providing the criteria the Department would use to determine which litigating division positions would be reallocated to the field; the criteria that would be used to determine which U.S. Attorney Offices would be allocated additional positions; and a crosswalk showing the proposed allocation of attorney positions from each legal division to each district.

The conference agreement fully funds the Civil Rights Division's efforts to combat human trafficking and the conferees expect the Department of Justice to continue submitting yearly updates regarding efforts to address human trafficking.

The conferees expect the Department of Justice to submit a reprogramming for costs associated with continuing tobacco and other litigation activities, should funding be warranted.

The conferees are aware that the parties to *Irvin Rosner, et al.*, v. *United States of America* have agreed to mediation and to the selection of a mediator. Given that this case involves elderly Holocaust survivors, the conferees believe that the Department of Justice should proceed with this mediation in a compassionate and expeditious manner in order to reach a fair resolution.

The conferees direct the Department of Justice to submit a report to the Committees on Appropriations not later than April 10, 2005, on proposals to leverage the United States National Central Bureau's network as a means to effectively share national security related information with State and local law enforcement agencies.

THE NATIONAL CHILDHOOD VACCINE INJURY ACT

The conference agreement includes a reimbursement of $6,333,000 from the Vaccine Injury Compensation Trust Fund to the Department of Justice, as proposed by both the House and the Senate.

SALARIES AND EXPENSES, ANTITRUST DIVISION

The conference agreement includes $138,763,000 for the Antitrust Division, which is the same as proposed by the Senate, instead of $135,463,000 as proposed by the House. The conference agreement incorporates by reference Senate report language regarding additional resources.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement includes $1,547,519,000 for the United States Attorneys instead of $1,535,000,000 as proposed by the House and $1,532,154,000 as proposed by the Senate.

The conference agreement includes a program increase of $5,762,000 for 66 additional positions, including 44 attorneys, for additional terrorism and criminal prosecutions. The conference agreement also includes an additional $3,029,000 for 32 additional positions, including 25 attorneys, to address gang-related crimes.

Project Seahawk.—The conference agreement includes $5,000,000 for the continuation of Project Seahawk, a pilot project to enhance intermodal security and law enforcement within our Nation's coastal cities. The pilot will provide a national model for cities that experience heavy volumes of intermodal traffic by establishing a streamlined process to address criminal activity that may compromise or impede the movement of intermodal traffic within the U.S. Project Seahawk shall continue to be coordinated under the U.S. Attorneys and include Federal, State, and local law enforcement.

Legal Education.—The conference agreement provides $18,266,000 for legal education and distance learning at the National Advocacy Center (NAC). NAC State and local training funds are provided under the Office of Justice Programs.

Violent Crime Task Forces.—The conference agreement includes $1,500,000 to continue and expand task force activities associated with Operation Streetsweeper.

The conference agreement adopts by reference the House and Senate language providing $10,000,000 for cybercrime and intellectual property enforcement and requiring the submission of a report by April 30, 2005, on the number, types, and locations of copyright prosecutions undertaken during the previous fiscal year.

The conference agreement adopts by reference the House report language concerning public corruption.

UNITED STATES TRUSTEE SYSTEM FUND

The conference agreement includes $173,602,000 for this account, instead of $172,850,000 as proposed by the House and $174,355,000 as proposed by the Senate. The conferees support the requested information technology enhancements and expect the Trustees to fund the request to the maximum extent possible. The conference agreement incorporates by reference the Senate report language directing the Trustees to consult with the Department's Chief Information Officer before obligating its information technology funds. The conference agreement includes not less than $750,000 for the Bankruptcy Training Center at the National Advocacy Center in support of the Trustees' continuing education program.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The conference agreement includes $1,220,000 for this account, as proposed by both the House and Senate.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

The conference agreement includes $751,985,000 for the United States Marshals Service (USMS), instead of $752,070,000 as proposed by the House and $744,725,000 as proposed by the Senate. The conference agreement provides funding for USMS construction under a separate heading, as proposed by the House. The conference agreement includes the base reductions and streamlining efficiencies included in the budget request.

The conference agreement incorporates by reference the Senate report language regarding submission of a spending plan and the timely release of funds to programs.

The conferees are pleased that the USMS has made a concerted effort to fill critically-needed supervisory deputy marshal positions in the districts; boosted its on-board staffing levels throughout the agency; allocated positions based on performance; addressed its information technology infrastructure weaknesses; and improved its overall financial management practices. In many areas, the USMS has demonstrated marked improvements and is urged to continue these practices.

Protection of the Judicial Process.—The conference agreement includes the requested increase of $8,897,000 and 94 positions to enhance protection of the Federal Judiciary. When determining resource allocations, the USMS should be mindful of the recent recommendations of the Department's Inspector General.

Witness Security.—The conference agreement includes the requested increase of $1,922,000 and 15 positions for the witness security program.

Information Technology.—The conference agreement includes the requested increase of $478,000 and 5 positions to meet information technology (IT) requirements. The conferees direct the USMS to submit a report to the Committees on Appropriations, no later than March 17, 2005, on IT needs throughout the USMS and a plan to address those needs, including funding requirements.

Central Courthouse Management Group.—The conference agreement provides $4,226,000 for the Central Courthouse Management Group (CCMG), including $3,968,000 in base resources for 34 existing CCMG positions, two restored positions, and an additional $258,000 for three new CCMG positions, of which two shall be GS–14 positions.

Courthouse Security Equipment.—The conference agreement provides a program increase of $5,050,000, for a total of $11,580,000, for preventive maintenance and repair of courthouse security equipment to be allocated to the USMS's highest priority needs. The conference agreement incorporates by reference Senate report language directing the USMS to report to the Committees on Appropriations within 30 days of enactment of this Act on the allocation of this funding. The conferees expect no less than this amount to recur in future budget submissions to address the courthouse security equipment needs of the USMS.

Regional Fugitive Task Forces.—The conference agreement provides $17,988,000 for the Regional Fugitive Task Forces (RFTF), which includes base resources for the 38 existing RFTF positions, and an additional $2,439,000 for 17 new positions to staff these task forces, including supervisory personnel. Available resources can also be used for the district-managed task forces.

Technical Operations Group.—The conference agreement provides $17,216,000 for the Technical Operations Group (TOG), which includes base resources for the 50 existing TOG positions, an additional $632,000 for three restored positions and one new position, and an additional $2,000,000 for non-personnel expenses.

International Fugitives.—The conference agreement provides $4,459,000 for the International Fugitive Apprehension Program, which includes base resources for the four existing international positions and an additional $1,086,000 for three new GS–13 deputies at the existing foreign offices. The conferees also direct the USMS to submit a five-year plan for this program, including a time-line and cost estimate to open additional international offices that are critical to the USMS fugitive apprehension mission.

Analytical Support Unit.—The conference agreement provides $3,835,000 in base resources for the Analytical Support Unit (ASU), including $1,069,000 for eight existing positions and $2,766,000 (excluding a $500,000 transfer from the Justice Detainee Information System) to improve and maintain the Warrant Information Network and to continue subscriptions to various government and private networks and on-line services.

Special Operations Group.—The conference agreement provides $2,835,000 in base resources for the Special Operations Group (SOG), which includes funding for the 11 existing SOG positions. In addition, the conferees direct the USMS to transfer the funding, duties, and personnel of the Hazardous Response Unit (HRU) to SOG, and to submit a report to the Committees on Appropriations no later than April 5, 2005, on any additional personnel and funding requirements that will accompany the HRU transfer, as well as on the proper location of such transferred personnel.

Vehicles.—The conferees commend the USMS on its efforts to modernize its vehicle infrastructure. Over the last three years, the conferees have included funding for the USMS to replace older vehicles and recognize that under the new vehicle allocation formula, older vehicles are excessed when new vehicles are allocated. Districts no longer are allowed to expand their fleets by keeping vehicles well beyond their useful lifecycle. The conferees expect this trend to continue and for the USMS to continue modernizing its fleet.

CONSTRUCTION

The conference agreement includes $5,734,000 for this account, instead of $1,371,000 as proposed by the House. The Senate provided funding for construction in the salaries and expenses account. These funds shall be allocated to the USMS's highest priority construction needs. The conference agreement incorporates by reference the Senate report language directing the USMS to report to the Committees on Appropriations within 30 days of enactment of this Act on the allocation of funding for this program. To the extent that slippages occur throughout the year, however, other priority projects can be undertaken. The conferees expect no less than this amount to recur in future budget submissions to address the construction needs of the USMS.

FEES AND EXPENSES OF WITNESSES

The conference agreement includes $177,585,000 for Fees and Expenses of Witnesses, as proposed by both the House and the Senate.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

The conference agreement includes $9,664,000 for the Community Relations Service, instead of $9,833,000 as proposed by the House and $9,494,000 as proposed by the Senate.

ASSETS FORFEITURE FUND

The conference agreement includes $21,759,000 for the Assets Forfeiture Fund, as proposed by both the House and the Senate.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

The conference agreement includes $27,800,000 for this account, instead of $72,000,000 as proposed by the House. The conferees understand that $27,800,000 will fully fund the Department of Justice's current estimate of payments for eligible claimants through fiscal year 2005.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conference agreement provides $561,033,000 for this account, as proposed by the House, instead of $295,409,000 as proposed by the Senate. The conference agreement does not adopt the Senate proposal to move management of this program to the Director of the Executive Office of the United States Attorneys. The conference agreement provides the following amounts to reimburse Federal agencies for their costs to participate in these task forces:

Reimbursement by Agency

[Dollars in thousands]

	Amount
Department of Justice Agencies:	
Drug Enforcement Administration	$191,112
Federal Bureau of Investigation	135,859
United States Marshals Service	6,431
Bureau of Alcohol, Tobacco, Firearms and Explosives	11,228
United States Attorneys	118,083
Criminal Division	2,941
Tax Division	975
Administrative Office	5,565
Non-Justice Agencies:	
Internal Revenue Services	54,643
United States Immigration and Customs Enforcement	33,589
Coast Guard	607
Total	$561,033

The conference agreement provides the following increases: $6,113,000 for adjustments to base; $14,623,000 for 172 additional U.S. Attorney positions; $4,320,000 for 14 additional U.S. Marshals Service positions; $6,344,000 and 60 positions for the Drug Intelligence Fusion Center; and $13,240,000 for the Drug Enforcement Administration including $10,465,000 for 79 additional positions and $2,775,000 for additional operational costs.

The conferees note that the Administration chose not to comply with the direction provided in the fiscal year 2004 Conference Report that participation of the Departments of Homeland Security and Treasury should not be included in the Department of Justice budget request. The participation of these entities should be budgeted by those respective departments. While the conferees are aware of the critical role of the Departments of Homeland Security and Treasury, the conference agreement is unable to fully fund the request for the Internal Revenue Service (IRS) and United States Immigration and Customs Enforcement (ICE) while meeting the resource needs of the Department of Justice. The conferees understand that carryover balances from fiscal year 2004 are available in fiscal year 2005. These balances may be utilized, through the regular reprogramming process under section 605 of this Act, to provide additional funding to IRS and ICE if warranted.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The conference agreement provides $5,205,028,000 for the Federal Bureau of Investigation Salaries and Expenses account as proposed by the House, instead of $4,990,728,000 as proposed by the Senate. The conference agreement funds the Foreign Terrorist Tracking Task Force, the Terrorist Screening Center, and the FBI's costs associated with the Terrorist Threat Integration Center under this heading as proposed by the House, instead of under a separate heading as proposed by the Senate. Construction costs are funded under a separate heading as proposed by the House.

Directorate of Intelligence.—The conference agreement adopts the House report language establishing a Directorate of Intelligence. The conferees applaud the improvements the FBI has made in transforming itself from an agency whose primary mission was to investigate traditional crimes, to an agency whose top priority is to prevent terrorism. However, more institutional changes are needed for the FBI's intelligence program, a critical component of an effective terrorism prevention strategy. Toward that end, the conference agreement adopts the House report language directing the FBI to create a new Directorate of Intelligence, led by the Executive Assistant Director for Intelligence. This new directorate shall have broad and clear authority over intelligence-related functions. The need for effective intelligence capabilities cuts across all FBI programs including the counterterrorism, counterintelligence, criminal and cyber crime programs. This new directorate will ensure that intelligence is shared across these programs, eliminate information stove-piping, and allow the FBI to quickly adapt as threats change. The new directorate will have responsibility for operational elements including those of the Office of Intelligence, the FBI's Terrorist Threat Integration Center participation, the Foreign Terrorist Tracking Task Force, and the Terrorist Screening Center. It will also include programmatic elements representing analyst and administrative components across the FBI, such as training, recruitment, information technology, and security. This directorate shall be responsible for enhancing the FBI's ability to recruit and retain the highest quality intelligence staff, including attracting individuals with educational and professional backgrounds in intelligence, international relations, language, technology and other relevant skills. It shall also work to improve the FBI's capability to share intelligence, not only within the Bureau and the Intelligence Community, but also with State and local law enforcement. Further, it shall ensure that intelligence-related performance criteria are in place for agents and analysts, and develop a process for agents to receive a formal Intelligence Officer Certification. The FBI is directed to submit quarterly reports updating the Committees on Appropriations on the continued transformation, including the FBI's efforts to ensure that the priorities and operations in all of the Bureau's field offices and resident agencies match national priorities.

The conferees note that the 9/11 Commission Report endorsed many of the intelligence reforms proposed in the House bill. The conferees appreciate the assistance the Government Accountability Office, the National Academy of Public Administration, and the Congressional Research Service have provided to the Committees on Appropriations in reviewing the FBI's operations and making recommendations to improve the Bureau. The conferees expect the FBI to continue to work with these organizations and others in fiscal year 2005 to review and improve their operations.

Budget Structure.—The conference agreement adopts the budget decision unit structure proposed by the House. The conferees note that this identical budget structure was recommended by the 9/11 Commission. The new budget structure will align the FBI's budget with its organizational structure by collapsing the ten budget decision units used in previous years to four decision units. There will be a decision unit for each Executive Assistant Director (EAD) with the exception of the EAD for Administration. The costs associated with program administration will be spread to the four other decision units in order to capture the full costs of each program. This new decision unit structure will not only empower the new Director of Intelligence, but will enhance the ability of the EADs for Counterterrorism and Counterintelligence, Criminal, and Criminal Justice Services to manage their programs by unifying their budgets. The following distribution represents the conference agreement. The conferees remind the FBI that changes in this distribution are subject to the reprogramming requirements of section 605 of this Act.

FBI SALARIES AND EXPENSES

[Dollars in thousands]

Decision unit	POS	FTE	Amount
Intelligence	4,703	4,291	$792,033
Counterterrorism and Counterintelligence	10,549	10,268	1,979,378
Criminal	12,852	12,578	2,156,421
Criminal Justice Services	1,935	1,945	277,196
Total	30,039	29,082	5,205,028

The recommendation includes increases of $204,515,000 for adjustments to base to support the current operating level. The recommendation includes the following program increases as requested: $13,400,000 and 151 positions for the Office of Intelligence; $14,307,000 and 89 intelligence and counterterrorism positions for headquarters program support; $45,954,000 and 259 positions for counterterrorism field investigations; $12,838,000 and 86 positions for language services; $11,155,000 and 14 positions for legal attaché offices in Beirut, Lebanon; Baghdad, Iraq; Dakar, Senegal; Kuwait City, Kuwait; and Cape Town, South Africa; $9,000,000 for the Chemical, Biological and Radiological Forensic Analysis Counterterrorism Program; $29,000,000 for the operational costs of the Terrorist Screening Center; $35,470,000 for the relocation of portions of the Counterterrorism Division to the Hazel-Peterson Building; $63,754,000 and 294 positions for the counterintelligence program; $58,257,000 and 188 positions for cyber investigations including $3,000,000 for Innocent Images; $46,508,000 and 65 positions for information and physical security improvements; $20,000,000 for technology investments including $12,000,000 for TS/SCI LAN field installations and $8,000,000 for enterprise architecture activities; $16,000,000 and 12 positions to support the integration of IDENT/IAFIS; $1,785,000 and 10 positions to support the Criminal Division's Child Exploitation and Obscenity Section; $1,831,000 and 16 positions for the Lost Innocence National Initiative to address the problem of children forced into prostitution; $1,213,000 and 8 positions for corporate fraud cases; $1,170,000 for forensic costs associated with Indian Country and the National Backstopping Program; and $21,309,000 for renovations at the FBI Academy.

In addition, the conference agreement includes the following increases above the request: $5,000,000 for the National Security Support Capability program; $2,750,000 and 27 positions for the Indian Country Unit to investigate crimes in Indian Country, including violent crimes against Native Americans, gang violence, and crimes related to Indian gaming; $2,085,000 to establish a legal attaché office in West Africa; $10,000,000 and 78 positions to combat gang-related crime; $10,000,000 for enhanced training programs; $30,000,000 to fund additional recruitment and retention programs; $20,500,000 to accelerate the expansion of secure facilities in FBI field offices; $8,500,000 for the acquisition of helicopters and related equipment; and $5,000,000 for the Investigative Technology Division for research and development of emerging technologies.

Training.—The conference agreement adopts the House report language regarding training. The conferees direct the FBI to continue to expand its training opportunities and the capabilities of the College of Analytical Studies to ensure that agents and analysts are receiving the highest quality intelligence, counterterrorism and counterintelligence training available. These training programs should include: joint training sessions with other members of the Intelligence Community; opportunities for an academic sabbatical to pursue an advanced degree; sending staff to the Department of State's Foreign Service Institute; and creation of a fellows program to exchange staff with other Federal agencies and the private sector. In addition, the conferees expect the FBI to expand both its basic intelligence analyst course and its advanced intelligence training courses offered at the College of Analytical Studies. The FBI shall also consider offering intelligence classes to other Federal law enforcement agencies, where appropriate. For example, the conferees believe it would be beneficial for corrections intelligence staff in the Federal Prison System to receive specialized training to recognize and thwart the introduction of violent ideology and extremism in Federal prisons. The recommendation provides $10,000,000 above the request to implement these enhanced training programs. In determining its future staffing needs, the FBI shall take into account the staff time associated with training and development programs.

Gangs.—The conference agreement adopts the House report language regarding the spread of violent gangs throughout the country. In order to address this problem, the conference agreement provides $1,754,000 for the establishment of a National Gang Intelligence Center that will integrate the assets of the FBI, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and other affected Federal agencies to serve as a "clearinghouse" and information management mechanism for gang intelligence on a national and international scope. In addition, the recommendation provides $8,246,000 for additional agents, analysts and support staff to address the most violent gangs throughout the country.

Offsets.—The conference agreement does not adopt the proposed $35,000,000 offset in fees to State and local law enforcement for forensic services. The conferees are disappointed that the Administration is proposing to provide funding increases for Federal law enforcement by increasing the financial burden on State and local law enforcement. The conferees expect the FBI to absorb this proposed $35,000,000 offset within existing funds. The conference agreement also does not adopt the proposed $3,000,000 reduction to the Criminal Justice Information Services Information Management Accounts.

Retention and Recruitment.—The conferees understand that the FBI is having difficulty retaining certain staff in critical senior management positions and other specialized positions. For example, since September 11, 2001, the attrition rate for intelligence analysts has exceeded 10 percent. The conferees understand that other agencies in the Intelligence Community have more flexible pay and benefit authorities than the FBI and consequently are able to recruit talented staff from the FBI. The conferees further understand that many FBI employees living in high cost areas are experiencing financial hardships. The conferees are concerned that this financial hardship could eventually have a negative impact on FBI agent and staff performance. This is particularly troubling given that high cost areas are the most likely targets for a terrorist attack. In order to address these concerns, the conference agreement includes section 113 and section 115. These provisions are identical to those included in the House bill.

Section 113 provides the Director with the authority, after consultation with the Office of Personnel Management (OPM), to provide retention and relocation bonuses to employees with high or unique qualifications who, in the absence of a bonus, would likely leave the FBI. The provision also allows for retention and relocation bonuses for individuals transferred to a different geographic area with a higher cost of living. A bonus may total up to 50 percent of an employee's basic rate of pay.

Section 115 authorizes the FBI, in conjunction with the Office of Management and Budget and OPM, to pay critical intelligence positions up to an Executive Schedule I salary provided that the position is determined to be: (1) a high level position in a scientific, technical, professional, or administrative field; and (2) critical to the FBI's mission.

These provisions are included to allow the FBI to begin enhancing its personnel capabilities in order to thwart terrorism. These provisions will also improve the FBI's ability to compete with other Intelligence Community agencies for high quality employees. The conference agreement provides $30,000,000 above the request to implement these new retention and recruitment authorities.

Within the level of funding provided, the conferees also expect the FBI to expand the number of employees participating in the FBI's Student Loan Repayment Program.

Mandatory Separation.—The conference agreement includes section 112, as proposed by the House. This provision empowers the Director to, on a case-by-case basis, delay the mandatory retirement age of 57 for FBI agents until the agent reaches 65 years of age. Currently, the Director is authorized to delay mandatory retirement until an agent reaches 60 years of age. This provision does not require agents to work past the age of 57, but gives the Director the authority to extend agents until the age of 65 in certain circumstances. This provision provides the FBI with additional discretion and flexibility to retain senior managers and employees with critical technical skills beyond age 60 where it is clear that the individual being retained can meet all requirements, including physical requirements, of the specific job being filled.

Reserve Service.—The conference agreement includes section 114, as proposed by the House. This provision authorizes the Director to provide for the establishment and training of an FBI Reserve Service that would facilitate streamlined, temporary rehiring from a pre-certified cadre of retired FBI employees who possess the specialized skills required to deal with the demands of crises or other special situations. The provision will allow the FBI to quickly access experienced former employees in the event of an emergency, without adversely impacting reserve service members' retirement pay.

N-DEx.—The conferees are aware that this new information system will allow for better tracking of corporate crime, such as pollution, accounting fraud, corruption, price fixing and tax evasion. The conferees encourage the FBI to work with other federal agencies such as the Securities and Exchange Commission, the U.S. Attorneys, and the Sentencing Commission to ensure adequate data is provided on referrals for prosecution and dispositions of cases. The conference agreement adopts by reference the House report language regarding N-DEx and the submission of a report within 180 days of enactment of this Act.

Oil-for-Food.—The conferees direct the FBI to provide assistance in the United Nations investigation of the "Oil-for-Food" program, if requested to do so by the Independent Inquiry Committee chaired by Paul Volcker. The conferees strongly support this investigation and encourage the FBI to make resources available, as appropriate, to ensure its successful conclusion.

OPR.—The conference agreement adopts by reference the House report language concerning the Office of Professional Responsibility (OPR) and the submission of a report 90 days from the enactment of this Act.

Innocent Images National Initiative.—The conference agreement adopts the Senate report language directing the FBI to consider emerging technologies that may help prevent and prosecute crimes against children and child exploitation through the Internet, such as software to troll online venues and record evidentiary materials.

Terrorist Financing.—The conference agreement adopts the Senate report language concerning software that seeks to track financial data streams and, in real time, automatically notify analysts when designated transactions occur in the financial accounts of suspected terrorists. The FBI is directed to evaluate such software and report back to the Committees on Appropriations on its findings.

Enterprise Architecture.—The conference agreement adopts the Senate report language directing the Government Accountability Office (GAO) to review the FBI's management of its enterprise architecture effort, including its use of effective contractual controls and its approach to contractor tracking and oversight. In addition, the conferees direct GAO to review whether FBI's approach to developing its enterprise architecture is consistent with established best practices.

Criminal Justice Information Services Division.—The conference agreement includes $387,271,000, including fee collections, for the Criminal Justice Information Services Division (CJIS). The conference agreement does not adopt the FBI's proposal to reduce the CJIS IT system maintenance budget by $3,000,000.

The conference agreement also includes by reference Senate language prohibiting the diversion of funding collected through the CJIS user fee for any purpose other than CJIS, its refreshment plan, or a subsequent modernization plan for the current facility. Moreover, the conferees direct that $50,668,734 of Working Capital Fund balances be utilized to begin design for hardware and software modernization at CJIS located in Clarksburg, West Virginia. The intent is to ensure that legacy systems are phased out and replaced with modern equipment so that the FBI can take advantage of emerging technologies, such as advances in biometrics, and ensure interoperability and increased information sharing with other agencies. This will also allow for dedicated development of future generations of equipment at CJIS. Within 180 days of enactment of this Act, the FBI is directed to submit to the Committees on Appropriations a status report on the modernization of the existing CJIS systems.

Automated Biometric Identification System/Integrated Automated Fingerprint Identification System (IAFIS).—The conference agreement adopts the Senate report language directing the Department of Justice to submit a report to the Committees on Appropriations not later than April 5, 2005, on the existing capacity of IAFIS, the expected impact US-VISIT may have on the system, and any additional costs necessary to increase IAFIS's capacity to meet that impact.

Intellectual Property Rights.—Within the resources provided for counterintelligence, not less than $5,000,000 shall be available to combat industrial espionage and other threats to the intellectual property rights of manufacturers and researchers in the United States.

Trilogy.—The conferees have not adopted the total program cost cap included by the Senate for Trilogy, including the Virtual Case File (VCF), but agree that imposing discipline in this program is essential. The Initial Operating Capability (IOC) for VCF is expected to be completed in December 2004, and will provide the following functionality: import all document types; manage workflow; upload to the Automated Case Support System (ACS); and interfaces through ACS. The conferees recommend that the FBI commission an independent study of Trilogy that evaluates the overall achievements of the program, including equipment upgrades and improved capabilities, identifies outstanding requirements, and establishes a timeline and cost estimate to complete deployment of the program. The study shall also note the benefits of making VCF capabilities available to the users as soon as possible.

CONSTRUCTION

The conference agreement includes $10,242,000 for FBI construction as proposed by the House. The Senate funded this activity under a different heading. The conference agreement includes $1,242,000 for recurring construction needs and provides $9,000,000 for a records management center.

The conferees understand that consolidation of records and collocation of records management personnel would achieve business process efficiencies and personnel savings. It would make more space available in the FBI headquarters building, allowing the FBI to reduce leased space in the Washington, D.C., metropolitan area, and would free up needed space in the field as the number of FBI staff continues to increase. The conferees understand that the FBI hired an outside consultant to study potential locations for a records management center using the following criteria: (1) at least 60 miles outside of Washington, D.C., for continuity of operations; (2) away from obvious terrorist targets; (3) within 250 miles of Washington, D.C.; (4) having access to transportation, utilities, and communications networks; and (5) availability of an educated workforce. The conferees understand the FBI chose Frederick County, VA, as the most ideal location to establish this center. The conferees further understand that the FBI intends to lease an interim facility in Frederick County while the design and construction of a permanent facility is underway. The recommendation includes $9,000,000 for the costs to lease, equip and relocate an interim records management center in Frederick County in fiscal year 2005. This records management facility will not assume any personnel, projects, programs, or activities being performed by the CJIS.

Drug Enforcement Administration

SALARIES AND EXPENSES

The conference agreement includes $1,653,265,000 for the Drug Enforcement Administration, instead of $1,661,503,000 as proposed by the House and $1,645,027,000 as proposed by the Senate.

The recommendation provides the following increases: $53,146,000 for inflationary and other costs to maintain the current operating level; $14,976,000 and 165 positions for priority targeting; $3,000,000 for the Special Operations Division; $4,047,000 and 3 positions for investigative technology support; $1,173,000 and 9 positions for computer forensics support; $1,000,000 for aviation support; $8,530,000 and 10 positions for the Concorde project and web infrastructure; and $4,837,000 and 4 positions for the El Paso Intelligence Center.

Of the funding provided for priority targeting, $4,095,000 and 82 positions are for administrative support to relieve agents from performing non-investigative duties. The remaining positions and funding shall be available for the highest priority domestic and international enforcement activities.

Decision Units.—The conference agreement adopts the Senate report language regarding the consolidation of DEA's ten decision units to three. The conferees direct DEA to provide a spending plan by the proposed three decision units to the Committees on Appropriations not less than 30 days after enactment of this Act. To measure the impact of this change, DEA is directed to provide quarterly reports to the Committees on Appropriations of its obligations by prior year as well as proposed decision units.

Demand Reduction Activities.—The conference agreement includes not less than $8,891,000 for DEA's Demand Reduction activities.

Number of Drug Agents.—Since the September 11, 2001 attacks, the Federal Bureau of Investigation (FBI) has diverted agents from drug investigations to counterterrorism and counterintelligence activities. In order to address this change in FBI priorities without negatively impacting Federal law enforcement's ability to combat drug crimes, the conferees have provided increased funding to the DEA to compensate for this change. With the additional DEA agents funded in fiscal year 2005 under this heading and under the Interagency Crime and Drug Enforcement heading, the total combined number of DEA and FBI agents working on drug cases will exceed the pre-September 11th level by 202.

Ecstasy Interdiction.—The conferees note the progress made by DEA and the Department of State against so-called "club drugs" under the "Roadmap" initiative with the Belgian and Dutch governments. The conferees direct the Department of State and DEA to submit a report to the Committees on Appropriations no later than 90 days after enactment of this Act, detailing steps to be taken in the second roadmap. The second roadmap should emphasize sufficient U.S. presence in the Netherlands, more effective work against the export of precursor chemicals, and a review of terrorist links to club drug trafficking organizations.

DEA's Role in the Intelligence Community.—The conferees are aware of the direct relationship between the funding of international terrorism and narcotics trafficking. The conferees applaud the work of DEA personnel around the world and encourage them to continue sharing critical intelligence related to terrorism with other U.S. government agencies.

Offsets.—The conference agreement assumes the implementation of all of the Administration's proposed offsets except the proposal to charge the District of Columbia Metropolitan Police Department fees for forensic evidence analysis services. The recommendation reduces funding for requested program increases in order to offset this proposal. The Committee is disappointed that the Administration's proposal to offset funding increases is to increase the funding burden on State and local law enforcement.

Operation Containment.—DEA is directed to continue to provide an update on Operation Containment activities in Afghanistan in May and September of 2005.

Diversion Control Fee Account.—The conference agreement includes $154,216,000 for this account, as provided by the House and Senate. The conference agreement includes the following program increases: $11,711,000 is to improve and modernize customer service and e-commerce; $3,482,000 is for the Internet Online Investigations Project and to update the Controlled Substances Information System II; $659,000 is to enhance DEA's ability to respond to the regulated community and improve the management and financial accountability of resources; and $15,773,000 supports the Drug and Chemical Diversion Control Decision Unit, previously funded under salaries and expenses, to simplify financial management issues and ensure a stable source of funding for the program. In addition, the conference agreement provides DEA with 10 additional positions to implement sections 110 and 111 of this Act. The Department of Justice is directed to submit quarterly reports describing its efforts to address prescription drug diversion.

Bureau of Alcohol, Tobacco, Firearms and Explosives

SALARIES AND EXPENSES

The conference agreement provides $890,357,000 for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) as proposed by the Senate instead of $870,357,000 as proposed by the House.

The conference agreement includes program increases of $2,707,000 and 31 positions for additional explosives investigations and regulatory compliance; $5,000,000 and 24 special agents to focus on gang-related investigations; and $5,600,000 for the construction and establishment of the Federal Firearms Licensing Center at the National Tracing Center Facility.

In addition, the conference agreement provides a $1,000,000 increase for the National Tracing Center Division. The conferees understand that the number of trace requests, particularly international trace requests, is growing dramatically.

Specialized Explosives Groups.—There has been a large increase in the criminal misuse of explosives. Therefore, the conference agreement includes an increase of $10,200,000 for the creation and operation of four specialized explosives groups. These groups shall be strategically located throughout the United States based on a thorough threat and workload assessment conducted by the Bureau. These groups will be responsible for investigating the misuse and trafficking of explosives, increasing inspection efforts for high-risk explosives licensees, and increasing forensic support to explosives investigations with the goal of proactively preventing explosives crimes and acts of terrorism.

Conversion of Records.—The conferees recognize the need for the ATF to begin converting tens of thousands of existing records of out-of-business Federal firearms dealers from film to digital images at the National Tracing Center. Once the out-of-business records are fully converted, the search time for these records will be reduced to an average of 5 minutes per search from the current average of 45 minutes per search. This significant time saving will ultimately reduce overall costs and increase efficiency at the National Tracing Center. Therefore, the conference agreement includes a $4,200,000 increase for the ATF to hire additional contract personnel to begin this conversion.

Access 2000 Program.—The conferees are aware that the Access 2000 program was initiated by ATF to improve the efficiency and reduce the costs associated with firearms tracing incurred by Federal Firearms Licensees (FFLs). ATF and FFL importers, manufacturers, and wholesalers form a partnership in this effort. FFLs take their data from their mainframe computer and import it into a stand-alone server provided by the ATF. The National Tracing Center is connected to this server remotely by secure dial-up and obtains information on a firearm that is subject to a firearms trace. The conferees support this program, which reduces the administrative burdens of the FFL and allows the ATF around the clock access to the records. The ATF currently has 36 Access 2000 partners. The conferees encourage the ATF to place more emphasis on this program and expand the number of partners to the greatest extent possible.

Special Response Teams.—The conferees are aware of the extremely important role Special Response Teams (SRTs) play in the enforcement of our Nation's laws. The Bureau has four teams throughout the United States. Due to the personnel limitations within the Bureau, the four SRTs are predominately made up of special agents that maintain a full case load on the street and train to maintain the highly specialized skills required to qualify for an SRT position. The conferees laud these special agents and the extraordinary dedication to the mission of the ATF they display in order to ensure these teams are effective, safe, and successful. The conferees also acknowledge the outstanding service the unique human scent/tactical K–9 program has provided in support of the Special Response Teams. The conferees urge the ATF to train at least two additional K–9s so as to equip each SRT with full time support.

The conferees adopt by reference the House report language concerning certain sensitive law enforcement information contained in databases maintained by the ATF.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The conference agreement includes $4,627,696,000 for the salaries and expenses of the Federal Prison System as proposed by the Senate, instead of $4,567,232,000 as proposed by the House. The conferees believe that the budget request was inadequate to support the requirements of the Federal Prison System (FPS). The conference agreement provides an amount that should be sufficient to complete or begin activation of ten prisons and also continue operations at existing prisons. To ensure that the FPS is able to activate prisons on a two-year timeline, the conference agreement includes a provision making activation funds available until September 30, 2006. The conferees expect the ten new prisons to be receiving inmates by the date listed in the table below and have provided funding to maintain this schedule. Amounts are dedicated to activate each institution as follows:

Institution	Activation date	Activation costs	Inmate care nationwide	Total
Victorville, CA USP	1/05	$28,200	$5,836	$34,036
Hazelton, WV USP	1/05	37,300	5,836	43,136
Forrest City, AR facility	11/04	30,000	2,918	32,918
Herlong/Sierra, CA medium camp	3/05	30,700	8,754	39,454
Williamsburg, SC FCI	9/04	38,000	1,476	39,476
Canaan, PA USP	2/05	34,000	7,295	41,295
Terre Haute, IN USP	3/05	26,000	8,754	34,754
Bennettsville, SC FCI	12/04	32,500	4,377	36,877
Yazoo City, MS FCI	2/05	26,300	7,295	33,595
Coleman, FL USP	2/05	23,000	7,295	30,295
		306,000	59,836	365,836

Reprogramming Authority.—The amounts designated in the table above for "activation costs" are intended for the sole purpose of bringing these new prisons online. The amounts designated in the table above for "inmate care nationwide" represent the cost associated with the inmates who will eventually be housed at the new facilities. The amounts designated in the table above are to be obligated as directed, and are therefore subject to the reprogramming procedures established in section 605 of this Act.

Carryover Amounts.—In addition to the amounts designated in the table above, an additional $50,015,000 is available from amounts carried forward from fiscal year 2004 for prison activations. The conferees expect that funds for Victorville, CA; Williamsburg, SC; Canaan, PA; Hazelton, WV; Herlong/Sierra, CA; Forrest City, AR; and Yazoo City, MS will be obligated as planned. If the amounts required deviate from the planned levels, the FPS should submit a reprogramming notification in accordance with section 605 of this Act.

Base Operations.—The conferees believe that the amount provided for this account is sufficient to support the base operational needs of the entire FPS. Within the amounts provided, the conferees provide base funding of $41,000,000 for FCI Gilmer, West Virginia and $41,000,000 for FCI Beckley, West Virginia.

Contract Confinement.—The conference agreement includes $584,948,000 for the contractual costs associated with housing inmates. This amount includes $22,850,000 in contracts for the National Institute of Corrections and $9,400,000 for 4,500 additional low-security contract beds. The conferees adopt by reference House language regarding use of excess State, local, and private prison capacity to meet bedspace needs, if these facilities meet FPS standards. The conferees also adopt by reference Senate report language in support of private sector contract confinement.

Drug Treatment.—The conferees expect that an amount equal to the fiscal year 2004 level will be provided for the transitional drug treatment program.

Joint Bureau of Prisons/Judiciary Pilot Program.—The conference agreement includes a general provision supporting a pilot program that will allow the Federal Public Defender in the Southern District of Florida to transfer computers for use by inmates reviewing electronic discovery.

Financial Plan.—The conference agreement includes section 118, which requires submission of a financial plan. In requiring the submission of a financial plan, the conferees are mindful of the complexities of managing the budget for the FPS. However, the conferees believe that such a plan is justified in order to effectively carry out the oversight responsibilities of the Committees on Appropriations. To ensure that there is no unnecessary delay in operations of the FPS, the Committees will review the proposed financial plan and respond to the Department of Justice within 15 working days of receipt of the plan. However, submission of the financial plan does not replace the requirement for reprogramming notification under section 605 of the Act.

Sexual Misconduct.—The conferees commend the FPS on its work to address and prevent sexual misconduct. With funds provided in earlier appropriations Acts, the National Institute of Corrections has made useful progress in providing training and technical support to correctional systems throughout the country to eliminate staff sexual misconduct with inmates, training in investigating cases, and training "trainers" in order that employees at every level will be more aware of, and better prepared to deal with, these cases. The conferees direct the FPS to continue these efforts and to report to the Committee by March 31, 2005, on progress made in this area.

The conference agreement incorporates by reference House report language regarding a reimbursable agreement. The conference agreement incorporates by reference Senate report language directing the FPS to move forward with the site investigation and planning for Hazelton, West Virginia. The conferees also incorporate by reference Senate report language regarding female inmates and medical records.

BUILDINGS AND FACILITIES

The conference agreement includes funding of $189,000,000 for construction, modernization, maintenance and repair of prison and detention facilities housing Federal prisoners as proposed by the House and the Senate. The conference agreement includes section 106, which prohibits the transfer of funds from this account to any other Department of Justice account. The conferees continue to expect that all current construction projects will proceed as planned.

The conferees remain concerned that while the prison population grows, the Department of Justice continues to submit budget requests with proposed rescissions of prison construction funds. The conferees reiterate previous direction to discontinue this practice.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

The conference agreement includes language regarding a limit on administrative expenses of $3,411,000 for Federal Prison Industries, Incorporated (FPI). The conferees adopt by reference House report language regarding the FPI program.

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

The conference agreement includes $387,275,000 for violence against women prevention and prosecution programs instead of $383,551,000 as proposed by the House and $410,000,000 as proposed by the Senate. The following table outlines the funding provided in the conference agreement:

[In thousands of dollars]

	FY 2004 enacted	FY 2005 request	House	Senate	Conference agreement
Violence Against Women Office Programs STOP Grants	$166,564	$176,747	$176,747	$175,705	$187,086
(National Institute of Justice—R&D)	(5,145)	(5,200)	(5,200)	(5,000)	(5,000)
(Safe Start Program)	(9,895)	(10,000)	(10,000)	(10,000)	(10,000)
(Transitional Housing Assistance)	....	(15,000)	(15,000)	(10,000)	(12,500)
Grants to Encourage Arrest Policies	63,824	62,479	62,479	64,503	63,491
Rural Domestic Violence Assistance Grants	39,267	38,274	38,274	39,685	39,685
Violence on College Campuses	9,830	9,175	9,175	9,935	9,175
Civil Legal Assistance	39,322	39,871	39,322	39,740	39,740
Elder Abuse Grant Program	4,916	4,458	4,458	4,968	4,600
Safe Haven Project	14,746	14,078	14,078	14,903	14,078
Educ. & Train for Disabled Female Victims	7,373	6,922	6,922	7,451	7,250
Transitional Housing	14,842	....	....	....	....
Management and Administration	....	10,473	10,339	30,000	....
CASA (Special Advocates)	11,772	11,484	11,484	11,897	11,897
Training for Judicial Personnel	2,257	1,925	1,925	2,281	1,925
Grants for Televised Testimony	983	986	983	994	983
Training Programs	4,905	4,415	4,415	4,957	4,415
Stalking Database	2,950	2,962	2,950	2,981	2,950
Total	383,551	....	383,551	410,000	387,275

The conference agreement directs the Office on Violence Against Women to submit a Management and Administration financial plan to the Committees on Appropriations within 60 days of enactment of this Act. The financial plan shall include the amount of funding reimbursed to the Office of Justice Programs for administrative services. The Justice Management Division is required to verify the appropriateness of this amount.

Native American/Native Alaskan Liaison Office.—The conferees understand that Native American and Native Alaskan women experience a high rate of violence compared to any other group in the United States. The conferees are concerned these individuals lack a comprehensive community response to address their needs in breaking the cycle of violence. The conferees believe a liaison office would be an effective resource for these communities to identify and address their needs in order to develop a community response for the elimination of domestic violence.

The conferees are aware that the State of Alaska has been ranked number 1 in the country for its rate of rape, the rate at which men kill women, and the rate at which firearms are stolen. Although violent crime rates have dropped across the nation last year, Federal statistics have shown that violent crimes have been on the rise in Alaska. The conferees understand that the Office on Violence Against Women held a summit in Alaska in July, 2004, which enabled experts from across the country to assist Alaska with this pervasive social problem. The conferees commend the Office on Violence Against Women for their effort in bringing both the Alaska community and the professional community together.

The conference agreement includes $7,550,000 for the Native American/Native Alaskan Liaison Office to begin their work in Alaska. The conferees have provided $2,400,000 for the Anchorage Domestic Violence Prevention Project; $950,000 for the domestic violence prosecution unit in Alaska; $2,700,000 for the Sexual Assault/Domestic Violence Prosecution Unit for the State of Alaska; $750,000 for the Sexual Assault Response Team for the Municipality of Anchorage and $750,000 for the Victims for Justice in Alaska. The conferees direct the Office on Violence Against Women to work with these organizations in order to develop a comprehensive community approach for the State of Alaska.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

The conference agreement includes $227,900,000 for Justice Assistance. The conferees do not adopt the Administration's proposal to consolidate all Office of Justice Programs (OJP) activities under this heading. The table below displays the conference agreement compared to the request for programs funded under this heading and compared to the amounts provided in the House and Senate bills.

[In thousands of dollars]

Program	FY 2004 enacted	FY 2005 request	House	Senate	Conference agreement
National Institute of Justice	47,495	63,559	55,000	63,350	55,000
Bureau of Justice Statistics	31,787	38,717	34,000	32,125	34,000
Victim Notification	....	....	....	8,000	8,000
National White Collar Crime	8,905	4,500	9,000	....	9,000
Regional Inf. Sharing Sys	29,684	43,960	40,000	40,000	40,000
Management and Admin	34,632	118,730	38,000	25,000	35,000
Missing Children Program	35,621	35,368	41,000	42,400	46,900
Total	188,124	....	217,000	210,875	227,900

National Institute of Justice (NIJ).—The conference agreement provides $55,000,000 for the National Institute of Justice. The conference agreement provides $20,000,000 for the Office of Science and Technology, $3,250,000 for counterterrorism research and development, $10,000,000 for social science research and evaluation, $21,000,000 for the National Law Enforcement and Corrections Technology Centers, and $750,000 for Mistral Security Non-Toxic Drug Detention and Identification Aerosol Technology.

The conferees adopt the Senate report language concerning the National Law Enforcement and Corrections Technology Centers. Funding for these centers is distributed as follows:

The National Law Enforcement and Corrections Technology Centers

[In thousands of dollars]

Northeast Regional Center	$3,000
Southeast Regional Center	3,000
Rocky Mountain Regional Center	3,000
Western Regional Center	3,000
National Center	3,000
Northwest Center	3,000
Technology Specialty Centers	3,000
Total, Regional and Specialty Centers	21,000

Within the level of funding provided for the Office of Science and Technology, $3,000,000 is for the CommTech program.

Within the level of funding provided, $3,000,000 is for the Center for Rural Law Enforcement Technology and Training, and $2,800,000 is for the Office of Law Enforcement Technology Commercialization, Inc. The conferees recognize and support the important work of the Border Research Technology Center and support the budget request for research on trafficking in persons. NIJ shall consider expanding the Forensic Resource Network in future years.

Missing Children.—The conference agreement includes $46,900,000 for the Missing Children Program for the following purposes:

MISSING CHILDREN PROGRAM

[In thousands of dollars]

Program	FY 2004 enacted	FY 2005 request	House	Senate	Conference
National Center for Missing and Exploited Children	$14,842	$12,419	$17,000	$26,900	$23,900
Jimmy Ryce Law Enforcement Training Center	2,968	1,049	3,000	3,000	3,000
Internet Crimes Against Children Task Force	12,368	14,500	14,500	12,500	13,500
Missing and Exploited Children Office	1,484	2,400	1,500		1,500
AMBER Alert Program	3,959	5,000	5,000		5,000
Total	35,621	35,368	41,000	42,400	46,900

National Center for Missing and Exploited Children (NCMEC).—The conferees strongly support the NCMEC's nationwide services for the prevention of abduction, endangerment, and sexual exploitation of children. The conferees believe these services are an effective part of the congressionally intended safety net for our most vulnerable children. The conferees commend the leadership of NCMEC for their dedication to these issues. Of the funds appropriated for the NCMEC, $1,000,000 is for NCMEC's Lost Child Alert Technology Resource (LOCATER) program; $2,250,000 is for NCMEC's NETSMARTZ program; $1,650,000 is for the expansion and enhancement of the Child Recognition and Identification System (CRIS); and $2,000,000 is for NECMEC's Team Adam initiative.

Regional Information Sharing System.—The conference agreement provides $40,000,000 for the Regional Information Sharing System (RISS). The conferees direct the Department to ensure that inter-state information sharing systems funded by OJP and COPS comply with the National Criminal Intelligence Sharing Plan. The conferees strongly support RISS's leadership role in implementing the National Criminal Intelligence Sharing Plan. In particular, the conferees are pleased with RISS's efforts in promoting collaboration between Federal, State, and local agencies through information sharing, especially in the exchange of antiterrorism information. Furthermore, the conferees commend the support provided by BJA for RISS.

Bureau of Justice Statistics.—Of the funds provided for the Bureau of Justice Statistics, $2,000,000 shall be utilized for the National Crime Victimization Survey (NCVS) conversion. This funding supports the continuation of converting the NCVS from primarily a paper and pencil operation to a fully automated data collection operation.

Victim Notification System.—The conferees understand that eighteen states have implemented statewide automatic victim notification programs, but a national automated victim notification network remains incomplete. The conference agreement recommends $8,000,000 for the Bureau of Justice Assistance to launch a new grant program for State automated victim notification programs. The conferees agree that no funding can be utilized from the Victims Assistance Program for this initiative and that funds provided under this heading require a 50 percent match from State, local, or private sources. The conferees direct the Bureau of Justice Assistance to work with Congress in developing this program and to submit to the Committees on Appropriations a report outlining the program within 180 days of the enactment of this Act.

Management and Administration.—The conference agreement provides $35,000,000 in direct appropriations for the management and administration of OJP. The conferees direct OJP to submit a financial plan to the Committees on Appropriations within 60 days of enactment of this Act. The financial plan shall include the amount of reimbursable funding OJP receives from the Office of Community Oriented Policing Services, the Office on Violence Against Women and the Office of Domestic Preparedness, as well as reimbursements for the processing of grants for any other agency outside of the Department of Justice. In addition, the financial plan shall outline the level of funding individual OJP programs will be contributing for management and administration.

The conferees are cognizant that independent auditors performing the fiscal year 2004 financial audit at OJP found multiple material weaknesses in internal controls surrounding OJP's grant accounting practices and grants management systems. The conferees are extremely disappointed that the weaknesses have caused the auditors to disclaim their opinion on OJP's financial statements and as a result have caused the loss of the overall Department of Justice clean audit opinion. The conferees understand the auditors reported weaknesses in OJP's grant accounting process, significant errors in reporting, weak systems controls, weaknesses in OJP monitoring, and an inability to adequately document certain accounting entries. The conferees direct OJP to rectify its accounting and monitoring weaknesses, strengthen its internal controls and systems, and ensure it can reliably report its financial activity in fiscal year 2005. Additionally, the conferees expect OJP to submit monthly reports to the Committees on Appropriations on the status of the corrective action plan.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The conference agreement provides a total appropriation of $1,295,510,000. The table below displays the funding provided in the conference agreement compared to the level of funds requested under the Justice Assistance heading for similar activities, and compared to the levels provided in the House and Senate bills.

[In thousands of dollars]

	2004 enacted	2005 request	House	Senate	Conference agreement
Byrne Memorial Justice Assistance Grants		508,937	634,000		634,000
(Boys and Girls Clubs)		(60,000)	(80,000)		(85,000)
(USA Freedom Corps)			(5,000)		(2,500)
(National Institute of Justice)		(19,956)	(15,000)		(10,000)
(Tribal Courts)		(5,921)			
Edward Byrne Memorial State Formula	494,739			500,000	
Local Law Enforcement Block Grants	222,632			150,000	
(Boys and Girls Clubs)	(79,158)			(85,000)	
(USA Freedom Corps)	(2,968)				
(National Institute of Justice)	(9,895)			(10,000)	
State Criminal Alien Assistance	296,843		325,000	220,000	305,000
Southwest Border Prosecutor Program				30,000	30,000
Cooperative Agreement Program	1,979				
Indian Assistance	14,842	4,240	15,000	18,000	18,000
(Tribal Prison Construction Program)	(1,979)		(2,000)		(5,000)
(Indian Tribal Courts Program)	(7,916)		(8,000)		(8,000)
(Alcohol and Substance Abuse)	(4,947)	(4,240)	(5,000)		(5,000)
Byrne Discretionary Grants	157,443		110,000	117,969	170,027
USA Freedom Corps		15,381			
Victims of Trafficking Grants	9,894		10,000		10,000
State Prison Drug Treatment		74,669	35,000	25,000	25,000
Drug Courts	38,095	67,463	50,000	40,000	40,000
Prescription Drug Monitoring	6,926		10,000		10,000
Prison Rape Prevention and Prosecution	36,784	7,654	52,175		37,000
Other Crime Control Programs:					
Intelligence State and Local Training		10,654	10,000	11,000	10,500
Hate Crimes Training	989	1,000	1,000	1,000	1,000
Missing Alzheimer's Patients	883		883	850	883
Law Enfor. Family Support Program				2,000	2,000
Motor Vehicle Theft Prevention Program				100	100
Senior Citizens Vs. Marketing Scams	1,979		1,979	2,000	2,000
Miscellaneous	51,942				
Rescission		(53,471)			
Total, State and Local Assistance	1,335,971		1,255,037	1,117,919	1,295,510

Edward Byrne Memorial Justice Assistance Grants program.—The conference agreement includes $634,000,000 for the Edward Byrne Memorial Justice Assistance Grants program, as authorized by H.R. 3036, the Department of Justice Appropriations Authorization Act, Fiscal Years 2004 through 2006, as passed by the House on March 30, 2004. The conference agreement is $125,063,000 above the budget request.

This program is intended to consolidate the Local Law Enforcement Block Grant program and the Byrne Formula program. Funding under this program is authorized for: (a) law enforcement programs; (b) prosecution and court programs; (c) prevention and education programs; (d) corrections and community corrections programs; (e) drug treatment programs; and (f) planning, evaluation, and technology improvement programs. Funding is not available for: (a) vehicles, vessels, or aircraft; (b) luxury items; (c) real estate; or (d) construction projects.

The formula used for distributing funds under this program allocates 50 percent of funding based on population, and 50 percent based on violent crime rates. The formula allocates 60 percent of funding to States and 40 percent to units of local government. Of the amount provided, $85,000,000 is for Boys and Girls Clubs; $10,000,000 is for NIJ to assist local units of government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement; and $2,500,000 is for the USA Freedom Corps initiative for the expansion of Neighborhood Watch programs and the Volunteers in Policing program.

Indian Country Grants.—The recommendation provides $18,000,000 for Indian Country grants. The conferees acknowledge the success that the Comprehensive Indian Resources for Community Law Enforcement (CIRCLE) initiative is having and urge the Department to continue to work on ways to expand CIRCLE.

Edward Byrne Discretionary Grants.—The conference agreement includes $170,027,000 for discretionary grants under this account.

Within the amounts provided, OJP is expected to review the following proposals, provide grants if warranted, and report to the Committees on Appropriations regarding its intentions:

$4,500,000 for the National Citizens Crime Prevention Campaign;

$1,750,000 for continued support for the expansion of SEARCH Group, Inc. and the National Technical Assistance and Training Program to assist States, such as West Virginia and Alabama, to accelerate the automation of the fingerprint identification process;

$350,000 for the Turtle Mountain Community College, ND, Project Peacemaker;

$1,000,000 for the Indigenous Peoples Law & Policy Project at the University of Arizona;

$1,700,000 for the Drug Abuse Resistance Education (DARE) program;

$8,000,000 for Operation UNITE for a drug enforcement, treatment and education program;

$700,000 for the New Orleans, LA, Police Department for crime fighting initiatives;

$200,000 for the Orleans Parish, LA, District Attorney's Office for crime fighting initiatives;

$500,000 for the Paul and Lisa Foundation;

$2,000,000 for the Northern Virginia Regional Gang Task Force;

$587,000 for the Northwest Virginia Regional Drug Task Force;

$3,000,000 for the State of Virginia for anti-gang coordination;

$2,500,000 for Mothers Against Drunk Driving including the continuation of Spanish language public service announcements;

$1,500,000 for the National Institute of Justice and Bureau of Justice Statistics to conduct a study of conditions of confinement in Indian country correctional facilities and the factors that exacerbate those conditions;

$150,000 for the Obscenity Crimes Project to provide citizens with an online tool to report Internet obscenity crimes;

$350,000 for Gospel Rescue Ministries;

$300,000 for The Women's Center in Vienna, VA;

$1,500,000 for the Pacific Institute for Research and Evaluation, International Institute for Alcohol Awareness for a training and technical assistance program for State and local law enforcement regarding liquor law enforcement;

$660,000 for the Virginia Community Policing Institute;

$500,000 for William and Mary College's Courtroom 21 project;

$1,540,000 for pre-release and post-incarceration services programs for the Commonwealth of Virginia;

$1,500,000 for court programs in the Commonwealth of Virginia to combat drug use and drug related crimes;

$732,000 for the Virginia Attorney General's office for a Computer Crime Unit, a gang task force, and the Triad program;

$500,000 for a school safety program in Northern Virginia;

$250,000 for the Wyandotte Focus for a program to reduce recidivism;

$200,000 for a community resource officer program and a school resource officer program in Manassas Park, VA;

$100,000 for Clarke County, VA, for a school resource officer program;

$250,000 for Securing Emergency Resources Through Volunteer Efforts for a re-entry program;

$750,000 for The Doe Fund's Ready, Willing & Able program;

$300,000 for an onsite drug testing demonstration project in the Fourth Judicial District of New York State;

$1,500,000 for the Phoenix House in Upstate New York Drug Treatment Alternative for offenders;

$225,000 for Excelsior College for law enforcement training programs;

$225,000 for the Capital Region Cybercrime Partnership in NY;

$400,000 for the Pat Thomas Law Enforcement Academy Training Program;

$100,000 for Southside Virginia law enforcement activities;

$150,000 for the Tarrant County, TX, District Attorney for a gang database program;

$1,500,000 for the Center for Court Innovation;

$500,000 for the Frank Bland Regional Training Center;

$1,000,000 for Protecting Children Against Sex Offenders in Fairfax County, VA;

$100,000 for Mountain Village, CO, for law enforcement technologies;

$400,000 for the Rhode Island Family Treatment Court program;

$1,500,000 for the Washington Metropolitan Area Drug Enforcement Task Force (MATF);

$2,000,000 for the Washington Public Building Mapping System;

$200,000 for Forest County, PA, for court related costs;

$1,000,000 for the Wichita, KS, Police Department for law enforcement costs;

$250,000 for the Chattanooga, TN, Drug Court program;

$250,000 for the Law Enforcement Innovation Center;

$500,000 for the Rape, Abuse and Incest National Network's sexual abuse hotline;

$3,000,000 for the National Clearinghouse for Science, Technology, and the Law at Stetson University College of Law;

$2,000,000 for the National Forensics Science Technology Center in Largo, FL;

$750,000 for Pinellas County, FL, for a jail diversion program for the mentally ill;

$200,000 for the Pinellas County, FL, Sexual Predator Unit;

$250,000 for Kristen's Act;

$200,000 for It Happened to Alexa;

$500,000 for Phoenix House in Dallas, TX, for at-risk youth programs;

$250,000 for the Southern Methodist University's Family Research Center to conduct research on domestic violence;

$3,000,000 for the University of Houston to work with the National Institute of Justice to test new law enforcement technologies;

$250,000 for the Ascension Parish Law Enforcement Training Center;

$250,000 for the National Correctional Industries Association's Prison Industry Enhancement Certification Training and Technical Assistance Project;

$2,000,000 for the National Institute of Justice's Cyber Science Laboratory in Rome, NY;

$300,000 for the National Association of Town Watch's National Night Out crime prevention program;

$200,000 for Athens-Clarke County, GA, for law enforcement initiatives;

$200,000 for Effingham County, GA, for law enforcement initiatives;

$200,000 for Augusta-Richmond County, GA, for law enforcement initiatives;

$500,000 for the National Institute on State Policy on Trafficking of Women and Girls;

$250,000 for the Rural Law Enforcement Information Technology Center at Tarleton State University;

$250,000 for the University of Notre Dame in collaboration with the State University of New York (SUNY) Stony Brook for law enforcement technologies research;

$250,000 for the WINGS Domestic Violence program;

$500,000 for Enough is Enough;

$50,000 for the Stargazer Foundation;

$100,000 for the Union County, NJ, Police Department in partnership with Union County College for law enforcement training programs;

$250,000 for a school resource officer training program in Palm Beach County, FL;

$250,000 for the Gun Crimes Reduction Task Force in Ventura County, CA;

$100,000 for Bartow County, GA, for equipment to prevent the spread of airborne pathogens in the county jail;

$250,000 for the State of Missouri, to enhance its Amber Alert program;

$500,000 for Beyond Missing;

$100,000 for the State University of New York for law enforcement training;

$200,000 for St. Clairsville, OH, for courtroom equipment;

$400,000 for the San Joaquin Valley Rural Crime Prevention Program;

$100,000 for Whiteclay, NE, for law enforcement programs;

$250,000 for the Regional Counter-Drug Training Academy for law enforcement training;

$250,000 for the City of Lancaster, PA, for a community policing initiative;

$250,000 for Chattahoochee Valley Community College for a law enforcement training program;

$150,000 for the Check 'Em Out program;

$300,000 for The Northwest Fund—Crime Reduction initiative;

$500,000 for the Whitman-Walker law enforcement programs;

$100,000 for the Lake Washington Technical College;

$500,000 for the University of Toledo Center for Parents criminal justice program;

$200,000 for the Westchester County, NY, Special Operations Task Force;

$250,000 for Arlington County, VA, for gang suppression;

$450,000 for the On-Site Academy's Law Enforcement Counseling Program;

$200,000 for the Safer Foundation ex-offender program;

$500,000 for Training for Judicial Personnel;

$600,000 for the Vera Institute of Justice;

$500,000 for the Fairleigh Dickinson University CyberCrime program;

$300,000 for the Computer Crimes Initiative—Suffolk County, NY;

$50,000 for the Latino Action Center for drug and crime prevention programs;

$100,000 for New York City's Community Crime Stopper Program;

$100,000 for the Opening Word, Wyandanch, NY;

$200,000 for the Eastern Michigan Center for Community Building;

$200,000 for Project COPE NY Police Foundation;

$400,000 for the STRIVE Ex-Offender Program;

$400,000 for the Fortune Society's Community Reentry Program;

$50,000 for the Bexar County, TX, Jail Diversion Program;

$200,000 for the Newport, RI, Police Department law enforcement initiative;

$1,000,000 for the National Corrections and Law Enforcement Training and Technology Center;

$500,000 for the Law Enforcement Information Technology and Analysis Program, WV;

$125,000 for Wyandotte CHWC;

$125,000 for Mid-America Nazarene;

$240,000 for the Minneapolis, MN, Police Department law enforcement initiative;

$500,000 for Hennepin County, MN, CrimNet;

$100,000 for the Wisconsin Coalition Against Domestic Violence;

$100,000 for the Wayne County, MI, Jail Diversion and Assistance Initiative;

$100,000 for the Police Command Center in Cleveland, OH;

$100,000 for California Front Line Law Enforcement;

$400,000 for the Minnesota Fond du Lac Law Enforcement Program;

$200,000 for the Central Wisconsin Drug Enforcement program;

$500,000 for the Wisconsin Alliance for Children and Families;

$1,000,000 for the International Center for Ending Violence;

$750,000 for San Francisco Ex-Offender Reentry Services;

$150,000 for California Western School of Law;

$625,000 for the Contra Costa County, CA, ARIES Integrated Justice System;

$400,000 for the Urban Justice Center;

$500,000 for West Shore Regional Law Enforcement;

$500,000 for the Multi-Jurisdictional Criminal Justice Data Integration Project;

$200,000 for the Maine Rural Substance Abuse Project;

$291,000 for the Town of Taos, NM, Police Department Law Enforcement;

$100,000 for the Providence, RI, Police Department for Command Training;

$250,000 for the Center Point Re-entry Program;

$100,000 for the WAVE domestic violence program in California;

$185,000 for a law enforcement program in Independence County, AR;

$100,000 for the Catholic University Anti-Domestic Violence Program in Puerto Rico;

$500,000 for the Steganography Analysis and Research Center;

—$400,000 for the Alabama Bureau of Investigation's Missing Children's Program;

—$1,000,000 for the Alaska Native Justice Center restorative justice programs;

—$2,000,000 for the Alaskan Rural Prosecution Unit;

—$1,100,000 for Alcohol Interdiction in Alaska for bootlegging crimes;

—$250,000 for the Biloxi, MS, Police Department Technical Bomb Squad;

—$125,000 for Carbon County, UT, for drug enforcement;

—$200,000 for the Center on Domestic Violence at CU-Denver, CO;

—$100,000 for the City of Columbia, MS, for law enforcement equipment;

—$230,000 for the City of Philadelphia's Operation Safe Streets;

—$100,000 for the City of Xenia, OH, Police Division Internet Child Protection Unit;

—$3,000,000 for the Consolidated Advanced Technology Laboratory at UNH;

—$700,000 for the Dispute Resolution program at Faulkner University, AL;

—$300,000 for the Fort Bend and Harris County, TX, Anti-Drug Initiative;

—$250,000 for the further testing and evaluation of TACSCAN system;

—$890,000 for the Holyoke Community College, information security system;

—$5,000,000 for the Institute for Security Technology Studies, NH;

—$1,000,000 for the Center for Task Force Training;

—$2,000,000 for the Jackson, MS, Public Safety Automated Technologies—Equipment;

—$250,000 for the Kansas City Swope Parkway, MO;

—$375,000 for the Leadership Institute in Judicial Education, University of Memphis;

—$900,000 for the Clearwater Economic Development Association, ID, for the Idaho-Montana Lewis and Clark Bicentennial Bi-State Safety Project;

—$400,000 for Mental Health Courts;

—$100,000 for the Millerstown Borough Police Department, Perry County, PA;

—$1,000,000 for the Mississippi State University—Computer Crime Prosecution Initiative;

—$100,000 for the National Association of Promoting Success;

—$2,084,650 for the National Fatherhood Initiative;

—$650,000 for the New Hampshire Cyber Crime Initiative;

—$750,000 for the National Child Protection Training;

—$51,000 for the NH Department of Safety evidence storage expansion;

—$250,000 for the NH Police Standards and Training distance learning expansion;

—$1,000,000 for Operation Streetsweeper;

—$550,000 for Brown University Nanotechnology DNA Sequencing in RI;

—$225,000 for crime scene examination enhancement for the State of Alaska;

—$500,000 for the El Paso Regional Lab in TX;

—$400,000 for the Greater Columbus Area Crime Fighting AFIS Project in OH;

—$100,000 for the Fulton County District Attorney's Cold Case Unit in GA;

—$1,000,000 for the Mississippi Crime Lab to Address Forensic Backlog;

—$200,000 for the Northwest Ohio Regional Information System AFIS;

—$250,000 for the Ohio BCI Laboratory System Improvement Project;

—$375,000 for the Ohio BCI Palmprint AFIS Program;

—$200,000 for the Pikes Peak Metro Crime Lab DNA Laboratory in CO;

—$500,000 for Southeast Missouri State University;

—$200,000 for the Greenville Tech Forensic/DNS Laboratory in SC;

—$200,000 for the Texas Tech Forensic Science Institute;

—$150,000 for the University of Alabama at Birmingham Forensic Science Education and Training program;

—$400,000 for the Utah Valley State College Forensic Science Program;

—$200,000 for Weber State University's Criminal Justice Program in UT;

—$200,000 for the Sam Houston State University, Texas, Center for Forensic Sciences.

—$250,000 for the Partners for Downtown Progress, AK;

—$2,000,000 for the Public Private Ventures, of which $750,000 is for the National Center on Neighborhood Enterprise, of which up to 5 percent may be used by Public Private for the purpose of enhanced accountability and rigorous evaluation of the Violence Free Zone project;

—$1,000,000 for the Ridgelend, MS, Police Department radios and equipment;

—$200,000 for the South Central Alaska Search and Rescue Training Project for the Alaska Police Department;

—$210,000 for the Alaska Statewide DARE coordinator and implementation of new DARE curriculum;

—$100,000 for equipment for the Tchula, MS, Police Department;

—$640,400 for technology improvements at the NH Department of Motor Vehicles;

—$3,000,000 for the continuation of the J-ONE information sharing system in NH:

—$750,000 for the Texas Medical Center in Houston, TX, Operations Center;

—$1,000,000 for the University of Kentucky Rural Drug Prosecution Assistance Project;

—$500,000 for the University of Louisville Effects of Collaboration Team Intervention on Child Well Being;

—$2,000,000 for University of Mississippi National Center for Justice and the Rule of Law:

—$200,000 for the Texas Center for Forensic Science:

—$200,000 for the University of Mississippi TechLaw to offer police online training;

—$400,000 for the Institutional Security Program and the University of Southern Mississippi;

—$275,000 for the University of Southern Mississippi's Rural Law Enforcement Training Initiative;

—$200,000 for the Violent Crimes Fugitive Task Force, MT;

—$300,000 for the State of Colorado Digital Trunked Radio System;

—$400,000 for the Western Kentucky University Public Safety program;

—$100,000 for the New Hampshire DARE program;

—$250,000 for the City of Richton, MS, for the police department;

—$65,000 for the University of Delaware Center for Drug and Alcohol Studies to conduct a statewide survey of delinquent and high risk behaviors;

—$3,100,000 for the Monterey County, CA, Street Violence and Anti-gang Project;

—$250,000 for the Washington State Department of Corrections Electronic Fingerprint Criminal Background Check;

—$150,000 for the Family Re-Entry, Inc., prisoner reentry pilot program in Bridgeport, CT;

—$400,000 for the University of Connecticut Breaking the Cycle of Behavioral Health Problems and Crime study;

—$150,000 for the Native Americans Into Law Program;

—$500,000 for the National Center for Victims of Crime and INFOLINK;

—$950,000 for the Chicago Project for Violence Prevention to expand Ceasefire;

—$500,000 for the San Diego, CA, Crisis Intervention Response Teams;

—$1,200,000 for the Methamphetamine Jail Treatment, IA;

—$765,000 for the Highway Interdiction Team, IA;

—$4,750,000 for the National Advocacy Center/National District Attorneys Association;

—$14,000,000 for the South Carolina Judicial Department case docket system;

—$1,000,000 for the Richland County Sheriff's Office Carolina Regional Fugitive Task Force;

—$1,750,000 for Indian Legal Services

—$425,000 for the Oglala Sioux Tribe Judicial System operations;

—$500,000 for the Rosebud Sioux Tribe, SD, Judicial System operations;

—$1,000,000 for the Worcester Polytechnic Institute, MA, for the development of law enforcement technologies;

—$100,000 for the Hampshire County, MA, Triad;

—$100,000 for the Phoenix House Treatment Center, MA;

—$950,000 for the Milwaukee County, WI, Judicial Oversight Demonstration Initiative;

—$400,000 for the Milwaukee, WI, Community Partners;

—$300,000 for the New Orleans District Attorney's Office for system upgrades;

—$1,000,000 for the Child Safe Personalized Weapon, New Jersey's Institute of Technology;

—$1,500,000 for the Baltimore City Operation Safe Streets;

—$150,000 for the Leadership and Public Service Mentoring and Education Program at the University of Florida;

—$250,000 for the University of Nebraska at Kearney Polygraph Credibility Project;

—$550,000 for the Henderson Emergency Operations Center, NV;

—$50,000 for the UNLV Boyd School of Law Immigration Clinic;

—$50,000 for the UNR Grant Sawyer Center for Justice Studies;

—$30,000 for the Mineral County, Nevada, Sheriff's Office;

—$735,000 for the Family Development Foundation, Las Vegas, Nevada;

—$750,000 for the National Judicial College;

—$400,000 for the Bodega Association of NYC;

—$130,000 for the National Megan's Law Helpline; and

—$500,000 for the Tools for Tolerance Program;

Harold Rogers Prescription Drug Monitoring Program.—The conference agreement includes $10,000,000 to assist States in building or enhancing prescription drug monitoring systems, facilitating the exchange of information between States, and providing technical assistance and training on establishing and operating effective prescription drug monitoring programs. During 2002, 6.2 million Americans abused prescription drugs. The conferees expect OJP to collaborate with DEA and other entities of the Executive Branch, such as the Food and Drug Administration and the Office of National Drug Control Policy, to ensure a coordinated government-wide approach to address prescription drug diversion. The Department of Justice is directed to submit quarterly reports describing its efforts to address prescription drug diversion.

Prison Rape Prevention and Prosecution.—The conference agreement provides $37,000,000 for implementation of the Prison Rape Elimination Act of 2003 (Public Law 108–79). The conference agreement provides $15,000,000 for the collection of statistics, data and research as authorized by section 4 of the Act; $1,000,000 for the National Institute of Corrections for a national clearinghouse, training and education as authorized by section 5 of the Act; $20,000,000 for grants to States to protect inmates and safeguard communities as authorized by section 6 of the Act; and $1,000,000 to be transferred to the National Prison Rape Elimination Commission.

Improving State and Local Law Enforcement Intelligence Capabilities.—The conference agreement includes $10,500,000 for the implementation of the National Criminal Intelligence Sharing Plan and the efforts of the Global Justice Information Sharing Initiative. The conferees direct this funding to be used to support training for State and local law enforcement on the intelligence process including planning, collection, analysis, dissemination and reevaluation. This program should continue to provide support for training in the use of intelligence as a tool in identifying pre-incident indicators. The conferees believe the training should ensure that law enforcement officials are protecting individuals' privacy, civil rights, civil liberties, and constitutional rights within the intelligence process. The conferees also expect some funding to be available to promote the use of information technology standards among law enforcement to ensure that the data can be exchanged across disparate information systems.

WEED AND SEED PROGRAM FUND

The conference agreement includes $62,000,000 for the Weed and Seed program as proposed by the Senate. Of the funds provided, $2,000,000 shall be for comprehensive community development training and technical assistance.

COMMUNITY ORIENTED POLICING SERVICES

The conference agreement includes $606,446,000 for Community Oriented Policing Services (COPS) programs instead of $686,702,000 as proposed by the House and $755,969,000 as proposed by the Senate.

The table below displays the funding provided in the conference agreement compared to the level of funds requested under the COPS and Justice Assistance headings for similar activities and compared to the levels provided in the House and Senate bills.

[In thousands of dollars]

Program	FY 2004 enacted	FY 2005 request	House	Senate	Conference
Enhancement Grants			113,000		
Hiring/School Resource Officers	118,737			180,000	10,000
Training and Technical Assistance	(5,000)	17,625		20,000	15,000
Tribal Law Enforcement	24,737	20,000		20,000	20,000
Meth Hot Spots	53,482	20,000	60,000	55,000	52,556
COPS Technologies	156,740		130,000	110,969	138,615
Interoperable Communications	84,106	1,550		100,000	100,000
Safe Schools Initiative	4,552			5,000	4,325
Police Integrity Grants	9,894	10,000		15,000	7,500
Management and Administration	29,684	27,914	27,914	35,000	30,000
Prior Year Balances (Rescission)		(53,471)			
Bullet-Proof Vests	24,737	24,950	25,000	25,000	25,000
Police Corps	14,842	27,579	20,000	15,000	15,000
Criminal Records Upgrade	29,684	56,186	50,000		25,000
DNA Initiative	98,948	175,788	175,788	100,000	110,000
Paul Coverdell Forensic Science	9,894			20,000	15,000
Crime Identification Technology Act	23,971			35,000	28,450
(Safe Schools Technologies)	(4,948)			(5,000)	
SW Border Prosecutor Program	29,684	47,431	40,000		
Project Safe Neighborhoods	29,684	45,080	30,000	15,000	
Offender Re-Entry	4,948	15,000	15,000	5,000	10,000
Grand total	748,324		686,702	755,969	606,446

COPS Hiring Program.—The conference agreement includes $10,000,000 for the hiring of law enforcement officers, of which $5,000,000 shall be for school resource officers.

Police Corps.—The conference agreement includes $15,000,000 for the Police Corps program. The conferees expect that the Police Corps training curriculum will incorporate all relevant training portions of the National Criminal Intelligence Sharing Plan.

Indian Country.—The conferees recommend that 5 percent of COPS funds be provided directly to tribal judicial systems to assist Tribal Courts with the caseload associated with increased arrests as a result of more stringent tribal law enforcement.

Methamphetamine Enforcement and Clean-Up.—The conference agreement includes $52,556,000 for State and local law enforcement programs to combat methamphetamine production and distribution, to target drug "hot spots," and to remove and dispose of hazardous materials at clandestine methamphetamine labs.

Within the amount provided, the conference agreement includes $20,000,000 to reimburse the Drug Enforcement Administration (DEA) for assistance to State and local law enforcement for proper removal and disposal of hazardous materials at clandestine methamphetamine labs.

In addition, within the amount provided, the conferees expect the COPS Program Office, in consultation with DEA, to examine each of the following proposals, to provide grants if warranted, and to submit a report to the Committees on Appropriations on its intentions for each proposal:

$2,000,000 for a Washington State law enforcement methamphetamine initiative;

$2,000,000 for the Methamphetamine Task Force in East Tennessee, to fight the spread of meth labs in this region;

$250,000 for the Indiana State Police meth enforcement team;

$300,000 for the Clackamas County, OR, Methamphetamine Initiative: Community Prosecution;

$1,000,000 for the Minot State University Rural Methamphetamine Education Demonstration Project in North Dakota;

$300,000 for the COPS Methamphetamine Drug Hot Spots Program in AR;

$600,000 for the Marion County, OR, Methamphetamine Forensic Lab Enhancement;

$6,000,000 for the Comprehensive Methamphetamine Response in HI;

$1,500,000 for the Methamphetamine Clandestine Lab Task Force in IA;

$600,000 for the Virginia State Police, of which $175,000 shall be for the Northwest Virginia Regional Drug Task Force, and $175,000 shall be for the Harrisonburg Drug Task Force to assist their efforts in combating methamphetamine;

$2,000,000 for the Partnership for a Drug Free America to provide technical assistance to State and local law enforcement to address meth;

$160,000 for Winston and Fayette Counties, AL, for a meth initiative;

$1,500,000 for the California Department of Justice, Bureau of Narcotics Enforcement, for the California Methamphetamine Strategy (CALMS);

$250,000 for the Mineral Area Drug Task Force;

$100,000 for the South Central Missouri Drug Task Force;

$200,000 for the Southeast Missouri Drug Task Force;

$100,000 for the Bradford County, PA, Sheriff's Department for a meth initiative;

$250,000 for the Commerce City, CO, Police Department for meth initiatives;

$250,000 for the Franklin County, MO, Sheriff's Department for Operation CHEM;

$250,000 for the Regional Training Center in Sioux City, IA;

$250,000 for the Iowa Office of Drug Control Policy for meth initiatives;

$250,000 for the Daviess County, KY, Sheriff's Department to combat production and distribution of methamphetamine;

$250,000 for the Oklahoma Bureau of Narcotics and Dangerous Drug Control Clandestine Laboratory Enforcement Program;

$250,000 for the Nebraska State Patrol to combat the production and distribution of methamphetamine;

$250,000 for Polk County, FL, Sheriff's Department to combat the production and distribution of methamphetamine;

$250,000 for the Oregon Partnership meth prevention program;

$350,000 for the Pennyrile Narcotics Task Force in KY;

$300,000 for the Lincoln County, OR, Methamphetamine Intervention and Enforcement;

$200,000 for the St. Matthews, SC, Police Dept Methamphetamine Initiative;

$100,000 for the Merced County, CA, "Meth is Death" Project;

$50,000 for the Lauderdale County, AL, Sheriff's Office Meth Initiative;

$50,000 for the Colbert County, AL, Sheriff's Office Meth Initiative;

$100,000 for the Guam Methamphetamine Initiative;

$100,000 for the Miami Tribe's Meth Hot Spots program;

$250,000 for the Pulaski County, IL, Sheriff Department Meth Initiative;

$310,000 for the Fresno County, CA, District Attorney Methamphetamine Initiative;

$500,000 for the TN 13th Judicial District/Surrounding Counties Methamphetamine Task Force;

$100,000 for the Woodland, CA, Methamphetamine Enforcement;

—$100,000 for the Combined Ozarks Multi-Jurisdictional Enforcement Team [COMET] in MO;

—$750,000 for the Five County Northern UT Methamphetamine Project;

—$125,000 for Jackson County Methamphetamine Clean-Up in MS;

—$250,000 for the Jackson County Mississippi Sheriff's Department—Narcotics Task Force/Technology;

—$100,000 for Jefferson County, Colorado, Methamphetamine Interdiction & Response;

—$300,000 for the Kansas Methamphetamine Prevention Project;

—$400,000 for the Maricopa County Arizona Meth Funding;

—$250,000 for the Methamphetamine Addiction in MT;

—$1,000,000 for the Mississippi Bureau of Narcotics—Methamphetamine Enforcement;

—$1,000,000 for the MoSmart Board, MO;

—$125,000 for the North Carolina Attorney General Office Meth Program;

—$250,000 for the North Carolina U.S. District Attorneys Meth;

—$200,000 for the State of Minnesota's Methamphetamine Hot Spots Initiative;

—$250,000 for the Statewide Drug Enforcement and Lab Equipment in NE;

—$26,000 for the Wright County Drug Mobile Command;

—$500,000 for the Methamphetamine Montana Initiative;

—$300,000 for the Anhydrous Ammonia Nurse Tank Locks in IA;

—$1,000,000 for the Wisconsin I Methamphetamine Law Enforcement Initiative;

—$300,000 for the Louisiana Methamphetamine Task Force;

—$1,750,000 for the Vermont Drug Task Force; and

—$60,000 for the Coos and Curry Co. METH Reduction, OR;

COPS Interoperable Communications Technology Program.—The conference agreement provides $100,000,000 to continue the COPS Interoperable Communications Technology Program being designed and implemented by the COPS Office, in consultation with NIJ's OS&T as well as the Bureau of Justice Assistance. The conferees commend the COPS Office for its coordination with other Federal agencies who deal with public safety interoperability. The conferees believe coordination of Federal efforts is critical to ensure our Nation's safety and a necessity if we are not to fall victim to the pitfalls of the past.

The conferees strongly support the need for minimum standards for law enforcement communications technology. Therefore, OS&T should continue to assist COPS in incorporating existing minimum standards into the formulation of this grant program. Within the amount provided, $5,000,000 shall be transferred to the National Institute of Standards and Technology (NIST) to continue the efforts of the Office of Law Enforcement Standards (OLES) regarding the development of a comprehensive suite of minimum standards for law enforcement communications.

The conferees commend the Institute for Telecommunication Sciences (ITS) in Boulder, Colorado, for all their efforts and contributions to the public safety communications statement of requirements. Their contributions were critical in addressing the many issues plaguing public safety organizations for decades.

Interoperable Standards.—Over a decade ago, APCO Project 25 was established through a joint effort of Public Safety First Responders, U.S. Industry, and elements of the Federal Government to provide the public safety community with interoperable, spectrally-efficient, economically-priced, digital radios capable of providing a variety of operationally required functions and features, including backward compatibility with existing analog land mobile radios.

The Project 25 suite of standards, being developed with the technical assistance of the Telecommunications Industry Association (TIA) Standards Committee TR-8, is intended to satisfy defined user needs, allow multiple vendors to manufacture some or all components of the Project 25 system at their discretion, and ensure that components produced by many sources will be interoperable.

The timely completion of the Project 25 standards for all of the relevant communications systems equipment is essential to the public safety community. The conferees are concerned that the functional standards that specify key Project 25 system interfaces (such as the Inter-RF Subsystem Interface (ISSI), the Console Interface, and the Fixed Station Interface) have not been developed or approved, nor have the standards that define how the interfaces should be tested and evaluated.

The conferees encourage the OLES to work with CommTech within the National Institute of Justice and the Wireless Public SAFEty Interoperability COMmunications (SAFECOM) Program within the Department of Homeland Security, to consider the issuance of interim standards that can be used to specify the required functionality and testing validation characteristics.

Law Enforcement Technology Program.—The conference agreement includes $138,615,000 for the COPS Law Enforcement Technology Program. The conference agreement adopts by reference the House report language concerning standards.

Within the overall amounts recommended, the conferees expect the COPS office to examine each of the following proposals, to provide grants if warranted, and to submit a report to the Committees on Appropriations on its intentions for each proposal:

$750,000 for the City of Lubbock, TX, Police Department for law enforcement technologies;

$1,125,000 for the State of New Mexico State Police;

$1,500,000 for the Midwest Forensics Resource Center, IA;

$500,000 for the Arkansas State Police for law enforcement technologies;

$500,000 for the City of Stamford, CT, for law enforcement technologies;

$750,000 for continued participation of Idaho in the Criminal Information Sharing Alliance;

$750,000 for law enforcement technologies, to be split evenly between the City of Tucson, AZ Police Department and the Pima County, AZ Police Department;

$250,000 for law enforcement technologies for sheriff's offices in Cochise County, AZ;

$2,000,000 for the City of Asheville, NC, Police Department for law enforcement technologies;

$100,000 for the New Orleans Metropolitan Crime Commission;

$70,000 for the Leesburg, VA, Police Department for law enforcement technologies;

$2,100,000 for the Integrated Criminal Justice Information System for the State of Virginia;

$1,500,000 for a statewide records management system for Virginia law enforcement;

$15,000 for the Berryville, VA, Police Department for in-car cameras;

$75,000 for the City of Manassas, VA, Police Department for law enforcement technologies;

$40,000 for Guin, AL, Police Department for law enforcement technologies;

$20,000 for the Southside, AL, Police Department for law enforcement technologies;

$20,000 for the Boaz, AL, Police Department for law enforcement technologies;

$80,000 for the Morgan County, AL, Sheriff's Department for law enforcement technologies;

$1,000,000 for the Simulated Prison Environment Crisis Aversion Tools for programs in Alabama, North Carolina, and Pennsylvania;

$2,000,000 for law enforcement technology enhancements for Middle Rio Grande Border Region of Texas;

$500,000 for the Florida Department of Corrections for a system to electronically monitor criminal probationers and link their location to crime events;

$775,000 for the City of Houston, TX, Police Department for law enforcement technologies;

$500,000 for San Diego County, CA, Sheriff's Department for automation infrastructure upgrades;

$500,000 for I-SAFE America;

$500,000 for the City of Roseville, CA, Police Department for law enforcement technologies;

$500,000 for the Placer County, CA, Sheriff's Department for law enforcement technologies;

$1,000,000 for the Morris County, NJ, Police Department for law enforcement technologies;

$300,000 for the Sussex County, NJ, Police Department for law enforcement technologies;

$300,000 for the Somerset County, NJ, Police Department for law enforcement technologies;

$300,000 for the West Essex Port of Essex County, NJ, Police Department for law enforcement technologies;

$405,000 for Southside Virginia law enforcement agencies for law enforcement technologies;

$3,000,000 for the Center for Criminal Justice Technology;

$350,000 for the City of Moultrie, GA, Police Department for law enforcement technologies;

$1,500,000 for the Oakland County, MI, Sheriff's Department for an Identification Based Information System (IBIS) including portable hand-held digital fingerprint and photo devices for patrol cars;

$500,000 for the Morgan County, IL, Police Department for law enforcement technologies;

$350,000 for the City of Beardstown, IL, Police Department for law enforcement technologies;

$150,000 for the City of Peoria, IL, Police Department for law enforcement technologies;

$500,000 for the Iowa State University for a cyber-crime program;

$750,000 for the East Valley Community Justice Center;

$500,000 for San Bernardino, CA, Police Department for law enforcement technologies;

$500,000 for the Redlands, CA, Police Department for a crime mapping project;

$250,000 for the development of an electronic crime report filing system for San Bernardino County, CA;

$750,000 for the Louisville, KY, Metro Police Department for mobile data terminals;

$15,000 for the West Buechel, KY, Police Department for in-car computers and cameras;

$70,000 for the Lynnview, KY, Police Department for law enforcement equipment;

$1,000,000 for the Onondaga County, NY, Sheriff's Office for crime fighting technologies;

$400,000 for the Syracuse, NY, Police Department for law enforcement technologies;

$250,000 for the Lee County, MS, Sheriff's Department for law enforcement technologies;

$500,000 for the City of Largo, FL, for the Law Enforcement Accessing Data (LEAD) project;

$500,000 for the Pinellas County, FL, Sheriff's Department for a consolidated law enforcement records management system;

$1,250,000 for the City of La Verne, CA, Police Department for law enforcement technologies;

$750,000 for the Los Angeles County, CA, Sheriff's Department for law enforcement technologies;

$500,000 for the Criminal Justice Information System in Mecklenburg County, NC;

$250,000 for the Dallas, TX, Police Department for law enforcement technologies;

$1,000,000 for law enforcement technologies for the Genesee/Finger Lakes region;

$580,000 for Jasper County, MO, Sheriff's Department for law enforcement technologies;

$20,000 for the City of Ozark, MO, Police Department for law enforcement technologies;

$1,000,000 for Greater Harris County, TX, for in-car police technologies;

$150,000 for the Batavia, IL, Police Department for law enforcement technologies;

$1,000,000 for the Kendall County, IL, Sheriff's Office for law enforcement technologies;

$300,000 for the Village of East Dundee, IL, Police Department for law enforcement technologies;

$250,000 for the DuPage County, IL, Sheriff's Office for law enforcement technologies;

$250,000 for the City of Bastrop, LA, Police Department for law enforcement technologies;

$250,000 for the Tuscaloosa County, AL, Sheriff's Department for law enforcement technologies;

$250,000 for the Shelby County, AL, Sheriff's Department for law enforcement technologies;

$250,000 for Aurora, CO, for law enforcement technologies;

$250,000 for the City of Clearwater, FL, Police Department for law enforcement technologies;

$250,000 for the City of Mobile, AL, Police Department for mobile data terminals;

$250,000 for the Riverside County, CA, Sheriff's Department for law enforcement technologies;

$250,000 for the Pasco County, FL, Sheriff's Office for in-car cameras;

$100,000 for the Alexander County, NC, Sheriff's Office for law enforcement technologies;

$250,000 for the City of Corona, CA, Police Department for law enforcement equipment;

$110,000 for the Page County, VA, Sheriff's Office for law enforcement technologies;

$60,000 for the Rappahannock County, VA, Sheriff's Office for law enforcement technologies;

$60,000 for the Orange County, VA, Sheriff's Office for law enforcement technologies;

$60,000 for the Goochland County, VA, Sheriff's Office of law enforcement technologies;

$250,000 for the Delaware Courts Organized to Serve program;

$250,000 for the Cincinnati, OH, Police Department for a records management system;

$250,000 for the Orange County, CA, Integrated Law and Justice System;

$50,000 for the Prince William County, VA, Police Department for law enforcement technologies;

$950,000 for the Fairfax County, VA, Police Department for law enforcement technologies;

$50,000 for the Fairfax County, VA, Regional Intelligence Center for law enforcement technologies;

$50,000 for the Fairfax City, VA, Police Department for law enforcement technologies;

$250,000 for the Rappahannock, VA, Regional Jail for the criminal information exchange efforts;

$250,000 for the Blount County, TN, Sheriff's Department for law enforcement technologies;

$250,000 for the University of Central Florida and the Florida Law Enforcement Consortium to enhance information sharing among law enforcement in Florida;

$100,000 for the Chesterfield County, VA, Police Department for law enforcement technologies;

$25,000 for the Dinwiddie County, VA, Sheriff's Office for law enforcement technologies;

$25,000 for the Isle Wight County, VA, Sheriff's Office for law enforcement technologies;

$25,000 for the Southampton, VA, Sheriff's Office for law enforcement technologies;

$100,000 for the City of Chesapeake, VA, Police Department for laptop computers;

$75,000 for the City of Suffolk, VA, Police Department for law enforcement technologies;

$150,000 for the Cobb County, GA, Sheriff's Department for the multi-level law enforcement technology project;

$80,000 for the City of Lynchburg, VA, Police Department for in-car cameras;

$80,000 for the City of Harrisonburg and Rockingham County, VA, consolidated law enforcement network;

$190,000 for the Amherst County, VA, for law enforcement technologies;

$245,000 for the Bristol Township, PA, Police Department for law enforcement technologies;

$250,000 for Sarasota County, FL, for law enforcement technologies;

$250,000 for Manatee County, FL, for law enforcement technologies;

$250,000 for New Castle, PA, for law enforcement technologies;

$100,000 for the Anson County, NC, Sheriff's Department for mobile data terminals;

$200,000 for the Illinois State Police to develop an encryption system for criminal justice information;

$100,000 for the Ashtabula City, OH, Police Department for a computer aided dispatch system;

$1,300,000 for technology enhancements for law enforcement agencies in Northern Illinois;

$250,000 for the Counties of Mid-Carolina Council of Government for law enforcement activities;

$250,000 for the Putnam County, FL, Sheriff's Office for law enforcement technologies;

$100,000 for the Macomb County, MI, Sheriff's Office for law enforcement technologies;

$50,000 for the Shelby Township, MI, Police Department for law enforcement technologies;

$250,000 for the Sacramento County, CA, Sheriff's Department for an identification based information system;

$112,000 for the City of Muncie, IN, for a crime scene analysis project;

$250,000 for the York City, PA, Police Department for equipment to improve information sharing and purchase in-car digital video technology;

$1,000,000 for the National Sheriff's Association Pegasus program;

$1,000,000 for the Navajo Nation, AZ, for law enforcement technologies and crime prevention programs;

$500,000 for the City of Key West, FL, Police Department for law enforcement technologies;

$125,000 for the City of Bayamon, PR, for law enforcement technologies and crime prevention programs;

$125,000 for the City of Guaynabo, PR, for law enforcement technologies and crime prevention programs;

$20,000 for the City of Warren, AR, Police Department for law enforcement technologies;

$150,000 for the Virginia Beach, VA, Police Department for law enforcement technologies;

$100,000 for the Hampton, VA, Police Department for law enforcement technologies;

$50,000 for the Accomack County, VA, Sheriff's Office for law enforcement technologies;

$50,000 for the Northampton County, VA, Sheriff's Office for law enforcement technologies;

$250,000 for the Borough of Chambersburg, PA, Police Department for law enforcement technologies;

$200,000 for the Manchester Township, NJ, Police Department for law enforcement technologies;

$300,000 for the Kern County, CA, Sheriff's Department for law enforcement technologies;

$70,000 for the San Luis Obispo County, CA, Sheriff's Department for law enforcement technologies;

$250,000 for the Kalamazoo County, MI, Justice Integrated Management System;

$250,000 for the Bernalillo County, NM, Sheriff's Department for law enforcement technologies;

$1,000,000 for the Worcester Polytechnic Institute, MA;

$500,000 for a Violent Crime Scene Response Unit in Arizona;

$500,000 for Technology to Combat Crime and Terrorism in Phoenix;

$1,000,000 for the WV High Technology Consortium Foundation;

$500,000 for the Detroit WSU for police initiatives;

$500,000 for NEMESIS—Sharable Law Enforcement CAD and OMS/JMS;

$1,000,000 for the Missouri Criminal Justice Integration Project;

$500,000 for the Huntsville, AL, Police Department Technology and Equipment upgrades;

$500,000 for the Madison County, AL, Sheriff's Dept. Technology and Equipment upgrades;

$100,000 for the Morgan County, AL, Sheriff's Dept. Technology and Equipment Upgrades;

$500,000 for the San Mateo County, CA, Sheriff's Office for law enforcement technologies;

$300,000 for Modesto, CA, for law enforcement technologies;

$100,000 for Lakewood, NJ, for law enforcement technologies;

$100,000 for Oakland, CA, for law enforcement technologies;

$100,000 for Solano County, CA, for law enforcement technologies;

$250,000 for the Montebello, CA, Police Department for law enforcement technologies;

$250,000 for Pomona, CA, for law enforcement technologies;

$188,000 for the Garden Grove, CA, Police Department for a digital camera system;

$100,000 for Inglewood, CA, for law enforcement technologies;

$200,000 for Fontana, CA, for law enforcement technologies;

$100,000 for Colton, CA, for a police communications project;

$300,000 for Rosemead, CA, for law enforcement technologies;

$125,000 for Covina, CA, for law enforcement technologies;

$100,000 for West Covina, CA, for law enforcement technologies;

$1,000,000 for the San Francisco, CA, Police Department for a records management system;

$500,000 for Santa Monica, CA, for law enforcement technologies;

$150,000 for Whittier, CA, for a school resource officers program;

$200,000 for the Lakewood, CA, Sheriff's Department, for technology improvements;

$50,000 for the Fullerton, CA, Police Department, for law enforcement technologies;

$200,000 for Salinas, CA, for the Mobile Automated Fingerprint and Facial Recognition System;

$200,000 for the Santa Ana, CA, Police Department for law enforcement technologies;

$500,000 for the Connecticut Department of Safety for law enforcement technologies;

$500,000 for the Connecticut State Police for law enforcement technologies;

$100,000 for Baker County, GA, for law enforcement technologies;

$45,000 for Shellman, GA, for law enforcement technologies and equipment;

$100,000 for Atlanta, GA, for law enforcement technologies;

$50,000 for the Illinois State Police Academy;

$100,000 for the State of Illinois for law communications technologies;

$450,000 for the South Suburban Mayors and Managers Association, IL, for law enforcement technologies;

$150,000 for the Village of Niles, IL, for law enforcement technologies;

$300,000 for Southcom law enforcement technologies in Illinois;

$145,000 for the Jasper County, IN, Sheriff's Office for law enforcement technologies;

$200,000 for the Portage, IN, Police Department for law enforcement technologies;

$25,000 for the Porter, IN, Police Department for technology upgrades;

$500,000 for the Gary, IN, Police Department for law enforcement technologies;

$250,000 for the Franklin County, KY, for law enforcement equipment;

$250,000 for Madison County, KY, for law enforcement technologies;

$375,000 for North Worcester County, MA, for law enforcement technologies;

$600,000 for Seekonk, MA, for law enforcement technologies;

$165,000 for the Middlesex County, MA, Sheriff's Office for offender tracking technologies;

$150,000 for Howard County, MD, for law enforcement technologies;

$100,000 for Takoma Park, MD, for law enforcement technology improvements;

$400,000 for the Prince George's County, MD, Police Department for law enforcement technologies;

$500,000 for the Maine Bureau of Warden Service for law enforcement technologies;

$200,000 for the Michigan State Police Criminal Justice Information Network;

$80,000 for the Chippewa County, MI, Sheriff's Office for law enforcement technologies;

$50,000 for Alger County, MI, for law enforcement technologies;

$1,000,000 for the Hennepin County, MN, Sheriff's Department for law enforcement technologies;

$200,000 for Durham, NC, for law enforcement technologies;

$100,000 for the Charlotte, NC, Sheriff's Office for law enforcement technologies;

$150,000 for Orange County, NC, for law enforcement technologies;

$150,000 for the Morrisville, NC, Police Department for law enforcement technologies;

$500,000 for the Bismarck, ND, Memorial Police and Training Complex;

$500,000 for Fargo, ND, for law enforcement technologies;

$100,000 for Jamesburg, NJ, for law enforcement technologies;

$100,000 for the Newark, NJ, Police Department for law enforcement technologies;

$1,000,000 for Jersey City, NJ, for SP law enforcement enhancements;

$1,100,000 for Hudson County, NJ, for law enforcement technologies;

$125,000 for the New Mexico Department of Public Safety for law enforcement technologies;

$100,000 for the Suffolk County, NY, Police Department for law enforcement technologies;

$310,000 for Rochester, NY, for law enforcement technologies;

$225,000 for the New York City Haber Houses for law enforcement technologies;

$500,000 for Westchester and Rockland County, NY, for law enforcement communications;

$200,000 for Brookhaven, NY, for law enforcement technologies;

$200,000 for White Plains, NY, for law enforcement technologies;

$140,000 for Westchester County, NY, for law enforcement technologies;

$75,000 for Niagara, NY, for law enforcement technologies;

$150,000 for Poughkeepsie, NY for law enforcement technologies;

$250,000 for the Ulster County, NY, Sheriff's Department for law enforcement technologies;

$500,000 for Thompkins County, NY for law enforcement technologies;

$500,000 for Lucas County, OH, for law enforcement technologies;

$100,000 for Canby, OR, for law enforcement technologies;

$150,000 for Coos County, OR, for law enforcement technologies;

$300,000 for Woodburn, OR, for police technology improvements;

$200,000 for Clatsop County, OR, for law enforcement technologies;

$500,000 for the State of Pennsylvania for prison technology upgrades;

$1,000,000 for the State of Pennsylvania for law enforcement technologies;

$500,000 for Philadelphia, PA, for law enforcement technologies;

$250,000 for the Tiverton, RI, Police Department for law enforcement technologies;

$350,000 for the Central Falls, RI, Police Department for law enforcement technologies;

$200,000 for the Providence, RI, Police Department for law enforcement technologies;

$400,000 for the Bamberg County, SC, Sheriff's Department for law enforcement technologies;

$200,000 for Manning, SC, for law enforcement technologies;

$500,000 for Florence, SC, for law enforcement technologies;

$250,000 for the El Paso, TX, Police Department for law enforcement technologies;

$250,000 for El Paso, TX, for law enforcement technologies;

$100,000 for Dallas, TX, for law enforcement technologies:

$500,000 Waco Police Dept., TX, law enforcement technologies;

$500,000 for the Waco, TX, Police Department for law enforcement communications;

$500,000 for the Salt Lake City, UT, Department of Public Safety for law enforcement technologies;

$250,000 for the Sandy City, UT, Police Department for law enforcement technologies;

$400,000 for the Alexandria, VA, Police Department for law enforcement technologies;

$500,000 for the Snohomish County, WA, Sheriff's Office for law enforcement technologies;

$500,000 for the Kitsap County, WA, Sheriff's Department for law enforcement technologies;

$200,000 for the Marathon County, WI, Sheriff's Department for law enforcement technologies;

$200,000 for the Douglas County, WI, Sheriff's Department for law enforcement technologies;

$300,000 for the Sun Prairie, WI, Police Department for law enforcement technologies;

$250,000 for Andover, KS, police technology equipment;

—$100,000 for the Borough of Waynesboro, Franklin County, PA;

—$600,000 for the City of Radcliff Law Enforcement Equipment, KY;

—$300,000 for the City of Reading, PA, Integrated Geographic Information System;

—$150,000 for the City of St. Joseph and Heartland Health Law Enforcement Communication System, MO;

—$150,000 for the Clarion County, PA, Geographic Information System;

—$1,000,000 for the continuation of digital radio conversion, NH;

—$400,000 for the Corpus Christi Radio Communications and Security Equipment, TX;

—$150,000 for the Derry Township, PA, Police Department;

—$150,000 for the Dona Ana County, NM, Command Post Vehicle;

—$300,000 for the ECU Center for Excellence—Criminal Justice, OK;

—$300,000 for El Paso, TX, Interoperability;

—$100,000 for the enforcement of crime identification assistance for the City of Kodiak, AK;

—$300,000 for the Extend Radio System, WY;

—$200,000 for the Hopkinsville-Christian County—Pennyrile Narcotics Task Force Partnership Equipment, KY;

—$100,000 for In-Car Video Deployment, City of Martin, TN;

—$100,000 for Interagency Communications in GA;

—$200,000 for the Internet Scale Event and Attack Generation Environment at ISU;

—$400,000 for the Iowa State Patrol TraCS software and computer upgrade;

—$400,000 for the Jefferson County Commission, AL, for video conferencing equipment for the Jefferson County Criminal Justice Center;

—$100,000 for the Jefferson County, CO, COPLINK;

—$1,000,000 for the Johnson County, KS, Sheriff's Office;

—$125,000 for the Kansas Attorney General, for equipment;

—$125,000 for the Kansas Bureau of Investigation mobile data terminals;

—$600,000 for the Keene State College/UNH public safety management system;

—$2,500,000 for the Land Mobile Radio migration for a multi-agency communications network in AK;

—$1,000,000 for the Land Mobile Radio site infrastructure equipment and portable radios for the Kenai Peninsula Borough, AK;

—$1,500,000 for the Land Mobile Radio/Public Safety Communications for Anchorage Infrastructure, AK;

—$240,000 for Las Cruces, NM, Communications Infrastructure;

—$100,000 for the Police Department Command Center in Billings, MT;

—$100,000 for the Police Department Indoor Firearms Range in Billings, MT;

—$200,000 for the Las Vegas, NV, Identity Theft Center;

—$100,000 for the Greenville County, SC, communications system;

—$300,000 for the Huntsville, Alabama Police Department equipment upgrades;

—$1,500,000 for the Matanuska Susitna Borough Emergency Response Radio Network, AK;

—$160,000 for the Mayfield, KY, Police Department for equipment;

—$1,000,000 for the mobile computers for Wasilla, AK, for police squad cars;

—$350,000 for the Montana Supreme Court Video Conferencing;

—$150,000 for the Newport, RI, Area Interoperable Surveillance Network Upgrade;

—$750,000 for the Records Interoperability through CATlab in NH;

—$1,500,000 for the Regional Law Enforcement Communications System, City of Memphis and Shelby County;

—$300,000 for the Rural Utah Law Enforcement Tech Program;

—$100,000 for the Simpson County improvement to technology center, KY;

—$1,000,000 for the Southaven Police Department for radios/equipment in MS;

—$250,000 for the Statewide Computer Aided Dispatch [CAD] System, NE, State Patrol;

—$2,000,000 for the statewide implementation of public safety technology through the University of New Hampshire;

—$265,000 for the Training Academy Driver Simulator for the State of Alaska;

—$2,000,000 for the Training Village Public Safety Officer in the State of Alaska;

—$300,000 for the CrimeTracks Georgia;

—$250,000 for Voice Viewer Technologies and Law Enforcement in WY;

—$100,000 for the Western Forensic Science and Law Enforcement Training Center in CO;

—$500,000 for the Yazoo City, MS, Police Department;

—$300,000 for the Delaware State Police for the Automatic Fingerprint Identification System;

—$200,000 for the New Castle County, DE, Police Department, for an upgraded records management system;

—$500,000 for the Interagency Communications Interoperability System [ICIS] in CA;

—$500,000 for the Solano County, CA, Radio Interoperability Project;

—$350,000 for the Snohomish County, WA, Sheriff Palm AFIS System;

—$60,000 for the Westchester County, NY, Police Department Interagency Radio Interconnect;

—$500,000 for the Town of North Hempstead, NY, Police Department Communication Management System;

—$1,000,000 for the Camden County, NJ, Law Enforcement Technology;

—$500,000 for the Hudson County, NJ, Law Enforcement Technology;

—$450,000 for the North East Minnesota Enforcement and Safety Information System [NEMESIS];

—$1,000,000 for the Fargo, ND, Interoperable Communications System;

—$400,000 for the Bismarck ND, Memorial Training Complex;

—$100,000 for technology upgrades for the Williamson County, IL, Sheriff's Department;

—$3,000,000 for the South Carolina Judicial Department Case Docket System;

—$4,000,000 for the Southeast National Law Enforcement Technology Center for the Backscatter and high-energy technology transmission x-ray technology;

—$100,000 for the Arlington County, VA, for the Sheriff's Office for a pilot program to test a geo-location network;

—$400,000 for the Burlington, VT, Police Technology Grant;

—$100,000 for the Middlebury, VT, Police Technology Grant;

—$100,000 for the Bellows Falls, VT, Police Technology Grant;

—$325,000 for the Oglala Sioux Tribe, South Dakota for technology and equipment;

—$750,000 for the Massachusetts Law Enforcement Technology and Training Support Center;

—$100,000 for the Essex County, MA, law enforcement technology;

—$500,000 for the Milwaukee Police Department Mobile Two-Finger ID System, WI;

—$90,000 for the Town of Brookfield Police Department Technology Upgrades, WI;

—$100,000 for the City of Elizabeth, NJ, Law Enforcement Communication Interoperability Enhancement;

—$300,000 for the St. Clair County, MI, Sheriff's Department Communications towers and equipment upgrades;

—$200,000 for the Downriver Mutual Aid communications equipment, MI;

—$750,000 for the Arkansas State Police Automated Fingerprint Identification System;

—$1,400,000 for the Montgomery County, MD, Police Department for National Capital Region Criminal Identification System Update;

—$400,000 for the Wireless High Speed Network for Prince George's County, MD;

—$700,000 for the City of Rockville, MD, COPS Technology Grant;

—$1,000,000 for the Pierce County, WA, Police Rapid Mobile Response Network;

—$500,000 for Miami-Dade County, FL, Law Enforcement Technology Enhancements;

—$250,000 for the Alachua County/City of Gainesville, FL, Enforcement Communications Upgrade;

—$150,000 for Providence, RI, Police Department Technology;

—$150,000 for the Smithfield, RI, Police Department Emergency Management Operation Center;

—$1,500,000 for the Las Vegas, NV, Metropolitan Police Department Communications System;

—$155,000 for the Churchill County, NV, Sheriff's Office Interoperability Communication Project; and

—$200,000 for the Boulder City, NV, Wireless Communications Canopy;

Crime Identification Technology Act.—The conference agreement includes $28,450,000 for the Crime Identification Technology Act program. Within the overall amounts recommended, the conferees expect OJP to examine each of the following proposals, to provide grants if warranted, and to submit a report to the Committees on Appropriations on its intentions for each proposal:

$2,000,000 for the Harrison County Public Safety Automated Systems in MS;

$200,000 for the City of St. Paul/Ramsey County co-location of public safety equipment in MN;

$325,000 for North Carolina Supreme Court Security;

$200,000 for the MAGIC Pegasus Project for the Jefferson County Sheriff in AL;

$600,000 for a Case and Document Management in MT;

$150,000 for the Marion County, MS, Sheriff's Department for equipment;

$250,000 for the Pascagoula, MS, Police Department for equipment;

$1,000,000 for the Alaska Court System Information Network;

$4,000,000 for the Marshall University Forensic Science DNA Lab in WV;

$4,000,000 for the West Virginia University Forensic Science Initiative;

$525,000 for Marshall University Computer Forensics in WV;

$1,000,000 for the Forensic DNA Analysis Lab at North Dakota University;

$11,050,000 for the South Carolina Judicial Department case document system;

$1,000,000 for the Honolulu PD Crime Lab in HI;

$500,000 for the Fox Valley Technical College [FVTC] DNA Training Initiative in WI;

$1,000,000 for equipment and planning for the Vermont Forensics Laboratory; and

$400,000 for the Vermont Incident Based Reporting System.

DNA Initiative.—The conference agreement includes $110,000,000 for a DNA analysis and capacity enhancement program including eliminating casework backlogs, eliminating offender backlogs, strengthening crime lab capacity, training of the criminal justice community and identifying missing persons. OJP shall submit a financial plan for this program within 60 days of enactment of this Act. In addition, the conference agreement provides $15,000,000 for Paul Coverdell Forensic Sciences Improvement grants.

Safe Schools Initiative.—The conference agreement includes $4,325,000 for programs aimed at preventing violence in public schools, and to support the assignment of officers to work in collaboration with schools and community-based organizations to address the threat of terrorism, crime, disorder, gangs, and drug activities.

Within the amount provided, the COPS Office should examine each of the following proposals, provide grants if warranted, and submit a report to the Committees on Appropriations on its intentions for each proposal:

$750,000 for the Alaska Community in Schools Mentoring Program;

$300,000 for the Granite School District Anti-Violence Project in UT;

$125,000 for the HOPE for Henderson Juvenile Justice in KY;

$200,000 for the Martin Luther King, Jr. Center for Non-Violence in PA;

$500,000 for the School-Based Violence Prevention and Mentoring in IL;

$1,200,000 for the Schools and Communities Coming Together in MT; and

$1,250,000 for the Youth Advocates Programs in SC.

Juvenile Justice Programs

The conference agreement includes $384,177,000 for Juvenile Justice programs, instead of $349,000,000 as proposed by the House and $360,000,000 as proposed by the Senate. The conference agreement provides for the following programs:

[In thousands of dollars]

Program	*Amount*
Part A—Coordination of Federal Efforts	$3,000
Part B—State Formula	84,000
Part D—Research and Development	10,000
Part E—Demonstration Projects	102,177
Juvenile Mentoring Program	15,000
Big Bothers/Big Sisters	(7,000)
Title V—Incentive Grants	80,000
Tribal Youth	(10,000)
Gang Prevention	(25,000)
Enforcing Underage Drinking Laws Program	(25,000)
Secure Our Schools Act	15,000
Victims of Child Abuse Programs	15,000
Juvenile Accountability Block Grant	55,000
Project Childsafe	5,000
Total	384,177

Concentration of Federal Efforts.—The conferees commend the Office of Juvenile Justice and Delinquency Prevention (OJJDP) for its leadership of the Coordinating Council on Juvenile Justice and Delinquency. The conferees understand that there has been an increase in interest and membership which has allowed the Council to more effectively examine and address the Federal, State and local response to juvenile justice issues. The conferees strongly support the Council's efforts in addressing truancy, children's mental health issues, and adolescent substance abuse issues, as well as their role on the White House Task Force for disadvantaged youth.

Discretionary Grants.—The conference agreement includes $102,177,000 for part E programs. Within the amounts provided, OJP is expected to review the following proposals, provide grants if warranted, and report to the Committees on Appropriations on its intentions:

$1,900,000 for law-related education;

$1,500,000 for Girls and Boys Town, U.S.A.;

$1,750,000 for the National Council of Juvenile and Family Court Judges;

$750,000 for Teens, Crime and Community;

$4,000,000 for the Eisenhower Foundation for the Youth Safe Haven program;

$250,000 for Lea County, NM, for a juvenile corrections education program;

$150,000 for the Fort Worth Comin' Up Gang Violence Prevention program, TX

$700,000 for the University of South Alabama for youth violence prevention research;

$250,000 for the University of Connecticut for a juvenile delinquency prevention program;

$200,000 for the Rhode Island Court Truancy Court Program;

$500,000 for the Dakota Boys Ranch Mentoring Program in ND;

$200,000 for the Colton Police Activities League [PAL] Program in CA;

$700,000 for the Los Angeles Community Law Enforcement and Recovery Program [CLEAR];

$1,600,000 for the continuation of the Office of Juvenile Justice and Delinquency Prevention's Protecting Our Children: Working Together to End Child Prostitution program;

$600,000 for Northwestern University's Juvenile Project;

$1,750,000 for Parents Anonymous;

$500,000 for the Stark County Court, Juvenile Pre-Trial Services Office to assist with the implementation of early intervention strategies for targeted youth in Stark County, OH;

$500,000 for the juvenile delinquency prevention programs in Massillon, OH;

$100,000 for A Child is Missing, Inc. in OH;

$225,000 for the Family, Career, and Community Leaders of America "Stop the Violence" program;

$250,000 for the Buckhorn Lake Children's Center for programs to serve at-risk youth;

$250,000 for Prevent Child Abuse America for the programs of the National Family Support Roundtable;

$750,000 for the ACA—NY for an anti-drinking program for children ages 11 and above;

$3,000,000 for the Hamilton Fish National Institute on School and Community Violence;

$650,000 for Learning for Life;

$350,000 for the Virginia Attorney General's Office for Class Action and other educational programs in Virginia schools;

$1,000,000 for the Center for Successful Parenting;

$700,000 for the Association of Christian Community Computer Centers;

$500,000 for Youth for Tomorrow;

$225,000 for the Memorial Child Guidance Clinic's Child SAVE program;

$200,000 for the Farmington Children's Home for delinquency prevention programs;

$200,000 for Operation Blue Ridge Thunder;

$750,000 for the Tarrant County Youth Collaboration for a child abuse prevention program;

$750,000 for the Residential Care Consortium for delinquency prevention programs;

$75,000 for Waukon, IA, for a youth intervention program;

$400,000 for the IMPACT/Night Light Program in San Bernardino County, CA, to team police officers with probation officers to reduce juvenile crime;

$250,000 for the Child Endangerment Response Coalition in Spokane, WA;

$500,000 for the International Youth Service and Development Corps. for programs in Washington, DC;

$300,000 for Project Choice, a gang prevention program in Syracuse, NY;

$300,000 for the Violence Intervention and Prevention Project in Syracuse, NY;

$1,500,000 for the Drug Free America Foundation for an anti-drug program for youth, parents, and teachers;

$500,000 for Eckerd Youth Alternatives to divert at-risk and troubled youth from the criminal justice system through residential and community-based programs;

$250,000 for the Pinellas County, FL, Police Athletic League;

$250,000 for the Florida Gulf Coast University Interagency Family Assessment Team program for at-risk youth;

$500,000 for the Marcus Institute in Atlanta, GA, for a juvenile crime and delinquency study;

$250,000 for the ARISE Foundation;

$250,000 for the Miami-Dade Juvenile Assessment Center;

$250,000 for Darkness to Light;

$60,000 for the Page County, VA, Sheriff's Office for a juvenile crime prevention program;

$100,000 for the City of South Bend, IN, youth gang violence prevention initiative;

$100,000 for the CHKD Child Abuse Program;

$250,000 for the South Carolina Department of Juvenile Justice for statewide technology system enhancements;

$500,000 for the Daytop, NJ, alcohol and drug treatment program for at-risk youth;

$250,000 for the Ohel Children's Home & Family Services for a child abuse prevention program;

$250,000 for juvenile delinquency prevention programs in Van Wert, OH;

$100,000 for the Laurinburg, NC, for a juvenile delinquency program;

$150,000 for the DuPage County, IL, Youth Mentoring Program;

$250,000 for the Teen Challenge program for at-risk youth in IL;

$250,000 for the Covenant House New Jersey's Right of Passage program;

$700,000 for the Wayne County, MI, for a juvenile mentoring program;

$100,000 for the Boys and Girls Home of Nebraska;

$45,000 for the Generation Next Youth Empowerment Program in Dumas, AR, to prevent juvenile delinquency;

$200,000 for A Child Is Missing, Inc, FL;

$1,500,000 for World Vision for at-risk youth programs;

$150,000 for Greater Trenton, NJ, for an at-risk youth program;

$250,000 for the Healthy Schools Initiative in NJ;

$100,000 for A Child Is Missing, Inc, OK;

$250,000 for a juvenile court program in Philadelphia, PA;

$100,000 for the LaSalle, IL, Child Advocacy Center;

$100,000 for Operation Take Back Narcotics Enforcement in Detroit, MI

$750,000 for the California Safe from the Start;

$750,000 for the Bay Area Youth Violence Prevention Network;

$450,000 for the San Francisco, CA, "Safe Streets Project";

$100,000 for the City Parks Foundation programs for at-risk youth in the Bronx, NY;

$500,000 for the Lehman College, NY, program for at-risk youth;

$100,000 for the Woodycrest, NY, program for at-risk youth;

$100,000 for the Adventist Healthcare Facility, MD, for an at-risk youth program;

$100,000 for the DePaul Stand Tall Program;

$300,000 for Fordham University's Regional Education Technology Center to assist at-risk youth;

$75,000 for the Fordham Youth Ministry for teens;

$250,000 for Project Avary—Children of Imprisoned Parents;

$100,000 for the After-School Alliance National Resource Center;

$100,000 for the Sistas and Brothas alternatives to gangs and drugs;

$200,000 for Youth Ministries for Peace and Justice;

$400,000 for the Mary Mitchell Family and Youth Center programs for families and teens;

$475,000 for the Boys and Girls Home and Family Services, IA;

$300,000 for an at-risk youth program in Chicago schools;

$700,000 for Messiah College, PA, programs for at-risk teens;

$100,000 for the Marion County, OR, for the Children of Incarcerated Parents Initiative;

$100,000 for the Marion County, OR, for Co-occurring Disorders Pilot Project for at-risk youth;

$200,000 for the Clackamas County, OR, Juvenile Community Assessment Center;

$500,000 for the Granite, UT, Rock Solid Project for at-risk youth;

$300,000 for the Spurwink Institute program for at-risk youth;

$1,000,000 for the Washington State School Security program;

$500,000 for the USTA for at-risk youth;

$200,000 for the Barron County Restorative Justice Truancy Initiative;

$200,000 for Phipps Houses;

$900,000 for Philadelphia's College Opportunity Resources for Education (C.O.R.E.) initiative for at-risk youth;

$100,000 for the At-Risk Youth Entrepreneurship Program at New Covenant Campus, PA;

$1,000,000 for the City of Toledo, OH, Police Athletic League Youth Center for at-risk youth;

$500,000 for Opportunities, Alternatives, and Resources for youth;

$100,000 for Substance Abuse Prevention for Youth, MA;

$200,000 for the Liberty's Promise programs for youth;

$100,000 for the Indiana "No Workshops, No Jumpshots" program for at-risk youth;

$150,000 for the Thomas Area Teen Center for youth;

$150,000 for the City of Dawson, GA, Youth Advocacy;

$200,000 for the Muscogee County, GA, National Model Parenting Center;

$75,000 for the Mitchell County, GA, Youth Advocacy and Outreach Program;

$500,000 for Youth Crime Watch, FL;

$200,000 for Jump Start Tallahassee, FL, for at-risk youth;

$500,000 for the Juvenile Justice Education Program Model Study for teens;

$150,000 for the Overtown Youth Center, Miami, FL;

$200,000 for Florence Crittendon programs for at-risk teens;

$250,000 for the Richland County, SC, ScoutReach program;

$100,000 for the Village of Riverdale, IL, programs for youth;

$200,000 for the TechMission Youth Program for at-risk kids, MA;

$200,000 for Operation Quality Time for at-risk youth, AZ;

$150,000 for the April Michelle West Foundation's Winners by Choice program for at-risk teens;

$250,000 for the Camp Police Athletic League of NJ;

$200,000 for Soundview Community in Action for outreach for teens, NY;

$150,000 for the Project Parkchester Youth Zone;

$100,000 for the Hope and Help for All Foundation At-Risk Juvenile Mentoring Program;

$200,000 for the Community Outreach Center Drug Prevention Program, NY;

$200,000 for the Bronx, NY, Cluster of Settlement Houses At-Risk Youth Mentoring Program;

$300,000 for the Anti-Gang Initiative of the Urban League of Long Island, NY;

$50,000 for City Parks Foundation programs for at-risk youth—Queens, NY;

$250,000 for the ABT programs for at-risk youth;

$150,000 for Fortune Society programs for children of incarcerated parents in NY;

$225,000 for the Nassau County, NY, Youth Board programs;

$50,000 for the Nassau County, NY, Police Dept. programs for at-risk youth;

$225,000 for the Grace Multi-Community Development Corporation, Uniondale, NY;

$250,000 for the Roy Wilkins Park Family Center, Project Re-Connect;

$100,000 for the GRADS Foundation, Inc. programs for at-risk youth;

$310,000 for BAM programs to prevent juvenile delinquency;

$140,000 for the New York Acorn programs to prevent teen delinquency;

$100,000 for the Community Service Society/Enterprise Corps programs for at-risk kids, NY;

$200,000 for the Harlem, NY, RBI programs for at-risk youth;

$200,000 for the NYC College of Tech at-risk youth education;

$75,000 for the Downtown Learning Center—expansion of programs for at-risk youth, NY;

$75,000 for City Parks Foundation programs for at-risk teens in East NY;

$250,000 for the Project Intercept program to prevent at-risk youth from turning to drugs, NY;

$100,000 for the Brooklyn Arts Council's Arts in Education Program for at-risk youth;

$60,000 for the Gilbert-Lindsay Center for Youth;

$100,000 for the Junior Aztec Fire Fuels Crew programs for at-risk kids in Cypress Park, CA;

$250,000 for the Northeast Trees at risk youth program;

$40,000 for the Reach Our Community Kids (ROCK);

$100,000 for the Eagle Rock Center "Will Power to Youth" programs, CA;

$250,000 for Texas A&M University in Corpus Christi programs decreasing behaviors in at-risk youth;

$500,000 for the Hispanic National Juvenile Delinquency Prevention Program—Self-Reliance Foundation;

$150,000 for the City of Norwalk, CA for the Teen Alliance Program;

$250,000 for the Before- and After-School Delinquency Prevention Program, TX;

$150,000 for the Gang Alternative Program in Southeast Los Angeles County, CA;

$500,000 for the Texas A&M Center for at-risk youth;

$200,000 for the SBH Services for at-risk youth, NY;

$200,000 for the Boricua College Project Success for at-risk youth, NY;

$200,000 for the NYC YD programs for at-risk teens, NY;

$100,000 for the Loisaida Youth Leadership Academy for at-risk kids, NY;

$250,000 for the La Esperanza Home for Boys, TX;

$250,000 for the Anaheim, CA, Police Activities League Center;

$500,000 for the Los Angeles County, CA, Friends of Child Advocates;

$100,000 for the Teen Shelter, AL, programs for at-risk teens;

$100,000 for the Northwest Alabama Children's Advocacy Center;

$50,000 for the Morgan County, AL, Child Advocacy Center;

$250,000 for the Gateway Healthcare in Pawtucket, RI, programs for at-risk youth;

$500,000 for the Rhode Island Family Court programs for youth and families;

$500,000 for the Folwell Neighborhood Association, MN, programs for kids;

$100,000 for the Collaborative Drug Intervention Committees, NJ;

$100,000 for the Lena Park Development Corporation for services for at-risk youth, MA;

$100,000 for the Stillman College Juvenile Justice Delinquency Prevention Program, AL;

$100,000 Amer-I-Can program for youth, IL;

$100,000 for the Old King's Orchard Community Center Teen Reach Program, IL;

$100,000 for the Juvenile Justice Center at Suffolk University Law School, MA;

$100,000 for the Vermont Coalition of Teen Centers;

$500,000 for the Youth Development and Crime Prevention Initiative, CA;

$60,000 for the Middlesex District Attorney Citizenship in Action Institute;

$300,000 for the Jovenes program for at-risk youth;

$150,000 for NYC Arts for at-risk youth;

$200,000 for the Medgar Evers at-risk youth program;

$100,000 for the VA "No Workshops, No Jumpshots";

$100,000 for Metropolitan Family Services for at-risk youth;

$200,000 for the Mayor's Time disadvantaged and at-risk youth program;

$100,000 for Wayne County, MI, Teen Court;

$375,000 for a Salinas Gang Violence program for at-risk youth;

$200,000 for the Washington County, OR, for a juvenile justice prevention program;

—$400,000 for the Alabama Council on Substance Abuse-NCADD;

—$2,000,000 for the Alaska Child Advocacy Center for a child abuse investigation program;

—$600,000 for the Alaska Children's Trust child abuse prevention program;

—$750,000 for the Alaska Mentoring Demonstration Project for a statewide at-risk youth mentoring program;

—$1,000,000 for the Alaska Youth Courts;

—$300,000 for An Achievable Dream program in VA;

—$2,000,000 for the Anaheim Learning Center in CA;

—$3,000,000 for the Cal Ripken, Sr., Foundation;

—$602,000 for the Child Support Enforcement Incentives in AK;

—$100,000 for the Clinton County, PA, Action Team Against Drugs;

—$1,000,000 for the Crimes Against Children Research Center at the University of New Hampshire;

—$100,000 for the Child Protection Program/Nez Perce Tribe, Lapwai, ID;

—$75,000 for the Shelby County, TN, Youth Violence and Gang Prevention—Initiative;

—$500,000 for the Daniel Webster Boy Scout Council for outdoor education;

—$3,000,000 for the Life Skills Training Program in Saint Augustine, FL;

—$1,750,000 for the Girl Scouts Beyond Bars and PAVE programs;

—$600,000 for the Iowa Mentor Center for a rural mentoring program in partnership with Big Brothers/Big Sisters;

—$300,000 for the Jackson, MS, Juvenile Justice & Delinquency Prevention Program;

—$4,000,000 for the Junior Achievement program;

—$200,000 for the Juvenile Fire Setters Prevention Program;

—$100,000 for the Juvenile Justice Program Enhancement in UT;

—$100,000 for the Juvenile Justice Work Program in UT;

—$75,000 for the Lonesome Pine Office on Youth in VA;

—$250,000 for the MO Juvenile Justice Labs;

—$200,000 for the Morning Star Ranch, Florence, KS;

—$125,000 for the Native American Liaison at the Child and Family Intervention Center in Billings, MT;

—$100,000 for the New Hampshire Expansion of the Go Girl Go program;

—$300,000 for the State of New Mexico for juvenile offenders;

—$225,000 for the University of Southern Mississippi Citizenship and Justice Academy;

—$350,000 for the USM Family Network Partnership Program;

—$600,000 for the Western Kentucky University Spotlight Youth Program;

—$200,000 for the Winona State University Child Protection/Training Center in Minnesota;

—$100,000 for the "I Have a Dream" Foundation;

—$800,000 for the Juvenile Justice Information System in HI;

—$600,000 for Children & Families First of DE;

—$200,000 for the New Mexico Police Athletic League;

—$750,000 for the Outdoor Education Center project, Harpers Ferry, WV;

—$350,000 for Women In Support of the Million Man March in Newark, NJ;

—$150,000 for Brookdale Community College for Project OPTIMIST in NJ;

—$400,000 for the Generations of Hope program in IL;

—$100,000 for the Horizons for Youth program in IL;

—$250,000 for the San Jose, B.E.S.T At-Risk Youth and Anti-Gang Program in CA;

—$500,000 for the Drug Endangered Children program in IA;

—$325,000 for Court Teams for Maltreated Infants and Toddlers in IA;

—$200,000 for WINGS for kids, SC;

—$100,000 for the Children in Crisis in SC;

—$3,000,000 for the Hawaii Rural Youth Outreach Program;

—$750,000 for the Families and Schools Together (FAST) in Wisconsin;

—$60,000 for the Eau Claire County Restorative Justice Program in WI;

—$150,000 for the Milwaukee Summer Stars program in WI;

—$500,000 for Louisiana Children's Advocacy Centers;

—$300,000 for the Washington County Youth Service Bureau, VT;

—$250,000 for the Nevada Child Seekers;

—$200,000 for the Computer Corp Skills and Knowledge Acquired Toward Enhancing Success in NV;

—$100,000 for the S.A.F.E. House Domestic Violence Counseling Center in NV;

Enforcing the Underage Drinking Laws Program.—Within the funds provided in the At Risk Children Program (Title V), the conference agreement provides $25,000,000 for grants to assist States in enforcing underage drinking laws.

Gang Prevention.—The conference agreement includes $25,000,000, within Title V grants, for OJP to administer a gang resistance and education program. These funds shall be available to develop comprehensive community strategies to address gangs, including anti-gang education programs and coordination with Federal, State and local law enforcement. This program shall be administered by the Bureau of Justice Assistance with assistance from the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Office of Juvenile Justice and Delinquency Prevention.

Internet Safety.—The conferees strongly support programs that provide various services and resources to protect children from being vulnerable to on-line predators. The conferees understand there are a multitude of arenas where parents, law enforcement personnel, school personnel and after-school programs can obtain information about Internet safety. The conferees desire a better understanding of what types and how many Internet safety programs are being Federally funded. The conferees direct the Administrator of the Office of Juvenile Justice, in coordination with the Coordinating Council on Juvenile Justice and Delinquency, to submit a report on federally funded internet safety programs to the Committees on Appropriations within 180 days of the enactment of this Act.

Victims of Child Abuse Act.—The conference agreement includes $15,000,000 for the various programs authorized under the Victims of Child Abuse Act (VOCA). The recommendation provides the following:

$3,000,000 for Regional Children's Advocacy Centers, as authorized by section 213 of VOCA;

$9,500,000 for local Children's Advocacy Centers, as authorized by section 214 of VOCA;

$50,000 for the National Children's Advocacy Center in Huntsville, AL, to implement a training program;

$850,000 for the National Children's Alliance for technical assistance and training, as authorized by section 214a of VOCA; and

$1,600,000 for the National Center for Prosecution of Child Abuse for specialized technical assistance and training programs to improve the prosecution of child abuse cases, as authorized by section 214a of VOCA.

PUBLIC SAFETY OFFICERS BENEFITS

The conference agreement includes $69,464,000 for this account, including $63,054,000 for death benefits, $3,615,000 for disability benefits, and $2,795,000 for education benefits.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The conference agreement includes the following general provisions for the Department of Justice:

Section 101 provides language making up to $60,000 of the funds appropriated to the Department of Justice available to the Attorney General for reception and representation expenses.

Section 102 provides language, included in prior Appropriations Acts, which prohibits the use of funds to perform abortions in the Federal Prison System.

Section 103 provides language, included in previous Appropriations Acts, which prohibits use of the funds in this bill to require any person to perform, or facilitate the performance of, an abortion.

Section 104 provides language, included in previous Appropriations Acts, which states that nothing in the previous section removes the obligation of the Director of the Bureau of Prisons to provide escort services to female inmates who seek to obtain abortions outside a Federal facility.

Section 105 includes language providing authorization for Department of Justice programs until the effective date of a subsequent Justice authorization act.

Section 106 provides language allowing the Department of Justice, subject to the Committees' reprogramming procedures, to transfer up to 5 percent between any appropriation, but limits to 10 percent the amount that can be transferred into any one appropriation. The provision also prohibits transfers of funds from the Bureau of Prisons

Buildings and Facilities account unless the President certifies that such a transfer is necessary to the national security interests of the United States, and such authority shall not be delegated, and shall be subject to section 605 of this Act.

Section 107 provides language to continue section 114 of Public Law 107-77 during fiscal year 2005.

Section 108 includes language regarding additional funding for Project Seahawk.

Section 109 provides for the extension of the Personnel Management Demonstration Project for certain positions of the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Section 110 prohibits the Drug Enforcement Administration from establishing procurement quotas in certain circumstances.

Section 111 provides for the establishment of procurement quotas for certain drugs following the approval of a new drug application.

Section 112 empowers the Director of the FBI to, on a case-by-case basis, delay the mandatory retirement age of 57 for FBI agents until the agent reaches 65 years of age. Currently, the Director is authorized to delay mandatory retirement until the agent reaches 60 years of age. This provision does not require agents to work past the age of 57, but gives the Director the authority to extend agents until the age of 65 in certain circumstances.

Section 113 provides the Director of the FBI with the authority, after consultation with the Office of Personnel Management (OPM), to provide retention and relocation bonuses to employees with high or unique qualifications who in the absence of bonuses would likely leave the FBI. The provision also allows for retention and relocation bonuses for individuals transferred to a different geographic area with a higher cost of living. A bonus may total up to 50 percent of an employee's basic rate of pay.

Section 114 authorizes the Director of the FBI to provide for the establishment and training of an FBI Reserve Service that would facilitate streamlined, temporary rehiring from a pre-certified cadre of retired FBI employees who possess the specialized skills required to deal with the demands of a crisis or other special situation. The provision will allow the FBI to quickly access experienced employees in the event of an emergency, without adversely impacting reserve service members' retirement pay.

Section 115 authorizes the FBI, in conjunction with the Office of Management and Budget and the Office of Personnel Management, to pay critical intelligence positions up to an Executive Schedule I salary provided that the position is determined to be (1) a high level position in a scientific, technical, professional, or administrative field, and (2) critical to the FBI's mission.

Section 116 provides authority for the Bureau of Alcohol, Tobacco, Firearms and Explosives to use confiscated funds during undercover operations.

Section 117 amends Title 31 of the United States Code to provide protection for the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Section 118 requires the Bureau of Prisons to submit a financial plan.

Section 119 directs the Bureau of Prisons to work with the Federal Public Defender in the Southern District of Florida on a pilot program.

Section 120 limits the placement of maximum or high security prisoners to appropriately secure facilities.

Section 121 restricts Federal prisoner access to certain amenities.

Section 122 provides for payment of certain eligible radiation exposure claims.

Section 123 changes the name of the National Prison Rape Reduction Commission to the National Prison Rape Elimination Commission.

Section 124 establishes the 9/11 Heroes Medal of Valor.

Section 125 provides for the transfer of certain land to the Secretary of the Army.

Section 126 establishes an Office of Justice for Victims of Overseas Terrorism, as recommended by the Koby Mandell Act of 2003, to ensure that the investigation and prosecution of deaths of American citizens overseas are a high priority within the Department of Justice. The Office shall create a Joint Agency Task Force consisting of Department of Justice and Department of State personnel to be activated in the event of a terrorist incident against American citizens overseas.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

The conference agreement includes $41,552,000 for the Office of the United States Trade Representative (USTR) for fiscal year 2005, as proposed by both the House and Senate.

The conference agreement adopts, by reference, language proposed by the House regarding the United States trade deficit with other nations, reporting requirements, and international standards.

The conferees expect the USTR to make use of all available mechanisms, including the safeguards delineated under the Trade Act of 1974, specifically Sections 301 and 421, to address the disruptions resulting from trade with the People's Republic of China.

The conference agreement includes language proposed by the Senate regarding the establishment and the responsibilities of a Chief Negotiator for Intellectual Property Enforcement.

The conference agreement continues language from the prior year regarding certain trade negotiations to be conducted within the World Trade Organization, as proposed by the Senate.

NATIONAL INTELLECTUAL PROPERTY LAW ENFORCEMENT COORDINATION COUNCIL

The conference agreement includes $2,000,000 for the National Intellectual Property Law Enforcement Coordination Council (NIPLECC), instead of $20,000,000 as proposed by the Senate.

The conference agreement adopts by reference Senate report language regarding the mission of the NIPLECC and the creation of a Coordinator for International Intellectual Property Enforcement to head this Council.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $61,700,000 as proposed by both the House and Senate for the International Trade Commission for fiscal year 2005.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes $401,513,000 in total resources for the programs of the International Trade Administration (ITA) for fiscal year 2005, of which $8,000,000 is to be derived from fee collections, as proposed by both the Senate and House.

Manufacturing and Services.—Of the amounts provided under this heading, the conference agreement includes $10,000,000 for the National Textile Center, $3,000,000 for Textile/Clothing Technology Corporation, $500,000 for Kansas City Smart Port, and $500,000 for the continuation of the international competitiveness program.

Market Access and Compliance.—Of the amounts provided under this heading, sufficient funding is provided to continue the BISNIS program.

Import Administration.—The conferees direct the Department to ensure that in cases regarding non-market economies, the surrogates are carefully selected. For those alleged dumping cases, the Department should clearly distinguish the fundamental differences in production processes and rely upon all credible expert information (including economic modeling and industry-based cost comparisons) in determining whether the financials of a surrogate realistically reflect costs. The conferees note that in chemical cases, as well as other cases, producers of identical products may not be the most reliable surrogate if they are distinctly different in size or production process. The conferees direct the Department to select the surrogates that most accurately reflect actual costs.

United States and Foreign Commercial Service.—Of the amounts provided under this heading, the conferees direct that overseas position levels dedicated to the Baltics will remain at fiscal year 2004 levels.

The conferees expect the Department to continue to fully participate in and contribute to the Clean Energy Technology Exports Initiative, a nine-agency approach to help open international markets and aid in the export of a range of United States clean energy technologies.

The conference agreement adopts, by reference, language regarding the Appalachian-Turkish Trade Project as proposed by the Senate.

The conferees direct the Secretary of Commerce to report back to the Committees on Appropriations, no later than January 20, 2005, on the trade and U.S. employment impact of the currency valuation of our trading partners including China, Japan, Vietnam, South Korea, Taiwan, the Ukraine, and Indonesia.

The conference agreement includes bill language designating the amounts available for each unit within ITA. The conferees remind ITA that any deviation from the funding distribution provided in the bill and report, including carryover balances, is subject to reprogramming procedures set forth in section 605 of this Act. In addition, ITA is directed to submit to the Committees on Appropriations, not later than 60 days after the enactment of this Act, a spending plan for all ITA units that incorporates any carryover balances from prior fiscal years.

The conference agreement adopts, by reference, language as proposed by the Senate under the heading of World Trade Organization. The conference agreement adopts, by reference, language as proposed by the House concerning imports of polyester fibers from Korea, Channa micropeltes also known as Snakehead fish, staffing for market access compliance, establishment of a dispute settlement mechanism, report on right-sizing methodology, human rights training, spending plan, trade missions, foreign currency valuation, Caribbean Basin, Global Diversity, the rural export program, and travel expenditures.

The conference agreement includes $500,000 for the Rural Export Initiative for fiscal year 2005, and directs the ITA to work with the West Virginia High Technology Consortium Foundation. Further, the conferees expect the previously provided $500,000 for the Rural Export Initiative's National Technology Transfer Center to be awarded or otherwise made available to the West Virginia High Technology Consortium Foundation.

The conference agreement includes report language as proposed by the House regarding the Office of Trade and Economic Analysis (OTEA). The conference agreement includes up to $3,000,000 for this purpose.

The conference agreement includes, by reference, report language as proposed by the House regarding jobs in food manufacturing (including confectionery) and the submission of a certain report.

The conferees direct the Secretary of Commerce to take all necessary steps to ensure that American business interests are represented in international standards negotiations, including those concerning digital telecommunications. The conferees continue to direct that ITA collaborate with NIST, the USTR, and the State Department to reduce trade barriers to U.S. business exports. The conferees direct the Secretary to report to the Committees on Appropriations regarding the steps taken to ensure these goals are met and what obstacles are impeding the conferees' intended results. This report should include proposals to transfer existing ITA and NIST personnel on a temporary or permanent basis to certain international organizations.

Executive Direction.—The conferees are concerned regarding the accuracy and timeliness of information presented to the Committees on Appropriations, specifically data regarding financial and human capital. The conferees urge the Secretary to address the conferees' concerns.

Language is included regarding a certain international trade study.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

The conference agreement includes a total operating level of $68,393,000 for the operations and administration of the Bureau of Industry and Security (BIS), as proposed by the House, instead of $70,872,000, as proposed by the Senate.

The conference agreement adopts, by reference, Senate report language regarding a certain report.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes $257,423,000 for Economic Development Assistance (EDA) Programs. The conferees direct EDA to continue traditional programs to provide needed assistance to communities struggling with long-term economic dislocation, as well as sudden and severe economic dislocation. Of the amounts provided, $166,593,000 is for Public Works and Economic Development; $45,400,000 is for Economic Adjustment Assistance; $24,500,000 is for planning; $8,435,000 is for technical assistance, including university centers; $12,000,000 is for trade adjustment assistance; and $495,000 is for research.

The conference agreement adopts, by reference, language proposed by the House regarding coal and timber industry downturns, and assistance to applicants and requirements for applicants. The conference agreement adopts, by reference, Senate language regarding the economic downturns including the timber, steel, and coal industries, United States-Canadian trade-related issues, communities in New England, the mid-Atlantic, Hawaii, and Alaska impacted by fisheries regulations, and communities in the southeast impacted by downturns due to the North American Free Trade Agreement.

SALARIES AND EXPENSES

The conference agreement includes $30,483,000 for the salaries and expenses of the Economic Development Administration, instead of $30,565,000 as proposed by the House, and $30,400,000 as proposed by the Senate.

The conference agreement adopts, by reference, House language regarding efforts to maximize the operating funding level, a special headquarters reserve fund, and requirements for reorganization proposals.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

The conference agreement includes $29,899,000 for the Minority Business Development Agency for fiscal year 2005, instead of $31,555,000 as proposed by the Senate, and $28,899,000 as proposed by the House. The conference agreement adopts, by reference, House language regarding the Entrepreneurial Technology Apprenticeship Program.

The conference agreement adopts, by reference, Senate language regarding the Initiative on Asian Americans and Pacific Islanders. The conferees continue to support the Office of Native American Business Development.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

The conference agreement includes $80,000,000 for the economic and statistical analysis programs of the Department of Commerce, including the Bureau of Economic Analysis (BEA), for fiscal year 2005, instead of $78,211,000 as proposed by the House, and $81,764,000 as proposed by the Senate.

The BEA has received programmatic increases over the past four years to ensure that policy makers have access to more accurate and timely economic data.

Language is included regarding a grant to the National Academy of Public Administration to conduct a comprehensive study on the effects of off-shoring on the U.S. workforce and economy. Subcontracts should be awarded as necessary. Information and opinion should be collected from stakeholders in business, education, and government, as well as professional associations and employee organizations.

BUREAU OF THE CENSUS

The conference agreement includes a total operating level of $754,881,000 for the Bureau of the Census, instead of $773,881,000 as proposed by the House, and $605,768,000 as proposed by the Senate.

SALARIES AND EXPENSES

The conference agreement includes $198,765,000 for the salaries and expenses of the Bureau of the Census for fiscal year 2005, instead of $174,304,000 as proposed by the Senate, and $202,765,000 as proposed by the House.

The conference agreement adopts, by reference, House report language regarding the highest priority core activities, reimbursement, the monthly Export-Import and Trade Balance statistics on a North American Industry Classification System (NAICS) basis, and the Advanced Technology Trade Imports, Exports, and Net Balance By Country, domestic stock production, and other key reports.

PERIODIC CENSUSES AND PROGRAMS

The conference agreement includes a total of $556,116,000 for all periodic censuses and related programs in fiscal year 2005, instead of $571,116,000 as proposed by the House, and $431,464,000 as proposed by the Senate. Of the amounts provided, $146,009,000 is provided for the American Community Survey, and $82,310,000 is for the Master Address File/Topologically Integrated Geographic Encoding and Referencing (MAF/TIGER) system. The conferees expect to be kept apprised on a monthly basis on the expenditure of these funds.

The conference agreement includes language regarding the collection of data on race identification.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

The conference agreement includes a total of $39,202,000 for the National Telecommunications and Information Administration (NTIA), instead of $17,820,000 as proposed by the House and $58,194,000 as proposed by the Senate.

SALARIES AND EXPENSES

The conference agreement includes $17,433,000 for the Salaries and Expenses appropriation of the NTIA, instead of $15,282,000 as proposed by the House, and $21,583,000 as proposed by the Senate.

The conference agreement adopts, by reference, language proposed by the House regarding the maximization of the operating level and reimbursements.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

The conference agreement includes $21,769,000, the same amount as in the Senate, instead of $2,538,000 as proposed by the House.

INFORMATION INFRASTRUCTURE GRANTS

The conference agreement includes language allowing recoveries and balances to be used for administration of open grants as proposed by the House. The Senate proposed an appropriation of $14,842,000.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

The conference agreement includes $1,544,754,000 for the United States Patent and Trademark Office (USPTO) for fiscal year 2005, the same as proposed by the Senate, and $1,523,407,000 as proposed by the House.

The conference agreement includes language restricting certain travel payments and language designating full-time equivalents and funding for certain functions.

The conference agreement adopts, by reference, language proposed by the House regarding the National Inventor's Hall of Fame and Inventure Place and the International Intellectual Property Institute.

The conference agreement adopts, by reference, language proposed by the Senate regarding the Whittemore School of Business for an intellectual property rights pilot project.

The conference agreement includes $20,000,000 for USPTO's efforts to combat piracy and counterfeiting overseas, as proposed in the Senate report.

The conferees remind the PTO that any changes from the funding distribution provided in the bill and report including carryover balances are subject to the reprogramming procedures set forth in section 605 of this Act.

In addition, PTO is directed to submit to the Committees on Appropriations, not later than three months after the enactment of this Act, a spending plan, which incorporates any carryover balances from previous fiscal years and any increases to the patent or trademark fee structure.

Science and Technology

Technology Administration

SALARIES AND EXPENSES

The conference agreement includes $6,547,000 for necessary expenses of the Under Secretary for Technology Policy and the Office of Technology Policy, as proposed by the House, instead of $6,407,000 as proposed by the Senate.

The conference agreement includes $200,000 for the World Congress on Information Technology.

National Institute of Standards and Technology

The conference agreement includes $708,692,000 for the National Institute of Standards and Technology (NIST) for fiscal year 2005, instead of $524,970,000 as proposed by the House, and $784,963,000 as proposed by the Senate.

Scientific and Technical Research and Services

The conference agreement includes $383,892,000 for the Scientific and Technical Research and Services (core programs) of the NIST, as proposed by the Senate, instead of $375,838,000 as proposed by the House. Of the funds made available, $2,900,000 is provided for transfer to the NIST Working Capital Fund.

[In thousands of dollars]

	Committee recommendation
Electronics and Electrical Engineering	$49,590
Manufacturing Engineering	23,779
Chemical Science and Technology	43,951
Physics	41,796
Materials Science and Engineering	60,897
Building and Fire Research	21,779
Computer Science and Applied Mathematics	63,820
Technology Assistance	15,592
National Quality Program	5,465
Research Support Activities	57,223
Total, STRS	383,892

Within the funds made available for Electronics and Electrical Engineering, $4,000,000 is provided for the Office of Law Enforcement Standards [OLES] to fund the highest priority homeland security research projects. Projects managed by OLES are to be coordinated with the Department of Justice and the Department of Homeland Security. In addition, $1,000,000 is for a nanoelectronics initiative to support the development of semiconductor technologies.

Within the funds made available for Manufacturing Engineering, $2,000,000 is for the nanomanufacturing initiative enabling critical infrastructural measurements and standards for the developing nanotechnology industry.

Within the funds made available for Physics, $3,000,000 is for quantum computing. The conference agreement adopts language, as proposed by the Senate, regarding support of NIST's Nobel Laureates' efforts.

Within the funds made available for Materials Science and Engineering, $6,000,000 is provided for upgrades to the National Center for Neutron Research in order to meet the increasing demand for this national scientific resource.

Within the funds made available for Building and Fire Research, $2,000,000 is for measurements and standards for advanced fire fighting technologies. Numerous innovative technologies are becoming available for the Nation's fire departments. Unfortunately, there are few standard test methods able to assess the performance of these instruments.

Within the funds made available for Computer Science and Applied Mathematics, $500,000 is for NIST's efforts in support of the Technical Guidelines Development Committee, as established under the Help America Vote Act, Public Law 107–252. Additionally, the conferees recognize the need to continue support of the US–VISIT program and other biometric programs of the Departments of State and Justice and have provided $2,000,000 to allow for NIST to begin testing the accuracy of multimodal systems, develop guidelines for testing fingerprint segmentation methods, and determining the influence of multiple images on the accuracy of facial biometrics.

The Nation's critical infrastructure continues to be at risk due to inadequate security, which is subject to exploitation, including the critical systems of the Federal Government. The Congress has designated the Computer Security Division as having the authority and responsibility of developing Federal standards, security guidelines, security checklists and associated methods and techniques for securing information systems, specifically Federal non-classified systems. These responsibilities are derived from the Federal Information Security Management Act and the Cyber Security Research and Development Act. The conference agreement includes $10,000,000 to develop the standards, guidelines, security specifications, testing methods, checklists, and testing and scanning tools necessary to protect the Nation's cyberspace.

Within the funding for Research Support, an increase of $3,000,000 is provided to the Competence program and $10,050,000 is provided for Business Systems. The recommendation continues funding of $2,400,000 for a telework project and $6,500,000 for a critical infrastructure program, both of which received similar funding in fiscal year 2004.

Chemical Science and Technology Study.—The conferees understand that the current methods of bulk asbestos analysis were designed to segregate commercial asbestos products containing more than 1 percent asbestos and may be inadequate for determining low concentrations of asbestos that occur in the natural environment. The conferees are aware of private-sector interest in developing a mass-based method that is accurate to the 0.1–1 WT percent levels and which will segregate asbestos from non-asbestos particles on mine-grade samples of amphiboles and a method for distinguishing asbestos and non-asbestos particles in airborne filter samples. The conferees direct NIST to provide to the Committees on Appropriations in both the House and Senate, not later than January 31, 2005, a determination on whether developing such a methodology is necessary and, if so, the process, cost, and timetable for developing this methodology.

Industrial Technology Services

The conference agreement includes $251,300,000 for the Industrial Technology Services appropriation of the National Institute of Standards and Technology, instead of $106,000,000 as proposed by the House, and $315,000,000 as proposed by the Senate.

Manufacturing Extension Partnership program (MEP).—The conference agreement includes $109,000,000 to fully fund all MEP centers. The conference agreement includes bill language prohibiting the Secretary of Commerce from recompeting any existing Manufacturing Extension Partnership Center prior to 2007. Federal support for the MEP program, combined with State and private sector funding, has translated into more jobs, more tax revenue, more exports, and a more secure supply source of consumer and defense goods. The MEP program is an economical and prudent means of assisting small manufacturers that want to remain in the United States, continue to hire American workers, and stay competitive in the global market place. Of the amounts provided, $3,000,000 is to ensure small and rural States receive necessary manufacturing assistance and services. The conferees have reviewed the Department of Commerce's report entitled, "Manufacturing in America" and its recommendations. The conferees do not support the report's recommendation to reorganize the MEP program around a regional approach. The conferees recognize that the original concept of 12 regional centers for MEP is not the best model to address the needs of small and medium-sized manufacturers. The conferees support MEP's expansion in order to equalize services to all types of manufacturers across the country. The conferees direct the Secretary of Commerce to provide the necessary coverage for small and medium-sized manufacturers. In addition, the conferees are concerned about the ability of small and rural States to provide adequate 'matching' funds. The conferees direct MEP to develop a program, which will provide additional assistance to small and rural States and report back to the Committees on Appropriations by April 15, 2005, with an implementation plan.

The conference agreement includes a new provision naming the Manufacturing Extension Partnership Centers the Hollings Centers.

The conference agreement adopts, by reference, language in the House report regarding the requirements for applicants seeking assistance.

Advanced Technology Program.—The conference agreement provides an appropriation of $142,300,000 for the Advanced Technology Program (ATP), instead of $203,000,000 as proposed by the Senate and no funding as proposed by the House. The conference agreement does not adopt bill language providing specific funding for new awards as proposed by the Senate.

Construction of Research Facilities

The conference agreement includes $73,500,000 for the construction and major renovations of the NIST campuses at Boulder, Colorado, and Gaithersburg, Maryland.

The conferees provide $23,000,000 for safety, capacity, maintenance, and major repairs, and $7,000,000 for the central utility plant upgrades for the Boulder, Colorado, facility.

National Oceanic and Atmospheric Administration

The conference agreement includes a total of $3,940,000,000 for the National Oceanic and Atmospheric Administration (NOAA), instead of $3,158,000,000 as proposed by the House and $4,141,793,000 as proposed by the Senate. The conference agreement includes funding under the same account structure as in previous years as proposed by the House.

instead of unifying the two main accounts as proposed by the Senate.

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes total funding of $2,872,065,000, instead of $2,324,000,000 as proposed by the House. The Senate bill included $4,109,646,000 under a new "Operations, Research, Facilities, and Systems Acquisition" account which included funding for activities under this account. Of the amount provided, $65,000,000 is from balances in the account entitled, "Promote and Develop Fishery Products and Research Pertaining to American Fisheries", instead of $79,000,000 as proposed by the House, and $57,000,000 as proposed by the Senate. The net appropriation from the General Fund is $2,804,065,000.

Language is included prohibiting any general administrative charge against an assigned activity in this Act or the accompanying report. An exception is provided to facilitate the modernization of NOAA's grant systems. The conferees endorse the language in the Senate report emphasizing the need to expedite financial assistance to grantees.

Language is also included capping the amount provided for corporate services administrative support at $171,530,000, and capping the amount available to the Department of Commerce Working Capital Fund at $39,500,000.

The conference agreement stipulates that any deviation from the amounts designated for specific activities in the report accompanying this Act shall be subject to the procedures set forth in section 605 of this Act.

The conference agreement includes, by reference, language in the House report regarding the submission of a report on amounts planned for line office personnel and overhead, and a report on positions, full-time equivalents, and salary-related costs for each line office.

The conferees support the intent of the Senate report language connecting the NOAA budget with the agency's strategic plan and goals. However, the conferees were surprised to learn through NOAA's appeal in response to the Senate bill that every agency is unable to track its funds or execute its budget in alignment with its strategic goals. Accordingly, the language proposed by the Senate has not been adopted. The conferees have, however, provided a crosswalk for appropriated amounts between strategic goals and line offices in the financial tables included in this statement.

The following table identifies the activities, sub-activities, and projects funded in this appropriation:

NOAA OCEANS AND COASTS/NATIONAL OCEAN SERVICE
($ in Thousands)

FY 2005 Strategic Plan	FY 05 PROPOSED OPERATING PLAN Operations, Research and Facilities	FY 2005 Conference Agreement
	Navigation Services	
	Mapping & Charting	
CT	Mapping & Charting Base (incl $2,000 FY 02 Supp)	27,600
CT	Coastal Mapping	500
CT	Joint Hydrographic Center	7,600
CT	Marine Modeling & Geospatial Technology	1,100
CT	Hydrographic Surveys	1,300
CT	Electronic Navigational Charts	4,300
CT	Nautical Charting	6,500
CT	Navigational Services	1,885
CT	Shoreline Mapping	2,448
CT	Chesapeake Bay	1,000
CT	Aerial	1,000
CT	Address Survey Backlog/Contracts	19,000
CT	EEZ Outer Continental Shelf Ocean Bottom Claims	2,200
CT	Gulf of Alaska	2,500
CT	North Pacific	1,000
CT	North Pacific Maritime Boundary Line	1,000
CT	MS/LA Digital Coast	800
CT	Vessel Time Charter	2,000
	Subtotal. Mapping and Charting	**83,733**
	Geodesy	
CT	Geodesy Base	20,295
CT	National Spatial Reference System	2,000
CT	Height Modernization Regional Expansion - NGS Implementation	250
CT	Height Modernization Regional Expansion - NC	1,000
CT	Height Modernization Regional Expansion -TX	750
CT	Height Modernization Study - MS	600
CT	Geodetic Survey-KY	500
CT	Geodetic Survey- CA	500
CT	Geodetic Survey- LA	497
CT	Geodetic Survey - WI	3,000
CT	Geodetic Survey - WA	500
CT	Geodetic Survey - AL	2,000
	Subtotal. Geodesy	**31,892**
	Tide & Current Data	
CT	Tide & Current Data Base	18,415
WW	National Water Level Observation Network	2,500
CT	PORTS	2,981
CT	Great Lakes NWLON	2,000
CT	Alaska Current & Tide Data	1,500
	Subtotal. Tide & Current Data	**27,396**
	Total, Navigation Services	**143,021**
	Ocean Resources Conservation and Assessment	
	Ocean Assessment Program (OAP)	
ECO	Ocean Assessment Program Base	22,323
ECO	Coastal Observation Technology System	2,177
ECO	Coastal Ocean Research & Monitoring Program	2,473
ECO	NOAA ICOOS	7,500
ECO	NOAA/UNH Joint Ocean Observing Technology Center	4,000
ECO	Gulf of Alaska Ecosystem Monitoring	2,000
ECO	Gulf of Maine Observing System	1,900
ECO	Long Island Sound Observing System	1,000

NOAA OCEANS AND COASTS/NATIONAL OCEAN SERVICE
($ in Thousands)

FY 2005 Strategic Plan	FY 05 PROPOSED OPERATING PLAN Operations, Research and Facilities	FY 2005 Conference Agreement
ECO	Central Gulf of Mexico Observing System (USM)	2,000
ECO	So Cal Coastal Ocean Observing System (Scripps)	1,500
ECO	Alliance for Coastal Technologies	2,500
ECO	Center for Coastal Ocean Observation and Analysis	2,500
ECO	Carolina Coastal Ocean Observing and Prediction System	2,500
ECO	Wallops Ocean Observation Project	2,000
ECO	Coastal Ocean Monitoring Network for West Florida	750
WW	Coastal Storms	2,500
ECO	Cook Inlet Coastal Monitoring and Habitat	1,000
ECO	Coastal Services Center	23,000
ECO	Pacific Coastal Services Center	2,250
ECO	Seacoast Science Center	1,000
ECO	EE Just Environmental Institute	750
ECO	Coastal Change Analysis	500
ECO	Lake Pontchartrain	1,500
ECO	CREST	450
ECO	CI-CORE	2,500
ECO	Aquatic Research Consortium MS	2,500
ECO	Coop Institute for Coastal and Estuarine Enviro Tech	6,800
ECO	Hawaii Coral Reef Initiative	1,500
ECO	Nat'l Coral Reef Initiative - Florida	1,000
ECO	Coral Reef - Puerto Rico	500
ECO	Coral Reef	25,000
ECO	National Fish and Wildlife Foundation - NFWF	700
ECO	Ocean Health Initiative	18,000
ECO	Monterey Bay Watershed	500
	Subtotal, Ocean Assessment Program (OAP)	**149,073**
	Response and Restoration	
ECO	Response and Restoration Base	10,600
ECO	Estuary Restoration Program	1,200
ECO	Damage Assessment Program	2,282
ECO	Coastal Protection and Restoration Project	400
ECO	Mitigating Coastal Development Impacts/MS State Univ	1,000
ECO	Marine Wildlife Noise Impacts/Univ. of RI	100
ECO	Marine Debris	5,000
ECO	Marine Debris Removal - Alaska	1,200
ECO	Marine Debris Removal - SC	200
ECO	Hazardous Materials Response Program	1,619
ECO	Aquatic Resources Environmental Initiative	5,000
CT	Center for Marine Spill Response Project	2,000
ECO	Vieques	1,000
ECO	Pribilof Islands Cleanup and Economic Development	7,000
	Subtotal, Response and Restoration	**38,601**
	National Centers for Coastal Ocean Science (NCCOS)	
ECO	Center for Coastal Environmental Health & Bimolecular Rsch	15,000
ECO	Extramural Research	4,000
ECO	High salinity estuaries (Baruch)	1,000
ECO	Oxford, MD	4,500
ECO	Extramural Research	2,000
ECO	Ctr for Coastal Fisheries Habitat Research	5,750
ECO	Extramural Research	2,000
ECO	Center for Coastal Monitoring & Assessment	6,000
ECO	Extramural Research	2,000
ECO	Center for Sponsored Coastal Ocean Research	3,700
ECO	Coastal Ocean Research Grants (HAB/Pfisteria/GLOBEC)	5,500

NOAA OCEANS AND COASTS/NATIONAL OCEAN SERVICE
($ in Thousands)

FY 2005 Strategic Plan	FY 05 PROPOSED OPERATING PLAN Operations, Research and Facilities	FY 2005 Conference Agreement
ECO	NCCOS Headquarters	5,000
ECO	Marine Env Health Research Lab - MEHRL	4,000
	Subtotal, NCCOS	**60,450**
	Total, Ocean Resources Conserv. & Assess.	**248,124**
	Ocean and Coastal Management	
	Coastal Management	
ECO	CZM Grants	67,000
ECO	CZM Program Administration	6,700
ECO	National Estuarine Research Reserve System	16,400
ECO	Non-point Pollution Implementation Grants	3,000
ECO	Marine Protected Areas	3,000
	Subtotal, Coastal Management	**96,100**
	Ocean Management	
	Marine Sanctuary Program	
ECO	Marine Sanctuary Program Base	51,000
ECO	Marine Sanctuary Foundation / Ocean Activity Fund	5,000
ECO	Northwestern Hawaiian Islands Rsrch / HI Institute of Marine Biology	1,500
ECO	Northwest Straits Citizens Advisory Commission	1,250
	Subtotal, Ocean Management	**58,750**
	Total, Ocean and Coastal Management	**154,850**
CT	Payment to OMAO	2,793
	Total, National Ocean Service - ORF	**548,788**

FY2005	Strategic Plan	
ALL	NOAA-WIDE	0
ECO	ECOSYSTEMS	398,474
C	CLIMATE	0
WW	WEATHER & WATER	5,000
CT	COMMERCE & TRANSPORTATION	145,314
OE	OCEAN EXPLORATION	0

NOAA FISHERIES/NATIONAL MARINE FISHERIES SERVICE
($ in Thousands)

FY 2005 Strategic Plan	FY 05 PROPOSED OPERATING PLAN Operations, Research and Facilities	FY 2005 Conference Agreement
	Marine Mammals & Sea Turtles	
ECO	California Sea Lions/Protected Species Management (PSM)	750
ECO	Cook Inlet Beluga and Bio Research	200
ECO	Bottlenose Dolphins	4,000
ECO	MS Inst. For Marine Mammal Studies	2,500
ECO	Dolphin Encirclement	2,000
ECO	Dolphins/Yellowfin Tuna Research	233
ECO	Marine Mammal Protection (MMP)/NMFS Activites	7,976
ECO	Alaska Sea Life Center	1,000
ECO	MS Center for Marine Education and Research	2,000
ECO	Charleston Health and Risk Assessment	800
ECO	Marin Headlands Marine Mammal Center	2,000
ECO	Shedd Marine Mammals	250
ECO	Marine Mammal Initiative	10,000
ECO	Prescott Grant Program	4,000
ECO	Marine Mammals, Sea Turtles & Other Species/Endangered Species Act (ESA)	23,604
ECO	Marine Mammal Commission Studies (protection/predation)	1,207
ECO	Alaska Eskimo Whaling Commission	900
ECO	Participation of AEWC in International Whaling Commission Meetings	100
ECO	Alaska Harbour Seals	150
ECO	Aleut Pacific Marine Resources Observers	125
ECO	Beluga Whale Committee	225
ECO	Bowhead Whale Spatial Studies	600
ECO	Bristol Bay Native Association	50
ECO	National Fish & Wildlife Foundation (NFWF) Species Mgmt (PSM)	1,000
ECO	North Pacific Southern Resident Orca Population (PSM)	1,500
ECO	Aleut Marine Mammal Commission	150
ECO	Right Whale Activities (ESA)	10,000
ECO	Cooperative State Plans	2,000
ECO	ESA	5,176
ECO	Hawaiian Sea Turtles	7,800
ECO	Southeastern Sea Turtles	300
ECO	Harbor Seals	600
ECO	Hawaiian Monk Seals	825
ECO	Endangered Species Act	850
ECO	Alaska Seals and Steller Sea Lions	8,500
ECO	State of Alaska Seals and Steller Sea Lion Programs	3,200
ECO	Alaska SeaLife Center Seals and Steller Sea Lion Programs	7,000
ECO	N. Pacific Universities MM Consortium (and Harbor Seal Research)	2,500
ECO	Fisheries Management (North Pacific Council)	2,000
ECO	Univ of AK Gulf Apex Predator	1,500
ECO	Winter Food Limitation (Pr William Sound Sci Ctr)	1,000
	Subtotal, Marine Mammals & Sea Turtles	**120,571**
	Fish:	
ECO	Alaska Fisheries Information Network (AKFIN)	3,200
ECO	Bering Sea Fishermen's Association Community Development Quota (CDQ)	175
ECO	Crab Research NMFS	473
ECO	NMFS Activities	2,017
ECO	NMFS Field Fishery Monitoring	300
ECO	NMFS Rockfish Research	334
ECO	Winter Pollock Survey	800
ECO	State of AK Rockfish Research	1,000
ECO	Alaska Near Shore Fisheries State of Alaska	1,000
ECO	Calibration Studies	240
ECO	NMFS Activities	400
ECO	Implementation	3,525

NOAA FISHERIES/NATIONAL MARINE FISHERIES SERVICE
($ in Thousands)

FY 2005 Strategic Plan	FY 05 PROPOSED OPERATING PLAN Operations, Research and Facilities	FY 2005 Conference Agreement
ECO	National Standards 4 and 8 State of Alaska	500
ECO	NMFS Activities	2,100
ECO	Anadromous Fish Commission - North Pacific	750
ECO	Anadromous Grants	2,000
ECO	Atlantic Herring and Mackerel	198
ECO	Bering Sea Pollock Research	936
ECO	Bering Sea Aleut. Is. Non-Pollock Groundfish Buyback	250
ECO	Bluefin Tuna Tagging-- Monterey	550
ECO	Bluefish/Striped Bass:	692
ECO	Chesapeake Bay	478
ECO	Long Island Sound	239
ECO	Rutgers	790
ECO	Charleston Bump	250
ECO	Chesapeake Bay Multi-Species Management	500
ECO	Expand Annual Stock Assessments - Improve Data Collection	18,900
ECO	California Oceanic Cooperative Fisheries Investivation (CalCOFI)	900
ECO	Narragansett Bay (Phase IV)	1,000
ECO	Fisheries Statistics	12,771
ECO	Atlantic States Marine Fisheries Commission	2,000
ECO	Economics & Social Sciences Research	4,100
ECO	National Fisheries Information System	2,500
ECO	National Standard 8	998
ECO	Hawaii Fisheries Development (Oceanic Institute)	750
ECO	Product Quality and Marketing--Shrimp (WASI)	1,000
ECO	Product Quality and Safety/Seafood Inspection	7,500
ECO	Fisheries Research and Management Programs	125,000
ECO	Gulf Fisheries Information Network (GULF FIN) Data Collection Effort	4,250
ECO	Gulf of Maine Groundfish Survey	519
ECO	Halibut Data Collection	500
ECO	Halibut/Sablefish	1,143
ECO	Hawaii Seafood Safety Program	1,500
ECO	Hawaii Stock Management Plan (Oceanic Institute)	500
ECO	Highly Migratory Shark Fishery Research Program (Mote)	2,000
ECO	Interjurisdictional Fisheries Grants	2,500
ECO	3 Commissions	750
ECO	Atlantic Cooperative Management	9,250
ECO	Large Pelagics Research Program (UNH)	3,000
ECO	NMFS Activities	2,400
ECO	NE Activities	250
ECO	Red Snapper	750
ECO	New England Stock Depletion	1,000
ECO	Management of George's Bank	441
ECO	Pacific Coastal Fisheries Information Network (PACFIN) Catch Effort Data	2,994
ECO	Recreational Fishery Harvest Monitoring/Rec. Fisheries Info Ntwk (RECFIN)	3,445
ECO	RECFIN - SC (inshore recreation species assessment/ tagging)	500
ECO	Red Snapper Monitoring and Research	5,000
ECO	Reduce Fishing Impacts on Essential Fish Habitat (EFH)	500
ECO	Reducing Bycatch	3,800
ECO	Regional Councils	15,000
ECO	ESA Recovery and Research	2,915
ECO	Recovery Plan	450
ECO	Research	694
ECO	State of Maine Salmon Recovery (PSM)	1,200
ECO	Management	150
ECO	Pacific Salmon Treaty - Chinook Salmon Agreement	1,844
ECO	Research at Auke Bay	300
ECO	State of Alaska	1,000

NOAA FISHERIES/NATIONAL MARINE FISHERIES SERVICE
($ in Thousands)

FY 2005 Strategic Plan	FY 05 PROPOSED OPERATING PLAN Operations, Research and Facilities	FY 2005 Conference Agreement
ECO	Yukon River Drainage Fisheries Assoc	500
ECO	ESA - Columbia River Biological Opinion (BIOP) Implementation	4,000
ECO	Endangered Species Studies	299
ECO	Facilities (Columbia River Hatcheries)	3,200
ECO	Hatcheries and Facilities	11,457
ECO	Hatcheries - Monitor, Evaluation and Reform	1,700
ECO	Pacific Salmon Treaty	8,000
ECO	ESA Recovery and Research	41,527
ECO	West Coast Groundfish	4,800
	Subtotal, Fish	**347,144**
	Crustaceans & Mollusks	
ECO	Bering Sea Crab (State of Alaska)	1,200
ECO	Blue Crab Research Consortium	2,200
ECO	Crab Rationalization NOAA Fisheries	1,000
ECO	Chesapeake Bay Oyster Restoration	2,000
ECO	Horseshoe Crab Research (HCRC)	650
ECO	Lobster Sampling	150
ECO	Mobile Bay Oyster Recovery	800
ECO	Non-Native Oyster Chesapeake Bay Program - VA	2,000
ECO	Oyster Restoration (Chesapeake - VIMS)	2,000
ECO	Seafood Safety Initiative	1,500
ECO	Scallop Fishery Assessment (MFI)	1,900
	Subtotal, Crustaceans & Mollusks	**15,400**
	Enforcement & Observers:	
ECO	Driftnet Act Implementation	1,199
ECO	Ghostnet - High Seas Driftnet Detection	250
ECO	NMFS Activities	1,692
ECO	Pacific Rim Fisheries	150
ECO	State Participation AK/WA	200
ECO	Enforcement & Surveillance	23,000
ECO	Cooperative Agreements w/ States	17,000
ECO	Vessel Monitoring System	3,000
	Subtotal, Enforcement	**46,491**
	Observers/Training	
ECO	Atlantic Coast Observers	3,345
ECO	East Coast Observers	350
ECO	Hawaii Longline Observer Program	4,000
ECO	N. Pacific Marine Resources Observers	1,834
ECO	N. Pacific Observer Program	750
ECO	NE Groundfish Court-Ordered Observers	9,100
ECO	National Observer Program	1,500
ECO	West Coast Groundfish Observers	4,000
	Subtotal, Observers/Training	**24,879**
	Subtotal, Enforcement and Observers/Training	**71,370**
	Habitat Conservation & Restoration	
ECO	Connecticut River Partnership	400
ECO	Atlantic Salmon/Penobscot River Habitat Restoration	1,000
ECO	Bronx River Restoration	1,000
ECO	Community-Based Restoration Grants	16,000
ECO	Pinellas County Environmental Foundation	1,000
ECO	Habitat Conservation	15,000
ECO	Merrimack River fish habitat/land conservation	500

NOAA FISHERIES/NATIONAL MARINE FISHERIES SERVICE
($ in Thousands)

FY 2005 Strategic Plan	FY 05 PROPOSED OPERATING PLAN Operations, Research and Facilities	FY 2005 Conference Agreement
ECO	Refine EFH Designations	1,000
	Subtotal, Habitat Conservation & Restoration	**35,900**
	Other Activities Supporting Fisheries	
ECO	Antarctic Research	1,468
ECO	Center for Marine Education and Research MS	3,000
ECO	Chesapeake Bay Studies	3,500
C	Climate Regimes & Ecosystem Productivity	1,500
ECO	Computer Hardware and Software - FY 2004 Omnibus Funded in PAC	3,383
ECO	Conservation and Recovery with States	990
ECO	Consortium for Fisheries & Wildlife Conflict Resolution (UNH/NEA/VIMS)	500
ECO	Cooperative Marine Education & Research	200
ECO	Cooperative Research - North Pacific Research Board	3,000
ECO	National Cooperative Research	2,750
ECO	NE Cooperative Research	3,750
ECO	Northeast Consortium	5,000
ECO	SE Cooperative Research	4,250
ECO	West Coast Groundfish Cooperative Research	500
ECO	Endangered Species Act - Fish, Crustaceans, Mollusks	2,500
ECO	FMP Extended Jurisdiction, State of Alaska	1,200
ECO	Gulf of Alaska Coastal Communities Coalition	425
ECO	Hawaiian Community Development	500
ECO	Information Analyses & Dissemination	17,943
ECO	Joint Institute for Marine and Atmospheric Research (JIMAR), HI	2,500
ECO	Magnuson-Stevens (MSA) Implementation off Alaska	7,120
ECO	Marine Environmental Research Institute	300
ECO	Marine Resources Monitoring, Assessment & Prediction Prgm (MarMap)	1,250
ECO	National Environmental Policy Act (NEPA)	3,000
ECO	New England Multispecies Survey (SMAST)	3,000
ECO	Pzyment to OMAO	700
ECO	SCORE Science Consortium - NH/WA/Mote Marine	1,000
ECO	Southeast Area Monitoring & Assessment Program (SEAMAP)	1,385
ECO	Pacific Island Region/Center	5,000
ECO	NW Fisheries Science Center (Groundfish Team)	1,700
ECO	South Carolina Taxonomic Center	500
	Subtotal, Other Activities Supporting Fisheries	**83,814**
	Total, National Marine Fisheries Service - ORF	**674,199**

FY2005	**Strategic Plan**	
ALL	NOAA-WIDE	0
ECO	ECOSYSTEMS	672,699
C	CLIMATE	1,500
WW	WEATHER & WATER	0
CT	COMMERCE & TRANSPORTATION	0
OE	OCEAN EXPLORATION	0

NOAA RESEARCH
($ in Thousands)

FY 2005 Strategic Plan	FY 05 PROPOSED OPERATING PLAN Operations, Research and Facilities	FY 2005 Conference Agreement
	Climate Research	
	Laboratories & Joint Institutes	
C	Laboratories & Joint Institutes	46,717
	Subtotal, Laboratories & Joint Institutes	**46,717**
	Climate & Global Change Program	
C	Climate and Global Change	67,000
C	Accelerating Climate Models - IRIS	1,500
	Subtotal, Climate & Global Change Program	**68,500**
	Climate Observations & Services	
C	Carbon Cycle	2,908
C	Ocean Observations/Ocean Systems	4,000
C	ARGO	7,000
C	Climate Change Research Initiative	40,000
	Subtotal, Climate Observations & Services	**53,908**
	Other Partnership Programs	
C	Central CA Ozone Study	250
C	East Tennessee Ozone Study	300
C	Climate System Research Center	750
C	Intl Council for Local Environmental Initiatives	500
C	Climate and Environmental Change	2,473
C	Univ of AL Huntsville Climate Research	1,000
C	Abrupt Climate Change Research	495
C	Arctic Research Initiative (SEARCH)	3,000
	Subtotal, Other Partnership Programs	**8,768**
	Total, Climate Research	**177,893**
	Weather & Air Quality Research	
	Laboratories & Joint Institutes	
WW	Laboratories & Joint Institutes	34,777
	Subtotal, Laboratories & Joint Institutes	**34,777**
	U.S. Weather Research Program	
WW	U.S. Weather Research Program (USWRP/THORPEX)	500
WW	Targeted Wind Sensing	2,000
	Subtotal, U.S. Weather Research Program	**2,500**
	Other Partnership Programs	
WW	Tornado Severe Storm Research	2,000
WW	New England Air Quality Study	2,000
WW	NE Center for Atmospheric Science and Policy	1,500
C	Inst. for Study of Earth, Oceans & Space (Air-Map - CCRC)	5,000
C	Risk Reduction in Water Forecasts (MSU)	2,000
C	Remote Sensing Research (ISU/BCAL)	495
WW	STORM (U. of N. Iowa)	650
	Subtotal, Other Partnership Programs	**13,645**
	Total, Weather & Air Quality Research	**50,922**
	Ocean, Coastal, and Great Lakes Research	
	Laboratories & Joint Institutes	
ECO	Laboratories & Joint Institutes	20,535
	Subtotal, Laboratories & Joint Institutes	**20,535**

NOAA RESEARCH
($ in Thousands)

FY 2005 Strategic Plan	**FY 05 PROPOSED OPERATING PLAN Operations, Research and Facilities**	**FY 2005 Conference Agreement**
	National Sea Grant College Program	
ECO	National Sea Grant College Program Base	58,000
ECO	Fish Extension	1,500
ECO	Aquatic Nuisance Species/Zebra Mussel Research	1,000
ECO	Gulf of Mexico Oyster Initiative	1,000
ECO	Marine Invasive Species Program--HI	250
ECO	Oyster Disease Research	1,000
	Subtotal, National Sea Grant College Program	**62,750**
	National Undersea Research Program (NURP)	
OE	National Undersea Research Program (NURP)	12,500
OE	National Institute for Undersea Science and Technology	5,000
	Subtotal, National Undersea Research Program (NURP)	**17,500**
OE	NMNH East Wing (Oceans)	5,000
OE	Ocean Exploration	23,000
OE	Submersible Micro-technology Research	983
	Subtotal, Ocean Exploration	**28,983**
	Other Partnership Programs	
ECO	Aquatic Ecosystems - Canaan Valley Institute	4,300
ECO	Arctic Research	2,000
ECO	Institute for Science Technology and Public Policy	900
ECO	Atmospheric Dispersion Forecasting / Jackson State Univ	1,000
ECO	Great Lakes Toxicity	495
ECO	Gulf of Maine Council	750
ECO	Lake Champlain Research Consortium	350
ECO	NISA/Ballast Water Demonstrations	3,500
ECO	NISA/Alaska	1,500
ECO	Cooperative Sensor Develop Lab for Oceans and Climate	500
ECO	Cooperative Institute for New England Mari-culture and Fisheries	3,000
ECO	NH Center for the Study of Lakes and Ecosystems	500
ECO	Aquaculture Education Program - Cedar Point MS	1,800
ECO	Pacific Tropical Ornamental Fish	500
	Subtotal, Other Partnership Programs	**21,095**
	Total, Ocean, Coastal, and Great Lakes Research	**150,863**
	Information Technology, R&D, and Science Education	
ALL	High Performance Computing Initiatives	12,500
ALL	Educational Partnership Program/Minority Serving Institutions	17,000
	Total, Info Tech, R&D, & Science Education	**29,500**
ECO	**Payment to OMAO**	**100**
	Total, NOAA Research - ORF	**409,278**

FY2005	**Strategic Plan**	
ALL	NOAA-WIDE	29,500
ECO	ECOSYSTEMS	104,480
C	CLIMATE	185,388
WW	WEATHER & WATER	43,427
CT	COMMERCE & TRANSPORTATION	0
OE	OCEAN EXPLORATION	46,483

NOAA NATIONAL WEATHER SERVICE
($ in Thousands)

FY 2005 Strategic Plan	FY 05 PROPOSED OPERATING PLAN Operations, Research and Facilities	FY 2005 Conference Agreement
WW	**Operations and Research**	
C	Local Warnings and Forecasts Base	8,634
CT	Local Warnings and Forecasts Base	21,135
WW	Local Warnings and Forecasts Base	498,429
WW	Tsunami Hazard Mitigation (moved from OAR)	4,300
WW	Tsunami Warning & Environmental Obs for AK (TWEAK)	2,000
WW	Air Quality Forecasting Pilot Program	2,968
WW	Air Quality Forecasting	1,750
CT	Alaska Data Buoys	1,500
CT	HI Data Bouys	250
C	Sustain Cooperative Observer Network	1,800
WW	Hurricane Mitigation Alliance (SUSF)	3,250
WW	Red River Basin Institute / Decision Info Network	270
WW	New England Weather Technology Initiative	550
WW	NOAA Profiler Network	3,200
WW	NC Flood Plain Mapping Pilot	593
WW	Pacific Island Compact	3,500
C	Space Environment Center	200
WW	Space Environment Center	6,750
WW	USWRP-THORPEX	4,500
WW	Vermont Northeast Weather & Wind Data Integration	250
	Subtotal, Local Warnings and Forecasts	**565,829**
WW	**Advanced Hydrological Prediction Services**	**5,800**
CT	**Aviation Weather**	**2,400**
	Weather Radio Transmitters	
WW	Weather Radio Transmitters Base	2,320
WW	NOAA Weather Radio Transmitters - HI	200
	Subtotal, Weather Radio Transmitters	**2,520**
	Subtotal, Local Warnings and Forecasts	**576,549**
	Central Forecast Guidance	
C	Central Forecast Guidance	6,494
CT	Central Forecast Guidance	6,344
WW	Central Forecast Guidance	32,934
	Subtotal, Central Forecast Guidance	**45,772**
	Total, Operations and Research	**622,321**
WW	All Systems Operation and Maintenance	88,000
	Total, Systems Operation & Maintenance	**88,000**
WW	**Payment to OMAO**	**475**
	Total, National Weather Service - ORF	**710,796**

FY2005	Strategic Plan	
ALL	NOAA-WIDE	0
ECO	ECOSYSTEMS	0
C	CLIMATE	17,128
WW	WEATHER & WATER	662,039
CT	COMMERCE & TRANSPORTATION	31.629
OE	OCEAN EXPLORATION	0

NOAA SATELLITES/NATIONAL ENVIRONMENTAL SATELLITE, DATA & INFORMATION SERVICE
($ in Thousands)

FY 2005 Strategic Plan	**FY 05 PROPOSED OPERATING PLAN** **Operations, Research and Facilities**	**FY 2005 Conference Agreement**
	Environmental Satellite Observing Systems	
ALL	Satellite Command and Control	36,550
ALL	NSOF Operations	5,681
	Satellite Command and Control	**42,231**
	Product Processing and Distribution	
ALL	Product Processing and Distribution	27,263
	Subtotal, Product Processing and Distribution	**27,263**
	Product Development, Readiness & Application	
ALL	Product Development, Readiness & Application	16,538
ECO	Product Development/Ocean Remote Sensing	4,000
ECO	Coral Reef Monitoring	700
WW	Joint Center/Accelerate Use of Satellites	2,200
WW	Research to Ops/NOAA-NASA partnerships	4,000
WW	Global Wind Demo	3,750
	Subtotal, Product Development, Readiness & Application	**31,188**
CT	Commercial Remote Sensing Licensing & Enforcement	1,100
	Total, Environmental Satellite Observing Systems	**101,782**
	NOAA's Data Centers & Information Services	
	Archive, Access & Assessment	
C	Archive, Access & Assessment	31,000
C	KY	7,925
C	MD	5,500
C	Quality Assurance/Quality Control (NC)	1,500
C	WV	7,925
ALL	Office of Space Commercialization	600
CT	GPS Interagency Board	250
C	GOES Data Archive Project	2,473
	Subtotal, Archive, Access & Assessment	**57,173**
ECO	Coastal Data Development	4,576
C	Regional Climate Centers	2,500
C	International Pacific Research Ctr (U of H)	2,000
ECO	Pacific Ocean and Environment Info Center	1,000
C	Environmental Data Systems Modernization	8,955
	Total, NOAA's Data Centers & Information Services	**76,204**
C	**Payment to OMAO**	**333**
	Total, Nat'l Environmental Satellite, Data and Information Service - ORF	**178,319**

FY2005	**Strategic Plan**	
ALL	**NOAA-WIDE**	**86,632**
ECO	**ECOSYSTEMS**	**10,276**
C	**CLIMATE**	**70,111**
WW	**WEATHER & WATER**	**9,950**
CT	**COMMERCE & TRANSPORTATION**	**1,350**
OE	**OCEAN EXPLORATION**	**0**

NOAA-WIDE PROGRAM SUPPORT
($ in Thousands)

FY 2005 Strategic Plan	FY 05 PROPOSED OPERATING PLAN Operations, Research and Facilities	FY 2005 Conference Agreement
	Corporate Services	
	Under Secretary and Associate Offices	
ALL	Under Secretary and Associate Offices Base	25,000
	Subtotal, Under Secretary and Assoc. Ofc	**25,000**
	Policy Formulation and Direction	
ALL	Policy Formulation and Direction Base	41,030
ALL	CAMS	10,000
ALL	Payment to the DOC Working Capital Fund	39,500
ALL	Payment to the Business Management Fund	56,000
	Subtotal, Policy Formulation and Direction	**146,530**
	Total, Corporate Services	**171,530**
	NOAA Education Program	
ALL	NOAA Education Program / Education Initiative	6,500
ALL	Ocean Science Bowl	1,000
ALL	JASON Education and Outreach	2,500
ALL	Bay Watersheds Education & Training Program	2,500
ALL	BWET Hawaii	1,500
ALL	Narragansett Bay Marine Education (Save the Bay)	500
	Total, NOAA Education Program	**14,500**
	Facilities	
ALL	NOAA Facilities Management, Construction and Safety	7,500
ALL	NOAA Wide Facility Maintenance (consolidated)	18,000
ALL	Boulder Facilities Operations	4,564
ALL	Western Regional Center Operations & Maintenance	700
	Subtotal, NOAA Fac Mgmt, Const& Maint	**30,764**
ALL	**Environmental Compliance& Safety**	**3,000**
	Total, Facilities	**33,764**
	Marine Operations & Maintenance	
	Marine Services	
ALL	Salaries & Expenses	75,000
ALL	UNOLS	1,500
ALL	HI'IALAKAI	4,600
ALL	OSCAR DYSON & FAIRWEATHER	10,200
ALL	NANCY FOSTER	550
OE	OE and NOAA Corps Pay Differential	2,000
	Subtotal, Marine Services (including base)	**93,850**
	Fleet Planning and Maintenance	
ALL	New Vessels (O Dyson, N Foster, Fairweather, Hi'alakai)	2,000
ALL	Fleet Planning and Maintenance	12,000
	Subtotal, Fleet Planning and Maintenance	**14,000**
	Total, Marine Operations and Maintenance	**107,850**
	Aviation Operations	
ALL	Aircraft Services	18,600
	Total, Aviation Operations	**18,600**

NOAA-WIDE PROGRAM SUPPORT
($ in Thousands)

FY 2005 Strategic Plan	FY 05 PROPOSED OPERATING PLAN Operations, Research and Facilities	FY 2005 Conference Agreement
ALL	Future Healthcare Benefits for Current Officers	1,941
	Total, Office of Marine & Aviation Operations	**128,391**
	Total, Program Support - ORF	**348,185**

FY2005	Strategic Plan	
ALL	NOAA-WIDE	346,185
ECO	ECOSYSTEMS	0
C	CLIMATE	0
WW	WEATHER & WATER	0
CT	COMMERCE & TRANSPORTATION	0
OE	OCEAN EXPLORATION	2,000

PLANNING AND PROGRAM INTEGRATION
($ in Thousands)

FY 2005 Strategic Plan	FY 05 PROPOSED OPERATING PLAN Operations, Research and Facilities	FY 2005 Conference Agreement
ALL	Planning and Program Integration	2,500
	Total, Program Planning and Integration	**2,500**

FY2005	Strategic Plan	
ALL	NOAA-WIDE	2,500

NOAA OCEANS AND COASTS/NATIONAL OCEAN SERVICE

The conference agreement includes a total of $548,788,000 for activities of the National Ocean Service (NOS). The conference agreement adopts, by reference, language in the House report on the hydrographic survey backlog, and on the strategy for the use of private mapping services. The conference agreement adopts, by reference, language in the Senate report regarding NOAA's Integrated Coastal Ocean Observing System, including the important contributions of the National Data Buoy Center and the National Center for Environmental Prediction (NCEP) Environment Modeling Center.

The conferees agree that amounts provided to address the hydrographic survey backlog on the line items "North Pacific Maritime Boundary Line", "Gulf of Alaska" and "North Pacific" may be used to contract for hydrographic services in Alaska in areas defined as "navigationally significant" in the current edition of the NOAA Hydrographic Survey Priorities.

The conference agreement includes funding for NOAA to consult with and provide assistance to the Departments of Defense and Interior and the Environmental Protection Agency in carrying out their responsibilities in cleaning up Vieques, Puerto Rico.

The conference agreement for the Marine Sanctuary Program includes $2,000,000 for the conservation of artifacts related to the USS MONITOR, including the vessel's turret and engine. These funds are provided for that grant in addition to the amounts currently provided for public education, the housing of MONITOR archives, and artifact conservation. The conferees expect that MONITOR exhibits will reference any support provided by NOAA and the Marine Sanctuary Program. The conference agreement for the Marine Sanctuary Program also includes $500,000 to be used for international marine sanctuary and reserve issues, including, but not limited to, the work with the Galapagos Islands Marine Reserve. The conferees expect funds will be allocated, from within amounts provided for the Marine Sanctuary program, for conservation activities at the Monterey Bay National Marine Sanctuary Exploration Center.

The conference agreement adopts, by reference, report language regarding Pier Romeo and a Memorandum of Understanding between the NOS Assistant Administrator and other Federal agencies as proposed by the Senate.

NOAA FISHERIES/NATIONAL MARINE FISHERIES SERVICE

The conference agreement includes $674,199,000 for the operations of the National Marine Fisheries Service (NMFS).

The conference agreement adopts, by reference, language proposed by the House regarding continuation of funding for implementation of a West Coast in-season harvest data collection system. The conference agreement also includes, by reference, language in the House report regarding the development of forensic tools, the protection of consumers from bacteria in raw molluscan shellfish, and the continuation of funding for the Gulf and Atlantic Foundation for education programs regarding Vibrio vulnificus.

The conference agreement includes additional funding for marine mammal activities, as proposed by the Senate. Of the funding provided for Dolphin Encirclement, NMFS is directed to dedicate funding and efforts on revising downward its definition of a vessel that is not capable of setting on or encircling dolphins to reflect the fact that vessels smaller than 400 short tons are known to engage in this practice.

The conference agreement adopts, by reference, language proposed by the Senate under the heading Native Hawaiian Observer Program.

Within funds provided for Habitat Conservation, the conferees encourage NOAA to work with the Ocean Resources Enhancement and Hatchery Program in California, if warranted, and to support the program's efforts to evaluate the effectiveness of marine replenishment.

The conference agreement includes funding for maintenance, operations, and lease costs of all NMFS labs. The conference agreement includes, by reference, language in the House report regarding future NMFS base budget requests.

The conferees urge NOAA to continue support for Virginia Trawl Survey activities.

NOAA RESEARCH/OCEANIC AND ATMOSPHERIC RESEARCH

The conference agreement includes $409,278,000 for the Oceanic and Atmospheric Research (OAR) line office.

The conference agreement adopts, by reference, language in the House report on ballast water exchange programs; forecasting models for beach closings; coordination of efforts to protect the Great Lakes including a report on mercury contamination; and responding to the report of the Research Review Team.

The conferees reject the proposed reductions in the budget request to continue activities at the fiscal year 2004 level for paleoclimate and abrupt climate change research; for social science research related to climate variability, including the human dimensions of climate change; and for educational outreach.

Funding is included in the Climate Research account for Joint and Cooperative Institutes for the institutes to continue their work at fiscal year 2004 levels. The conferees direct NOAA to fund all Joint Institutes on a fully annualized basis for fiscal year 2005.

The conference agreement adopts, by reference, language regarding the Economic Development Alliance of Hawaii, and language regarding the Hawaii Marine Invasives Program, as proposed by the Senate under the National Marine Fisheries Service.

The conference agreement adopts, by reference, language in the Senate report regarding the distribution of funds for the Ocean Exploration Program and the National Undersea Research Program, including the participation in the Ocean Exploration program.

NOAA NATIONAL WEATHER SERVICE

The conference agreement includes $710,796,000 for the operations of the National Weather Service (NWS).

The conference agreement adopts, by reference, language in the House report on weather radio coverage in certain locations. The conferees agree that the amount provided for Air Quality Forecasting includes $750,000 for efforts to establish air quality and meteorological monitoring equipment throughout the Shenandoah Valley as described in the House report.

The conference agreement includes funding for the Susquehanna River basin flood system within funding for Advanced Hydrological Prediction Services.

The conferees urge NOAA and NWS to take maximum advantage of capabilities and services that already exist in the commercial sector to eliminate duplication and maximize the accomplishment of the core mission of the NWS.

The conference agreement adopts, by reference, language regarding the weather radar and office in Williston, ND, as proposed by the Senate.

NOAA SATELLITES/NATIONAL ENVIRONMENTAL SATELLITE, DATA, AND INFORMATION SERVICE

The conference agreement includes $178,319,000 for the operational and research and development programs of the National Environmental Satellite, Data, and Information Service (NESDIS).

Data Dissemination.—The conferees are concerned that with the significant increase in oceanographic and environmental data collection in Hawaii and the American Flag Territories, including the Northwestern Hawaiian Islands, NOAA continues to have inadequate capacity to provide timely data and services to the region. The conferees urge NOAA to enhance its Pacific Ocean and environmental data services and specifically encourage NOAA to incorporate the ongoing data management and archival activities at the University of Hawaii's Asia-Pacific Data Research Center (APDRC) as a critical component of a NOAA Pacific Ocean and Environment Information Center.

NOAA-WIDE PROGRAM SUPPORT

The conference agreement includes $348,185,000 for Program Support.

The conference agreement adopts, by reference, language in the Senate report regarding the NOAA Education Initiative. The agreement includes $6,500,000 for the Office of Education and new initiatives to improve K-12 environmental, science and math outreach and education. Of this amount, $100,000 is provided to replicate the successful "Science on a Sphere" environmental education technology display at the John C. Stennis Space Center's Infinity Center facility. The conferees have shifted funding for a number of specific educational programs to the NOAA-wide program support area. As in past years, the BWET Hawaii program is to be managed by the Pacific Coastal Services Center. The amounts under the NOAA Ocean Exploration Program provided under NOAA Research include $1,500,000 to support the Sea Research Foundation's Immersion Project as described in the Senate report.

The conference agreement adopts, by reference, Senate report language regarding modernization of NOAA's infrastructure, including the fleet of vessels and aircraft, and the fleet modernization plan. The referenced plan should also provide a breakdown by geographic region, including the Western Pacific. Within the marine services activity, $15,350,000 is provided to ensure the full-year operation of the NOAA vessels OSCAR DYSON, FAIRWEATHER, NANCY FOSTER, and HI'IALAKAI, at standard operating tempos. The amounts within fleet planning and maintenance include $2,000,000 for these same vessels. The conference agreement includes $1,000,000 for staffing, training and planning for the newly dedicated NOAA ocean exploration vessel. The conference agreement also includes an increase of $2,100,000 above the budget request, and above the House and Senate bills, to offset fuel price increases for all NOAA ships and aircraft.

The conferees agree that, within the amount provided for Marine Services, NOAA shall take the necessary actions to convey a decommissioned NOAA ship in operable condition to the Utrok Atoll local government as authorized by Public Law 108–219.

Of the amounts provided for Facilities, $200,000 shall be used for completion of the Santa Cruz Laboratory sea water system.

PLANNING AND PROGRAM INTEGRATION

The conference agreement includes $2,500,000 for Planning and Program Integration.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

The conference agreement includes $1,053,436,000 under this heading instead of $840,000,000 as proposed by the House. The Senate bill included funding for these activities under the "Operations, Research, Facilities, and Systems Acquisition" account. The conference agreement makes funding available for three fiscal years with exceptions for certain construction activities.

The conference agreement includes language clarifying procurement authorities related to the National Polar Operational Orbiting Operational Environmental Satellite System.

Of the amount provided for Maryland Chesapeake Bay Coastal and Estuarine Land Conservation projects, $1,000,000 is for Wapiti Farms and $300,000 is for Holly Grove.

The conference agreement adopts, by reference, language regarding land acquisition and construction, including Section 2 (Fish & Wildlife Coordination Act), as proposed by the Senate.

The conference agreement includes language proposed by the Senate requiring the submission of multi-year program cost estimates for each NOAA procurement, acquisition and construction program having a total multi-year cost of more than $5,000,000.

The conference agreement includes $2,400,000 for acoustic quieting, outfitting and improvements for the OSCAR DYSON. The conferees understand that NOAA's first acoustically quiet fisheries research vessel is not meeting its design specifications. The conferees are concerned about NOAA's inability to adequately address this key design element within the original project budget and schedule. The conferees agree that NOAA shall submit a report to the Committees by January 1, 2005 addressing quieting issues in fisheries research vessels, including other vessels in the design and construction phase.

The conference agreement includes $34,000,000 to complete funding for the construction of the third NOAA Fisheries Research Vessel; $5,600,900 for initial procurement of the fourth NOAA Fisheries Research Vessel which will be homeported on the West Coast; and $9,300,000 to complete funding for the SWATH hydrographic vessel.

The following distribution reflects the activities funded within this account:

NOAA PROCUREMENT, ACQUISITION AND CONSTRUCTION
($ in Thousands)

FY 2005 Strategic Plan	FY 05 PROPOSED OPERATING PLAN Procurement, Acquisition and Construction	FY 2005 Conference Agreement
	NOS/NOAA Oceans and Coasts	
	Construction/Acquisition	
	Coastal and Estuarine Land Conservation Program	
ECO	Orange Beach (Robinson Island), AL	1,000
ECO	Southwest Alaska Conservation	1,000
ECO	Dos Pueblos, CA	3,000
ECO	Tonner Canyon, CA	500
ECO	Hawaii CELP projects	3,000
ECO	Louisiana Dept of Wildlife and Fisheries	2,000
ECO	Bayou Liberty Watershed Wetlands, LA	900
ECO	Nulands Neck, MA	300
ECO	Mount Agamenticus to the Sea, ME	1,000
ECO	MD Chesapeake Bay	5,750
ECO	Wolf River Corridor	2,000
ECO	Seacoast, NH	2,500
ECO	Manahawkin Marsh, NJ	800
ECO	North Hempstead, NY	1,000
ECO	Southhold, NY	1,500
ECO	Flats East Riverfront Park, Ohio	1,500
ECO	Mentor Marsh Lake County, Ohio	1,000
ECO	East Sandusky Bay Preserve, Ohio	1,500
ECO	Maumee River Basin, Ohio	1,500
ECO	Middletown, RI	750
ECO	Armand Bayou and Genoa-Red Bluff, TX	600
ECO	Buffalo Bayou, TX	1,200
ECO	Port Aransas Nature Preserve Wetlands Project, TX	3,000
ECO	Potomac Watershed, VA	3,000
ECO	Bainbridge Is., WA	500
ECO	Maury Is., WA	1,500
	Subtotal, Coastal and Estuarine Land Conservation Program	**42,300**
	NERRS Acquisition/Construction:	
ECO	National Estuarine Rsrch Reserve Construction & Land Acq (NERRS)	7,000
ECO	Elkhorn Slough, CA	2,000
	Subtotal, NERRS Acquisition/Construction	**9,000**
	Section 2 (FWCA) Coastal/Estuarine Land Acquisition	
ECO	Bonneau Ferry, SC	20,000
ECO	Great Bay Partnership, NH	8,000
	Subtotal, NERRS Acquisition/Construction	**28,000**
	Subtotal, NERRS Acquisition/Construction	**37,000**
	Marine Sanctuaries Construction/Acquisition	
ECO	Marine Sanctuaries Construction Base	5,000
ECO	Channel Islands National Marine Sanctuary	4,000
ECO	Thunder Bay NMS Exhibit	1,000
	Subtotal, Marine Sanctuary Construction/Acquisition	**10,000**
	Other NOS Construction/Acquisition	
ECO	Bigelow Lab for Ocean Science (ME)	1,500
ECO	NOAA ICOOS Observing Systems	9,000
ECO	Convert NOAA Weather Buoys with NDBC	8,000
ECO	Gulf Coast Lab at Cedar Point (USM)	1,500
ALL	Pier Romeo Hardening (Charleston)	2,400
ECO	Marine Environmental Health Research Lab Enhance/Equip	7,000
ECO	National Aquarium Partnership	1,000
ECO	Conservation Institute	1,200
ECO	Univ of South Carolina Thomas Cooper Facility	4,000
ECO	Coastal Service Center	4,000
	Subtotal, Other NOS Construction/Acquisition	**39,600**
	Total NOS - PAC	**128,900**

NOAA PROCUREMENT, ACQUISITION AND CONSTRUCTION
($ in Thousands)

FY 2005 Strategic Plan	FY 05 PROPOSED OPERATING PLAN Procurement, Acquisition and Construction	FY 2005 Conference Agreement
	NMFS/NOAA Fisheries	
	Systems Acquisition/Construction	
ALL	Systems Acq. Computer Hardware & Software	3,500
ALL	Aquatic Resources	5,000
ECO	NOAA Pacific Regional Center/HI	15,000
C	Barrow Artic Research Center	6,000
ECO	Phase III - Galveston Laboratory Renovation - NMFS	2,000
	Subtotal, NMFS Construction	**31,500**
	Total, NMFS - PAC	**31,500**
	OAR/NOAA Research	
	Systems Acquisition	
C	Research Supercomputing/ CCRI	9,500
	Subtotal, OAR Systems Acquisition	**9,500**
	Total, OAR - PAC	**9,500**
	NWS/NOAA Weather Service	
	Systems Acquisition	
WW	ASOS	4,675
WW	AWIPS	12,894
WW	NEXRAD	10,820
WW	NWSTG Legacy Replacement	2,512
WW	Radiosonde Network Replacement	6,376
C	Weather and Climate Supercomputing	6,779
WW	Weather and Climate Supercomputing	12,825
WW	Weather and Climate Supercomputing Back-up	7,148
WW	Cooperative Observer Network Modernization	877
	Subtotal, NWS Systems Acquisition	**64,906**
	Construction	
WW	WFO Construction	13,000
ALL	NOAA Center for Weather & Climate Prediction	2,300
	Subtotal, NWS Construction	**15,300**
	Total, NWS - PAC	**80,206**
	NESDIS/NOAA Satellites	
	Systems Acquisition	
ALL	Geostationary Systems	305,537
	Subtotal, NESDIS - GOES	**305,537**
ALL	**Polar Orbiting Systems - POES**	**105,746**
ALL	**Polar Orbiting Systems - NPOESS**	**304,901**
C	EOS & Advanced Polar Data Processing. Distribution& A Archiving Systems	1,500
WW	EOS & Advanced Polar Data Processing. Distribution& A Archiving Systems	1,500
	Subtotal, NESDIS - EOS	**3,000**
ALL	CIP - single point of failure	2,800
	Subtotal, NESDIS - CIP	**2,800**
C	Comprehensive Large Array Data Stewardship Sys (CLASS)	6,541
	Subtotal, NESDIS Systems Acquisition	**728,525**
	Construction	
ALL	Satellite CDA Facility	2,250
ALL	Suitland Facility / NSOF	11,255
	Subtotal, NESDIS Construction	**13,505**
	Total, NESDIS - PAC	**742,030**

NOAA PROCUREMENT, ACQUISITION AND CONSTRUCTION
($ in Thousands)

FY 2005 Strategic Plan	FY 05 PROPOSED OPERATING PLAN Procurement, Acquisition and Construction	FY 2005 Conference Agreement
	NOAA-wide Program Support / Corporate Services	
ALL	AMNH	1,000
	Subtotal, Corporate Services	**1,000**
	Program Support / OMAO	
	Fleet Replacement	
CT	Small Waterplane Area Twin Hull Vessel (SWATH) & EFH	9,300
ALL	McARTHUR II /NANCY FOSTER /OSCAR ELTON SETTE Upgrades	1,800
ECO	Fisheries Research Vessel Replacement #1	2,400
ECO	Fisheries Research Vessel Replacement #3	34,000
ECO	Fisheries Research Vessel Replacement #4	5,600
ECO	Sonar for Long Range Fisheries Research	5,700
	Subtotal, OMAO Fleet Replacement	**58,800**
	Aircraft Replacement	
ALL	Required Safety & Regulatory Upgrades to Various Aircraft	1,500
	Subtotal, OMAO Aircraft Replacement	**1,500**
	Total, Ship Building, Sys. Acq. & Construction	**61,300**
	TOTAL, PAC - Line & Staff Office Direct Obs	1,053,436
	Total Construction	190,205
	Total System Acquisition	802,931
	Total Fleet Replacement	58,800
	Total Aircraft Replacement	1,500
	TOTAL, PAC - Line & Staff Office Direct Obs	1,053,436

FY2005	Strategic Plan	
ALL	NOAA-WIDE	749,989
ECO	ECOSYSTEMS	191,200
C	CLIMATE	30,320
WW	WEATHER & WATER	72,627
CT	COMMERCE & TRANSPORTATION	9,300
OE	OCEAN EXPLORATION	0

PACIFIC COASTAL SALMON RECOVERY

The conference agreement provides $90,000,000 for Pacific Coastal Salmon Recovery, instead of $80,000,000 as proposed by the House and $99,000,000 as proposed by the Senate. Language is included extending authorization for this program in fiscal year 2005 and authorizing participation by the State of Idaho.

Funds provided under this heading shall be allocated as follows: $24,000,000 for Alaska; $13,000,000 for California; $2,500,000 for Columbia River Tribes; $4,500,000 for Idaho; $13,000,000 for Oregon; $8,000,000 for Pacific Coast Tribes; and $25,000,000 for Washington.

With respect to the amounts for Alaska, the conferences agree to the following allocation: $3,500,000 is for the Arctic Yukon-Kuskokwim Sustainable Salmon initiative; $1,000,000 is for the Cook Inlet Fishing Community Assistance Program; $500,000 is for the Yukon River Drainage Association; $3,368,000 is for Fairbanks hatchery facilities; $250,000 is for an initiative to redefine optimum goals for sockeye, chinook, and coho stocks; $2,500,000 is for the NSRAA Hatchery; $500,000 is for Coffman Cove king salmon; $250,000 is for the State of Alaska to participate in discussions regarding the Columbia River hydro-system and for fisheries revitalization; $100,000 is for the United Fishermen of Alaska's subsistence program; $3,500,000 is to restore salmon fisheries in Anchorage at Ship Creek, Chester Creek, and Campbell Creek, including habitat restoration and facilities; $500,000 is for Alaska Village Initiatives to enhance salmon stocks; $800,000 is for Bristol Bay Science and Research Institute; $1,100,000 is for the Alaska Fisheries Development Foundation; $150,000 is for the State of Alaska for fishing rationalization research; $1,500,000 is for the State of Alaska for fisheries monitoring; $1,500,000 is for the Alaska SeaLife Center to restore salmon runs in Resurrection Bay; $500,000 is for the southeast Revitalization Association for its fleet stabilization program; $1,000,000 is for the Kenai River; and $200,000 is to restore the Craig watershed.

Of the amounts provided to the State of Washington, $3,500,000 is for the Washington State Department of Natural Resources and other State and Federal agencies for purposes of implementing the State of Washington's Forest and Fish report, and $3,000,000 is for the purchase of mass marking equipment used at Federal hatcheries in Washington State to promote selective fisheries and protect threatened and endangered species.

Of the amounts provided to the State of Oregon, $1,000,000 is for conservation mass marking at the Columbia River Hatcheries.

The conferees agree that NOAA shall report to the Committees by March 31, 2005, on final performance measures for this program, including an assessment of cumulative program effects on Pacific salmon stocks, and the identification of recovery needs of specific salmon populations as a resource for determining future funding allocations.

COASTAL ZONE MANAGEMENT FUND

The conference agreement includes language allowing the transfer of up to $3,000,000 to the "Operations, Research, and Facilities" account for the costs of implementing the Coastal Zone Management Act, as proposed by the Senate.

FISHERMEN'S CONTINGENCY FUND

The conference agreement includes $499,000 for the Fishermen's Contingency Fund, instead of no funding as proposed by the House and $956,000 as proposed by the Senate.

FISHERIES FINANCIE PROGRAM ACCOUNT

The conference agreement includes language proposed by the Senate providing $287,000 to subsidize up to $5,000,000 for Individual Fishing Quota loans and up to $59,000,000 for fishing capacity reduction loans, of which $40,000,000 may be used for the United States distant water tuna fleet, and $19,000,000 may be used or the United States menhaden fishery.

OTHER

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement includes $48,109,000 for costs related to managing the Department of Commerce, instead of $52,109,000 as proposed in the House, and $55,550,000 as proposed in the Senate. The conference agreement includes $1,621,000 and 12 full-time equivalents for the legislative affairs function of the Department.

The conference agreement includes, by reference, language proposed in the House report regarding the security upgrades to the Herbert C. Hoover building, and language regarding office relocations.

The conferees direct the Secretary of Commerce, in cooperation with the Secretaries of Energy and Labor, to examine and prepare a study on the economic impacts of rising natural gas prices on energy-intensive industries overseas. The conferees expect a report to be provided to the Committees on Appropriations no later than 120 days after the enactment of this Act.

UNITED STATES TRAVEL AND TOURISM PROMOTION

The conference agreement includes $10,000,000 for the United States Travel and Tourism Promotion program, instead of $20,000,000 as proposed by the Senate. The House did not include funding for this purpose.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $21,660,000 for the Inspector General for fiscal year 2005, instead of $22,249,000 as proposed by the House and $21,071,000 as proposed by the Senate.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

The conference agreement includes the following general provisions for the Department of Commerce:

Section 201 making Department of Commerce funds available for advanced payments only upon certification of officials designated by the Secretary that such payments are considered to be in the public interest.

Section 202 making appropriations for the Department for Salaries and Expenses available for hire of passenger motor vehicles, and for services, uniforms and allowances as authorized by law.

Section 203 providing the authority to transfer funds between Department of Commerce appropriation accounts and requiring notification to the Committees of certain actions.

Section 204 providing that any costs incurred by the Department in response to funding reductions shall be absorbed within total budgetary resources available.

Section 205 prohibiting the use of Commerce Department funds for the purpose of reimbursing the Unemployment Trust Fund or any other account of the Treasury to pay unemployment compensation for temporary census workers.

Section 206 designating amounts available in the "Promote and Develop Fishery Products and Research Pertaining to American Fisheries" fund and including language to provide authorities for a certain Board.

Section 207 authorizing the Secretary of Commerce to operate a marine laboratory.

Section 208 extending the availability of funds to administer the Emergency Steel Loan Guarantee Act of 1999.

Section 209 providing the authority and amounts to administer a certain fishing capacity reduction program.

Section 210 establishing the position of Coordinator for International Intellectual Property Enforcement.

Section 211 designating funds for certain projects.

Section 212 extending authorization for the environmental cleanup of the Pribilof Islands.

Section 213 making permanent the conservation and management of marine mammals in the State of Hawaii.

Section 214 establishing the Ernest F. Hollings Scholarship program.

Section 215 regarding a certain land transfer.

Section 216 regarding an ocean activities fund.

Section 217 regarding E-government initiatives.

Section 218 authorizing a fishing capacity reduction program.

Section 219 authorizing a fishing capacity reduction program.

Section 220 regarding a community development quota program.

Section 221 designating funding for a fishing capacity reduction program.

TITLE III—THE JUDICIARY

The conferees adopt by reference the Senate report language regarding budgetary constraints and reminding the Judiciary that it should comply with section 605 of this Act. The conferees also adopt by reference the House report language concerning fast track programs.

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

The conference agreement includes $58,122,000 for the salaries and expenses of the Supreme Court, as proposed by the House and the Senate. The conferees adopt by reference House report language regarding public access to Supreme Court proceedings. The conferees also adopt by reference House and Senate report language regarding personnel and inflationary increases.

CARE OF THE BUILDING AND GROUNDS

The conference agreement includes $9,979,000 for the Supreme Court "Care of the Building and Grounds" account, as proposed by the House, instead of $10,579,000 as proposed by the Senate. The conference agreement is $600,000 below the request because of the planned delay in renovating the Supreme Court's kitchen. The conference agreement adopts by reference the House report language concerning budget requests to renovate the Court.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

The conference agreement includes $21,780,000 for the United States Court of Appeals for the Federal Circuit, instead of $20,624,000 as proposed by the Senate and $22,936,000 as proposed by the House. The conferees adopt by reference Senate report language regarding funding for a Deputy Circuit Executive, a disaster recovery plan, and an independent security assessment.

Consistent with the budget request, the amount provided includes $541,000 transferred from the Court Security appropriation for eight court security officers currently stationed at the Court of Appeals for the Federal Circuit. In addition, the conferees have become aware that the Federal Circuit relies on an annual reimbursement from the Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses account to cover certain costs associated with library operations. To eliminate the need for this reimbursement, the amount provided includes $400,000 for library expenses that have previously been transferred from the Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses account.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

The conference agreement includes $14,888,000 for the U.S. Court of International Trade, as proposed by the House, instead of $14,060,000 as proposed by the Senate.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

The conference agreement provides $4,177,244,000 for the salaries and expenses of the Courts of Appeals, District Courts, and Other Judicial Services, as proposed by the House, instead of $4,131,487,000 as proposed by the Senate. The amount provided assumes that Federal Protective Service charges are funded in the Court Security account.

Office of Probation and Pretrial Services.—The conferees adopt by reference the Senate report language on the Office of Probation and Pretrial Services in the Southern District of Florida.

The Edwin L. Nelson Local Initiative Program.—Within 30 days of enactment of this Act, the Administrative Office (AO) will report to the Committees on Appropriations the financial status of this program. This report, at a minimum, will include a list of all courts that have received grants to date, the reasons for the grants, and the amounts provided. Hereafter, the AO shall submit this information on a quarterly basis.

VACCINE INJURY COMPENSATION TRUST FUND

The conference agreement includes $3,298,000 from the Vaccine Injury Compensation Trust Fund instead of $3,471,000 as proposed by the House and $3,159,000 as proposed by the Senate.

DEFENDER SERVICES

The conference agreement includes $676,385,000 for the Federal Judiciary's Defender Services account, instead of $676,469,000 as proposed by the House and $648,116,000 as proposed by the Senate.

The conferees adopt by reference the Senate report language regarding an increase in the hourly rate for panel attorneys in capital cases and an increase in the case compensation maximum for panel attorneys in non-capital cases. The conferees also adopt by reference the Senate report language concerning training programs by the Federal Defender's Office in the Southern District of Florida.

The conference agreement includes section 119 supporting a pilot program with the Bureau of Prisons and the Federal Public Defender's Office in the Southern District of Florida. By October 15, 2005, the Defender's Office should report to the Committees on Appropriations on the cost savings achieved by this pilot program.

FEES OF JURORS AND COMMISSIONERS

The conference agreement includes $61,535,000 for Fees of Jurors and Commissioners, instead of $62,800,000 as proposed by the House and Senate. The conference agreement fully funds the Judiciary's latest estimate of needs for this account.

COURT SECURITY

The conference agreement includes $332,000,000 for the Judiciary's Court Security Account, instead of $379,580,000 as proposed by the House and $274,653,000 as proposed by the Senate.

The conference agreement includes the transfer of the Federal Protective Service (FPS) charge from the Salaries and Expenses account to this account. The conferees understand that the FPS has not provided the Administrative Office (AO) of the U.S. Courts with a detailed justification to substantiate the 34 percent increase in FPS security costs assessed to the judiciary in fiscal year 2005, as discussed in the Senate report. The conferees are unable to confirm the need for an increase, and therefore the conference agreement only provides $58,000,000 for FPS security charges, which is the fiscal year 2004 payment plus an inflationary cost increase.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

The conference agreement includes $68,200,000 for the Administrative Office of the United States Courts (AOUSC) instead of $68,635,000 as proposed by the House and $67,249,000 as proposed by the Senate. The conferees adopt by reference the Senate report language concerning cost saving measures, new positions for program oversight, the Edwin L. Nelson Local Initiatives program, and requirements for reprogramming actions under section 605.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

The conference agreement includes $21,737,000 for salaries and expenses of the Federal Judicial Center as proposed by the House, instead of $21,670,000 as proposed by the Senate.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

The conference agreement includes $36,700,000 for payment to various judicial retirement funds, as proposed by the House and Senate.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $13,304,000 for the U.S. Sentencing Commission, as proposed by the House instead of $12,404,000 as proposed by the Senate.

GENERAL PROVISIONS—THE JUDICIARY

Section 301.—The conference agreement includes a provision allowing appropriations to be used for services as authorized by 5 U.S.C. 3109.

Section 302.—The conference agreement includes a provision related to the transfer of funds.

Section 303.—The conference agreement includes a provision allowing up to $11,000 to be used for official representation expenses of the Judicial Conference of the United States.

Section 304.—The conference agreement includes a provision raising the compensation maximums for Criminal Justice Act panel attorneys.

Section 305.—The conference agreement includes a provision requiring the Administrative Office to submit an annual financial plan for the judiciary.

Section 306.—The conference agreement includes a provision allowing for a salary adjustment for Justices and judges.

Section 307.—The conference agreement includes a provision changing the fee structure for district court filings.

Section 308.—The conference agreement includes a provision changing the Central Violations Bureau processing fees.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

In total, the conference agreement includes $8,882,787,000 for the Department of State and the Broadcasting Board of Governors. Of the total amount provided, $8,750,187,000 is derived from general purpose discretionary funds and $132,600,000 is scored as mandatory spending. This funding level includes significant program increases to improve diplomatic readiness and security. The conference agreement includes $1,571,022,000 to continue worldwide security activities, including the design and construction of replacement facilities for the most vulnerable overseas posts.

DEPARTMENT OF STATE

The conference agreement for the Department of State is intended to continue the Department's efforts to meet emerging diplomatic requirements, strengthen diplomatic and border security, and institute sweeping management reforms. In the past five fiscal years, the Congress has provided appropriations to significantly increase the Department's operating budget, including funding to support the hiring and training of new employees.

The conference agreement includes a total of $8,283,227,000 for fiscal year 2005 for the Department of State. Of the total amount provided, $8,150,627,000 is derived from general purpose discretionary funds and $132,600,000 is scored as mandatory spending. The conferees expect that this funding level will allow the Department to meet critical embassy security and staffing requirements, modernize its technology and equipment, and continue vigorous management reform initiatives to right-size America's overseas presence.

The conference agreement includes a total of $6,314,122,000 for the discretionary appropriation accounts under Administration of Foreign Affairs; $1,672,000,000 for International Organizations; $64,130,000 for International Commissions; and $100,375,000 for other activities. The conferees' priorities for the Department of State are delineated in the following paragraphs.

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes $4,228,702,000 for the Diplomatic and Consular Programs account, instead of $4,278,701,000 as proposed by the House and $4,151,755,000 as proposed by the Senate. The conference agreement includes $658,702,000 to continue funding for worldwide security upgrades, and $319,994,000 for public diplomacy programs. The conference agreement represents an increase of $165,214,000 above the fiscal year 2004 appropriation, excluding emergency appropriations.

Right-sizing.—The conferees urge the Department to move forward expeditiously with its right-sizing plan. Right-sizing refers to the reconfiguration of overseas U.S. Government personnel to the number necessary to achieve U.S. foreign policy goals. The conferees recognize that, as the property manager for all U.S. Government properties overseas, the Department of State faces considerable pressure to accommodate ever-greater numbers of non-State Department personnel in its overseas facilities. Given the increasing security vulnerabilities of U.S. Government personnel and facilities, the conferees strongly urge the Department to use the most stringent criteria for determining overseas staffing levels. In addition, the conferees expect the staffing decision-making mechanism used for the U.S. mission in Iraq to be the model for future right-sizing efforts.

For any right-sizing framework to be effective, it must have two main components: (1) a process for determining, internally, the appropriate number of State Department personnel stationed overseas, and (2) an interagency process for determining the appropriate number of non-military U.S. government personnel stationed overseas. To this end, the conference agreement designates $3,000,000 for the Department to continue the operations of the Office on Right-Sizing the United States Overseas Presence. The conferees expect that this Office, which shall continue to report directly to the Undersecretary for Management, will lead the Department's effort to develop internal and interagency mechanisms to better coordinate, rationalize, and manage the deployment of U.S. government personnel overseas. The conferees expect the Office of Right-Sizing to report to the Committees on Appropriations each year on June 1 regarding the trends in overseas staffing, and support for Chiefs of Mission (COM) and to undertake a review of certain posts, as described in the Senate report.

As part of the overall right-sizing function, the conferees encourage the Department to review the International Cooperative Administrative Support Services (ICASS) system to ensure that the system contributes to right-sizing efforts.

The conferees commend the Department for its recent steps to strengthen internal processes for determining staffing projections for overseas personnel needs. However, more needs to be done. The conferees are not aware of any right-sizing analysis in the past several years that has resulted in a proposed reduction to a country-wide staffing presence. The conferees are supportive of the concept of regionalization. Regionalization refers to the practice of basing certain administrative functions and personnel in regional centers, or "hubs", thereby creating efficiencies. The conferees note that the Department continues to make less than notable progress towards developing an interagency right-sizing process, but anticipates that the capital security cost sharing plan will create new right-sizing incentives to facilitate meeting the conferees' expectations. Language is included establishing and outlining the requirements of the Department's capital cost sharing plan to encourage other Federal agencies to examine more closely whether the personnel they send overseas are truly mission-critical. The conferees remind the Department that this interagency process should not supercede the authority of COMs to determine the composition of their posts, but rather, to serve as a tool and support mechanism. The post must remain at the center of the right- sizing process.

Border Security Program.—The conference agreement includes $836,480,000 for the Department's Border Security Program, of which $75,000,000 is from appropriated funds, $661,480,000 is funded through the collection of Machine Readable Visa (MRV) fees, and approximately $100,000,000 is to be funded through a proposed Enhanced Border Security Program Fee. The conferees expect this funding to provide for an increase of 60 new consular positions, for a total position base of 2,585 positions by the end of fiscal year 2005. The conferees direct the Department to continue its bimonthly reporting on MRV fee revenues as specified in the conference report accompanying the fiscal year 2003 Supplemental Appropriations Act (Public Law 108–11). Disruption of the border security program due to an MRV fee shortfall must be avoided at all costs. The conferees would therefore entertain a reprogramming of funds out of the Diplomatic and Consular Programs account to cover any unanticipated shortfall in the Department's Border Security Program.

The conference agreement adopts, by reference, language as proposed in the House report concerning efforts to strengthen the visa process to make it an effective anti-terrorism tool. Further,. the conference agreement adopts, by reference, language in the Senate report concerning the Interagency Study on the Visa Clearance Process. The conferees require the Department of Justice to work with the Departments of Homeland Security and State on this effort.

Within the amount provided, $175,000 is to support the United States' membership in the Arctic Council and $40,000 is to support the United States' membership in the Bering Straits Commission. The former includes funds for representation expenses and travel for United States delegates.

The conference agreement includes language increasing the fees the Department of State may collect for passports and immigrant visas.

Public Diplomacy.—The conference agreement includes language designating $319,994,000 for the Department's Public Diplomacy program. The conferees continue to believe that separately identifying public diplomacy resources will facilitate monitoring funding levels and trends for these activities. The need to strengthen our public diplomacy has gained urgency as we continue to see alarming public opinion polls and foreign media content relating to the war on terrorism and the war in Iraq that reveal profound anti-American sentiments, and often a rejection of our values. The need for expanded efforts is primarily, but not exclusively, in the Arab and Muslim world. The conferees direct the Department to submit reports outlining the criteria for measuring performance of these expanded efforts, and expect these reports to be submitted to the Committees on Appropriations on a quarterly basis.

The conference agreement adopts language as proposed in the House report regarding the American Corners program. The conference agreement also adopts language regarding efforts to counter disinformation and deliberate misinformation.

The conferees urge the Department to review the recommendations made by the Defense Science Board Task Force on Strategic Communication in their September 2004 report.

The conferees commend the Department on the establishment of an office of policy, plans, and resources within the Office of the Under Secretary for Public Diplomacy and Public Affairs; and the recent efforts and proposed plans to strengthen the authority of the Under Secretary to improve accountability for public diplomacy resources. The conferees continue to urge the Department to improve interagency coordination; increase resources dedicated to program performance measurement and research; expand the English language office; support speaker and fellows programs; expand American studies programs, including American Corners; and increase public diplomacy staff with better language skills. The conferees adopt, by reference, language in the Senate report concerning the Department's Public Diplomacy Strategy, PD Global Forum, and Micro-grants.

The conference agreement includes, by reference, language in the Senate report regarding the refining of a public diplomacy strategy, including the harmonization of mission and strategy with the Broadcasting Board of Governors, and the incorporation of ongoing international assistance and volunteer programs into public diplomacy.

The conference agreement adopts, by reference, language included in the Senate report concerning the 9/11 Commission Report, including a report on how the Department intends to implement its recommendations.

The conferees include $2,500,000 for the Ambassador's Fund for Cultural Preservation. Currently, there is no greater need for achieving understanding than in the Middle East. Therefore, within amounts available, at least $500,000 is for projects in the Middle East.

The conference agreement adopts, by reference, language included in the Senate report concerning Continuing Overseas Language Training and provides $6,000,000 for this purpose.

Cultural Antiquities Task Force.—The conference agreement also includes $1,000,000 for a cultural antiquities task force as described in the Senate report. The task force will coordinate with all relevant Federal law enforcement and cultural agencies to prevent further looting and promote preservation of Iraq's historically and culturally significant works. The conferees expect the Department to create a database as described in the Senate report. The conferees further urge the Department to make changes to visa policies as they pertain to persons found to have looted, damaged, or trafficked historically or culturally significant works. Finally, the conference agreement includes language proposed in the Senate report regarding a report on the creation of the Cultural Antiquities Task Force, funding requirements, and investigation of alleged damage to an Iraqi temple.

North Korea.—The conference agreement adopts, by reference, language contained in the Senate report concerning an international conference on the human rights situation in North Korea. The conferees expect the conference to be administered by Freedom House.

The conferees recognize the importance of the Special Envoy position created by Section 107 of Public Law 108–478 and include $1,000,000 for this purpose. The conferees expect that the Special Envoy will be compensated at a level available to Ambassadors without portfolio, and that no full-time incumbent State Department official will fill this position.

Anti-Semitism.—The conferees direct the State Department to work with the Organization for Security and Cooperation in Europe to support projects and personnel increases to combat anti-Semitism and intolerance.

Intellectual Property Protection.—The conferees continue to be concerned regarding the adequacy of the Department's infrastructure for fulfilling its responsibility to protect American intellectual property. The conference agreement includes language establishing the Office of International Intellectual Property Enforcement. The conference report adopts, by reference, Senate report language regarding a report to the Committees on Appropriations concerning intellectual property efforts.

Post-conflict Response.—The conferees include language regarding the function of the Office of the Coordinator for Reconstruction and Stabilization, as proposed by the Senate, with the exception of a funding designation. The conferees support the Department's establishment of the Office of the Coordinator for Reconstruction and Stabilization, which shall serve as the central entity to plan and coordinate United States Government civilian activities in pre- and post-conflict environments, and to react to complex contingencies. The conferees understand that this office will improve operational response time in the areas of reconstruction, stabilization, and humanitarian assistance. The conferees direct the Office to coordinate with bureaus within the State Department, other relevant U.S. agencies, and non-governmental organizations. The conference agreement adopts by reference language included in the Senate report regarding a description of this Office's functions and a description of how the Office will coordinate with other bureaus in the Department and other agencies. The conferees expect to be notified of any expansion of the Office as required by section 605 of this Act.

War Crimes.—The conferees reiterate their support for the work of the Special Court for Sierra Leone. The purpose of the Special Court is to prosecute those who bear the greatest responsibility for the appalling violations of international and Sierra Leonean law and crimes against humanity perpetrated during the conflict in Sierra Leone. Charles Taylor, the former president of Liberia, has been indicted by the Special Court of Sierra Leone and faces 17 counts of war crimes, crimes against humanity, and violations of international humanitarian law. Charles Taylor organized and ordered widespread and systematic attacks on the civilian population of Sierra Leone. According to the indictment, his supporters commonly used abductions, hacking off limbs, facial and bodily mutilations, and gang rapes to wage a terror campaign against civilians who supported the Revolutionary United Front in Sierra Leone. The conferees expect the Department to ensure that funding for the Special Court continues until all indictees are brought to justice expeditiously, including Charles Taylor. The conferees encourage the Bureau of African Affairs and the Special Court for Sierra Leone to work cooperatively to bring about this result.

International Religious Freedom.—The conference agreement continues funding for the Office of International Religious Freedom in the Bureau of Democracy, Human Rights and Labor. The conferees urge the Office to develop and implement comprehensive strategies to promote religious liberty, and to assist in the preparation of the Human Rights Reports and the Annual Report on International Religious Freedom. The conferees also expect the Office, in consultation with the U.S. Commission on International Religious Freedom, to work to further incorporate religious freedom themes in the Department's public diplomacy programs. In addition, the conferees expect the Department to continue to integrate the internationally recognized right to freedom of religion into foreign service officer training at all levels.

The conferees urge the Secretary of State to continue to every extent possible to monitor and promote religious freedom and human rights in China, Eritrea, India, Nigeria, Pakistan, Saudi Arabia, Sudan, Turkmenistan, Uzbekistan, and Vietnam. The conferees expect the Secretary of State to use all available forums and formal actions to address violations of religious freedom in these countries. The Secretary of State should continue to consult with the U.S. Commission on International Religious Freedom to promote religious freedom and human rights abroad.

Sudan.—The conferees expect the Department to review current staffing levels at the U.S. Embasy in Khartoum and to address increased requirements at this post. The conferees direct the Department to report to the Committees on Appropriations on the findings of this review and any proposal for staffing increases by no later than 120 days after the enactment of this Act.

Worldwide Security Upgrades.—The conference agreement includes $658,702,000 for worldwide security upgrades as proposed by the Senate, instead of $658,701,000 as proposed by the House. The conference agreement includes $582,482,000 for ongoing security activities, including guard services, physical equipment, armored vehicles, personnel, training, and wireless communications; and State Department participation in TOPOFF III, a national counterterrorism exercise, at the funding level described in the Senate report. Language is included to continue $5,000,000 for the Center for Antiterrorism and Security Training. The conference agreement includes $43,400,000 to continue the perimeter/compound security initiative and $29,198,000 in program increases. The program increases include $4,000,000, for a total of $18,422,000 for the prevention and response to chemical or biological agents in various locations around the world; $14,698,000 to support an additional 71 security professional staff positions, including 6 special agents and 55 professional and administrative support positions; $4,500,000 for a total of $27,714,000, to maintain a five-year replacement cycle for armored vehicles; $3,000,000 to reduce the risk that information systems will be compromised; and $3,000,000 to improve electronic access to, and exchange of, security and law enforcement information.

The conference agreement includes, by reference, language in the House report on the interagency task force to monitor the United Nations headquarters renovation project, intelligence and research, club drugs, trafficking in persons, minority recruitment and hiring, overseas schools, ICASS, security of classified material, Tibet, and the U.S. presence in China. The conference agreement also includes, by reference, language in the Senate report on financial operations, foreign language proficiency, clean energy technology exports, international child abductions, marine environmental issues, and international trade.

Food and Agriculture Organization.—Within funding provided under this heading, the conferees expect the Department to support the costs of an independent, outside evaluation of the operations and performance of the Food and Agriculture Organization. The conferees expect the Department to report to the Committees on Appropriations in both the House and Senate by no later than March 31, 2005.

As in previous years, the conferees expect that there will be additional savings available to the Department, including vacancies in funded positions. The Department will have the ability to propose that savings be used for needs not funded by the recommendation through the normal reprogramming process. The conferees are concerned about the Department's practice of resubmitting reprogramming requests that have previously been denied by the Committees on Appropriations. Reprogrammings should be resubmitted only if the circumstances surrounding the request or the request itself change substantially enough to warrant a reevaluation by the Committees. The conferees remind the Department that action by the Committees on Appropriations is required before the Department proceeds with any reprogramming action.

The conference agreement includes language in the bill, similar to language in prior years, which: (1) permits not to exceed $4,000,000 to be transferred to the Emergencies in the Diplomatic and Consular Service account for emergency evacuations and terrorist rewards; (2) provides $1,426,000 in fees collected from other Executive Branch agencies and $490,000 from reserves for lease or use of facilities at the International Center Complex, as authorized by law; (3) provides not to exceed $15,000 from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with the State Department Basic Authorities Act of 1956; (4) requires notification of Congress before processing licenses for the export of satellites to China; and (5) makes not to exceed $6,000,000 in fee collections available until expended for various activities.

CAPITAL INVESTMENT FUND

The conference agreement includes $52,149,000 for the Capital Investment Fund, as proposed by the Senate, instead of $100,000,000 as proposed by the House. The conference agreement includes two separate accounts for the Department's information technology (IT) programs. The agreement includes language to create a new account, called the "Centralized Information Technology Modernization Program". The Capital Investment Fund will continue to provide funding only for new investments in IT, and the new account will provide funding for the maintenance of the Department's IT infrastructure, including hardware and software refreshment and upgrades.

The conference agreement adopts, by reference, language included in the Senate report concerning payroll consolidation, public diplomacy support, centralization, messaging, and centralized management of information. The conference agreement includes $7,563,000 for public key infrastructure requirements to help secure interagency communications.

CENTRALIZED INFORMATION TECHNOLOGY MODERNIZATION PROGRAM

The conference agreement includes $77,851,000 for a new account entitled Centralized Information Technology Modernization Program, instead of $102,951,000 as proposed by the Senate. The House did not provide funding for a new account. The conference agreement includes language establishing this new account to provide funding for the maintenance of the Department's IT infrastructure, including hardware and software refreshment and upgrades.

In addition, the Department is directed to develop a plan to implement a four-year replacement and modernization program for its classified and unclassified desktop computers, servers, network equipment, circuits, and software. The purpose of this plan will be to provide a blueprint for the maintenance of the Department's network infrastructure to meet current and future needs and to ensure that the Department's communications and information systems remain state-of-the-art. The Department is directed to update this plan on an annual basis. The Department shall provide the first such plan to the Committees on Appropriations no later than September 1, 2005, and every year thereafter at the time of submission of the President's budget request to Congress.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $30,435,000 for the Office of Inspector General (OIG) as proposed by the House, instead of $31,435,000 as proposed by the Senate. The conference agreement includes language, as carried in previous years, waiving the requirement for a five-year post inspection cycle. The conference agreement does not include language in the Senate report on U.S. diplomatic activities in Iraq.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement includes a total of $360,750,000 under this heading, as proposed by the Senate, instead of $345,346,000 as proposed by the House. The following chart displays the conference agreement on the distribution of funds by program or activity under this account, including an estimated $5,400,000 in prior year recoveries and unobligated balances:

	Amount (in thousands)
Academic Programs:	
Fulbright Students, Scholars, Teachers, Humphreys	$160,532
Regional Graduate Fellowships/Junior Faculty Development	25,000
Educational Advising and Student Services	3,500
English Language Programs	8,381
American Overseas Research Centers	3,200
South Pacific Exchanges	500
Benjamin Gilman International Scholarship	2,600
George Mitchell Fellowship Program	500
Tibet Exchanges	600
East Timor Exchanges	500
Abraham Lincoln Study Abroad Fellowship Program	250
U.S.-Poland-Israel Exchange	250
Montana Tech Foreign Exchange Program	150
Disability Exchange Clearinghouse	500
Subtotal, Academic Programs	206,463
Professional and Cultural Programs:	
International Visitor Program	62,175
Citizen Exchange Programs/Youth and Excellence	45,536
Congress Bundestag Youth Exchange	3,176
Mike Mansfield Fellowship Program	1,800
Youth Science Leadership Institute of the Americas	100
Special Olympics	1,000
Global Perspectives Project and Public TV Conference	750
Africa Workforce Development Exchanges	400
Arctic Winter Games	200
PSC U.S.-Pakistan Educator Development	250
Institute for Representative Government	500
Council on Women World Leaders	500
Irish Institute	750
Northern Forum	300
Rule of Law Forum	800
Seed Programs	600
SIFE	250
International Writing Program	200
Atlantic Corridor	250
Interparliamentary Exchanges/Conferences	400
Interparliamentary Conference on Human Rights and Religious Freedom	250
University of Miami Hemispheric Program	500
Subtotal, Professional and Cultural Exchanges	120,687
Exchanges Support	39,000
Prior Year Balances Applied	(5,400)
Total, Exchange Programs	360,750

Deviations from the distribution of funds under this heading will be subject to the normal reprogramming procedures under section 605 of this Act.

The conferees understand that, due to the absorption of the former Soviet Eastern European exchanges in this account, there are additional needs for funding in the "Exchanges Support" category. The Department is directed to apply, on a priority basis, any balances that may become available for this purpose.

The conference agreement includes, by reference, Senate report language regarding the exchange visitor program, program regulations, the Fulbright Foreign Student Program with Iraq and Afghanistan, and working exchanges.

The conference agreement continues a program begun in fiscal year 2000 to provide one-time funding to international exchange start-ups. The recommendation includes $100,000 for each of the following programs: the Middle East Information Portal; the Afghanistan Young Leaders Program at the University of Nebraska-Omaha; the Flushing Council on Culture and the Arts' Partnership Between Queens and Taipei; the Inuit Circumpolar Conference; and the Auschwitz Jewish Center's Student Scholarship Program. Of the amounts provided for Seed programs, $300,000 is available for exchange programs related to Operation Smile, Inc.

The conferees support the expansion of the Partnerships for Learning program, which is an overarching theme for exchanges in which resources are shifted from lower to higher priority regions. Presently, and for the near future, the focus of the program is on engagement with the Arab/Muslim world.

Within amounts specified in the chart, the conference agreement includes $14,500,000 for the Future Leaders Exchange Program, $2,700,000 for teacher and school administrator exchanges, Teaching Excellence Awards (including the Partners in Education program), and $4,700,000 for Junior Faculty Development Program exchanges. The conferees support the Youth Exchange Study program.

The conference agreement adopts, by reference, language in the House report on Fulbright exchanges with Tibet; the Leaders in Education Initiative; Traditional Public-Private Partnership grants; artistic and cultural exchanges; minimizing unnecessary barriers to legitimate travel of exchange program participants; enhanced support for engaging Arab and Muslim audiences through exchange programs; allocation of funding for the Near East and South Asia regions; religious freedom; and the allocation of all resources under this account in accordance with worldwide policy priorities.

REPRESENTATION ALLOWANCES

The conference agreement includes $8,640,000 for representation allowances as proposed by both the House and Senate. The conference agreement includes, by reference, language in the House report regarding the submission of a quarterly report on expenditures under this account.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

The conference agreement includes $9,894,000 under this heading as proposed by the House, instead of $5,000,000 as proposed by the Senate. The conference agreement includes, by reference, language in the House report regarding the Department's treatment of reimbursement requests and the submission of a report on budgeting for protection expenses in light of heightened security measures. The conferees believe that local jurisdictions incurring such costs must submit a certified billing for such costs in accordance with program regulations. The conferees expect the Department to treat such submissions diligently and provide reimbursement for valid claims to local jurisdictions on a timely basis. The conferees recognize that, in those instances where a local jurisdiction will realize a financial benefit from a visit by a foreign dignitary through increased tax revenues, such circumstances should be taken into account by the Department in assessing the need for reimbursement under this program.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The conference agreement includes a total appropriation of $1,524,000,000 for Embassy Security, Construction, and Maintenance, as proposed by the House, instead of $1,376,758,000 as proposed by the Senate. The conference agreement designates $912,320,000 as available only for priority worldwide security upgrades, acquisition, and construction, the full amount requested for such activities. The conference agreement includes full requested wage and price increases for the Department's Bureau of Overseas Buildings Operations (OBO).

The conference agreement includes $912,320,000 for worldwide security upgrades, including $869,000,000 to continue the capital security program for constructing new secure replacement facilities for the Department's most vulnerable embassies and consulates. Within the funds made available under this category, the conferees expect the Department to undertake new office building projects from among the highest priority facilities listed in the Long Range Overseas Buildings Plan. Projects funded under this account must follow a rigorous right-sizing methodology.

The conferees expect that projects undertaken under this program will address the highest priority facilities from a security standpoint. The conference agreement supports the construction of seven new embassy compounds, two annex buildings, four United

States Agency for International Development (USAID) buildings on secure embassy compounds, and acquisition of a number of secure sites for future embassy compounds.

Brussels, Belgium.—The conferees understand that certain non-security requirements exist in the Sate facilities in Brussels. The conference agreement includes $2,500,000 for these requirements.

The conference agreement includes such sums as necessary for the renovation of and seismic upgrades to the historic Palazzo Corpi building in Istanbul, Turkey, as determined by the Secretary.

The conference agreement adopts, by reference, language included in the Senate report concerning Beirut, Lebanon, and Karachi, Pakistan, building size, and asset management funds.

The conference agreement includes, by reference, language in the House report regarding compound security, security capital projects fully meeting existing security standards, immediate notification on serious security risks, reprogramming, and right-sizing.

The conference agreement includes $15,000,000 to secure and protect soft targets, of which $10,000,000 is for security at overseas schools attended by dependents of U.S. Government employees; $8,000,000 for consular workspace improvements; and $25,000,000 for buyout of uneconomic leases, as described in the Senate report.

The recommendation includes language establishing the Capital Security Cost Sharing Program. Under this program, all agencies that have staff overseas under Chief of Mission authority will pay a fair share of urgent, security-driven capital projects undertaken to replace embassies and consulates at the most vulnerable posts. The goals of this program are two-fold. First, the program will accelerate the replacement of unsafe, unsecured and outdated diplomatic facilities that are used overseas by U.S. Government agencies. This is planned as a 14-year, $17,500,000,000 program to replace 150 vulnerable embassy and consulate facilities with new compounds that fully comply with statutory security requirements. Second, the program will create incentives within all government departments and agencies to scrutinize and "right-size" their overseas presence to avoid unnecessary costs and security risks.

Each agency with staff overseas under Chief of Mission authority has, built into their fiscal year 2005 budget request, an annual contribution towards construction of new secure diplomatic facilities based on the number of positions overseas and the type of space occupied. These contributions do not take the place of State Department contributions, which are also growing, but create a larger, shared funding pool to accelerate replacement. In fiscal year 2004, the conferees funded the "virtual" costs of the program by including a $120,000,000 increase to State Department appropriations. The recommendation assumes a total program level of $869,020,000 in fiscal year 2005 for Capital Security Construction, including $785,320,000 under this account. The total amount includes a continuing State Department base appropriation of $622,720,000. The additional amount generated by the Capital Security Cost Sharing program is $249,101,862, which consists of $160,186,300 from the State Department included under this account, and $88,915,562 from non-State agencies, based on positions worldwide. The conferees understand that there is an anticipated five-year phase-in period for the program, wherein the total Government-wide amount grows from $869,020,000 in fiscal year 2005, to $1,400,000,000, then remains at that level for the next 9 years. The conferees further understand that the program will include agency involvement in setting priorities, and in other aspects of the development of new embassy compounds. The conferees believe that the establishment of strong interagency coordination and cooperation will be critical to achievement of program goals, and encourage the Department and the Administration to ensure that the management of this program is inclusive, cooperative and transparent.

The conference agreement includes $604,880,000 for operations and maintenance activities, including $76,729,000 in program increases. The conferees include $6,800,000 for headquarters operations. The conferees direct the Department to prioritize requested funding increases, and to specifically identify amounts above current services in a comprehensive spending plan to be submitted no later than 60 days after enactment of this Act.

Assets Management.—The conference agreement designates $100,049,000 in assets management funds planned for obligation in fiscal year 2005, of which $25,000,000 is for buyout of uneconomic leases. Any use of assets management funds in fiscal year 2005 is subject to reprogramming, as stated in the Senate report.

The conferees expect the Department to submit to the Committees any waiver or waivers signed by the Secretary of State in accordance with section 606(a)(2) and section 606(a)(3) of the Secure Embassy Construction and Counterterrorism Act of 1999 (Public Law 106–113) within five days of the Secretary's signature of such a waiver or waivers.

The conference agreement adopts language in the House report concerning reprogramming requirements.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The conference agreement includes $1,000,000 under this heading, instead of $7,000,000 as proposed by the House, and instead of $1,000 as proposed by the Senate. The conference agreement anticipates that significant carryover balances from fiscal year 2004 will be available for obligation in fiscal year 2005. Within prior year unobligated balances, the conferees expect that $2,000,000 will be transferred to the Special Court for Sierra Leone, as proposed by the Senate.

REPATRIATION LOANS PROGRAM ACCOUNT

The conference agreement includes $612,000 for the subsidy cost of repatriation loans and $607,000 for administrative costs of the program as proposed by both the House and Senate.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

The conference agreement includes $19,482,000 under this heading as proposed by both the House and Senate. The conference agreement includes, by reference, language in the House report regarding the submission of a fiscal year 2005 spending plan, except that such plan shall be submitted by February 28, 2005.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

The conference agreement includes $132,600,000 under this heading, as proposed by both the House and the Senate.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement includes $1,182,000,000 under this heading, instead of $1,194,210,000 as proposed by the House, and $1,020,830,000 as proposed by the Senate.

The conference agreement includes, by reference, language in the House report regarding offset of exchange rate losses, reassessment of U.S. membership in certain international organizations, reform and budget discipline, the Organization for Economic Cooperation and Development, the North Atlantic Treaty Organization, International Atomic Energy Agency, the Pan American Health Organization, and the costs of a direct loan to the United Nations for the cost of renovating its headquarters in New York. The conference agreement includes, by reference, language in the Senate report regarding the International Coffee Organization, the International Copper Study Group, and the International Rubber Study Group.

The conference agreement includes language requiring the Secretary to transmit the most recent biennial budget for the operations of the UN.

The conference agreement includes language, as in fiscal year 2004, providing that funds within the Diplomatic and Consular programs account may be used for a United States Government interagency task force to examine, coordinate, and oversee United States participation in the United Nations headquarters renovation project. The conferees direct the task force to coordinate its efforts with OBO and to consult with senior OBO officials in formulating its recommendations.

The note the role of the UN in fighting diseases, providing humanitarian assistance, fostering conflict resolution, and providing an international forum for world issues. However, the conferees are concerned by recent developments in a number of areas. The conferees note that the United Nation's Oil-for-Food program in Iraq is marred by allegations of corruption and that it aided or abetted a tyrannical regime and undermined the international community's good will. Further, the conferees urge the UN to do more to mitigate or resolve the conflicts and humanitarian crises in Sudan, where war has ravaged the country for decades at the cost of millions of lives. Finally, the United Nations' leadership and legitimacy are tarnished by continued failure to bring to justice those individuals involved in improper and illegal activities.

United Nations Oil-For-Food Program.—The conferees direct the Department to bring all necessary resources to bear on the investigation of fraud and bribery allegations regarding the United Nations Oil-For-Food Program. The conferees expect the Department to provide all requested documentation to the U.S. Congress, and to provide any requested support to the Secretary General's Independent Inquiry Committee. The conferees strongly support the Inquiry and expect the Inquiry Committee's review to be thorough, rigorous, and expeditious. The conferees expect the Department to use the voice and vote of the United States to ensure the Inquiry be conducted in this manner.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement includes a total funding level of $490,000,000 for payments for Contributions for International Peacekeeping Activities, instead of $650,000,000 as proposed by the House, and $574,000,000 as proposed by the Senate. The conferees remain concerned that the United States has voted in the United Nations Security Council to establish five new or expanded peacekeeping missions (Haiti, Burundi, Uberia, Cyprus, and Ivory Coast) without presenting the Committees on Appropriations with a viable plan to meet the current and future costs of such commitments. All but the Cyprus mission were approved by the Security Council and are underway and incurring costs. The Secretary of State testified that in such instances the Administration would request supplemental appropriations to cover these costs. The conferees expect that such a supplemental appropriation request will provide for the full UN peacekeeping assessments.

The conference agreement includes language, as proposed by the Senate, regarding the adjustment of the rate at which the United States pays for the cost of United Nations peacekeeping missions.

The conference agreement includes, by reference, language in the House report regarding UN peacekeeping in the Western Sahara; UN peacekeeping reform; benchmarks for mission performance and termination; UN peacekeeping in the Democratic Republic of the Congo; and the Office of Internal Oversight Services. The conference agreement includes, by reference, language in the Senate report regarding peacekeeping reports. The allocation of funds under this account to specific missions shall be subject to the reprogramming requirements in section 605 of this Act.

The conferees support the work of the Special Court for Sierra Leone, and expect the United Nations Mission in Sierra Leone to provide support, as necessary, to the Court. The conferees urge the Department to work with the Court and other nations to ensure the expeditious prosecution of indicted persons.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

The conference agreement includes a total of $32,554,000 for the International Boundary and Water Commission, United States and Mexico (IBWC). The total amount provided includes $27,244,000 for Salaries and Expenses and $5,310,000 for Construction. The conference agreement includes language authorizing not to exceed $6,000 for representation expenses.

SALARIES AND EXPENSES

The conference agreement for the Salaries and Expenses account includes $27,244,000, instead of $26,800,000 as proposed by the House and $27,689,000 as proposed by the Senate. The conference agreement includes, by reference, language in the House report regarding the use of surplus operations and maintenance funding through reprogramming.

CONSTRUCTION

The conference agreement includes $5,310,000 in new direct appropriations under this heading, instead of $4,475,000 as proposed by the House and $6,146,000 as proposed by the Senate.

The conference agreement includes $1,750,000 for the Rio Grande Canalization Project and $1,000,000 for the Lower Rio Grande Flood Project/Levee Rehabilitation.

The conferees encourage the IBWC to attempt, if possible, to achieve greater secondary treatment of Mexican sewage within current funding levels under this account. Any plan that assumes a significant increase in appropriations under this heading in future years is not feasible given resource restraints and competing priorities.

Any additional obligations under this heading within the total spending level cited above, including any new project starts, shall be subject to the reprogramming process described in section 605 of this Act.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

The conference agreement includes a total of $9,594,000 under this heading, instead of $9,356,000 as proposed by the House, and $10,546,000 as proposed by the Senate. This amount includes $1,248,000 for the International Boundary Commission; $6,298,000 for the International Joint Commission, including $200,000 for efforts concerning the Red River Basin, and $1,019,000 for the fifth and final year of the water regulation plan governing Lake Ontario and the St. Lawrence River; and $2,049,000 for the Border Environment Cooperation Commission.

INTERNATIONAL FISHERIES COMMISSIONS

The conference agreement includes $21,982,000 under this heading, the same amount as proposed by the Senate, instead of $19,097,000 as proposed by the House. The conference agreement includes $3,000,000 for the Pacific Salmon Commission, $2,100,000 for the Inter-American Tropical Tuna Commission, $1,800,000 for the International Pacific Halibut Commission, $177,000 for the North Pacific Marine Science Organization, and $12,964,000 for the Great Lakes Fishery Commission, of which not less than $845,000 is for lampricide in Lake Champlain. House language regarding Asian Carp is included by reference. The conferees expect the Department to allocate the balance of funds in the conference agreement, and, through the regular reprogramming process, any additional funds that may become available, to priority commissions.

The conferees expect the Department to take immediate action to evaluate and prioritize United States participation in, and funding for, international fisheries commissions. In a climate of limited resources the conferees continue to insist that the Department operate within appropriated amounts, prioritize as necessary among commissions according to policy goals, take steps as necessary to withdraw from lower priority commissions, and refrain from entering into new commitments.

OTHER

PAYMENT TO THE ASIA FOUNDATION

The conference agreement includes $13,000,000 under this heading, the same amount as proposed by the House. No funding was proposed by the Senate.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE

The conference agreement includes $7,000,000 under this heading to be deposited in the International Center for Middle Eastern-Western Dialogue Trust for the perpetual operations of the Center in Istanbul, Turkey. Of the amounts provided $250,000 is for the steering committee, chaired by the Council of American Overseas Research Centers (CAORC), for the operations of the Center.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

The conference agreement includes an appropriation for fiscal year 2005 of interest and earnings from the Eisenhower Exchange Fellowship Program Trust Fund, expected to total $500,000. The conference agreement includes, by reference, language in the House report regarding geographical priorities and the selection of fellows.

ISRAELI ARAB SCHOLARSHIP PROGRAM

The conference agreement includes an appropriation for fiscal year 2005 of interest and earnings of the Israeli Arab Scholarship Endowment Fund, expected to total $375,000.

EAST-WEST CENTER

The conference agreement includes $19,500,000 under this heading, as proposed by the Senate, instead of $5,000,000 as proposed by the House.

NATIONAL ENDOWMENT FOR DEMOCRACY

The conference agreement includes $60,000,000 for the National Endowment for Democracy (NED), instead of $40,579,000 as proposed by the House and $50,000,000 as proposed by the Senate.

The conferees strongly encourage both the NED and the four core institutes to focus available funding on the Middle East region, continuing work on electoral processes and political party development. The conferees commend the institutes for their contribution to the recent presidential election in Afghanistan and support similar work in future parliamentary elections.

The conference agreement adopts, by reference, House report language reaffirming NED's duty to ensure that all sponsored activities adhere to core NED principles and requiring a report on NED activities in Venezuela.

The conference agreement includes $1,000,000 for a grant to support the creation of the Fern L. Holland Democracy Institute in Africa, as outlined in the House report. The conferees remain concerned that there is a lack of effectiveness and cohesion among the groups advocating for awareness and action on behalf of the victims of human rights abuses and the persecuted. The conferees provide $500,000 to be made available for programs designed specifically to promote basic human rights of ethnic minorities, including their right to maintain and exercise their culture, religion, and language, free from discrimination.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes $591,000,000 to carry out United States International Broadcasting Operations for fiscal year 2005, instead of $601,740,000 as proposed by the House and $552,240,000 as proposed by the Senate. The conference agreement includes $64,969,000 for efforts to provide people of Arab and Muslim countries with accurate information about U.S. policies and values. The conferees provided initial start-up costs for a television program stream specifically tailored for the Iraqi audience in Public Law 108–106. The conferees expect the Broadcasting Board of Governors to provide quarterly status reports detailing the efforts to develop quality news and entertainment programs for the Arab and Muslim world.

The conference agreement adopts, by reference, House language regarding broadcasting to Africa, language service reviews and research, and anti-jamming efforts.

The conferees remain concerned about a potential blurring of the distinction between the international broadcasting conducted by the Broadcasting Board of Governors and that conducted by the Defense Department. While the conferees continue to strongly support all necessary efforts to provide for national security, close collaboration with the Defense Department may foster misunderstanding among foreign audiences as to the principles and goals of BBG broadcasting. The BBG shall continue to notify the Committees in writing of any projects or programs to be undertaken with the Defense Department within 7 days of the beginning of such activities. The report should include a description of services provided and any financial arrangements between the entities.

Security of Radio Free Europe/Radio Liberty Headquarters.—During fiscal year 2004, the RFE/RL was directed to work with the Department of State's Bureau of Overseas Buildings Operations to develop a comprehensive site and cost assessment for relocation of the RFE/RL headquarters in Prague, the Czech Republic. The conferees are concerned that RFE/RL has informed the Committees on Appropriations that RFE/RL intends to sign a pre-lease contract. The conferees believe it would be premature for BBG and RFE/RL to proceed without a thorough explanation as to how specific relocation costs, as outlined in the report, will be absorbed in future years. The conferees direct BBG and RFE/RL to compile and submit a strategic funding plan for the intended relocation process no later than February 1, 2005. Until the long-term maintenance cost of a new building has been contemplated and endorsed by the BBG, no additional funds shall be provided to secure a site for relocation. The conferees expect funding decisions on the relocation to occur expeditiously given the expressed concern for the security of employees of RFE/RL.

The conferees direct the BBG to report on Al Hurra's coverage, audience, reception, and public response in the Arabic-speaking world. The report shall include the findings of an independent and validated public opinion poll.

The conference agreement includes language designating $27,629,000 for Broadcasting to Cuba.

The conferees continue to support Radio Free Asia's broadcasting efforts in China, Tibet, Burma, Vietnam, North Korea, Laos, and Cambodia and VOA's efforts in North Korea. The conference agreement includes funding to continue daily Uyghur broadcasts.

The conferees expect the BBG to provide a spending plan to the Committees on Appropriations by no later than April 11, 2005.

BROADCASTING CAPITAL IMPROVEMENTS

The conference agreement includes $8,560,000 for broadcasting capital improvements, as proposed by both the House and Senate.

The conferees expect the Board to keep the Committees on Appropriations informed on the status of its efforts to acquire additional transmission capabilities in the Middle East, including Egypt.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

The conference agreement includes section 401, permitting the use of funds for allowances, differentials and transportation.

The conference agreement includes section 402 dealing with transfer authority.

The conference agreement includes section 403 prohibiting the use of funds by the Department of State or the Broadcasting Board of Governors to provide certain assistance to the Palestinian Broadcasting Corporation.

The conference agreement includes section 404 clarifying the responsibilities of the Senior Policy Operating Group on Trafficking in Persons. The conferees understand that the Operating Group has been actively meeting and performing its designated functions since enactment of Section 406 of division B of Public Law 108–7. The conferees agree that all anti-trafficking policies, grants and grant policies shall be covered by the provisions of Section 406 of division B of Public Law 108–7. The conference agreement also includes language clarifying that the Senior Policy Operating Group and its chairman are the coordinating body (and official) accountable for Federal anti-trafficking policies, grants and grant policies. The language also makes clear that the coordinating responsibilities of the Operating Group are not intended to supercede the decision making authority of the constituent members of the Task Force to Monitor and Combat Trafficking in Persons, to whom Operating Group members continue to report. The Operating Group is, and was intended to serve as, the forum for interagency coordination of anti-trafficking policies, even as final decisions regarding any such policies are necessarily vested with the President and the senior officials who comprise the Task Force. The conferees agree that the Senior Operating Group and its chair have successfully performed the coordinating functions assigned to them.

The conference agreement includes section 405 concerning the Department's counterterrorism rewards program.

The conference agreement includes section 406 regarding the recording of place of birth on certain passport applications.

The conference agreement includes section 407 requiring the provision of certain information to the Committees on Appropriations.

The conference agreement includes section 408 establishing and describing the functions of the Office of the Coordinator for Reconstruction and Stabilization.

The conference agreement includes section 409 requiring the Secretary of State to review staffing at all overseas posts.

The conference agreement includes section 410 waiving certain authorization requirements.

The conference agreement includes section 411 adjusting the United States assessments for the United Nations Peacekeeping Missions.

The conference agreement includes section 412 updating and conforming the Senior Foreign Service pay system.

The conference agreement includes section 413 clarifying the Department's authority to enter into settlements of claims.

TITLE V—RELATED AGENCIES

ANTITRUST MODERNIZATION COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $1,187,000 for the Antitrust Modernization Commission, instead of $1,200,000 as proposed by the House. The Senate did not fund this Commission.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

The conference agreement includes $499,000 for the Commission for the Preservation of America's Heritage Abroad as proposed by the House, instead of $491,000 as proposed by the Senate. The conference agreement will allow the Commission to fund its administrative expenses through appropriated funds while relying on other sources of funding for actual purchase and restoration of property.

The conference agreement includes, by reference, language in the House report under this heading.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

The conference agreement includes $9,096,000 for the salaries and expenses of the Commission on Civil Rights, as proposed by both the House and Senate.

The conferees recommend language as included in previous years, which provides: (1) $50,000 to employ consultants; (2) a limitation of four full-time positions under schedule C of the Excepted Service, exclusive of one special assistant for each Commissioner; and (3) a prohibition against reimbursing Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

The conference agreement includes $3,000,000 for the Commission on International Religious Freedom, as proposed by the House. The Senate did not provide funding for this Commission. The conference agreement includes language providing authority for the Commission to procure temporary services for a study on the right to freedom of religion in North Korea.

The conference agreement includes, by reference, language in the House report under this heading.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

The conference agreement includes $1,831,000 for the Commission on Security and Cooperation in Europe as proposed by the House, instead of $1,598,000 as proposed by the Senate.

The conference agreement includes, by reference, language in the House report under this heading.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

The conference agreement includes $1,900,000 for the Congressional-Executive Commission on the People's Republic of China as proposed by the House, instead of $1,781,000 as proposed by the Senate. The amount provided includes $100,000 for the Political Prisoner Database as proposed by the House.

The conference agreement includes, by reference, language in the House report under this heading.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $331,228,000 for the salaries and expenses of the Equal Employment Opportunity Commission (EEOC) for fiscal year 2005, instead of $334,944,000 as proposed by the House and $327,511,000 as proposed by the Senate.

The conference agreement adopts the House report language regarding the Alternative Dispute Resolution program, litigation support and outreach, and the New Freedom Initiative to remove barriers faced by people with disabilities. The conference agreement includes language regarding staffing levels in the field.

The conference agreement includes language prohibiting the Commission from taking further action to implement workforce repositioning, restructuring, or reorganization unless the Committees on Appropriations have been notified in advance of such proposals, in accordance with the reprogramming procedures under section 605 of this Act. In this regard, the conference agreement includes the House report language regarding a spending plan. The conference agreement also adopts the House report language regarding the submission of quarterly status reports on projected and actual spending levels, by function, for repositioning, and the continued submission of quarterly reports on agency spending and staffing levels.

The conferees again encourage the EEOC to use the experience the Fair Employment Practices Agencies (FEPAs) have in mediation as the Commission continues to expand its Alternative Dispute Resolution programs. The conference agreement also includes language similar to that included in previous Appropriations Acts allowing non-monetary awards to private citizens. Finally, the conference agreement provides up to $2,500 for official reception and representation expenses.

Federal Communications Commission

SALARIES AND EXPENSES

The conference agreement includes $281,098,000 for the salaries and expenses of the Federal Communications Commission (FCC) for fiscal year 2005, instead of $279,851,000 as proposed by the House and $282,346,000 as proposed by the Senate. Of the amounts provided, $280,098,000 is to be derived from offsetting fee collections, resulting in a net direct appropriation of $1,000,000.

The conference agreement includes, by reference, language in the House report regarding travel payments and public notice requirements for broadcast applications. The conference agreement includes, by reference, language included in the Senate report on broadcast television standards.

The conference agreement allows the FCC to spend up to $85,000,000 to administer the spectrum auctions program. The conference agreement incorporates, by reference, House report language regarding the FCC's accounting system.

The conferees are aware that members of the armed services and their families make extensive use of prepaid phone cards to stay in contact. The FCC is considering subjecting these cards to increased regulation. The conferees direct the FCC not to take any action that would directly or indirectly have the effect of raising the rates charged to military personnel or their families for telephone calls placed using prepaid phone cards.

Within amounts provided for on-going life cycle replacement of technical equipment in fiscal year 2005, the conferees encourage the FCC to follow through on its plan to modernize its Radio Frequency Radiation monitoring equipment by purchasing Selective Radiation Meter (SRM) units and anticipates that future budget requests will address replacement of outdated equipment.

Federal Trade Commission

SALARIES AND EXPENSES

The conference agreement includes $205,430,000 for the Federal Trade Commission (FTC), instead of $203,430,000 as proposed by the House and $207,730,000 as proposed by the Senate. Of the amounts provided, $101,000,000 is derived from Hart-Scott-Rodino premerger filing fees, $21,901,000 is derived from Do-Not-Call fees, and $82,529,000 is derived from discretionary appropriations. The amount provided fully supports the budget request.

The conference agreement adopts by reference the Senate report language concerning the exposure of children to violent entertainment and on the Do-Not-Call program. The conference agreement also adopts by reference the Senate report language requiring a report on illegal pressure tactics applied to American fishermen who oppose mandatory country of origin labeling for seafood.

The conference agreement continues language that was included in the fiscal year 2004 bill regarding enforcement of certain provisions of the Federal Deposit Insurance Act.

Help Commission

SALARIES AND EXPENSES

The conference agreement includes $1,000,000 for necessary expenses of the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission.

Legal Services Corporation

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes $335,282,000 for the payment to the Legal Services Corporation, as proposed by the House, instead of $335,000,000 as proposed by the Senate. The conference agreement includes $1,833,000 to offset funding losses that have resulted from recent census-based reallocations. In addition to the amounts provided through the formula-based field grant program, the conferees direct LSC to distribute the additional $1,833,000 to the ten states that suffered the greatest losses from the census reallocation, in order to restore them to the funding level they would have received under the Senate bill.

ADMINISTRATIVE PROVISION

The conference agreement includes bill language to continue the terms and conditions included under this section in previous Appropriations Acts.

Marine Mammal Commission

SALARIES AND EXPENSES

The conference agreement includes $1,890,000 for the necessary expenses of the Marine Mammal Commission, as proposed by both the House and Senate.

National Veterans Business Development Corporation

The conference agreement includes $2,000,000 for the National Veterans Business Development Corporation as proposed by the House and the Senate. The conference report includes, by reference, House report language encouraging the Corporation to make its operations self-sustaining.

Securities and Exchange Commission

SALARIES AND EXPENSES

The conference agreement includes $913,000,000 for the Securities and Exchange Commission, as proposed by the House and Senate.

Staffing.—In fiscal year 2003, the Commission received funding for 840 new positions to protect investors and implement the Sarbanes-Oxley Act. The conferees understand that the Commission has had difficulty hiring accountants and examiners and direct the Commission to continue to work to fill all of the previously funded 840 positions as well as the 106 newly funded positions as quickly as possible and to provide the Committees on Appropriations with quarterly staffing reports. By April 15, 2005, the SEC shall report to the Committees on any proposals, including legislative changes, that may further the SEC's ability to hire to authorized levels and to retain quality employees.

The conference agreement adopts by reference the Senate report language concerning pay parity, enforcement, and information technology. The conference agreement adopts by reference the Senate report language requiring a monthly report to the Senate Appropriations Committee listing the exercise of stock options by corporate officers and directors. The conference agreement includes language requiring a report to the Senate Appropriations Committee justifying the recent rule that directors of mutual funds be independent.

Within 90 days of enactment of this Act, the SEC shall provide a report to the Senate Appropriations Committee analyzing the impact upon individual and institutional investors and competing securities markets of the so-called "trade through" provisions of the proposed SEC Regulation New Market Structure (NMS). In formulating its report, the SEC should examine whether and how the adoption of the "trade through" provisions would affect investors' ability to select the market where their securities trades will be carried out. The report shall also examine the interaction of automated and non-automated orders under Regulation NMS and the impact this would have on individual and institutional investors.

The conferees are pleased that the SEC has recently established an Office of Global Security Risk within the Division of Corporation Finance. The SEC should inform the investment community of the existence and relevance of the new Office through the following actions: (1) announce the establishment of the Office on the SEC website; (2) issue a press release or send a letter to leading U.S. investment community members alerting them to the establishment of the Office; (3) convene a conference to address the various dimensions of global security risk and appropriate ways that the investment community might respond to it; and (4) establish an effective global security risk disclosure process. The conferees expect the SEC to continue to provide quarterly reports on the Office's activities.

Small Business Administration

The conference agreement provides a total of $579,516,000 for the five appropriations accounts of the Small Business Administration (SBA). Detailed guidance for the five SBA appropriation accounts is contained in the following paragraphs.

SALARIES AND EXPENSES

The conference agreement includes $322,335,000 for the salaries and expenses account of the SBA instead of $315,362,000 as proposed by the House and $357,684,000 as proposed by the Senate. Of the amount provided under this heading, $186,772,000 is for operating expenses of the SBA. In addition, a total of $134,903,000 from other SBA accounts may be transferred to and merged with the salaries and expenses account resulting in a total availability of $321,675,000. The additional amount consists of $126,653,000 from the Business Loans Program account and $8,250,000 from the Disaster Loans Program account for the administrative expenses related to those accounts.

The conference agreement includes the full amount requested for Low Documentation Processing Centers and the conferees expect the SBA to continue to help small businesses adapt to a paperless procurement environment.

The conferees adopt by reference the House report language concerning the loan monitoring system. The conferees adopt by reference the requirement to provide a report on the e-gov program and the agency's efforts to increase efficiency and improve customer service.

Non-Credit Programs.—The conference agreement includes the following for the non- credit programs of the SBA:

National Ombudsman	$500,000
Advocacy Research	1,100,000
Veterans Programs	750,000
7(j) Technical Assistance Programs	1,500,000
Small Business Development Centers	89,000,000
SCORE	5,000,000
Women's Business Centers	12,500,000

Women's Business Council	750,000
Native American Outreach	1,000,000
Drug-free Workplace Program	1,000,000
Microloan Technical Assistance	14,000,000
PRIME Technical Assistance	5,000,000
HUBZones	1,979,000
US Export Assistance	1,484,000
Total, non-credit programs	135,563,000

The SBA shall not reduce these non-credit programs to fund operating costs. The conferees adopt by reference the House and Senate report language regarding Native American Outreach. The conferees adopt by reference the Senate report language regarding the Small Disadvantaged Business Program. The conferees adopt by reference the House and Senate report language regarding Small Business Development Centers (SBDCs), including the House direction to work with the manufacturing sector and continue to support the defense transition program at no less than the fiscal year 2004 level. The conferees adopt by reference the Senate report language concerning HUBZones.

Of the amounts provided for the SBDC program, $500,000 shall be available for the South Carolina Women's Business Center (WBC).

The conference agreement includes language allowing WBCs in sustainability status to continue to receive grants and designates 48 percent of the total WBC funding for centers in sustainability status.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $13,014,000 for the Office of Inspector General of the Small Business Administration as proposed by the Senate instead of $14,500,000 as proposed by the House. The conference agreement includes language allowing $500,000 to be transferred to this account from the Disaster Loans Program for oversight costs related to that program. The conferees adopt by reference the Senate report language regarding reorganization.

SURETY BOND GUARANTEES REVOLVING FUND

The conference agreement includes $2,900,000 under this account, instead of $11,400,000 as provided by the Senate and $9,900,000 as provided by the House.

BUSINESS LOANS PROGRAM ACCOUNT

The conference agreement includes $128,108,000 under this account, consisting of $1,455,000 for subsidies for direct business loans and $126,653,000 for administrative expenses related to business loan programs. The amount provided for administrative expenses may be transferred to and merged with the appropriation for SBA salaries and expenses to cover the common overhead expenses associated with business loans. The conferees agree that, in the event of an economic downturn, the policy of zero subsidy for the 7(a) program shall be revisited.

DISASTER LOANS PROGRAM ACCOUNT

The conference agreement includes $113,159,000 for the Disaster Loans Program Account, instead of $195,887,000 as proposed by the House and $178,909,000 as proposed by the Senate. The conference agreement includes no new budget authority for the subsidy costs of disaster loans but includes $113,159,000 for administrative expenses of the disaster loan program.

Within the $113,159,000 provided for administrative expenses, $500,000 is available for the Office of Inspector General, $104,409,000 is available for direct administrative expenses of loan making and servicing, and $8,250,000 is available to be transferred to the Salaries and Expenses account for indirect costs of the program.

The conferees understand that the emergency appropriations provided in response to natural disasters at the end of fiscal year 2004 may exceed the actual need for loans to affected businesses and individuals. The conferees expect that the surplus of subsidy budget authority from emergency appropriations will be sufficient to cover an average annual loan program level. For this reason, the conference agreement does not provide an additional subsidy appropriation for fiscal year 2005. The conferees expect the SBA to continue to request regular discretionary appropriations to cover an average annual disaster loan program level in future budget requests. The conferees request that the SBA provide a monthly status report on disaster loan activity to the Committees on Appropriations.

By April 15, 2005, the SBA should also provide to the Committees on Appropriations a report describing various methodologies for calculating annual estimates of disaster loan volume. The report should explain the current rolling historical average methodology and also present other reasonable options to determine requirements in light of the recent years of low disaster activity. In addition, the report should include information on various methodologies to project loan volume once a disaster declaration has occurred.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

The conference agreement includes bill language allowing transfers between accounts.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

The conference agreement provides $2,613,000 for the State Justice Institute (SJI), instead of $2,227,000 as proposed by the House and $3,000,000 as proposed by the Senate. The conference agreement incorporates by reference the House report language regarding the Office of Justice Programs and sources of non-Federal funding.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $3,000,000 as proposed by the House for the necessary expenses of the United States-China Economic and Security Review Commission, instead of $2,300,000 as proposed by the Senate. This level includes not more than $5,000 for the purpose of official representation. The conference agreement includes language making funding available until expended, as proposed by the Senate. The conference agreement also includes $1,000,000 for the expansion of the Commission's research programs and enhanced outreach efforts, as proposed by the House.

The conference agreement incorporates, by reference, the Senate report language directing the Commission to conduct certain research and provide a report no later than May 1, 2005.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

The conference agreement includes $23,000,000 for the United States Institute of Peace. Within the amounts provided, including prior year funding, the Institute may use such funds as necessary for advance architectural work and planning related to a new headquarters facility.

In addition, the conferees direct the Institute to create a task force to study the United Nations' efforts to meet the goals of its charter as signed in June of 1945. This study should address obstacles to achieving such goals, especially the goal of maintaining international peace and security and the promotion of universal respect for and observance of human rights and fundamental freedoms. The conferees are deeply troubled by the inaction of the United Nations on many fronts, especially in regard to the genocide in Darfur, Sudan, and the allegations of corruption regarding the United Nations Oil-For-Food program. The task force should consist of experts from the following public policy forums: American Enterprise Institute, Brookings Institution, Council on Foreign Relations, Center for Strategic and International Studies, Hoover Institution, and Heritage Foundation. The conferees anticipate the task force would not include more than 12 members. The conferees expect the results of the study to be presented to the Committees on Appropriations within 180 days of the enactment of this Act.

UNITED STATES SENATE-CHINA INTERPARLIAMENTARY GROUP

SALARIES AND EXPENSES

The conference agreement includes an appropriation of $100,000 for the salaries and expenses of the United States Senate-China Interparliamentary Group as proposed by the Senate. Funding for the Interparliamentary Group was not included in the House bill.

TITLE VI—GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

The conference agreement includes the following General Provisions:

Sec 601. The conference agreement includes section 601 regarding the use of appropriations for publicity and propaganda purposes.

Sec. 602. The conference agreement includes section 602 regarding the availability of appropriations for obligation beyond the current fiscal year.

Sec. 603. The conference agreement includes section 603 regarding the use of funds for consulting purposes.

Sec. 604. The conference agreement includes section 604 providing that should any provision of the Act be held to be invalid, the remainder of the Act would not be affected.

Sec. 605. The conference agreement includes section 605 regarding the policy by which funding available to the agencies funded under this Act may be reprogrammed for other purposes.

Sec. 606. The conference agreement includes section 606 regarding the construction, repair, or modification of National Oceanic and Atmospheric Administration vessels in overseas shipyards.

Sec. 607. The conference agreement includes section 607 prohibiting funds in the bill from being used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission (EEOC) similar to proposed guidelines covering harassment based on religion published by the EEOC in October 1993.

Sec. 608. The conference agreement includes section 608 regarding the purchase of American made products.

Sec. 609. The conference agreement includes section 609 prohibiting the use of funds for any United Nations peacekeeping mission that involves U.S. Armed Forces under the command or operational control of a foreign national unless the President certifies that the involvement is in the national security interest.

Sec. 610. The conference agreement includes section 610 that requires agencies to provide quarterly reports to the Committees on Appropriations regarding unobligated balances.

Sec. 611. The conference agreement includes section 611 that prohibits use of funds to expand the U.S. diplomatic presence in Vietnam beyond the level in effect July 11, 1995, unless the President makes a certification that several conditions have been met regarding Vietnam's cooperation with the United States on POW/MIA issues.

Sec. 612. The conference agreement includes section 612 requiring agencies and departments funded in this Act to absorb any necessary costs related to downsizing or consolidation within the amounts provided to the agency or department.

Sec. 613. The conference agreement includes section 613 regarding the sale or export of tobacco or tobacco products.

Sec. 614. The conference agreement includes section 614 extending the prohibition on the use of funds to issue a visa to any alien involved in extrajudicial and political killings in Haiti, including exemption and reporting requirements.

Sec. 615. The conference agreement includes section 615 that prohibits a user fee from being charged for background checks conducted pursuant to the Brady Handgun Control Act of 1993, and prohibits implementation of a background check system which does not require or result in destruction of certain information.

Sec. 616. The conference agreement includes section 616 regarding amounts available under the Crime Victims Fund.

Sec. 617. The conference agreement includes section 617 prohibiting the use of Department of Justice funds for programs that discriminate against, denigrate, or otherwise undermine the religious beliefs of students participating in such programs.

Sec. 618. The conference agreement includes section 618 prohibiting the use of funds appropriated or otherwise made available to the Department of State to process visas for citizens of countries that the Secretary of Homeland Security has determined deny or delay accepting the return of deported citizens.

Sec. 619. The conference agreement includes section 619 providing additional amounts for the Small Business Administration.

Sec. 620. The conference agreement includes section 620 regarding the Small Business Administration Disaster Loans Program.

Sec. 621. The conference agreement includes section 621 regarding transfers of funds.

Sec. 622. The conference agreement includes section 622 regarding the implementation of telecommuting programs.

Sec. 623. The conference agreement includes section 623 regarding the negotiation or reevaluation of international agreements.

Sec. 624. The conference agreement includes section 624 regarding firearms tracing studies.

Sec. 625. The conference agreement includes section 625 regarding international child abduction.

Sec. 626. The conference agreement includes section 626 regarding patents.

Sec. 627. The conference agreement includes section 627 regarding the United Nations.

Sec. 628. The conference agreement includes section 628 that requires the Department of Justice, the Department of Homeland Security, and the Department of State to jointly submit a report.

Sec. 629. The conference agreement includes section 629 regarding

Capital Security Cost Sharing.

Sec. 630. The conference agreement includes section 630 regarding Capital Security Cost Sharing.

Sec. 631. The conference agreement includes section 631 requiring that the Secretary of State make a determination on recent events and support the investigation and prosecution of war crimes and crimes against humanity in the Darfur Region of Sudan.

Sec. 632. The conference agreement includes section 632 that prohibits the use of funds to support or justify the use of torture.

Sec. 633. The conference agreement includes section 633 that addresses the Drug Enforcement Administration's diversion control program.

Sec. 634. The conference agreement includes section 634 prohibiting the use of funds to change rules governing the Universal Service Fund.

Sec. 635. The conference agreement includes section 635 concerning certain unobligated balances.

Sec. 636. The conference agreement includes section 636 regarding the National Veterans Business Development Corporation.

Sec. 637. The conference agreement includes section 637 regarding Capital Security Cost Sharing.

Sec. 638. The conference agreement includes section 638 regarding Federal Communications Commission properties.

Sec. 639. The conference agreement includes section 639 prohibiting certain uses of funds.

Sec. 640. The conference agreement includes section 640 regarding amounts provided in this Act.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

The conference agreement includes a rescission of $60,000,000 from unobligated balances in this account. The Senate proposed a $44,000,000 rescission for this account under Title VI.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

The conference agreement includes a rescission of $61,800,000 from unobligated balances in this account. The Senate proposed a $30,000,000 rescission for this account under Title VI.

JUSTICE ASSISTANCE

(RESCISSION)

The conference agreement includes a rescission of $1,619,000 from this account. These balances result from deobligations of prior year grant funding. Amounts available for the Missing Children's Program, the National White Collar Crime Center and Regional Information Sharing System shall not be rescinded.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(RESCISSION)

The conference agreement includes a rescission of $29,380,000 from unobligated balances in this account, instead of $20,000,000 as proposed by the House. These balances result from deobligations of prior year grant funding. Amounts available for Tribal Courts and Indian Prison Construction shall not be rescinded.

COMMUNITY ORIENTED POLICING SERVICES

(RESCISSION)

The conference agreement includes a rescission of $99,000,000 from unobligated balances in this account, instead of $61,000,000 as proposed by the House. These balances result from deobligations of prior year grant funding.

JUVENILE JUSTICE

(RESCISSION)

The conference agreement includes a rescission of $3,500,000 from unobligated balances in this account. These balances result from deobligations of prior year grant funding. Amounts available for Tribal Youth and Alcohol Prevention shall not be rescinded.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

The conference agreement includes a rescission of $3,900,000 from unobligated balances in this account. These balances are prior year Advanced Technology Program funds.

RELATED AGENCIES

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

The conference agreement includes a rescission of $12,000,000 from unobligated balances under this heading. The conferees agree that this rescission represents an amount available from prior year excess fee collections.

TITLE VIII—PATENT AND TRADEMARK FEES

The conference agreement includes language regarding patent and trademark fees.

TITLE IX—OCEANS AND HUMAN HEALTH ACT

The conference agreement includes language regarding the oceans and human health.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2005 recommended by the Committee of Conference, with comparisons to the fiscal year 2004 amount, the 2005 budget estimates, and the House and Senate bills for 2005 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2004	$42,242,023
Budget estimates of new (obligational) authority, fiscal year 2005	43,216,594
House bill, fiscal year 2005	43,483,066
Senate bill, fiscal year 2005	43,467,214
Conference agreement, fiscal year 2005	43,681,207
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2004	+1,439,184
Budget estimates of new (obligational) authority, fiscal year 2005	+464,613
House bill, fiscal year 2005	+198,141
Senate bill, fiscal year 2005	+213,993

DIVISION C—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2005

TITLE I—DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs and activities of the Corps of Engineers. Additional items of the conference agreement are discussed below. House report 108–554 is presumed to have effect unless contradicted by this statement of the managers.

CONTINUING CONTRACTS AND REPROGRAMMING

Construction of a single water resource project requires tremendous flexibility. Water resource projects are constructed in physically challenging locations. By their nature, these projects involve large mobilization costs and great uncertainties. The Corps of Engineers has been tasked with providing hundreds of water infrastructure projects in challenging locations throughout the country. Historically, the Corps has done an outstanding job of managing these great water resource projects and has provided the water infrastructure that has greatly contributed to our economic security.

The conferees recognize that one of the greatest tools that the Corps of Engineers has for managing its nationwide water resources infrastructure program is the ability to award multiyear continuing contracts. When an agency is managing, literally, hundreds of construction projects throughout the country, problems are inevitable. These can range from flood, to drought, to funding shortfalls, to unanticipated hazardous wastes encountered in the construction site, discovery of unanticipated cultural resources. Any one of these items can bring a project to a temporary halt or slow construction. By the same token, projects can be accelerated due to mild winters or below average flows on a river allowing a longer construction season and more work to be done and more funds to be utilized.

Continuing contracts allow the Corps to award large construction elements of a project to take advantage of the economies of scale available to construction contractors. Allowing these large construction elements to be managed over several years without requiring contracts to be fully funded before construction begins affords the Corps the ability to more efficiently manage multiple construction contracts. Multiyear funding, and the ability to reprogram funds, are tools that have allowed the Corps to maximize scarce resources to try to do as much as possible with the resources available to them; they also left the Corps open to charges that it has put contractors in charge of managing its funds.

The conferees have expressed concerns in the past that Corps of Engineers construction projects may have used the continuing contracts clause and the ability to reprogram funds to award some construction contracts that may not have been fiscally prudent, in light of current budget realities. However, many of these construction contracts were awarded when surplus funds were available allowing reprogramming of funds to make up for budget shortfalls. This process has resulted in most surplus funds being expended, leaving the Corps with very little flexibility to cover the financial obligations of the construction contracts. This has resulted in an increased number of reprogrammings necessary to satisfy as many of the Corps' financial obligations as possible.

The conferees believe that the Corps has made great strides in resolving these financial issues by applying more stringent controls on financial obligations allowed on multiyear contracts and will allow the Corps to continue to resolve this situation. However, the conferees caution the Corps that it must regain control of all aspects of program execution and execute the program appropriated to it. The use of continuing contracts and reprogramming of funds is a privilege afforded by this conference—a privilege that can be revoked. The House and Senate Appropriations Committees will continue to monitor this situation and require the Corps to provide quarterly written updates to the Committees on its efforts to better manage continuing contracts and to award contracts better suited to responsible management.

Due to the increased number of reprogrammings that are being undertaken by the Corps, the conferees believe new guidelines are needed to help monitor reprogramming of funds. The conferees recognize that the increase in reprogrammings is not entirely the fault of the Corps of Engineers. However, reprogramming guidelines have not been examined in many years, and the conferees believe that it would be prudent to reexamine this privilege. Therefore, the conferees are providing the following guidelines:

Reprogramming Authorities.—The conferees require the Corps to inform the Committees promptly and fully when a change in program execution and funding is required during the fiscal year. The following guidance is provided for Corps Civil Works programs and activities funded in the Energy and Water Development Appropriations Act.

Definition.—A reprogramming includes the reallocation of funds from one activity to another within an appropriation, or any significant departure from a program, project, or activity described in the agency's budget justifications presented to and approved by Congress. For construction projects, a reprogramming constitutes the reallocation of funds from one construction project or a significant change in the scope of an approved project.

General Criteria for Reprogramming.—Reprogramming is allowed only within an appropriation, with the exception, as now exists, that Flood Control and Coastal Emergency may be augmented when necessary from other Corps Civil Works appropriations. Reprogramming is allowed into only previously appropriated activities or those identified in a bill as "within available funds." Reprogrammings should not be employed to initiate new programs (unless specifically approved by both House and Senate Appropriations Committees) or to change program, project, or activity allocation in the Act or report. In cases where unforeseen events or conditions are deemed to require such changes, proposals shall be submitted in advance to the House and Senate Appropriations Committees and be fully explained and justified.

REPROGRAMMING GUIDANCE

General Investigations.—Reprogramming a cumulative total of up to 25 percent of the appropriated funding level between studies or programs under this heading without approval of either House of Congress, is permitted. However, the Chief of Engineers shall provide a quarterly report to both House and Senate Appropriations Committees of all reprogrammings in excess of $250,000 but less than $500,000 for individual studies or programs. Approval of both House and Senate Appropriations Committees is required for cumulative reprogrammings in excess of $500,000 for individual studies or programs. Restoration of prior year savings and slippage shall not count toward the cumulative total. The conferees do not object to reprogramming up to $50,000 to any continuing study or program that did not receive an appropriation or where the percentage limit is less than $50,000. All funds used to source reprogrammings described above should be surplus to current year needs for that effort.

Construction General.—Reprogramming a cumulative total of up to 15 percent of the appropriated funding level between projects or programs under this heading without approval of either House of Congress, is permitted. However, the Chief of Engineers shall provide a quarterly report to both House and Senate Appropriations Committees of all reprogrammings in excess of $4,000,000 but less than $7,000,000 for individual projects or programs. Approval of both House and Senate Appropriations Committees is required for cumulative reprogrammings in excess of $7,000,000 for individual projects or programs. Restoration of prior year savings and slippage shall not count toward the cumulative total. The conferees do not object to reprogramming up to $300,000 to any continuing project or program that did not receive an appropriation or where the percentage limit is less than $300,000. All funds used to source reprogrammings described above should be surplus to current year needs for that effort.

Operation and Maintenance.—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies. The Chief of Engineers must notify the House and Senate Appropriations Committees as soon as practicable of these emergency situations. For all other reprogrammings, a cumulative total of up to 50 percent of the appropriated funding level between projects or programs under this heading without approval of either House of Congress, is permitted. However, the Chief of Engineers shall provide a quarterly report to both House and Senate Appropriations Committees of all reprogrammings in excess of $5,000,000 but less than $10,000,000 for individual projects or programs. Approval of both House and Senate Appropriations Committees is required for cumulative reprogrammings in excess of $10,000,000 for individual projects or programs. Restoration of prior year savings and slippage shall not count toward the cumulative total. The conferees do not object to reprogramming up to $300,000 to any continuing project or program that did not receive an appropriation or where the percentage limit is less than $300,000. All funds used to source reprogrammings described above should be surplus to current year needs for that effort.

Mississippi River and Tributaries.—The Corps should follow the same reprogramming guidelines for the General Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account as listed above.

GENERAL INVESTIGATIONS

The conference agreement appropriates $144,500,000 for General Investigations.

Floodplain Management Services.—The conferees have provided $6,813,000 for the Floodplain Management Services program, including $776,000 to complete the Geographic Information System for East Baton Rouge, Louisiana; $200,000 for a Blind Brook, City of Rye, New York, hydrological analysis; and

$1,000,000 for the Hurricane preparedness Studies for the State of Hawaii and the U.S. Territories in the Pacific and the Caribbean.

Coastal Field Data Collection.—The conference agreement provides $4,875,000 for the Coastal Field Data Collection program. Funds are provided in the amount of $1,000,000 for the Southern California Beach Process Study, not less than $1,000,000 for continuation of the Coastal Data Information Program, and $1,000,000 for the State of Hawaii, the U.S. Territories in the Pacific and Caribbean, and $1,000,000 for the Pacific Island Ocean Typhoon Experiment [PILOT].

Research and Development.—Within the funds provided for the Corps of Engineers Research and Development Program, $2,000,000 is provided for innovative technology demonstrations for urban flooding and channel restoration. These demonstrations shall be conducted in close coordination and cooperation with the Urban Water Research Program of the Desert Research Institute of Nevada. In addition, within the funds provided for the Corps of Engineers Research and Development Program $500,000 is provided to undertake and fund a demonstration project utilizing the Rapid Environmental Decision Support Environment software to fill current technology gaps in the GIS-based approaches with respect to post-natural disaster analysis. The conferees have also included $1,000,000 to continue work in the area of Submerged Aquatic Vegetation or "seagrasses" and restoration efforts in the Chesapeake Bay, Maryland and Virginia.

Upper Trinity River Basin, Texas.—The conference report provides additional funding to proceed with Planning, Engineering and Design and continue preparation and coordination of an Environmental Impact Statement associated with the locally-preferred alternative for the Central City River Segment of the Trinity River Vision Master Plan dated April 2003.

Connecticut River Ecosystem Restoration, Vermont and New Hampshire.—The conference has provided $50,000 to initiate feasibility studies for the West and Ashuelot Rivers.

Other Coordination Programs.—The conferees have provided $4,300,000 for the Other Coordination Programs. Within the funds provided, $500,000 is to continue work associated with the Lake Tahoe Federal Interagency Partnership.

Planning Assistance to States.—The amount provided for the Planning Assistances to States Program includes $100,000 for the Arkansas River Corridor Master Plan; $100,0000 to continue the Ingham County, Michigan, Geographic Information System Study; $100,000 to finish the Arkansas River Corridor Master Plan, Oklahoma; $100,000 to initiate geotechnical investigations of a proposed damsite near Mangum, Oklahoma; $250,000 to initiate a groundwater study for Greene County, Missouri; $134,000 to complete the Memphis Riverfront Development, Tennessee, study; $200,000 for Central Oahu, Hawaii; $500,000 for Lake Champlain, Vermont; $500,000 for remote sensing in New Mexico; $150,000 for Lake Rogers, North Carolina; and $150,000 to conduct an evaluation of recreation supply and demand in New Castle County, Delaware. Also included is $250,000 to continue a New Jersey Marine Fish Evaluation Study. The Corps of Engineers is urged to consider using the Fisheries Conservation Trust, formerly known as the Save the Fish Foundation, to carry out this investigation. Within funds provided for this program, the Corps is directed to work with the Chagrin River Land Conservancy to develop strategies for preserving, and acquisition of funding for preservation of the properties known as Wilde Fields and Mayer Preserve in Cuyahoga County, Ohio.

The conferees are aware of the potential benefits of incorporating modular plastic belting technology into fish screen devices. Accordingly, the conferees urge the Corps to consider deployment of this technology in the full range of viable fish screen configurations, including submersible traveling screens. Furthermore, the conferees look forward to reviewing the agency's assessment of the technology as compared to other available fish screen devices.

CONSTRUCTION, GENERAL

The conference agreement appropriates $1,796,089,000 for Construction, General.

Red River Below Denison Dam, Arkansas, Louisiana, Oklahoma, and Texas.—The conferees have provided $750,000 for levee rehabilitation in Arkansas and Louisiana.

American River Watershed (Folsom Dam Mini-Raise), California.—Within funds provided for the American River Watershed (Folsom Dam Mini-Raise), California, project, the Corps is directed to continue design of the Folsom Dam replacement road and permanent bridge to assure their completion at the earliest possible date consistent with the pace of the Mini-Raise project as a whole.

The conferees include language directing the Corps of Engineers to expend its full capability, up to $5,000,000, to advance the permanent bridge to replace Folsom Bridge Dam Road, Folsom, California, as authorized by the Energy and Water Development Appropriations Act, 2004 (P.L. 108-137) with all remaining funds devoted to the Mini-Raise. The conferees are aware of reports that there have been attempts to place obstacles in the way of this work, and insist that it be allowed to proceed, unimpeded.

Florida Keys Water Quality Improvements, Florida.—The conferees have provided $2,250,000 for the implementation of wastewater and stormwater improvements and believe these efforts should be carried out in coordination with the ongoing Everglades restoration work.

Olmsted Locks and Dam, Ohio River, Illinois & Kentucky.—None of the funds provided for the Olmsted Locks and Dam Project are to be used to reimburse the Claims and Judgment Fund.

J. Bennett Johnston Waterway, Louisiana.—The conferees have provided $13,000,000 for construction of navigation channel refinement features, land purchases and development for mitigation of project impacts, and construction of project recreation features and appurtenant features.

Chesapeake Bay Environmental Restoration and Protection Program, Maryland and Virginia.—The conference recommendation includes $1,500,000 for this project. Within the funds provided, $400,000 is provided to continue environmental studies of non-native oysters.

The conferees expect the Corps, in conducting the Environmental Impact Statement [EIS] for introducing non-native oyster species into the Chesapeake Bay, to consider all alternatives, including restoration of native oyster species. The conferees also expect that the EIS will address the research gaps identified in the National Research Council report titled "Non-native Oysters in the Chesapeake Bay" and the Chesapeake Bay Program Scientific and Technical Advisory Committee report on the same subject.

Rural Montana, Montana.—The conferees have provided $2,000,000 for the Rural Montana project. Within the funds provided the Corps is directed to give consideration to projects at Belgrade, Manhattan, Livingston, Butte, Helena, and Drummond, Montana. Other communities that meet the program criteria should be considered as funding allows.

Rural Nevada, Nevada.—The conferees have provided $20,000,000 for the Rural Nevada project. Within the funds provided the Corps is directed to give consideration to projects at Boulder City, Lyon County (Carson River Regional Water System), Gerlach, Incline Village, Lawton-Verdi, Esmeralda County, Churchill County, West Wendover, Searchlight, Yerington, Virgin Valley Water District, Lovelock, Carson City, Hemenway Valley Wastewater treatment and Huffaker Hills Reservoir Water Conservation Nevada. Other communities that meet the program criteria should be considered as funding allows.

Tropicana and Flamingo Washes, Nevada.—The conferees have provided $24,000,000 to continue construction of this flood control project. The conference recommendation includes $3,000,000 for work performed in accordance with Section 211 of Public Law 104-303.

Central New Mexico, New Mexico.—The conference has included $5,000,000 for this project which includes funding to continue the Black Mesa project begun in fiscal year 2004.

Middle Rio Grande Flood Protection, New Mexico.—The conferees have included $300,000 to continue the Belen, Mountainview, and Isleta General Reevaluation Report.

Fire Island Inlet to Montauk Point, New York.—The conferees have included additional funding for the continuation of the reformulation study.

Ohio Environmental Infrastructure, Ohio.—The bill contains $22,000,000 for the Ohio Environmental Infrastructure program authorized by section 594 of the Water Resources Development Act of 1999. The amount provided includes: $15,000 for the Jackson County water line project; $100,000 for the Morgan County, Bishopville, water project; $475,000 for the Morgan County, McConnelsville, storm water project; $1,000,000 for the Muskingum County, Zanesville, wastewater treatment facility; $25,000 for the Vinton County, Arbaugh/Hope water line extension; $350,000 for the Buckeye Lake, water line project; $500,000 for the Hancock County, Village of Janera, wastewater collection system; $1,000,000 for the Village of West Jefferson, water treatment facility; $1,000,000 for the City of Louisville, protection for wastewater treatment plant; $2,000,000 for the Stark County, Zimber Ditch project; $500,000 for the Noble County, sewer system; $500,000 for the Youngstown, Orchard Meadow Combined Sewer Overflow project; $500,000 for the Lake County, Concord Township sanitary sewer line improvement; $100,000 for the Lake County, Perry Township, Shepard Road waterline extension; $900,000 for the Lake County, Village of Perry, Sanitary sewer system; $1,000,000 for the Toledo Combined Sewer Overflow project; $1,000,000 for the Tech Town Dayton Technology Campus water and sewer project; $2,500,000 for the University of Dayton, Brown and Stewart water and sewer project; $640,000 for the Clinton County, Clinton Massie School District sewer project; $1,500,000 for the Springfield Applied Research and Technology Park water and sewer project; $700,000 for the Clark County Southwest Regional Waste Water Treatment Plant expansion; $500,000 for Clark County, Village of Donnelsville sewer system project; $1,350,000 for the Fayette County, Village of Bloomingberg, Waste

Water Treatment Plant; $100,000 for the Pickaway County, Harrison and Madison Township water and sewer project; $150,000 for the Village of Corning water and sewer project; $1,880,000 for the Scioto County, Minford Wastewater Treatment Facility; and $250,000 for the City of Dayton, Northeast Quadrant water and sewer infrastructure.

Columbia River Treaty Fishing Sites, Oregon and Washington.—The conferees have included $700,000 for facilities at White Salmon, WA.

Elk Creek Lake, Oregon.—Funds provided in this Act and funds previously appropriated for the Elk Creek Lake, Oregon, project are available to plan and implement long-term management measures at the project to maintain the project in an uncompleted state, including design and construction of a permanent trap-and-haul facility to replace the existing, interim facility. Funds may not be used for any further work on the Corps of Engineers proposal to remove a section of the dam for fish passage.

Cheyenne River Sioux Tribe, Lower Brule Sioux, South Dakota.—The conference notes that Title IV of the Water Resources Development Act of 1999, as amended, authorizes funding to pay administrative expenses, implementation of terrestrial wildlife plans, activities associated with land transferred or to be transferred, and annual expenses for operating recreational areas. The conferees have included $5,750,000 for this effort. Within the funds provided, the conference directs that not more than $1,000,000 shall be provided for administrative expenses, and that the Corps is to distribute the remaining funds as directed by Title IV to the State of South Dakota, the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe.

Rural Utah, Utah.—The conference has provided $1,000,000 for this project and encourages the Corps to proceed with those projects which are eligible and are prepared to move forward.

Columbia River Fish Mitigation, Avian Predation, Columbia/Snake River Basin, Washington, Oregon, and Idaho.—The conferees are aware of the need to investigate the effect of avian predation on the survival of listed salmon and steelhead in the Columbia/Snake River Basin and directs the Secretary to provide up to $750,000, as needed, from the Columbia River Fish Mitigation project for this purpose. The conference expects the Corps of Engineers to coordinate with the Secretary of Commerce and the Secretary of the Interior to develop an implementation plan and initiate actions to reduce avian predation where such actions are determined to be biologically and cost effective.

Aquatic Plant Control Program.—The conferees have included $4,500,000 for the Aquatic Plant Control program's base research and development activities. In an effort to maximize limited funding for eradication and harvesting, the conference strongly recommends that these efforts be undertaken only where a local sponsor agrees to provide 50 percent of the cost of the work. Within the funds provided, $300,000 is for a cost shared effort with the State of South Carolina and $400,000 is for a cost shared effort with the State of Vermont and $100,000 is for the control of aquatic nuisance vegetation in the Potomac and Tributaries, Virginia, Maryland, and District of Columbia. The conference urges the Corps to establish a cost shared program with the State of Hawaii.

Beneficial Uses of Dredged Material.—The conference recommendation includes $6,000,000. Within the funds provided $3,000,000 is for Morehead City Harbor, NC.

Dam Safety and Seepage/Stability Correction Program.—The conference recommendation includes $10,500,000 for the program. Within the funds provided, $3,000,000 is provided for the Corps to complete work on Waterbury Dam in Vermont.

Shoreline Erosion Control and Development and Demonstration.—The conference recommendation includes $7,000,000. Within the funds provided $400,000 is provided for Sacred Falls, Hawaii.

Continuing Authorities Program (CAP).—The conference departs from its usual practice in the presentation of CAP projects chosen for funding. In previous conference reports, CAP funding for individual projects was presented in an unstructured text form. For fiscal year 2005, in order to increase uniformity and simplify use of the report, CAP funding will be shown in a table, with information limited to identification of the CAP authority under which the project is authorized, the name of the project, and the amount of funding provided.

The conferees are aware that many projects selected for funding under the Continuing Authorities Program have not received any funds due to overwhelming demand and limited funding authority within the Continuing Authorities Program. The conference directs that such projects should receive priority consideration for any available such funds, in fiscal 2005, and in the future.

The continuing project authorities listed below, allow the Corps great flexibility to respond to various, limited-scope, water resource problems facing communities throughout the Nation. This program has proven to be remarkably successful in providing a quick response to serious local problems. These problems range from flood control and navigation to bank stabilization and environmental restoration. The conferees have provided funds in excess of the budget request for virtually all of these accounts. As a general rule, once a project has received funds for the initial phases of any of these authorities, the project will continue to be funded as long as it proves to be environmentally sound, technically feasible, and economically justified, as applicable. With this in mind, the conference has chosen to limit explicit direction of these project authorities.

The conferees are aware that there are funding requirements for ongoing, continuing authorities projects that may not be accommodated within the funds provided for each program. It is not the conference's intent that ongoing projects be terminated. If additional funds are needed to keep ongoing work in any program on schedule, the conference urges the Corps to reprogram the necessary funds.

Small Flood Control Projects (Section 205).—Funding for the Zimber Ditch, Stark County, Ohio project is now provided under the Ohio Environmental Infrastructure program. The conference is informed that $700,000 in funding was provided for Butler Lake, Illinois, in fiscal year 2004, most of which has not been expended, and directs that, if true, the Corps of Engineers utilize funding provided to initiate construction on an expedited basis.

Tribal Partnership Program.—The conferees acknowledge the serious impacts of coastal erosion and flooding due to continued climate change in Alaska. The conference expects the Corps to continue its work in this area and has included a total of $4,000,000, of which $2,000,000 is to combat erosion in Alaska.

A field hearing was held in Anchorage, Alaska on June 29 and 30, 2004, on the impacts of severe erosion and flooding on Alaska Native villages.

There is no Federal or State agency to coordinate and assist these communities in the relocation or in the interim provide preventative measures to slow the effects of the erosion and flooding. The conference finds there is a need for an Alaska erosion baseline study to coordinate and plan the appropriate responses and assistance for Alaska villages in the most need and to provide an overall assessment on the priority of which villages should receive assistance. Therefore, the conference has provided the $2,000,000 for this study.

In addition, the conferees have also included $150,000 for Idaho; $150,000 for Nevada to initiate cultural resource restoration on historic Washoe lands; and $150,000 for New Mexico to further the tribal assistance efforts by the Corps in these States.

MISSISSIPPI RIVER AND TRIBUTARIES

Atchafalaya Basin, Louisiana.—The conference has included $1,253,000 for the continued levee enlargement construction work.

Yazoo Basin, Mississippi, Yazoo Backwater Project (Pumping plant and Nonstructural Features), Mississippi.—The conference has provided $12,000,000 and directive legislative language to maintain the schedule to complete the design, to initiate the pump supply contract, and to continue the real estate activities.

OPERATION AND MAINTENANCE

Mobile Harbor, Alabama.—The conferees have included an additional $1,000,000 to continue the Garrows Bend environmental restoration.

Tennessee—Tombigbee Waterway, Alabama & Mississippi.— The conference has included an additional $650,000 to perform additional maintenance dredging. Of the funds provided, up to $300,000 may be used for aquatic plant control activities.

Anchorage Harbor, Alaska.—The conferees have included an additional $2,000,000 for maintenance dredging of the harbor.

Chena River Lakes, Alaska.—The conferees have included an additional $775,000 for the additional deferred maintenance work of the Chena River Lakes project.

Nome Harbor, Alaska.—The conference has included an additional $1,000,000 for additional maintenance dredging of the harbor.

Cherry Creek, Chatfield, and Trinidad Lakes, Colorado.—The conferees have included an additional $1,549,000 for continued repairs at these three lakes. This action in no way is intended to alter the Corps of Engineers' lease and property accountability policies. It is the conference's understanding that the State of Colorado has agreed to cost share this project on a 50–50 basis. It is also the understanding of the conferees that the Secretary is not to assume, nor share in the future of the operation and maintenance of these recreation facilities. Of the funds provided, the Corps is directed to conduct a reallocation study for Chatfield Reservoir project.

Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland.—The conference recommendation includes $14,400,000 for this project. Within the funds provided, $500,000 is included for maintenance costs of the SR–1 Bridge and $100,000 for plans and specifications for the Summit Bridge approaches.

Apalachiacola, Chattahoochee and Flint Rivers, Georgia, Alabama, and Florida.—The conference has included an additional $5,231,000, which includes annual dredging of the river channel, annual operations and maintenance of the George W. Andrews Lock, spot dredging of shoals, continuation of slough mouth restoration, and routine operations and maintenance of the project.

Dworshak Dam and Reservoir, Idaho.—The conferees have included an additional $500,000 for site improvements and environmental compliance efforts.

Snake River Dredging, Idaho, Oregon, and Washington.—The conferees have recommended $250,000 for dredging completion of the Programmatic Dredged Material Management Plan/Supplemental Environmental Impact Statement and for maintenance dredging on the Snake River.

Ohio River Locks and Dams, Kentucky, Illinois, Indiana, and Ohio.— Within the funds provided, the Corps of Engineers is directed to utilize up to $2,500,000 in cooperation with Operation Respond, a non-profit organization, to implement a demonstration project collecting and integrating imagery of a selected segment of the Ohio Basin, gathering data from Federal and non-Federal interests, developing and testing software primarily for the use of emergency responders, and for stabilization measures for the Emery Lane bank failure at Indianapolis, Indiana.

Wolf Creek Dam, Lake Cumberland, Kentucky.—Additional funding includes $500,000 for parking improvements at Lee's Ford Marina, as well as additional funding for powerhouse-related repairs.

Mississippi River Between Missouri River and Minneapolis (MVR Portion), Illinois.—The conference recommendation includes $43,473,000. Within the funds provided, $1,000,000 is for continuation of the rehab of Lock and Dam 11.

Delaware River, Philadelphia to the Sea, New Jersey, Pennsylvania, and Delaware.—The conferees have included an additional $1,450,000 for completion of the Pea Patch Island project.

Council Grove Lake, Kansas.—The conference has included additional funding for the repair and upgrade of public use facilities.

Wilson Lake, Kansas.—The conference has provided additional funding for the Corps to conduct a reallocation study.

Barren River Lake, Kentucky.—The conferees have provided additional funding for the repair and upgrade of public use facilities.

J. Bennett Johnston Waterway, Louisiana.—The conference has included additional funding for bank stabilization repairs, dredging entrances to oxbow lakes, routine operation and maintenance activities, annual dredging requirements, and backlog maintenance.

Fort Peck Dam, Montana.—The conferees have included additional funds to complete the on-going construction work related to the site.

Cochiti Lake, New Mexico.—The conferees have provided additional funds for the continuation of studies that were initiated in fiscal year 2004, which include the proposed operational changes and gate automation and to begin the relocation of the Al Black area.

Garrison Dam and Lake Sakakawea, North Dakota.—The conference has provided additional funds for mosquito control and for deferred maintenance activities. The conference is aware that low lake levels on Lake Sakakawea, North Dakota have made the current marina located at Fort Stevenson unusable and expects the Army Corps to use funds within this account to relocate this marina to Garrison Bay.

Norfolk Harbor, Craney Island, Virginia.—The conference has provided additional funds in order to raise the containment dikes to provide the capacity needed for the Norfolk Harbor Deepening project.

Connecticut River Flood Control Dams, Vermont.—$250,000 has been provided for fish passage facilities at these projects.

Columbia & Lower Willamette River Below Vancouver, Washington and Portland, Oregon.—The conference recommendation includes $250,000 for the Astoria Boat Basin.

Regional Sediment Management Demonstration Program.—The conferees have provided $2,500,000 for this program. Within the funds provided, $500,000 is for the southeast coast of Oahu, Hawaii and $1,000,000 is for the Littoral Drift Restoration Program, Washington.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM (FUSRAP)

The conferees provide $165,000,000 for the Formerly Utilized Sites Remedial Action Program (FUSRAP). The additional funds are to be used to accelerate cleanup of existing FUSRAP sites and to address potential new sites that may qualify as eligible FUSRAP sites, such as the former Sylvania nuclear fuel site located in Hicksville, New York.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

The conferees provide $4,000,000 for the salaries and expenses of the Office of the Assistant Secretary of the Army (Civil Works). This office had previously been funded under the Operation and Maintenance, Army, appropriation.

GENERAL PROVISIONS—CORPS OF ENGINEERS

Sec. 101. The conference report includes language regarding credits and reimbursements.

Sec. 102. The conference report includes language regarding Tuscarawas County, Ohio.

Sec. 103. The conference report includes language about divesting civil works functions.

Sec. 104. The conference report includes language regarding Alamagordo, New Mexico.

Sec. 105. The conference report includes language regarding Stark County, Ohio.

Sec. 106. The conference report includes language regarding the St. Georges Bridge in Delaware.

Sec. 107. The conference report includes language regarding Lake Cumberland, Kentucky.

Sec. 108. The conference report includes language regarding the Lake Tahoe Basin in California and Nevada.

Sec. 109. The conference report includes language regarding the Lake Tahoe Watershed in California and Nevada.

Sec. 110. The conference report includes language regarding the Prado Dam in California.

Sec. 111. The conference report includes language regarding the Black Warrior-Tombigbee Rivers in Alabama.

Sec. 112 and Sec. 113. The conference report includes language regarding the submittal of Chief of Engineers reports.

Sec. 114. The conference report includes language regarding coastal wetlands conservation funding.

Sec. 115. The conference report includes language regarding Lake Sakakawea in North Dakota.

Sec. 116. The conference report includes language regarding Central City in Fort Worth, Texas.

Sec. 117. The conference report includes language regarding Alaska erosion.

Sec. 118. The conference report includes language regarding Cook Inlet, Alaska.

Sec. 119. The conference report includes language regarding Northern Wisconsin.

Sec. 120. The conference report includes language regarding St. Croix Falls, Wisconsin.

Sec. 121. The conference report includes language regarding Burns Harbor, Indiana.

Sec. 122. The conference report includes language regarding Duck River, Alabama.

Sec. 123. The conference report includes language regarding Yakutat, Alaska.

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
ALABAMA				
BREWTON AND EAST BREWTON, AL	145	---	145	---
CAHABA RIVER WATERSHED, AL	50	---	75	---
VILLAGE CREEK, JEFFERSON COUNTY (BIRMINGHAM WATERSHED)	233	---	233	---
ALASKA				
ADAK, AK	---	---	50	---
AKUTAN HARBOR, AK	135	---	135	---
ALASKA REGIONAL PORTS, AK	150	---	200	---
ANCHORAGE HARBOR DEEPENING, AK	50	---	125	---
BARROW COASTAL STORM DAMAGE REDUCTION, AK	1,000	---	700	---
COFFMAN COVE, AK	---	---	100	---
CRAIG HARBOR, AK	50	---	150	---
DELONG MOUNTAIN HARBOR, AK	250	---	625	---
EKLUTNA RIVER WATERSHED, AK	50	---	425	---
HAINES HARBOR, AK	135	---	218	---
HOMER HARBOR MODIFICATION, AK	300	---	450	---
KAKTOVIK, AK	50	---	50	---
KENAI EROSION CONTROL, AK	---	---	500	---
KETCHIKAN HARBOR, AK	50	---	150	---
KLAWACK HARBOR, AK	---	---	50	---
KNIK BRIDGE CROSSING, AK	---	---	100	---
KOTZEBUE SMALL BOAT HARBOR, AK	50	---	50	---
LITTLE DIOMEDE HARBOR, AK	50	---	150	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
MATANUSKA RIVER EROSION, AK	---	---	125	---
MCGRATH, AK	50	---	175	---
MEKORYUK HARBOR, AK	50	---	150	---
PORT LIONS HARBOR, AK	100	---	100	---
SAINT GEORGE NAVIGATION IMPROVEMETS, AK	50	---	425	---
SKAGWAY RIVER, AK	50	---	125	---
UNALAKLEET HARBOR, AK	50	---	275	---
UNALASKA HARBOR, AK	150	---	325	---
VALDEZ HARBOR, AK	---	---	150	---
WHITTIER BREAKWATER, AK	50	---	50	---
YAKUTAT, AK	---	---	1,000	---
ARIZONA				
AGUA FRIA, AZ	---	---	25	---
GILA RIVER & TRIBS, AZ	---	---	25	---
NAVAJO NATION, AZ	---	---	25	---
PIMA COUNTY, AZ	713	---	713	---
RILLITO RIVER, PIMA COUNTY, AZ	253	---	253	---
RIO SALADO OESTE , SALT RIVER, AZ	---	---	478	---
SANTA CRUZ RIVER, GRANT RD TO FT LOWELL RD, AZ	100	---	253	93
SANTA CRUZ RIVER, PASEO DE LAS IGLESIAS, AZ	339	---	339	---
VA SHLY-AY AKIMEL SALT RIVER RESTORATION PROJECT, AZ	349	---	---	750

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
ARKANSAS				
ARKANSAS RIVER LEVEES, AR	---	---	---	125
ARKANSAS RIVER NAVIGATION STUDY, AR & OK	500	---	500	---
HOT SPRINGS, AR	---	---	67	---
MAY BRANCH, FORT SMITH, AR	---	---	---	25
NORTH LITTLE ROCK, AR	---	---	---	50
PINE MOUNTAIN DAM, AR	---	---	---	100
WHITE RIVER BASIN COMPREHENSIVE, AR & MO	1,000	---	1,000	---
WHITE RIVER MINIMUM FLOWS, AR AND MO	---	---	---	150
WHITE RIVER NAVIGATION TO NEWPORT, AR	---	---	---	100
CALIFORNIA				
ALISO CREEK MAINSTEM, CA	265	---	265	---
AMERICAN RIVER WATERSHED, CA	---	415	---	---
ARANA GULCH WATERSHED, CA	100	---	100	---
ARROYO SECO WATERSHED RESTORATION, CA	---	---	175	---
BALLONA CREEK ECOSYSTEM RESTORATION, CA	---	---	225	---
BOLINAS LAGOON ECOSYSTEM RESTORATION, CA	---	---	100	50
CALAVERAS COUNTY WATERSHEDS, CA	---	---	---	---
CALIFORNIA COASTAL SEDIMENT MASTER PLAN, CA	32	---	116	---
CITY OF CARPENTERIA, CA	---	---	100	---
CITY OF INGLEWOOD, CA	---	---	400	---
CITY OF NORWALK, CA	---	---	160	---
CITY OF SAN BERNADINO, CA	---	---	75	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
COAST OF CALIFORNIA, LOS ANGLES COUNTY, CA	---	---	450	---
COYOTE DAM, CA	200	---	200	---
DESERT HOT SPRINGS, CA	---	---	200	---
ESTUDILLO CANAL, SAN LEANDRO, CA	---	---	29	---
GRAYSON AND MURDERER'S CREEKS, WALNUT CREEK BASIN, CA	300	---	200	---
HUMBOLDT BAY LONG TERM SHOAL MANAGEMENT, CA	---	---	123	---
LAGUNA CREEK WATERSHED, CA	---	---	29	---
LAGUNA DE SANTA ROSA, CA	200	---	200	---
LAKE ELSINORE ENVIRON RESTOR, CA	---	---	25	---
LA RIVER WATERCOURSE, SAN JOSE CREEK, CA	---	---	50	---
LLAGAS CREEK FLOOD PROTECTION PROJECT, CA	---	---	---	325
LOS ANGELES COUNTY DRAINAGE AREA, CORNFIELDS, CA	32	---	45	---
LA COUNTY DREDGE MATERIAL MGMT, CA	---	---	38	---
LOS ANGELES COUNTY, CA	630	---	630	---
LOS ANGELES RIVER WATERCOURSE, HEADWORKS AREA, CA	---	---	225	---
LOWER CACHE CREEK, YOLO COUNTY, WOODLAND AND VICINITY,	---	300	---	300
LOWER MISSION CREEK (FLOOD CONTROL AND CREEK REHABILIT	---	---	---	200
MALIBU CREEK WATERSHED, CA	325	---	325	---
MARINA DEL REY AND BALLONA CREEK, CA	175	---	175	---
MATILIJA DAM, CA	375	---	388	---
MORRO BAY ESTUARY, CA	---	---	175	---
MUGU LAGOON, CA	140	---	184	---
NAPA RIVER SALT MARSH RESTORATION, CA	---	---	---	250
NAPA VALLEY WATERSHED MANAGEMENT, CA	200	---	200	---
NEWPORT BAY LA-3 SITE DESIGNATION, CA	---	---	100	---
NEWPORT BAY, SAN DIEGO CREEK WATERSHED, CA	---	---	86	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
N CA STREAMS, LOWER SACRA, CA	---	---	100	---
OCEAN BEACH, CA	200	---	200	---
ORANGE COUNTY SPECIAL AREA MANAGEMENT PLAN, CA	---	---	195	---
PAJARO RIVER BASIN, CA	---	---	50	---
PAJARO RIVER AT WATSONVILLE, CA	---	400	---	400
PINE FLAT DAM, CA	---	---	---	25
POSO CREEK, CA	200	---	200	---
RIVERSIDE COUNTY SPECIAL AREA MANAGEMENT PLAN, CA	---	---	300	---
RUSSIAN RIVER ECOSYSTEM RESTORATION, CA	200	---	250	---
SACRAMENTO - SAN JOAQUIN DELTA, CA	200	---	200	---
SACRAMENTO AND SAN JOAQUIN COMPREHENSIVE BASIN STUDY,	500	---	1,000	---
SAN BERNARDINO COUNTY, CA	100	---	100	---
SAN CLEMENTE SHORELINE, CA	178	---	178	---
SAN DIEGO COUNTY SHORLINE, CA	---	---	125	100
SAN DIEGO COUNTY SPECIAL AREA MANAGEMENT PLAN, CA	---	---	150	---
SAN FRANCISQUITO CREEK, CA	---	---	100	---
SAN JOAQUIN RIVER BASIN, CONSUMMES, CA	---	---	100	---
SAN JOAQUIN RB, WEST STANISLAUS COUNTY, ORESTIMBA CREE	200	---	200	---
SAN JOAQUIN RIVER BASIN, FRAZIER CREEK, CA	130	---	130	---
SAN JOAQUIN RIVER BASIN, TUOLUMNE RIVER, CA	200	---	200	---
SAN JUAN CREEK WATERSHEAD	---	---	50	---
SAN JUAN CREEK, SOUTH ORANGE COUNTY, CA	---	---	18	---
SAN PABLO BAY WATERSHED, CA	300	---	400	---
SANTA ANA RIVER AND TRIBUTARIES, BIG BEAR LAKE, CA	1,000	---	1,000	---
SANTA CLARA RIVER STUDY, CA	---	---	200	---
SANTA CLARA RIVER, WATERSHED MANAGEMENT, CA	---	---	225	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
SANTA ROSA CREEK ECOSYSTEM RESTORATION, CA	500	---	525	---
SANTA ROSA CREEK WATERSHED, CA	---	---	60	---
SOLANA BEACH / ENCINITAS SHORELINE PROTECTION STUDY, C	---	---	121	250
SONOMA CREEK AND TRIBUTARIES, CA	274	---	274	---
SOUTH SAN FRANCISCO SHORELINE STUDY, CA	---	---	325	---
SOUTHERN CALIFORNIA WETLANDS RESTORATION, CA	100	---	---	---
STRONG AND CHIOCKEN RANCH SLOUGH,CA	---	---	25	---
SUN VALLEY WATERSHED, CA	---	---	38	---
SUTTER COUNTY, CA	275	---	275	---
TAHOE BASIN, CA	---	---	---	1,000
TIJUANA RIVER ENVIRONMENTAL RESTORATION, CA	---	---	38	---
TIJUANA RIVER VALLEY, CA	---	---	100	---
UPPER GUADALUPE, CA	---	---	---	75
UPPER PENITENCIA CREEK, CA	46	---	273	---
UPPER SANTA ANA, CA	---	---	75	---
VENTURA AND SANTA BARBARA, CA	---	---	50	---
VENTURA HARBOR SAND BYPASS, CA	---	---	211	---
WESTMINSTER, COYOTE AND CARBON CANYON CREEK WATERSHEDS	122	---	122	---
WESTMINSTER, EAST GARDEN GROVE, CA	416	---	416	---
WHITE RIVER AND DEER CREEK, CA	100	---	50	---
WHITEWATER RIVER BASIN, CA	---	---	---	75
WILDCAT AND SAN PABLO CREEKS, CA	100	---	100	---
YUBA RIVER BASIN, CA	---	100	---	350

COLORADO

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
ADAMS COUNTY, CO	225	---	225	---
BOULDER CREEK, CO	100	---	---	---
CACHE LA POUDRE, CO	185	---	185	---
CHATFIELD, CHERRY CREEK AND BEAR CREEK RESERVOIRS, CO.	200	---	200	---
FOUNTAIN CREEK AND TRIBUTARIES, CO	273	---	273	---
ZUNI AND SUN VALLEY REACHES, PLATTE RIVER, CO	---	---	---	38
COMMONWEALTH OF NORTHERN MARIANA ISLANDS				
ROTA HARBOR MODIFICATIONS, CNMI	50	---	50	---
TINIAN HARBOR MODIFICATIONS, CNMI	50	---	50	---
DELAWARE				
CHESAPEAKE & DELAWARE CANAL, ENV RESTORATION, DE & MD.	100	---	---	---
FLORIDA				
BISCAYNE BAY FEASIBILITY STUDY, FL	---	---	75	---
DAYTONA BEACH SHORES, VOLUSIA COUNTY, FL	---	---	225	---
EGMONT KEY SHORELINE STABILIZATION, FL	---	---	500	---
FLAGLER COUNTY, FL	---	---	75	---
HILLSBOROUGH RIVER, FL	200	---	200	---
LAKE WORTH INLET, PALM BEACH COUNTY, FL	100	---	100	---
LITTE TALBOT ISLAND, FL	---	---	---	25
MILE POINT, FL	500	---	500	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
PORT EVERGLADES HARBOR, FL	---	---	63	25
SARASOTA COUNTY, LIDO KEY, FL	---	---	---	150
ST. JOHNS COUNTY, FL	---	---	25	---
ST. LUCIE COUNTY, FL	---	---	75	---
ST PETERSBURG HARBOR, FL	---	---	---	200
WALTON COUNTY, FL	100	---	100	---
WITHLACOOCHEE RIVER, FL	100	---	250	---
GEORGIA				
AUGUSTA, GA	---	---	75	---
ALLATOONA LAKE, GA	150	---	450	---
ARABIA MOUNTAIN, GA	100	---	100	---
INDIAN, SUGAR, ENTRENCHMENT AND FEDERAL PRISON CREEKS,	100	---	100	---
LONG ISLAND, MARSH AND JOHNS CREEKS, GA	122	---	122	---
SAVANNAH HARBOR ECOSYSTEM RESTORATION, GA	250	---	250	---
SAVANNAH HARBOR EXPANSION, GA	---	200	---	500
SAVANNAH RIVER BASIN COMPREHENSIVE, GA & SC	250	---	250	---
TYBEE ISLAND NORTH BEACH SHORE PROTECTION PROJECT, GA.	---	---	110	---
UTOY, SANDY AND PROCTOR CREEKS, GA	50	---	50	---
GUAM				
HAGATNA RIVER FLOOD CONTROL, GUAM	100	---	150	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
HAWAII				
ALA WAI CANAL, OAHU, HI	150	---	150	---
BARBERS POINT HARBOR MODIFICATION, OAHU, HI	50	---	50	---
KAHUKU, HI	100	---	100	---
KAWAIHAE DEEP DRAFT HARBOR MODIFICATIONS, HAWAII, HI	150	---	150	---
KIHEI AREA EROSION, HI	50	---	50	---
NAWILIWILI HARBOR MODIFICATION, KAUAI, HI	50	---	50	---
WAIKIKI BEACH, HONOLULU, HI	---	---	---	300
WAILUPE STREAM FLOOD CONTROL STUDY, HI	---	---	---	300
IDAHO				
BOISE RIVER, ID	---	---	155	---
LITTLE WOOD RIVER, ID	---	---	---	50
ILLINOIS				
ALEXANDER & PULASKI COUNTIES, IL	---	---	50	---
DES PLAINES RIVER, IL (PHASE II)	800	---	1,300	---
GREAT LAKES FISHERY AND ECOSYS RESTOR, IL	---	---	18	---
ILLINOIS RIVER AT BEARDSTOWN, IL	32	---	32	---
ILLINOIS RIVER BASIN RESTORATION, IL	400	---	500	---
ILLINOIS RIVER ECOSYSTEM RESTORATION, IL	200	---	200	---
ILLINOIS SHORELINE EROSION, IL	60	---	60	---
KEITH CREEK, ROCKFORD, IL	32	---	32	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
PEORIA RIVERFRONT DEVELOPMENT, IL	---	100	---	100
ROCK RIVER, IL & WI	200	---	200	---
UPPER MISSISSIPPI & ILINOIS RIVERS NAVIGATION STUDY, I	---	---	355	13,500
UPPER MISS RVR COMPREHENSIVE PLAN, IL, IA, MO, MN & WI	944	---	1,172	---
WOOD RIVER LEVEE, IL	---	185	---	185
INDIANA				
INDIANA HARBOR, IN	500	---	500	---
JOHN T MYERS LOCKS AND DAM, IN & KY	---	700	---	350
IOWA				
CLEAR LAKE WATERSHED, IA	---	---	193	---
DAVENPORT, IA	---	156	---	100
DES MOINES AND RACCOON RIVERS, IA	150	---	150	25
LOWER DES MOINES RIVER, IA	---	---	25	---
KANSAS				
BRUSH CREEK BASIN, KS & MO	75	---	138	---
GRAND (NEOSHO) RIVER BASIN WATERSHED, KS & OK	---	---	75	---
MANHATTAN, KS	110	---	155	---
TOPEKA, KS	70	---	109	---
UPPER TURKEY CREEK, KS	300	---	300	---
WALNUT AND WHITEWATER RIVER WATERSHEDS, KS	219	---	235	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
KENTUCKY				
DEWEY LAKE, KY	---	---	50	---
GREENUP LOCKS AND DAM, OHIO RIVER, KY & OH	---	310	---	450
LICKING RIVER, KY	---	---	50	---
METROPOLITAN LOUISVILLE, JEFFERSON COUNTY, KY	100	---	50	50
METROPOLITAN LOUISVILLE, MILL CREEK BASIN, KY	90	---	45	---
METROPOLITAN LOUISVILLE, SOUTHWEST, KY	244	---	122	122
OHIO RIVER MAIN STEM SYSTEMS STUDY, KY, IL, IN, PA, WV	1,080	---	1,580	---
LOUISIANA				
AMITE RIVER AND TRIBUTARIES ECOSYSTEM RESTORATION, LA.	250	---	250	---
AMITE RIVER AND TRIBUTARIES, BAYOU MANCHAC, LA	100	---	100	---
ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF AND BLACK, L	350	---	850	---
BAYOU SORREL LOCK, LA	---	550	---	550
BOSSIER PARISH, LA	---	---	193	---
CALCASIEU LOCK, LA	200	---	250	---
CALCASIEU RIVER BASIN, LA	350	---	350	---
CALCASIEU RIVER PASS SHIP CHANNEL ENLARGEMENT, LA	50	---	125	---
CROSS LAKE WATER SUPPLY IMPROVEMENTS, LA	---	---	200	---
HURRICANE PROTECTION, LA	---	---	100	---
LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LA	8,000	---	8,500	---
MISSISSIPPI RIVER GULF OUTLET ECOSYSTEM RESTORATION, L	225	---	---	---
PLAQUEMINES PARISH URBAN FLOOD CONTROL, LA	300	---	350	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
PORT OF IBERIA, LA	350	---	575	---
RED RIVER NAVIGATION, SOUTHWEST ARKANSAS, AR AND LA	---	---	25	---
ST BERNARD PARISH URBAN FLOOD CONTROL, LA	300	---	350	---
ST CHARLES PARISH URBAN FLOOD CONTROL, LA	300	---	650	---
ST. JOHN THE BAPTIST, LA	---	---	175	---
WEST BATON ROUGE, LA	---	---	---	50
WEST SHORE, LAKE PONTCHARTRAIN, LA	---	---	---	150
MAINE				
SEARSPORT HARBOR, ME	---	---	63	---
MARYLAND				
ANACOSTIA RIVER AND TRIBUTARIES, MD & DC	---	---	160	---
ANACOSTIA RIVER AND TRIBUTARIES, PG COUNTY LEVEE, MD &	100	---	100	---
BALTIMORE METRO WATER, MD	---	---	---	50
CHES BAY SHORELINE-SEDI BUDG, MODEL & REG SEDI MGT, MD	220	---	220	---
CHESAPEAKE BAY SHORELINE EROSION, MD, PA & VA	221	---	361	---
EASTERN SHORE, MID CHESAPEAKE BAY ISLAND, MD	324	---	912	---
JENNINGS RANDOLF LAKE, MD	---	---	25	---
LOWER POTOMAC ESTUARY WATERSHED, ST MARY'S WATERSHED,	103	---	103	---
MIDDLE POTOMAC RIVER BASIN, MD	---	---	200	---
MASSACHUSETTS				

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	----- BUDGET REQUEST ----		------- CONFERENCE ------	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
BLACKSTONE RIVER WATERSHED RESTORATION, MA & RI.......	100	---	100	---
BOSTON HARBOR (45-FOOT CHANNEL), MA..................	650	---	650	---
COASTAL MASSACHUSETTE, MA............................	---	---	25	---
SOMERSET AND SEARSBURG DAMS, MA......................	---	---	---	25
MICHIGAN				
BELLE ISLE SHORELINE, MI.............................	---	---	50	---
DETROIT RIVER MASTERPLAN, MI.........................	---	---	175	---
GREAT LAKES NAV SYST STUDY, MI, IL, IN, MN, NY, OH, PA	800	---	1,650	---
JOHN GLENN GREAT LAKES BASIN (STRATEGIC PLAN), MI, IL,	---	---	50	---
JOHN GLENN GREAT LAKES BASIN (BIOHYDROLOGICAL), MI, IL	---	---	50	---
JOHN GLENN GREAT LAKES BASIN (RECREATION BOATING), MI,	---	---	50	---
ROUGE RIVER SUPP PLAN, MI............................	---	---	25	---
ST. CLAIR RIVER & LAKE ST. CLAIR, MI.................	---	---	75	---
MINNESOTA				
MINNEHAHA CREEK WATERSHED, UMR LAKE ITASCA TO L&D 2, M	300	---	300	---
MINNESOTA RIVER BASIN, MN & SD.......................	43	---	43	---
RED RIVER OF THE NORTH BASIN, MN, ND, SD & MANITOBA, C	751	---	751	---
ROSEAU, MN (RED RIVER OF THE NORTH BASIN)............	149	---	149	---
SOUTH WASHINGTON CTY WATERSHED, UMR LAKE ITASCA TO L&D	300	---	300	---
WILD RICE RIVER, MN (RED RIVER OF THE NORTH BASIN)....	400	---	400	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
MISSISSIPPI				
GULFPORT AND HARRISON, MS	---	---	50	---
HANCOCK COUNTY SEAWALL RESTORATION, MS	200	---	200	---
NORTHEAST MISSISSIPPI REGIONAL WATER SUPPLY DISTRICT,	---	---	150	---
PEARL RIVER WATERSHED, MS	400	---	400	---
MISSOURI				
CHESTERFIELD, MO	---	---	---	50
KANSAS CITYS, MO & KS	325	---	375	---
MISSOURI RIVER LEVEE SYSTEM, UNITS L455 & R460-471, MO	60	---	180	---
RIVER DES PERES, MO	---	---	---	25
SPRINGFIELD, MO	500	---	500	---
ST LOUIS FLOOD PROTECTION, MO	---	450	---	450
ST. LOUIS HARBOR, MO	---	---	---	25
ST LOUIS MISSISSIPPI RIVERFRONT, MO & IL	338	---	338	---
SWOPE PARK INDUSTRIAL AREA, KANSAS CITY, MO	---	---	---	200
WEARS CREEK, JEFFERSON CITY, MO	50	---	50	---
MONTANA				
YELLOWSTONE RIVER CORRIDOR, MT	158	---	158	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
NEBRASKA				
LOWER PLATTE RIVER AND TRIBUTARIES, NE	257	---	257	---
NEVADA				
LOWER LAS VEGAS N LAS VEGAS, NV	---	---	350	---
TAHOE REGIONAL PLANNING, NV	---	---	600	---
TRUCKEE MEADOWS, NV	---	1,000	---	2,500
NEW HAMPSHIRE				
MERRIMACK RIVER WATERSHED STUDY, NH & MA	200	---	250	---
NEW JERSEY				
DELAWARE RIVER BASIN COMPREHENSIVE, NJ, PA & DE	---	---	150	---
GOFFLE BROOK, BOROUGH OF HAWTHORNE, NJ	25	---	25	---
GREAT EGG HARBOR INLET TO TOWNSEND INLET, NJ	---	135	---	132
HUDSON - RARITAN ESTUARY, HACKENSACK MEADOWLANDS, NJ	100	---	350	---
HUDSON - RARITAN ESTUARY, LOWER PASSAIC RIVER, NJ	50	---	250	---
LOWER SADDLE RIVER	---	---	25	---
MANASQUAN INLET TO BARNEGAT INLET, NJ	---	---	---	175
MID DELAWARE RIVER BASIN COMPREHENSIVE, NJ & PA	---	---	25	15
NEW JERSEY INTRACOASTAL WATERWAY, ENVIRONMENTAL RESTOR	---	---	---	75
NEW JERSEY SHORE PROTECTION, HEREFORD TO CAPE MAY INLE	460	---	460	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
NEW JERSEY SHORELINE ALTERNATIVE LONG-TERM NOURISHMENT	256	---	256	---
PASSAIC RIVER ENVIRO RESTOR	---	---	25	---
PASSAIC RIVER, HARRISON, NJ	---	200	---	475
PECKMAN RIVER BASIN, NJ	100	---	250	---
RAHWAY RIVER BASIN, NJ	100	---	175	---
RARITAN BAY AND SANDY HOOK BAY, HIGHLANDS, NJ	150	---	200	---
RARITAN BAY AND SANDY HOOK BAY, KEYPORT, NJ	150	---	200	---
RARITAN BAY AND SANDY HOOK BAY, LEONARDO, NJ	198	---	224	---
RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NJ	---	---	---	75
RARITAN BAY & SANDY HOOK PORT MONMOUTH, NJ	---	---	---	25
SHREWSBURY RIVER AND TRIBUTARIES, NJ	100	---	100	---
SOUTH RIVER, RARITAN RIVER BASIN, NJ	---	50	---	150
STONY BROOK, MILLSTONE RIVER BASIN, NJ	100	---	100	---
UPPER ROCKAWAY RIVER, NJ	---	---	38	---
WOODBRIDGE RIVER BASIN, NJ	100	---	200	---
NEW MEXICO				
EAST MESA LAS CRUCES, NM	106	---	106	---
ESPANOLA VALLEY, RIO GRANDE AND TRIBUTARIES, NM	50	---	125	---
MIDDLE RIO GRANDE BOSQUE, NM	175	---	225	---
RIO GRANDE BASIN, NM, CO & TX	125	---	125	---
SANTA FE, NM	175	---	250	---
SW VALLEY FLOOD REDUCTION, NM	---	---	---	350

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
NEW YORK				
BRONX RIVER BASIN, NY	50	---	150	---
BUFFALO RIVER ENVIRONMENTAL DREDGING, NY	130	---	130	---
EAST RIVER SEAWALLS, NY	---	---	275	---
EIGHTEEN MILE CREEK, NY	---	---	88	---
FREEPORT CREEK, NY	---	---	13	---
FLUSHING BAY AND CREEK, NY	---	---	125	38
GATEWAY POINT, NY	---	---	25	---
HUDSON RIVER HABITAT RESTOR, NY	---	---	13	13
HUDSON - RARITAN ESTUARY, GOWANUS CANAL, NY	150	---	300	---
HUDSON - RARITAN ESTUARY, NY & NJ	450	---	475	---
JAMAICA BAY, NY	---	---	25	---
LAKE MONTAUK HARBOR, NY	300	---	300	---
MONTAUK POINT, NY	---	---	---	100
NY HARBOR ANCHORAGES, NY	---	---	25	50
NORTH SHORE OF LONG ISLAND, ASHAROKEN, NY	175	---	190	---
NORTH SHORE OF LONG ISLAND, BAYVILLE, NY	200	---	200	---
SAW MILL RIVER, NY	---	---	25	---
ONONDAGA LAKE, NY	400	---	800	---
SOUTH SHORE OF STATEN ISLAND, NY	---	---	155	---
SUSQUEHANNA RIVER BASIN, NY	---	---	50	---
TOWANDA CREEK, NY	---	---	25	---
UPPER DELAWARE RIVER WATERSHED, NY	---	---	25	---
UPPER SUSQUEHANNA RIVER BASIN, CATATONK CREEK WATERSHE	49	---	49	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
NORTH CAROLINA				
BOGUE BANKS, NC	---	---	75	---
CURRITUCK SOUND, NC	210	---	210	---
DARE COUNTY BEACHES, HATTERAS AND ORACOKE ISLANDS, NC	250	---	250	---
NEUSE RIVER BASIN, NC	120	---	120	---
SURF CITY AND NORTH TOPSAIL BEACH, NC	214	---	214	---
TAR RIVER AND PAMLICO SOUND, NC	66	---	66	---
OHIO				
ASHTABULA RIVER ENVIRONMENTAL DREDGING, OH	---	564	---	564
CINCINNATI CENTRAL RIVERFRONT, OH	---	---	50	---
COLUMBUS METROPOLITAN AREA, OH	50	---	50	---
CUYAHOGA RIVER BULKHEAD STUDY, CLEVELAND, OH	---	---	100	---
DUCK CREEK, OH	---	---	25	---
HOCKING RIVER BASIN ENVIRONMENTAL RESTORATION, MONDAY	---	---	---	350
MAHONING RIVER ENVIRONMENTAL DREDGING, OH & PA	450	---	675	---
MUSKINGUM BASIN SYSTEM STUDY, OH	---	---	50	100
OHIO RIVERFRONT, CINCINNATI, OH	---	---	---	2,000
WESTERN LAKE ERIE BASIN, OH, IN & MI	210	---	210	---
OKLAHOMA				
GRAND LAKE, OK	---	---	300	---
MIAMI AND VICINITY, OK	177	---	177	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
MOUNTAIN FORK RIVER WATERSHED, OK & AR	---	---	25	---
OOLOGAH LAKE WATERSHED, OK & KS	200	---	200	---
SPAVINAW CREEK WATERSHED, OK & AR	---	---	25	---
WASHITA RIVER BASIN, OK	---	---	132	---
WISTER LAKE, OH	---	---	25	---
OREGON				
AMAZON CREEK, OR	264	---	264	---
LOWER COLUMBIA RIVER ECOSYSTEM RESTORATION, OR & WA	136	---	136	---
WALLA WALLA RIVER WATERSHED, OR & WA	500	---	750	---
WILLAMETTE RIVER BASIN REVIEW, OR	61	---	61	---
WILLAMETTE RIVER ENVIRONMENTAL DREDGING, OR	228	---	228	---
WILLAMETTE RIVER FLOODPLAIN RESTORATION, OR	411	---	411	---
PENNSYLVANIA				
CHRISTINA RIVER, PA & DE	---	---	---	100
EMS., DASH., MONTGOMERY LOCKS, PA	---	---	50	---
SCHUYLKILL RIVER BASIN ESTUARINE, PA	50	---	50	---
SCHUYLKILL RIVER BASIN, WISSAHICKON CREEK BASIN, PA	100	---	100	---
SUSQUEHANNA AND DELAWARE RIVER BASIN (SOUTHERN ANTHRAC	---	---	250	---
TOWN OF BLOOMSBURG LOCAL FLOOD PROTECTION PROJECT, PA	---	---	---	125
UNAMI CREEK, PA	10	---	10	---
UPPER OHIO NAVIGATION STUDY, PA	500	---	500	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
PUERTO RICO				
RIO YAGUEZ IN MAYAGUEZ, PR	35	---	35	---
SOUTH CAROLINA				
ATLANTIC INTRACOASTAL WATERWAY, SC	---	---	200	---
BROAD RIVER BASIN, SC	16	---	16	---
EDISTO ISLAND, SC	---	---	75	---
PAWLEYS ISLAND, SC	---	---	---	187
REEDY RIVER, SC	194	---	194	---
SANTEE DELTA ENVIRONMENTAL RESTORATION, SC	23	---	23	---
WACCAMAW RIVER, SC	50	---	50	---
SOUTH DAKOTA				
JAMES RIVER, SD & ND	200	---	500	---
WATERTOWN & VICINITY, SD	---	---	---	237
TENNESSEE				
DAVIDSON COUNTY, TN	214	---	675	---
TEXAS				
ABILENE, TX (BRAZOS RIVER BASIN)	---	---	125	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
BRAZOS ISLAND HARBOR, BROWNSVILLE CHANNEL, TX	500	---	---	---
BUFFALO BAYOU & TRIBS (MAIN), TX	---	---	---	50
BUFFALO BAYOU AND TRIBUTARIES, WHITE OAK BAYOU, TX	350	---	350	---
CEDAR BAYOU, TX	---	135	---	135
COLONIAS - LOWER RIO GRANDE BASIN, TX	---	---	---	175
CORPUS CHRISTI SHIP CHANNEL, TX	---	800	---	800
FREEPORT HARBOR, TX	300	---	500	---
FREEPORT HURRICANE PROTECTION LEVEE, TX	150	---	75	---
GIWW MODIFICATIONS, TX	350	---	175	---
GIWW, BRAZOS RIVER TO PORT O'CONNOR, TX	250	---	150	---
GIWW HIGH ISLAND TO BRAZOS RIVER, TX	---	---	---	50
GIWW HIGH ISLAND TO BRAZOS RIVER REALIGNMENTS, TX	275	---	138	---
GIWW MATAGORDA BAY, TX	---	---	---	50
GIWW, PORT O'CONNOR TO CORPUS CHRISTI BAY, TX	250	---	150	---
GIWW, VICINITY OF PORT ISABEL, TX	---	---	666	---
GREENS BAYOU, HOUSTON, TX	---	340	---	340
GUADALUPE AND SAN ANTONIO RIVER BASINS, TX	250	---	500	---
HARRIS GULLY, TX	250	---	525	---
LEON CREEK, TX	200	---	200	---
LOWER COLORADO RIVER BASIN, TX	1,200	---	1,450	---
LOWER GUADALUPE AND SAN ANTONIO RIVERS, TX	250	---	125	---
LOWER SABINE RIVER, TX	200	---	200	---
LOWER SAN ANTONIO RIVER BASIN (TRI-COUNTY), TX	200	---	300	---
MATAGORDA SHIP CHANNEL, TX	300	---	200	---
MIDDLE BRAZOS RIVER, TX	150	---	150	---
NORTHWEST EL PASO, TX	305	---	305	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
NUECES RIVER AND TRIBUTARIES, TX	500	---	500	---
RAYMONDVILLE DRAIN, TX	---	300	---	350
RESACAS AT BROWNSVILLE, TX	250	---	250	---
RIVERSIDE OXBOW, UPPER TRINITY RIVER BASIN, FT WORTH,	---	---	---	150
RIO GRANDE BASIN, TX	---	---	50	---
SABINE - NECHES WATERWAY, TX	350	---	375	---
SABINE PASS TO GALVESTON BAY, TX	325	---	325	---
SALADO CREEK, TX	180	---	180	---
SOUTH MAIN CHANNEL, TX	---	---	169	25
SPARKS ARROYO COLONIA, EL PASO COUNTY, TX	256	---	256	---
SULPHUR RIVER ENVIRONMENTAL RESTORATION, TX	---	---	50	---
TEXAS CITY CHANNEL (50-FOOT PROJECT), TX	---	1,180	---	1,180
UPPER TRINITY RIVER BASIN, TX	600	---	950	---
VERMONT				
CONNECTICUT RIVER ECOSYSTEM RESTORATION, VT	---	---	50	---
VIRGINIA				
ATLANTIC INTRACOASTAL WATERWAY, BRIDGES AT DEEP CREEK,	---	---	---	256
DISMAL SWAMP AND DISMAL SWAMP CANAL, VA	100	---	100	---
ELIZABETH RIVER BASIN, ENV RESTORATION, VA (PHASE II)	232	---	232	---
ELIZABETH RIVER HAMPTON RD., VA	---	---	---	38
FOURMILE RUN, VA	350	---	375	---
GAITHRIGHT DAM, VA	---	---	50	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
JAMES RIVER CHANNEL, VA	---	---	---	50
JOHN H KERR DAM AND RESERVOIR, VA & NC (SECTION 216)	290	---	290	---
LYNNHAVEN RIVER BASIN, VA	483	---	483	---
NORFOLK HARBOR AND CHANNELS, CRANEY ISLAND, VA	---	---	239	---
PHILPOT LAKE, VA	---	---	50	---
POWELL RIVER WATERSHED, VA	200	---	200	---
VICINITY AND WILOUGHBY SPIT, VA	---	---	---	50
VIRGIN ISLANDS				
CROWN BAY CHANNEL, ST. THOMAS, VI	---	---	---	141
WASHINGTON				
CENTRALIA, WA	---	---	---	50
CHEHALIS RIVER BASIN, WA	340	---	340	---
ELLIOTT BAY SEAWALL, WA	240	---	270	---
LAKE WASHINGTON SHIP CANAL, WA	450	---	450	---
PUGET SOUND NEARSHORE MARINE HABITAT RESTORATION, WA	450	---	525	---
SKAGIT RIVER, WA	450	---	525	---
STILLAGUAMISH, WA	---	---	50	---
WHITE RIVER FLOOD CONTROL AND ECOSYSTEM RESTORATION, W	450	---	450	---
WEST VIRGINIA				
ISLAND CREEK AT LOGAN, WV	---	---	---	59

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
LITTLE KANAWHA RIVER, WV	125	---	210	---
NEW RIVER BASIN, WV, NC & VA	160	---	265	---
WISCONSIN				
BARABOO RIVER, WI	270	---	270	---
FOX RIVER, WI	200	---	200	---
ST. CROIX RIVER BASIN, MN & WI	---	---	200	---
MISCELLANEOUS				
COASTAL FIELD DATA COLLECTION	1,875	---	4,875	---
ENVIRONMENTAL DATA STUDIES	94	---	94	---
FLOOD DAMAGE DATA	248	---	248	---
FLOOD PLAIN MANAGEMENT SERVICES	5,625	---	6,813	---
GREAT LAKES REMEDIAL ACTION PLANS	---	---	250	---
HYDROLOGIC STUDIES	300	---	300	---
INTERNATIONAL WATER STUDIES	300	---	300	---
NATIONAL SHORELINE	375	---	375	---
OTHER COORDINATION PROGRAMS	3,899	---	4,300	---
PLANNING ASSISTANCE TO STATES	4,650	---	8,000	---
PRECIPITATION STUDIES (NATIONAL WEATHER SERVICE)	225	---	225	---
REMOTE SENSING/GEOGRAPHIC INFORMATION SYSTEM SUPPORT	152	---	152	---
RESEARCH AND DEVELOPMENT	20,800	---	25,000	---
SCIENTIFIC AND TECHNICAL INFORMATION CENTERS	78	---	78	---
STREAM GAGING (U.S. GEOLOGICAL SURVEY)	600	---	600	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
TRANSPORTATION SYSTEMS	375	---	375	---
TRI-SERVICE CADD/GIS TECHNOLOGY CENTER	402	---	402	---
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-22,464	---	-35,545	---
TOTAL, GENERAL INVESTIGATIONS	81,930	8,570	109,877	34,623

CONSTRUCTION GENERAL
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
ALABAMA		
DUCK RIVER, AL	---	100
MOBILE HARBOR, AL	---	50
WALTER F GEORGE POWERHOUSE AND DAM, AL & GA (MAJOR REH	1,700	1,700
WALTER F GEORGE POWERPLANT, AL & GA (MAJOR REHAB)	6,000	6,000
ALASKA		
CHIGNIK HARBOR, AK	2,000	2,000
DILLINGHAM EMERGENCY BANK, AK	---	2,000
FALSE PASS, AK	---	5,000
NOME HARBOR IMPROVEMENTS, AK	20,000	20,000
SAND POINT HARBOR, AK	1,000	4,000
SEWARD, AK	---	3,000
SITKA, AK	---	1,000
ST PAUL HARBOR, AK	13,000	13,000
WRANGELL, AK	---	5,000
ARIZONA		
NOGALES WASH, AZ	---	1,250
RIO DE FLAG, AZ	---	2,500
RIO SALADO, PHOENIX AND TEMPE REACHES, AZ	13,000	14,000
TRES RIOS, AZ	---	3,500
TUCSON DRAINAGE AREA (TUCSON ARROYO), AZ	---	2,250
ARKANSAS		
MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR.	---	2,250
MONTGOMERY POINT LOCK AND DAM, AR	9,090	9,090
OZARK - JETA TAYLOR POWERHOUSE, AR (MAJOR REHAB)	5,000	5,000
RED RIVER BELOW DENISON DAM, AR, LA & TX	---	750
RED RIVER EMERGENCY BANK STABIL, AR & LA	---	1,500
CALIFORNIA		
AMERICAN RIVER WATERSHED (FOLSOM DAM MINI-RAISE), CA	---	8,000
AMERICAN RIVER WATERSHED (FOLSOM DAM MODIFICATIONS), C	6,175	6,675
AMERICAN RIVER WATERSHED, CA	5,000	5,000
CAMBRIA SEAWATER DESALINIZATION INFRASTRUCTURE, CA	---	425
CITY OF SANTA CLARITA (PERCHLORATE), CA	---	175
CORTE MADERA CREEK FLOOD CONTROL, CA	---	275
COYOTE AND BERRYESSA CREEK, CA	---	338
FARMINGTON GROUNDWATER RECHARGE DEMONSTRATION PROJECT,	---	1,000
GUADALUPE RIVER, CA	6,000	6,000
HAMILTON AIRFIELD WETLANDS RESTORATION, CA	5,100	6,000
HARBOR / SOUTH BAY WATER RECYCLING PROJECT, LOS ANGELE	---	3,000
IMPERIAL BEACH/SILVER STRAND, CA	---	150
KAWEAH RIVER, CA	5,624	5,624
LLAGAS CREEK, CA	---	125
LOS ANGELES COUNTY DRAINAGE AREA (STORMWATER MANAGEMEN	---	125
LOS ANGELES HARBOR MAIN CHANNEL DEEPENING, CA	23,000	23,000
LOWER WALNUT CREEK, CA	---	250
MARYSVILLE/YUBA CITY LEVEE RECONSTRUCTION, CA	3,686	3,686
MERCED COUNTY STREAMS, CA	---	350
MID-VALLEY AREA LEVEE RECONSTRUCTION, CA	2,300	2,300
MURRIETA CREEK, CA	---	1,500
NAPA RIVER, CA	7,000	16,000
NORTH VALLEY REGIONAL WATER INFRASTRUCTURE (CITY OF LA	---	2,000
OAKLAND HARBOR (50 FOOT PROJECT), CA	20,000	27,500
PETALUMA RIVER, CA	3,404	3,000
SACRAMENTO AREA, CA	---	1,750
SACRAMENTO RIVER BANK PROTECTION PROJECT, CA	1,000	1,750
SACRAMENTO RIVER DEEP WATER SHIP CHANNEL, CA	---	375
SANTA ANA RIVER MAINSTEM, CA	13,200	17,850

CONSTRUCTION GENERAL
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
SAN LORENZO RIVER, CA.	---	1,010
SAN FRANCISCO BAY TO STOCKTON, CA	---	250
SAN RAMON VALLEY RECYCLED WATER PROJECT, CA	---	375
SOUTH PERRIS, CA (WATER SUPPLY DESALINATION)	---	625
SOUTH SACRAMENTO COUNTY STREAMS, CA	1,000	2,250
STOCKTON METROPOLITAN FLOOD CONTROL REIMBURSEMENT, CA	---	2,500
SUCCESS DAM, TULE RIVER, CA (DAM SAFETY)	4,000	4,000
TULE RIVER, CA	3,500	3,500
UPPER NEWPORT BAY ECOSYSTEM RESTORATION, CA	---	1,000
UPPER SACRAMENTO AREA LEVEE RECONSTRUCTION, CA	2,400	2,400
YUBA RIVER BASIN, CA	---	375
CONNECTICUT		
SOUTHPORT HARBOR FEDERAL NAVIGATION PROJECT, CT	---	125
STAMFORD MILL RIVER RESTORATION, CT	---	50
DELAWARE		
DELAWARE BAY COASTLINE, BETHANY TO SOUTH BETHANY, DE	---	425
DELAWARE BAY COASTLINE TO PT. MAHON, DE	---	250
DELAWARE COAST, CAPE HENLOPEN TO FENWICK ISLAND, DE	2,500	2,500
DELAWARE COAST PROTECTION, DE	---	158
DELAWARE COAST, REHOBOTH BEACH TO DEWEY BEACH, DE	3,675	3,925
DELAWARE BAY COASTLINE, ROOSEVELT INLET TO LEWES BEACH	---	352
DISTRICT OF COLUMBIA		
WASHINGTON, DC & VICINITY	500	---
FLORIDA		
BREVARD COUNTY SHORE PROTECTION, FL	---	550
BROWARD COUNTY SHORE PROTECTION, FL	---	1,250
CANAVERAL HARBOR, FL	3,016	3,016
CENTRAL AND SOUTHERN FLORIDA, FL	85,600	75,000
DADE COUNTY, FL	---	125
DUVAL COUNTY FEDERAL SHORE PROTECTION PROJECT, FL	---	375
EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FL	27,000	26,000
FLORIDA KEYS WATER QUALITY IMPROVEMENTS, FL	---	2,250
FORT PIERCE BEACH, FL	---	750
HERBERT HOOVER DIKE, FL (MAJOR REHAB)	1,896	1,896
JACKSONVILLE HARBOR, FL	900	2,200
JIM WOODRUFF LOCK AND DAM POWERHOUSE, FL & GA (MAJOR R	2,502	2,502
KISSIMMEE RIVER, FL	18,000	18,000
LAKE WORTH INLET SAND TRANSFER PLANT, FL	---	145
LEE COUNTY (SHORE PROTECTION, ALL ELEMENTS), FL	---	750
MANATEE HARBOR, FL	---	1,000
MARTIN COUNTY, FL	---	1,250
MIAMI HARBOR CHANNEL, FL	---	750
NASSAU COUNTY SHORE PROTECTION, FL	---	375
PALM BEACH COUNTY, FL	---	600
PANAMA CITY BEACH RENOURISHMENT, FL	---	50
PINELLAS COUNTY BEACH RESTORATION, FL	---	10,000
PONCE DE LEON INLET, SOUTH JETTY, FL	---	250
PORT EVERGLADES HARBOR, FL	---	400
SARASOTA COUNTY, CITY OF VENICE, FL	---	500
ST. JOHNS COUNTY, FL	---	250
TAMPA HARBOR, ALAFIA RIVER, FL	---	10,000
TAMPA HARBOR, BIG BEND, FL	500	7,500
TAMPA HARBOR, SUTTON CHANNEL, FL	---	500
GEORGIA		
BRUNSWICK HARBOR, GA	9,267	9,634
BUFORD POWERHOUSE, GA (MAJOR REHAB)	7,345	7,345

CONSTRUCTION GENERAL
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
HARTWELL LAKE POWERHOUSE, GA & SC (MAJOR REHAB)...	733	733
RICHARD B RUSSELL DAM AND LAKE, GA & SC.	4,600	4,600
THURMOND LAKE POWERHOUSE, GA & SC (MAJOR REHAB)	4,000	4,000
TYBEE ISLAND SHORE PROTECTION (LRR), GA	---	102
HAWAII		
HAWAII WATER MANAGEMENT, HI	---	500
IAO STREAM FLOOD CONTROL, MAUI, HI (DEF CORR)	500	500
KAUMALAPAU HARBOR, LANAI, HI	---	3,000
KIKIAOLA SMALL BOAT HARBOR, KAUAI, HI	2,500	2,500
MAALAEA HARBOR, MAUI, HI	---	100
IDAHO		
RURAL IDAHO ENVIRONMENTAL INFRASTRUCTURE PROGRAM, ID..	---	3,750
ILLINOIS		
CHAIN OF ROCKS CANAL, MISSISSIPPI RIVER, IL (DEF CORR)	3,900	3,900
CHICAGO SANITARY SHIP CHANNEL, IL	---	2,000
CHICAGO SHORELINE, IL	17,300	21,500
COOK COUNTY ENVIRONMENTAL INFRASTRUCTURE, IL	---	325
DES PLAINES RIVER, IL (PHASE I)	---	300
EAST ST. LOUIS, IL	---	520
EAST ST. LOUIS AND VICINITY, IL	---	50
GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION, IL, IN.	---	650
ILLINOIS RIVER BASIN RESTOR, IL	---	200
LOCK AND DAM 24, MISSISSIPPI RIVER, IL & MO (MAJOR REH	8,800	8,800
MADISON AND ST. CLAIR COUNTIES ENVIRONMENTAL INFRASTRU	---	1,625
MCCOOK AND THORNTON RESERVOIRS, IL	25,300	29,150
MELVIN PRICE LOCK AND DAM, IL & MO	960	960
NUTWOOD LEVEE, IL	---	100
OLMSTED LOCKS AND DAM, OHIO RIVER, IL & KY	75,000	69,000
UPPER MISS RVR SYSTEM ENV MGMT PROGRAM, IL, IA, MN, MO	28,000	17,500
WOOD RIVER DRAINAGE AND LEVEE DISTRICT, IL	---	300
INDIANA		
CALUMET REGION ENVIRONMENTAL INFRASTRUCTURE, IN	---	3,000
GRAND CALUMET RIVER REMEDIAL ACTION PLAN, IN	---	250
INDIANA HARBOR (CONFINED DISPOSAL FACILITY), IN	5,000	5,850
INDIANA SHORELINE, IN	---	500
INDIANAPOLIS, ENVIRONMENTAL INFRASTRUCTURE PLANNING (C	---	1,000
INDIANAPOLIS, WHITE RIVER (NORTH), IN	819	819
JOHN T MYERS LOCK AND DAM, IN & KY	---	1,000
LITTLE CALUMET RIVER BASIN (CADY MARSH DITCH), IN	---	5,000
LITTLE CALUMET RIVER, IN	5,000	5,500
MISSISSINEWA LAKE, IN (MAJOR REHAB)	8,477	8,477
OHIO RIVER GREENWAY PUBLIC ACCESS, IN	1,600	1,800
IOWA		
DES MOINES RECREATIONAL RIVER AND GREENBELT, IA	---	3,500
LOCK AND DAM II, MS RIVER, IA	---	1,500
LOCK AND DAM 19, MISSISSIPPI RIVER, IA (MAJOR REHAB)..	4,800	4,800
MISSOURI R FISH AND WILDLIFE RECOVERY, IA,KS,MO,MT,NE.	69,000	19,000
MISSOURI RIVER LEVEE SYSTEM, IA, NE, KS & MO	1,250	1,250
PERRY CREEK, IA	1,000	1,000
KANSAS		
ARKANSAS CITY, KS	1,000	1,000
TURKEY CREEK BASIN, KS	---	250
TUTTLE CREEK LAKE, KS (DAM SAFETY)	20,000	17,500

CONSTRUCTION GENERAL
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
KENTUCKY		
DEWEY LAKE, KY	---	150
KENTUCKY LOCK AND DAM, TENNESSEE RIVER, KY	25,000	32,500
LOUISVILLE WATERFRONT, KY	---	100
MCALPINE LOCKS AND DAM, OHIO RIVER, KY & IN	58,000	58,500
METROPOLITAN LOUISVILLE, BEARGRASS CREEK, KY	3,275	3,275
METROPOLITAN LOUISVILLE, POND CREEK, KY	2,543	2,543
SOUTHERN AND EASTERN KENTUCKY, KY	---	3,750
LOUISIANA		
ASCENSION PARISH ENVIRONMENTAL INFRASTRUCTURE, LA	---	400
COMITE RIVER, LA	1,500	1,500
EAST BATON ROUGE PARISH, LA	---	1,000
EAST BATON ROUGE PARISH ENVIRONMENTAL INFRASTRUCTURE	---	500
GRAND ISLE AND VICINITY, LA	---	75
IBERIA PARISH ENVRIO INFRA, LA	---	50
INNER HARBOR NAVIGATION CANAL LOCK, LA	10,000	14,000
J BENNETT JOHNSTON WATERWAY, LA	4,000	13,000
LAKE PONTCHARTRAIN AND VICINITY, LA (HURRICANE PROTECT	3,937	5,719
LAROSE TO GOLDEN MEADOW, LA (HURRICANE PROTECTION)	583	583
LIVINGSTON PARISH ENVIRONMENTAL INFRASTRUCTURE, LA	---	550
MISSISSIPPI RIVER GULF OUTLET, LA	---	400
MISSISSIPPI RIVER SHIP CHANNEL, LA	---	98
NEW ORLEANS TO VENICE, LA (HURRICANE PROTECTION)	2,965	2,965
OUACHITA RIVER LEVEES, LA	---	900
SOUTHEAST LOUISIANA, LA	30,000	36,500
WEST BANK AND VICINITY, NEW ORLEANS, LA	37,000	30,000
MARYLAND		
ASIAN OYSTER INTRODUCTION ENVIRONMENTAL IMPACT STATEME	---	200
ASSATEAGUE ISLAND, MD	---	750
ATLANTIC COAST OF MARYLAND, MD	---	500
BALTIMORE METROPOLITAN WATER RESOURCES, GWYNNS FALLS	---	500
CHESAPEAKE BAY ENV. RESTORATION & PROTECTION PROGRAM	---	1,500
CHESAPEAKE BAY OYSTER RECOVERY, MD & VA	1,000	3,000
CUMBERLAND, MD	---	2,750
JENNINGS RANDOLPH LAKE, MD & WV (DAM SAFETY)	640	640
POPLAR ISLAND, MD	15,130	15,130
MASSACHUSETTS		
MUDDY RIVER, BOSTON & BROOKLINE, MA	---	500
MICHIGAN		
GENNESSEE COUNTY ENVIRO INFRA, MI	---	13
GEORGE W. KUHN DRAIN RETENTION FACILITY, OAKLAND COUNT	---	75
NEGAUNEE, MI (ENVIRONMENTAL INFRASTRUCTURE)	---	200
SAULT STE. MARIE REPLACEMENT LOCK, MI	---	2,600
TWELVE TOWNS DRAIN, MI	---	75
MINNESOTA		
BRECKENRIDGE, MN	---	250
CROOKSTON, MN	---	600
LOWER ST. ANTHONY FALLS, MN	---	50
MILLE LACS REGIONAL SEWAGE TREATMENT PLANT, MN	---	525
NORTHEASTERN MINNESOTA, MN	---	750
UPPER MISSISSIPPI PLACE, MN	---	125
MISSISSIPPI		
DESOTO COUNTY WASTEWATER, MS	---	2,500

CONSTRUCTION GENERAL
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
GULFPORT HARBOR, MS	---	400
MISSISSIPPI ENVIRONMENTAL INFRASTRUCTURE PROGRAM, MS	---	3,750
PASCAGOULA HARBOR, MS	1,981	2,491
MISSOURI		
BLUE RIVER BASIN, KANSAS CITY, MO	500	750
BLUE RIVER CHANNEL, KANSAS CITY, MO	1,525	2,263
BOIS BRULE LEVEE AND DRAINAGE DISTRICT, MO	---	1,500
CAPE GIRARDEAU (FLOODWALL), MO	---	750
CHESTERFIELD, MO	---	300
MERAMEC RIVER BASIN, VALLEY PARK LEVEE, MO	2,060	2,060
MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	2,000	2,000
MO AND MID-MS RIVERS ENHANCE, MO	---	1,500
ST GENEVIEVE, MO	---	225
ST. LOUIS, MO (COMBINED SEWER OVERFLOWS PROJECT)	---	1,000
TABLE ROCK LAKE, MO & AR (DAM SAFETY)	3,896	3,896
MONTANA		
FORT PECT CABIN SALES, MT	---	250
FORT PECK FISH HATCHERY, MT	---	7,270
RURAL MONTANA	---	2,000
NEBRASKA		
ANTELOPE CREEK, NE	---	500
MISSOURI NATIONAL RECREATIONAL RIVER, NE & SD	1,000	648
SAND CREEK WATERSHED, SAUNDERS COUNTY, NE	---	1,000
WESTERN SARPY AND CLEAR CREEK, NE	---	1,000
NEVADA		
RURAL NEVADA, NV	---	20,000
TROPICANA AND FLAMINGO WASHES, NV	6,475	24,000
NEW HAMPSHIRE		
LEBANON, NH (CSOS)	---	500
NASHUA, NH (CSOS)	---	300
SEABROOK HARBOR, NH	---	250
OTTER BROOK DAM, NH (DAM SAFETY)	3,000	3,000
NEW JERSEY		
BARNEGAT TO LITTLE EGG HARBOR INLET, NJ	---	750
BRIGANTINE INLET TO GREAT EGG INLET (ABSECON ISLAND)	---	1,050
BRIGANTINE INLET TO GREAT EGG INLET, BRIGANTINE ISLAND	2,000	2,000
CAPE MAY INLET TO LOWER TOWNSHIP, NJ	---	182
DELAWARE BAY COASTLINE, DE & NJ, REEDS BEACH TO PIERCE	---	475
DELAWARE BAY COASTLINE, VILLAS AND VICINITY, NJ	---	50
DELAWARE RIVER MAIN CHANNEL, NJ, PA & DE	---	1,650
GREAT EGG HARBOR INLET TO PECK BEACH, NJ	---	100
HACKENSACK-MEADOWLANDS, NJ	---	600
JOSEPH G. MINISH PASSAIC RIVER WATERFRONT PARK & HISTO	---	2,750
LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NJ	5,164	5,164
PASSAIC RIVER FLOOD MGMT, NJ	---	250
PASSAIC RIVER PRESERVATION OF NATURAL STORAGE AREAS, N	3,000	3,175
RAMAPO AND MAHWAH RIVERS, NJ	---	225
RAMAPO RIVER AT OAKLAND, NJ	3,500	3,250
RARITAN BAY AND SANDY HOOK BAY, NJ	---	175
RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NJ	---	250
RARITAN RIVER BASIN, GREEN BROOK SUB-BASIN, NJ	9,100	9,100
SANDY HOOK TO BARNEGAT INLET, NJ	---	500
TOWNSENDS INLET TO CAPE MAY INLET, NJ	12,600	12,600

CONSTRUCTION GENERAL
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
NEW MEXICO		
ACEQUIAS IRRIGATION SYSTEM, NM	1,200	1,450
ALAMOGORDO, NM	4,500	5,250
CENTRAL NEW MEXICO ENVIRONMENTAL INFRASTRUCTURE PROGRA	---	5,000
MIDDLE RIO GRANDE FLOOD, BERNALILLO TO BELEN	---	300
NEW MEXICO ENVIRONMENTAL INFRASTRUCTURE PROGRAM, NM	---	1,500
RIO GRANDE FLOODWAY, SAN ACACIA TO BOSQUE DEL APACHE	---	600
NEW YORK		
ATLANTIC COAST OF LONG ISLAND, LONG BEACH ISLAND, NEW	---	150
ATLANTIC COAST OF NEW YORK CITY, EAST ROCKAWAY INLET T	---	250
ATLANTIC COAST OF NEW YORK CITY, ROCKAWAY INLET TO NOR	---	250
EAST ROCKAWAY INLET TO ROCKAWAY AND JAMAICA, NY	---	50
FIRE ISLAND INLET TO MONTAUK POINT, NY	6,600	8,000
NEW YORK AND NEW JERSEY HARBOR, NY & NJ	103,000	95,000
NEW YORK CITY WATERSHED, NY	---	2,000
NEW YORK STATE CANAL SYSTEM, NY	---	500
ONONDAGA LAKE, NY	---	2,500
ORCHARD BEACH, NY	---	125
NORTH CAROLINA		
BRUNSWICK COUNTY BEACHES, NC	---	200
DARE COUNTY BEACHES, NC (BODIE ISLAND)	---	625
STANLY COUNTY WASTEWATER INFRASTRUCTURE, NC	---	500
WEST ONSLOW BEACH, NC	---	175
WILMINGTON HARBOR, NC	25,000	22,000
NORTH DAKOTA		
BUFORD - TRENTON IRRIGATION DISTRICT LAND ACQUISITION,	200	1,500
GARRISON DAM AND POWER PLANT, ND (MAJOR REHAB)	9,740	9,740
GRAFTON, PARK RIVER, ND	---	250
GRAND FORKS, ND - EAST GRAND FORKS, MN	31,190	34,095
MISSOURI RIVER RESTORATION, ND	---	50
OHIO		
HOLES CREEK WEST CARROLLTON, OH	---	50
MILL CREEK, OH	---	50
OHIO ENVIRONMENTAL INFRASTRUCTURE, OH	---	22,000
LOWER GIRARD LAKE DAM, OH	---	500
METROPOLITAN REGION OF CINCINNATI, DUCK CREEK, OH	760	760
OTTOWA RIVER HARBOR, OH	---	25
WEST COLUMBUS, OH	---	50
OKLAHOMA		
CANTON LAKE (DAM SAFETY), OK	---	150
LAWTON WASTEWATER INFRASTRUCTURE REHABILITATION PROJEC	---	600
TAR CREEK, OH	---	1,500
TENKILLER FERRY LAKE, OK (DAM SAFETY)	4,400	4,400
OREGON		
BONNEVILLE POWERHOUSE PHASE II, OR & WA (MAJOR REHAB).	4,900	4,900
COLUMBIA RIVER CHANNEL IMPROVEMENTS, OR & WA	---	9,000
COLUMBIA RIVER TREATY FISHING ACCESS SITES, OR & WA	4,200	4,550
ELK CREEK LAKE, OR	300	300
LOWER COLUMBIA RIVER ECOSYSTEM RESTORATION, OR & WA	2,000	2,000
WILLAMETTE RIVER TEMPERATURE CONTROL, OR	6,200	6,200
PENNSYLVANIA		

CONSTRUCTION GENERAL
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
CONEMAUGH RIVER, PA	---	100
LACKAWANNA RIVER, OLYPHANT, PA	2,600	2,600
LOCKS AND DAMS 2, 3 AND 4, MONONGAHELA RIVER, PA	31,000	35,500
NORTHEAST PENNSYLVANIA INFRASTRUCTURE PROGRAM, PA	---	1,600
PRESQUE ISLE, PA	---	310
SCHUYKILL RIVER PARK, PA	---	1,044
SOUTH CENTRAL PENNSYLVANIA ENVIRONMENTAL INFRASTRUCTUR	---	9,000
SOUTHEASTERN PENNSYLVANIA WATERWAYS INFRASTUCTURE IMPR	---	300
3 RIVERS WET WEATHER DEMONSTRATION PROGRAM, ALLEGHENY.	---	625
WYOMING VALLEY, PA (LEVEE RAISING)	7,300	7,300
PUERTO RICO		
ARECIBO RIVER, PR	1,200	1,200
PORTUGUES AND BUCANA RIVERS, PR	15,786	13,000
RIO GUANAJIBO, PR	2,396	---
RIO PUERTO NUEVO, PR	17,000	14,500
SOUTH CAROLINA		
CHARLESTON HARBOR, SC (DEEPENING & WIDENING)	1,500	1,500
FOLLY BEACH, SC	---	350
HARTWELL LK, CLEMSON UPPER & LOWER DIVERSION, SC	3,800	3,800
LAKES MARION & MOULTRIE, SC	---	3,000
SOUTH DAKOTA		
BIG SIOUX RIVER, SIOUX FALLS, SD	6,000	6,000
CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX, SD	1,000	5,750
MISSOURI RIVER RESTORATION, SD	---	500
PIERRE, SD	4,038	4,038
TENNESSEE		
CHICKAMAUGA LOCK, TN	---	17,000
CUMBERLAND COUNTY WATER SUPPLY, TN	---	2,000
TEXAS		
BRAYS BAYOU, HOUSTON, TX	10,000	10,000
BRAZOS ISLAND HARBOR, TX	9,500	---
CLEAR CREEK, TX	---	1,200
DALLAS FLOODWAY EXTENSION, TX	---	12,500
EL PASO, TX	1,232	1,232
HOUSTON - GALVESTON NAVIGATION CHANNELS, TX	18,000	22,000
HUNTING BAYOU, HOUSTON, TX	---	625
JOHNSON CREEK, UPPER TRINITY BASIN, ARLINGTON, TX	2,200	2,200
MOUTH OF THE COLORADO, TX	---	50
NORTH PADRE ISLAND , PACKERY CHANNEL, TX	---	3,250
RED RIVER CHLORIDE CONTROL PROJECT, WICHITA RIVER BASI	---	1,500
SALT CREEK, GRAHAM, TX	---	250
SAN ANTONIO CHANNEL IMPROVEMENTS, TX	---	1,625
SIMS BAYOU, HOUSTON, TX	16,000	16,000
WHITNEY LAKE POWERHOUSE, TX (MAJOR REHAB)	1,750	1,750
UTAH		
RURAL UTAH, UT	---	1,000
VERMONT		
LAKE CHAMPLAIN WATERSHED, VT & NY	---	500
VERMONT DAMS REMEDIATION, VT	---	25

CONSTRUCTION GENERAL
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
VIRGINIA		
AIWW GREAT BRIDGE, VA	---	850
CLINCH RIVER WATER PROJECT, VA	---	250
EMBREY DAM, RAPPAHANNOCK RIVER, VA	---	1,250
JAMES RIVER, VA	---	50
JOHN H KERR DAM AND RESERVOIR, VA & NC (MAJOR REHAB)	8,200	8,200
LAKE MERRIWEATHER, LITTLE CALFPASTURE RIVER (GOSHEN DA	---	650
LYNCHBURG, VA	---	25
NORFOLK HARBOR AND CHANNELS, VA (DEEPENING)	1,000	3,000
OCCOQUAN RIVER, VA	---	50
RICHMOND COMBINED SEWER, VA	---	125
ROANOKE RIVER UPPER BASIN, VA	---	5,000
VIRGINIA BEACH, VA	---	500
WASHINGTON		
CHIEF JOSEPH DAM GAS ABATEMENT, WA	7,000	7,000
COLUMBIA RIVER FISH MITIGATION, WA, OR & ID	98,000	85,000
DUWAMISH AND GREEN RIVER BASIN, WA	---	1,250
HOWARD HANSON DAM ECOSYSTEM RESTORATION, WA	8,000	8,500
LOWER SNAKE RIVER FISH & WILDLIFE COMPENSATION, WA, OR	2,000	2,000
MT ST HELENS SEDIMENT CONTROL, WA	200	350
MUD MOUNTAIN DAM, WA (DAM SAFETY)	8,000	8,000
PUGET SOUND AND ADJACENT WATERS RESTORATION, WA	---	500
SHOALWATER BAY SHORELINE EROSION, WA	---	650
THE DALLES, WA	---	125
WISCONSIN		
NORTHERN WISCONSIN ENVIRONMENTAL ASSISTANCE PROGRAM	---	10,000
WEST VIRGINIA		
BLUESTONE LAKE, WV (DAM SAFETY)	11,400	18,000
CENTRAL WEST VIRGINIA ENVIRONMENTAL INFRASTRUCTURE, WV	---	1,500
GREENBRIER RIVER BASIN, WV	---	3,000
LEVISA AND TUG FORKS AND UPPER CUMBERLAND RIVER, WV, V	6,000	32,750
LOWER MUD RIVER, WV	---	125
MARMET LOCK, KANAWHA RIVER, WV	50,000	75,000
ROBERT C BYRD LOCKS AND DAM, OHIO RIVER, WV & OH	600	900
SOUTHERN WEST VIRGINIA ENVIRONMENTAL INFRASTRUCTURE	---	500
WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL PROGRAM	---	500
WINFIELD LOCKS AND DAM, KANAWHA RIVER, WV	3,000	3,000
MISCELLANEOUS		
ABANDON MINE RESTORATION	---	1,000
AQUATIC ECOSYSTEM RESTORATION (SECTION 206)	10,000	25,000
AQUATIC PLANT CONTROL PROGRAM	2,500	4,500
BENEFICIAL USES OF DREDGED MATERIAL (SEC 204,207,933)	2,000	6,000
DAM SAFETY AND SEEPAGE/STABILITY CORRECTION PROGRAM	9,000	10,500
DREDGED MATERIAL DISPOSAL FACILITIES PROGRAM	8,834	8,834
EMERGENCY STREAMBANK & SHORELINE PROTECTION (SEC 14)	7,000	12,000
EMPLOYEES' COMPENSATION	20,000	20,000
ESTUARY RESTORATION PROGRAM	---	1,000
FLOOD CONTROL PROJECTS (SECTION 205)	14,000	27,000
INLAND WATERWAYS USERS BOARD - BOARD EXPENSE	45	45
INLAND WATERWAYS USERS BOARD - CORPS EXPENSE	185	185
NAVIGATION MITIGATION PROJECT (SECTION 111)	500	1,000
NAVIGATION PROJECTS (SECTION 107)	3,000	9,000
PROJECT MODIFICATIONS FOR IMPROVEMENT OF THE ENVIRONME	13,500	25,000
SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATIO	5,000	7,000
SHORELINE PROTECTION PROJECTS (SECTION 103)	2,500	3,000
SNAGGING AND CLEARING PROJECT (SECTION 208)	400	450
TRIBAL PARTNERSHIP	---	4,000

CONSTRUCTION GENERAL
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-127,649	-202,141
TOTAL, CONSTRUCTION GENERAL	1,421,500	1,796,089

CONTINUING AUTHORITY PROGRAMS
(DOLLARS IN THOUSANDS)

	CONFERENCE
SMALL BEACH EROSION CONTROL PROJECTS (SECTION 103)	
POINT HOPE, AK	100
UNALAKLEET, AK	125
NANTASKET BEACH, HULL, MA	150
ST. MARY'S STABILIZATION PROGRAM, MD	500
BARNEGAT LIGHTHOUSE, NJ	125
CRESCENT BEACH, STATEN ISLAND, NY	250
CLEVELAND LAKEFRONT, OH	100
CHESAPEAKE BAY SHORELINE, HAMPTON, VA	300
SMALL NAVIGATION PROJECTS (SECTION 107)	
DOUGLAS, AK	75
SAVOONGA, AK	75
COLD BAY, AK	50
POINT MALLARD PARK, DECATUR, AL	200
BLYTHEVILLE HARBOR, AR	600
OYSTER POINT HARBOR BREAKWATER, CA	125
SAN DIEGO HARBOR DEEPENING, SAN DIEGO COUNTY, CA	750
WHITING, IN	300
BASS HARBOR, TREMONT, ME	80
BUCKS HARBOR, MACHIASPORT, ME	38
NORTHWESTERN MICHIGAN COLLEGE MARITIME ACADEMY HARBOR, TRAVERSE CITY, MI	50
ROUGE RIVER NAVIGATION IMPROVEMENT, MI	55
DULUTH (MCQUADE ROAD) HARBOR, MN	100
TWO HARBORS, MN	100
YAZOO DIVERSION CANAL, MS	150
BUFFALO INNER HARBOR, SOUTH BASIN NAVIGATION IMPROVEME	150
CLEVELAND LAKEFRONT STATE PARK, OH	50
CHARLESTOWN BREACHWAY AND NINIGRET POND, RI	45
LAKESHORE STATE PARK, MILWAUKE, WI	150
MITIGATION OF SHORE DAMAGE DUE TO FEDERAL NAVIGATION PROJECTS (SECTION 111)	
SACO RIVER AND EILLIS BEACH, SACO, ME	100
MATTITUCK INLET, NY	100

CONTINUING AUTHORITY PROGRAMS
(DOLLARS IN THOUSANDS)

	CONFERENCE
PROJECT MODIFICATIONS FOR IMPROVEMENT OF THE ENVIRONMENT (SECTION 1135)	
BAYOU MACON, AR	40
CANNON BRAKE/LOWER VALLIER, AR	75
SULPHER RIVER, AR	75
TUJUNGA WASH ECOSYSTEM, REST, CA	100
CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIER, IL	125
BAYOU MACON, LA	190
FRAZIER/WHITEHORSE OXBOW, LA	100
LOWER ROUGE RIVER, DEARBORN, MI	75
ROUGE RIVER OXBOW RESTORATION, DEARBORN, MI	80
MCCARRON RANCH, NV	150
LINCOLN PARK WEST, JERSEY CITY, NJ	45
KANSAS CITY RIVERFRONT, KANSAS CITY, JACKSON COUNTY, MO	75
ALBUQUERQUE BIOPARK, NM	75
LAS CRUCES DAM, ENVIRONMENTAL RESTORATION, DOPNA ANA COUNTY, NM	80
PECOS RIVER, CHAVE3 COUNTY, NM	80
ROUTE 66, ABUQUERQUE, NM	75
SANTA ANA RIPARIAN, NM	100
UPPER TIOGA RIVER WATERSHED, PA	80
DITCH 28, MISSISSIPPI COUNTY, AR	90
HORSESHOE LAKE, AR	20
GREENVILLE MARSH, LUCAS COUNTY, IA	334
SPUNKY BOTTOMS ECOSYSTEM RESTORATION, BROWN COUNTY, IL	150
SAND CREEK, KS	350
DUCK CREEK, STODDARD COUNTY, MO	50
KANSAS CITY RIVERFRONT, KANSAS CITY, MO	122
DELAWARE BAY OYSTER RESTORATION, NJ	300
PINE MOUNT CREEK, NJ	350
ONTARIO BEACH, ROCHESTER, NY	80
BIG LAKE AQUATIC ECOSYSTEM RESTORATION, OK	135
WALLA WALLA RIVER, OR & WA	200
ALLIN'S COVE, BARRINGTON, RI	279
LOWER OBION RIVER AND VICINITY, TN	130
STREAMBANK AND SHORELINE PROTECTION FOR PUBLIC FACILITIES (SECTION 14)	
DEERING, AK	70
KWETHLUK, AK	50
SEWARD, AK	70
SHISHMAREF, AK	50
BEAVER CREEK, ACKLEY IA	40
IOWA RIVER, SAC & FOX SETTLEMENT, TAMA COUNTY, IA	50
INDIANA UNIVERSITY AT SOUTH BEND, IN	400
SOUTHERN UNIVERSITY, BATON ROUGE, LA	75

CONTINUING AUTHORITY PROGRAMS
(DOLLARS IN THOUSANDS)

	CONFERENCE
EUBANKS CREEK, JACKSON, MS	40
ELIZABETH RIVER VALLEYVIEW ROAD, HILLSIDE, NJ	60
I-40 GALLUP, NM	50
SOUTH BRANCH RAHWAY RIVER, WOODBRIDGE, NY	50
ST. JOHNS LANDFILL DIKE STABILIZATION, OR	60
KENOSHA HARBOR RETAINING WALL, KENOSHA, WI	50
WINDSOR POND RESERVOIR, DALTON, MA	100
HOLMES BAY, WHITING, ME	505
DETROIT RIVER SHORELINE, MI	215
COUNTY ROAD 228 BRIDGE, HUBBLE CREEK, MO	152
MT. PLEASANT AVENUE, HANOVER TOWNSHIP, NJ	200
NORTHPORT, HUNTINGTON, NY	350
OAKLAND, TN	65
BOGGY CREEK, AUSTIN, TX	100
SMALL FLOOD CONTROL PROJECTS (SECTION 205)	
FORT YUKON, AK	200
SKAGWAY, AK	225
SALCHA, AK	225
GRUBBS, AR	125
COSGROVE CREEK, CA	500
SANTA VENETIA FLOOD CONTROL, CA	150
CALAVERAS COUNTY WATERSHED, CA	250
SALMON RIVER, CT	125
ELSMORE, DE	100
EAST BOYER RIVER, DENISON, IA	150
MAD CREEK, MUSCATINE, IA	75
WOLF CREEK, IA	75
BRAITHWAITE PARK, LA	200
LOCKPORT TO LAROSE, LA	150
RED CHUTE BAYOU, LEVEE, LA	150
PATTERSON BAYOU, BLUE CANE, MS	150
MONTEVIDEO, MN	75
LIVINGSTON, MT	125
SPANISH SPRINGS, WASHOE COUNTY, NV	275
HATCH, NM	150
HOBBS, NM	100
LITTLE PUERCO WASH, GALLUP, NM	100
VADO, DEL CERRO, BERINO, MEQUITE, DONA ANA COUNTY, NM	100
EAST TULSA COUNTY, HALKEY CREEK WATERSHED, OK	80
JAMESTOWN ISLAND SEAWALL, VA	150
FREEMONT SOUTH LEVEE, NE	185
FREEMONT NORTHWEST, NE	67
FARGO RIDGEWOOD, ND	470
WYNNE, AR	50
TEHAMA FLOOD REDUCTION PROJECT, CA	500
YUCCA VALLEY, WEST BURNT MOUNTAIN BASIN, CA	300
CITY OF ALBANY, GA	250

CONTINUING AUTHORITY PROGRAMS
(DOLLARS IN THOUSANDS)

	CONFERENCE
INDIAN AND DRY RUN CREEKS (AND CEDAR RIVER, CEDAR RAPI	205
DEER CREEK RESERVOIR, FORD HEIGHTS, IL	500
EAST PEORIA, IL	400
KANKAKEE RIVER, LAKE & NEWTON COUNTIES, IN	100
COWSKIN CREEK, WICHITA, KS	150
HINKSTON CREEK FLOOD CONTROL, KY	120
CASS RIVER, SPAULDING TOWNSHIP, MI	1,365
DETROIT BEACH, FRENCHTOWN TOWNSHIP, MI	90
FESTUS AND CRYSTAL CITY, MO	432
JAMES RIVER, NEEDMORE BRANCH, HIDDEN VALLEY, GREENE CO	225
LILBOURN, MO	76
GREENS MILL RUN, GREENVILLE, NC	60
WAHPETON, ND	320
JACKSON BROOK, NJ	300
POPLAR BROOK, MONMOUTH COUNTY, NJ	200
UPPER PASSAIC RIVER, LONG HILL TOWNSHIP, NJ	250
CHENANGO LAKE, NY	125
FULMER CREEK, NY	321
MOYER CREEK, NY	312
SOUTH SHORE OF STATEN ISLAND, NY	204
BUCKEYE LAKE, OH	250
LITTLE MILL CREEK, SOUTHHAMPTON, PA	125
MILL CREEK, SOUTHHAMPTON, PA	90
FRENCH BROAD WATERSHED, TN	500
TOWN CREEK, LENOIR CITY, TN	200
LITTLE LIMESTONE CREEK, JONESBOROUGH, TN	300
BEAVER CREEK, BRISTOL, VA & TN	500
CHRISTIANSTED GUT FLOOD CONTROL, ST. CROIX, VI	350

AQUATIC ECOSYSTEM RESTORATION PROJECTS
(SECTION 206)

BLACK LAKE, AK	125
CHESTER CREEK, AK	175
EKLUTNA, AK	75
NORTHWAY, AK	125
BROWNSVILLE BRANCH, AR	60
NORTH FORK GUNNISON RIVER RESTORATION, CO	100
DUCK CREEK, DAVENPORT, IA	50
INDIAN CREEK ECOSYSTEM RESTORATION CALDWELL, ID	175
EMIQUON FLOODPLAIN RESTORATION, IL	125
QUINCY BAY, IL	135
UNIVERSITY LAKES, EAST BATON ROUGE PARISH, LA	125
GREENBURY POINT, MD	125
DETROIT RIVER, TRENTON, MI	125
MINNEHAHA CREEK - PAINTERS CREEK SUBWATERSHED, MN	50
CONFLUENCE POINT STATE PARK , MO	50
WATKINS CREEK, ST LOUIS COUNTY, MO	50
BOTTOMLESS LAKES, NM	125

CONTINUING AUTHORITY PROGRAMS
(DOLLARS IN THOUSANDS)

	CONFERENCE
JEMEZ RIPARIAN, NM	100
LAS CRUCES, NM	100
STREAMBANK RESTORATION, CONCORD, NC	100
GRAND NEOSHO ECOSYSTEM, OK	80
ARROWHEAD CREEK, OR	125
LITTLE PARK RUN, PA	100
NARROWS RIVER, NARRAGANSETT, RI	150
HUNTING ISLAND, SC	150
CARPENTER CREEK ESTUARY, WA	150
SEAHURST PARK SEAWALL REMOVAL AND RESTORATION, WA	150
LAKE BELLE VIEW, WI	360
LITTLE MAQUOKETA RIVER, DUBUQUE COUNTY, IA	50
ENGLISH CREEK AQUATIC RESTORATION, CA	100
ST. HELENA NAPA RIVER RESTORATION, CA	600
SWEETWATER ECOSYSTEM RESTORATION, CA	180
THOMPSON CREEK, CA	300
UPPER YORK CREEK DAM REMOVAL AND RESTORATION, CA	400
MILL RIVER, STAMFORD, CT	250
C-1 REDIVERSION, BREVARD CO, FL	300
DAVIS LAKE RESTORATION PROJECT, FL	200
LAKE HELL'N BLAZES ECOSYSTEM RESTORATION, FL	245
LAKE SAWGRASS ECOSYSTEM RESTORATION, FL	245
STEVENSON CREEK, FL	300
TSALA APOPKA LITTORAL SHELF RESTORATION PROJECT, FL	200
BIG PAINT CREEK RESTORATION, WAUKON, IA	100
CLEAR CREEK AND IOWA RIVERAQUATIC ECOSYSTEM RESTORATIO	200
CLEAR LAKE, IA (VENTURA MARSH)	175
CHARITON RIVER / RATHBUN LAKE WATERSHED, IA	250
STORM LAKE WATER QUALITY PROJECT, IA	10
KANKAKEE, IL	150
LAKE MAUVAISTERRE, JACKSONVILLE, IL	50
ORLAND TRACT, IL	210
SQUAW CREEK BASIN, IL	220
CHAPMAN LAKES, KOSCIUSKO CO, IN	100
EFROYMSON, NEWTON COUNTY, IN	100
LONG LAKE, IN	200
WOLF LAKE, IN	1,000
MILFORD POND ECOSYSTEM RESTORATION, MILFORD, MA	182
NASHAWANNUCK POND, EASTHAMPTON, MA	183
NEPONSET RIVER, BOSTON, MA	63
PAINT BRANCH FISH PASSAGE AND STREAM RESTORATION, MD	200
WESTERN CARY STREAM RESTORATION, CARY, NC	193
ASSUNPINK CREEK, TRENTON, NJ	100
CHENANGO LAKE, NY	125
SOUNDVIEW PARK, BRONX, NY	400
EUGENE DELTA PONDS ECOSYSTEM RESTORATION, OR	250
FERN RIDGE LAKE, OR	200
KELLOGG CREEK, OR	200
CORDORUS CREEK WATERSHED, PA	722

CONTINUING AUTHORITY PROGRAMS
(DOLLARS IN THOUSANDS)

	CONFERENCE
NINIGRET AND CROSS MILLS PONDS ECOSYSTEM RESTORATION,.	200
PISTOL CREEK, MARYSVILLE, TN........................	400
LAKE ANNA, VA......................................	200
POWELL RIVER, ELY & PUCKETTS CREEK, VA.............	250
PORT OF SUNNYSIDE YAKIMA RIVER ECOSYSTEM RESTORATION,.	233
LAKE KOSHKONONG, WI................................	160

FLOOD CONTROL - MISSISSIPPI RIVER AND TRIBUTARIES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
GENERAL INVESTIGATIONS		
ALEXANDRIA TO THE GULF, LA	435	435
ATCHAFALAYA BASIN FLOODWAY SYSTEM LAND STUDY, LA	100	---
BAYOU METO BASIN, AR	---	1,224
DONALDSONVILLE TO THE GULF, LA	800	825
SPRING BAYOU, LA	500	500
COLDWATER RIVER BASIN BELOW ARKABUTLA LAKE, MS	203	352
FLETCHER CREEK, TN	93	93
GERMANTOWN, TN	27	27
MILLINGTON AND VICINITY, TN	100	100
MORGANZA TO THE GULF, LA	1,500	2,750
TENSAS RIVER BASIN, LA	---	100
SOUTHEASTERN ARKANSAS, AR	---	50
COLLECTION AND STUDY OF BASIC DATA	700	700
SUBTOTAL, GENERAL INVESTIGATIONS	4,458	7,156
CONSTRUCTION		
CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	36 882	40,441
FRANCIS BLAND FLOODWAY DITCH (EIGHT MILE CREEK), AR	1,357	2,325
GRAND PRAIRIE, AR	---	500
MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN	38,960	41,980
ST FRANCIS BASIN, AR & MO	3,000	5,305
ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA	7,200	8,600
ATCHAFALAYA BASIN, LA	22,495	23,748
HORN LAKE CREEK AND TRIBUTARIES, MS & TN	---	102
MISSISSIPPI DELTA REGION, LA	1,800	2,400
YAZOO BASIN	(5,850)	(25,913)
BIG SUNFLOWER RIVER, MS	2,000	2,500
DELTA HEADWATERS, MS	---	18,750
MAINSTEM, MS	---	13
REFORMATION, MS	---	225
UPPER YAZOO PROJECTS, MS	3,850	4,425
ST JOHNS BAYOU AND NEW MADRID FLOODWAY, MO	8,300	8,300
NONCONNAH CREEK, TN & MS	2,153	3,153
WEST TENNESSEE AND TRIBUTARIES, TN	---	100
WOLF RIVER, TN	---	750
YAZOO BACKWATER PUMPS, MS	---	12,000
SUBTOTAL, CONSTRUCTION	127,997	175,617
MAINTENANCE		
CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	69,275	69,275
HELENA HARBOR, PHILLIPS COUNTY, AR	385	385
INSPECTION OF COMPLETED WORKS, AR	318	318
LOWER ARKANSAS RIVER, NORTH BANK, AR	146	146
LOWER ARKANSAS RIVER, SOUTH BANK, AR	122	122
MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN	7,665	9,500
ST FRANCIS BASIN, AR & MO	6,080	7,250
TENSAS BASIN, BOEUF AND TENSAS RIVERS, AR & LA	2,160	2,160
WHITE RIVER BACKWATER, AR	1,316	1,316
INSPECTION OF COMPLETED WORKS, IL	174	174
INSPECTION OF COMPLETED WORKS, KY	61	61
ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA	2,775	3,275
ATCHAFALAYA BASIN, LA	13,000	13,000
BATON ROUGE HARBOR, DEVIL SWAMP, LA	14	57
BAYOU COCODRIE AND TRIBUTARIES, LA	65	65
BONNET CARRE, LA	2,310	2,310
INSPECTION OF COMPLETED WORKS, LA	585	585
LOWER RED RIVER, SOUTH BANK LEVEES, LA	105	105
MISSISSIPPI DELTA REGION, LA	588	588
OLD RIVER, LA	7,350	7,350

FLOOD CONTROL - MISSISSIPPI RIVER AND TRIBUTARIES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
TENSAS BASIN, RED RIVER BACKWATER, LA	3,083	3.342
GREENVILLE HARBOR, MS	29	52
INSPECTION OF COMPLETED WORKS, MS	168	168
VICKSBURG HARBOR, MS	32	182
YAZOO BASIN:	(27,492)	(31,922)
ARKABUTLA LAKE, MS	5,710	6,355
BIG SUNFLOWER RIVER, MS	139	1,070
ENID LAKE, MS	4,954	5,477
GREENWOOD, MS	585	663
GRENADA LAKE, MS	5,553	6,250
MAIN STEM, MS	1,013	2,007
SARDIS LAKE, MS	7,046	7,523
TRIBUTARIES, MS	923	923
WILL M WHITTINGTON AUXILLIARY CHANNEL, MS	400	400
YAZOO BACKWATER AREA, MS	440	520
YAZOO CITY, MS	729	729
INSPECTION OF COMPLETED WORKS, MO	116	116
WAPPAPELLO LAKE, MO	4,046	5,000
INSPECTION OF COMPLETED WORKS, TN	78	78
MEMPHIS HARBOR, MCKELLAR LAKE, TN	1,205	1,205
MAPPING	1,112	1,112
SUBTOTAL, MAINTENANCE	151,855	161,219
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-14,310	-19,492
TOTAL, FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES	270,000	324,500

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
ALABAMA		
ALABAMA - COOSA COMPREHENSIVE WATER STUDY, AL	500	500
ALABAMA - COOSA RIVER, AL	549	4,000
BAYOU LA BATRE, AL	---	100
BLACK WARRIOR AND TOMBIGBEE RIVERS, AL	13,377	19,539
GULF INTRACOASTAL WATERWAY, AL	5,000	5,000
INSPECTION OF COMPLETED WORKS, AL	50	50
MILLERS FERRY LOCK AND DAM, WILLIAM "BILL" DANNELLY LA	4,543	2,272
MOBILE HARBOR, AL	20,000	21,000
ROBERT F HENRY LOCK AND DAM, AL	4,590	4,464
SCHEDULING RESERVOIR OPERATIONS, AL	100	100
TENNESSEE - TOMBIGBEE WATERWAY WILDLIFE MITIGATION, AL	2,000	2,000
TENNESSEE - TOMBIGBEE WATERWAY, AL & MS	22,354	23,004
WALTER F GEORGE LOCK AND DAM, AL & GA	5,939	5,989
ALASKA		
ANCHORAGE HARBOR, AK	5,154	5,154
CHENA RIVER LAKES, AK	1,986	2,661
DILLINGHAM HARBOR, AK	603	603
HOMER HARBOR, AK	445	445
INSPECTION OF COMPLETED WORKS, AK	43	43
NINILCHIK HARBOR, AK	278	278
NOME HARBOR, AK	2,815	3,815
PROJECT CONDITION SURVEYS, AK	554	554
ARIZONA		
ALAMO LAKE, AZ	1,528	1,528
INSPECTION OF COMPLETED WORKS, AZ	90	90
PAINTED ROCK DAM, AZ	1,571	1,571
SCHEDULING RESERVOIR OPERATIONS, AZ	35	35
WHITLOW RANCH DAM, AZ	221	221
ARKANSAS		
BEAVER LAKE, AR	5,060	5,060
BLAKELY MT DAM, LAKE OUACHITA, AR	7,192	7,192
BLUE MOUNTAIN LAKE, AR	1,189	1,189
BULL SHOALS LAKE, AR	4,401	4,701
DARDANELLE LOCK AND DAM, AR	5,337	5,337
DEGRAY LAKE, AR	6,164	6,164
DEQUEEN LAKE, AR	1,001	1,001
DIERKS LAKE, AR	1,030	1,030
GILLHAM LAKE, AR	931	931
GREERS FERRY LAKE, AR	5,016	5,016
HELENA HARBOR, AR	---	175
INSPECTION OF COMPLETED WORKS, AR	191	191
MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR	35,489	35,489
MILLWOOD LAKE, AR	1,418	1,418
NARROWS DAM, LAKE GREESON, AR	5,613	5,613
NIMROD LAKE, AR	1,793	1,793
NORFORK LAKE, AR	3,152	3,152
OSCEOLA HARBOR, AR	20	305
OUACHITA AND BLACK RIVERS, AR & LA	1,974	7,000
OZARK - JETA TAYLOR LOCK AND DAM, AR	4,866	4,866
PROJECT CONDITION SURVEYS, AR	6	6
WHITE RIVER, AR	---	500
YELLOW BEND PORT, AR	14	75
CALIFORNIA		
BLACK BUTTE LAKE, CA	1,882	1,882
BUCHANAN DAM, HV EASTMAN LAKE, CA	1,958	1,958
CHANNEL ISLANDS HARBOR, CA	4,985	4,985

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
COYOTE VALLEY DAM, LAKE MENDOCINO, CA	4,348	4,348
CRESCENT CITY, CA	---	500
DRY CREEK (WARM SPRINGS) LAKE AND CHANNEL, CA	4,779	5,500
FARMINGTON DAM, CA	526	526
HIDDEN DAM, HENSLEY LAKE, CA	1,828	1,828
HUMBOLDT HARBOR AND BAY, CA	2,864	2,864
INSPECTION OF COMPLETED WORKS, CA	1,271	1,271
ISABELLA LAKE, CA	2,080	2,080
LOS ANGELES - LONG BEACH HARBOR MODEL, CA	175	175
LOS ANGELES COUNTY DRAINAGE AREA, CA	5,376	5,376
MERCED COUNTY STREAMS, CA	292	292
MOJAVE RIVER DAM, CA	328	328
MORRO BAY HARBOR, CA	---	289
MOSS LANDING HARBOR, CA	---	250
NEW HOGAN LAKE, CA	2,044	2,044
NEW MELONES LAKE, DOWNSTREAM CHANNEL, CA	1,335	1,335
OAKLAND HARBOR, CA	7,098	7,098
OCEANSIDE HARBOR, CA	1,110	1,110
PILLAR POINT HARBOR, CA	---	125
PINE FLAT LAKE, CA	2,941	2,941
PINOLE SHOAL MANAGEMENT, CA	---	500
PORT HUENEME, VENTURA COUNTY, CA	---	250
PORT SAN LUIS, SAN LUIS OBISPO COUNTY, CA	---	500
PROJECT CONDITION SURVEYS, CA	2,173	2,173
REDWOOD CITY HARBOR, CA	---	500
RICHMOND HARBOR, CA	7,572	7,572
SACRAMENTO RIVER (30 FOOT PROJECT), CA	2,745	2,745
SACRAMENTO RIVER AND TRIBUTARIES (DEBRIS CONTROL), CA	1,246	1,246
SACRAMENTO RIVER SHALLOW DRAFT CHANNEL, CA	145	145
SAN FRANCISCO BAY LONG TERM MANAGEMENT STRATEGY (LTMS)	---	1,000
SAN FRANCISCO BAY, DELTA MODEL STRUCTURE, CA	1,277	1,189
SAN FRANCISCO HARBOR AND BAY, CA (DRIFT REMOVAL)	2,674	2,987
SAN FRANCISCO HARBOR, CA	2,255	2,255
SAN JOAQUIN RIVER, PORT OF STOCKTON, CA	---	3,000
SAN PABLO BAY & MARE ISLAND STRAIT, CA	---	1,000
SANTA ANA RIVER BASIN, CA	4,023	4,023
SANTA BARBARA HARBOR, CA	---	1,045
SCHEDULING RESERVOIR OPERATIONS, CA	1,285	1,285
SUCCESS LAKE, CA	2,007	2,007
SUISUN BAY CHANNEL, CA	4,559	4,559
TERMINUS DAM, LAKE KAWEAH, CA	2,268	2,268
VENTURA HARBOR, CA	2,910	2,910
YUBA RIVER, CA	126	126
COLORADO		
BEAR CREEK LAKE, CO	292	292
CHATFIELD LAKE, CO	1,109	1,609
CHERRY CREEK LAKE, CO	911	1,910
INSPECTION OF COMPLETED WORKS, CO	102	102
JOHN MARTIN RESERVOIR, CO	2,573	2,573
SCHEDULING RESERVOIR OPERATIONS, CO	308	308
TRINIDAD LAKE, CO	1,110	1,160
COMMONWEALTH OF NORTHERN MARIANA ISLANDS		
ROTA HARBOR, CNMI	200	200
CONNECTICUT		
BLACK ROCK LAKE, CT	414	414
COLEBROOK RIVER LAKE, CT	541	541
CONNECTICUT RIVER BELOW HARTFORD, CT	---	750
HANCOCK BROOK LAKE, CT	288	288
HOP BROOK LAKE, CT	985	985
INSPECTION OF COMPLETED WORKS, CT	36	36

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
MANSFIELD HOLLOW LAKE, CT	585	585
NORTHFIELD BROOK LAKE, CT	416	416
NORWALK HARBOR, CT	---	750
PROJECT CONDITION SURVEYS, CT	1,486	1,486
SOUTHPORT HARBOR, CT	---	500
STAMFORD HURRICANE BARRIER, CT	456	456
THOMASTON DAM, CT	616	616
TREATMENT OF DREDGED MATERIAL, LONG ISLAND SOUND, CT	1,500	1,500
WEST THOMPSON LAKE, CT	575	575
DELAWARE		
INDIAN RIVER INLET AND BAY, DE	500	500
INTRACOASTAL WATERWAY, DELAWARE R TO CHESAPEAKE BAY, D	13,600	14,400
PROJECT CONDITION SURVEYS, DE	80	80
WILMINGTON HARBOR, DE	3,570	3,570
DISTRICT OF COLUMBIA		
POTOMAC AND ANACOSTIA RIVERS, DC (DRIFT REMOVAL)	1,122	1,122
PROJECT CONDITION SURVEYS, DC	36	36
FLORIDA		
ATLANTIC INTRACOASTAL WATERWAY, FL	---	750
CANAVERAL HARBOR, FL	7,500	7,500
CENTRAL AND SOUTHERN FLORIDA, FL	10,559	10,559
ESCAMBIA AND CONECUH RIVERS, FL	1,000	1,000
FERNANDINA HARBOR, FL	1,980	1,980
GULF INTRACOASTAL WATERWAY, FL	---	500
INSPECTION OF COMPLETED WORKS, FL	300	300
INTRACOASTAL WATERWAY, JACKSONVILLE TO MIAMI, FL	---	2,000
JACKSONVILLE HARBOR, FL	6,945	6,945
JIM WOODRUFF LOCK AND DAM, LAKE SEMINOLE, FL, AL & GA	5,380	5,940
MIAMI RIVER, FL	---	2,000
OKEECHOBEE WATERWAY, FL	3,055	3,055
PALM BEACH HARBOR, FL	1,985	1,985
PANAMA CITY HARBOR, FL	906	906
PENSACOLA HARBOR, FL	1,500	1,500
PORT EVERGLADES HARBOR, FL	2,000	2,000
PROJECT CONDITION SURVEYS, FL	975	975
REMOVAL OF AQUATIC GROWTH, FL	3,500	3,500
TAMPA HARBOR, FL	4,286	4,286
GEORGIA		
ALLATOONA LAKE, GA	5,986	5,986
APALACHICOLA, CHATTAHOOCHEE AND FLINT RIVERS, GA, AL &	117	5,231
BRUNSWICK HARBOR, GA	3,993	3,993
BUFORD DAM AND LAKE SIDNEY LANIER, GA	9,697	9,697
CARTERS DAM AND LAKE, GA	12,955	12,955
HARTWELL LAKE, GA & SC	12,238	12,238
INSPECTION OF COMPLETED WORKS, GA	41	41
J STROM THURMOND LAKE, GA & SC	11,106	11,106
PROJECT CONDITION SURVEYS, GA	71	71
RICHARD B RUSSELL DAM AND LAKE, GA & SC	8,128	8,128
SAVANNAH HARBOR, GA	11,687	11,687
SAVANNAH RIVER BELOW AUGUSTA, GA	134	134
WEST POINT DAM AND LAKE, GA & AL	5,676	5,676
HAWAII		
BARBERS POINT HARBOR, HI	248	248
INSPECTION OF COMPLETED WORKS, HI	180	180
LAUPAHOEHOE SMALL BOAT HARBOR, HAWAII, HI	100	100
POHIKI BAY, HAWAII, HI	100	100

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
PORT ALLEN HARBOR, KAUAI, HI	1,770	1,770
PROJECT CONDITION SURVEYS, HI	550	550
IDAHO		
ALBENI FALLS DAM, ID	2,412	2,412
DWORSHAK DAM AND RESERVOIR, ID	2,399	2,899
INSPECTION OF COMPLETED WORKS, ID	74	74
LUCKY PEAK LAKE, ID	3,234	3,234
SCHEDULING RESERVOIR OPERATIONS, ID	406	406
SNAKE RIVER DREDGING, ID, WA & OR	---	250
ILLINOIS		
CALUMET HARBOR AND RIVER, IL & IN	2,124	2,124
CARLYLE LAKE, IL	4,366	4,366
CHICAGO HARBOR, IL	2,599	2,599
CHICAGO RIVER, IL	385	385
FARM CREEK RESERVOIRS, IL	192	225
ILLINOIS WATERWAY (MVR PORTION), IL & IN	33,273	33,458
ILLINOIS WATERWAY (MVS PORTION), IL & IN	1,814	1,982
INSPECTION OF COMPLETED WORKS, IL	605	605
KASKASKIA RIVER NAVIGATION, IL	392	2,000
LAKE MICHIGAN DIVERSION, IL	547	547
LAKE SHELBYVILLE, IL	5,309	5,309
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVR PORTION)	42,473	43,473
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVS PORTION)	17,907	18,847
PROJECT CONDITION SURVEYS, IL	33	33
REND LAKE, IL	4,435	4,435
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IL	120	120
WAUKEGAN HARBOR, IL	2,680	2,680
INDIANA		
BROOKVILLE LAKE, IN	670	670
BURNS WATERWAY HARBOR, IN	3,764	4,064
CAGLES MILL LAKE, IN	652	652
CECIL M HARDEN LAKE, IN	713	713
INDIANA HARBOR, IN	371	871
INSPECTION OF COMPLETED WORKS, IN	370	370
J EDWARD ROUSH LAKE, IN	707	707
MICHIGAN CITY HARBOR, IN	316	316
MISSISSINEWA LAKE, IN	810	810
MONROE LAKE, IN	775	775
PATOKA LAKE, IN	687	687
PROJECT CONDITION SURVEYS, IN	59	59
SALAMONIE LAKE, IN	634	634
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IN	117	117
IOWA		
CORALVILLE LAKE, IA	2,806	2,806
INSPECTION OF COMPLETED WORKS, IA	191	191
MISSOURI RIVER - KENSLERS BEND, NE TO SIOUX CITY, IA	157	157
MISSOURI RIVER - SIOUX CITY TO RULO, IA & NE	11,015	11,015
RATHBUN LAKE, IA	2,907	2,907
RED ROCK DAM AND LAKE RED ROCK, IA	3,350	3,350
SAYLORVILLE LAKE, IA	3,860	4,030
KANSAS		
CLINTON LAKE, KS	2,074	2,074
COUNCIL GROVE LAKE, KS	1,259	1,630
EL DORADO LAKE, KS	480	480
ELK CITY LAKE, KS	389	389
FALL RIVER LAKE, KS	1,516	1,516

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
HILLSDALE LAKE, KS	899	899
INSPECTION OF COMPLETED WORKS, KS	172	172
JOHN REDMOND DAM AND RESERVOIR, KS	1,260	1,260
KANOPOLIS LAKE, KS	1,645	1,645
MARION LAKE, KS	1,687	1,687
MELVERN LAKE, KS	2,227	2,227
MILFORD LAKE, KS	2,122	2,122
PEARSON - SKUBITZ BIG HILL LAKE, KS	932	932
PERRY LAKE, KS	2,869	2,869
POMONA LAKE, KS	1,984	1,984
SCHEDULING RESERVOIR OPERATIONS, KS	68	68
TORONTO LAKE, KS	389	389
TUTTLE CREEK LAKE, KS	2,169	2,169
WILSON LAKE, KS	2,816	2,891
KENTUCKY		
BARKLEY DAM AND LAKE BARKLEY, KY & TN	8,982	8,982
BARREN RIVER LAKE, KY	2,054	2,404
BIG SANDY HARBOR, KY	35	618
BUCKHORN LAKE, KY	1,282	1,282
CARR CREEK LAKE, KY	1,270	1,270
CAVE RUN LAKE, KY	812	812
DEWEY LAKE, KY	1,498	1,498
ELVIS STAHR (HICKMAN) HARBOR, KY	19	255
FISHTRAP LAKE, KY	1,558	1,558
GRAYSON LAKE, KY	1,249	1,249
GREEN AND BARREN RIVERS, KY	1,180	1,180
GREEN RIVER LAKE, KY	1,596	1,596
INSPECTION OF COMPLETED WORKS, KY	97	97
KENTUCKY RIVER, KY	21	21
LAUREL RIVER LAKE, KY	1,389	1,389
MARTINS FORK LAKE, KY	686	686
MIDDLESBORO CUMBERLAND RIVER BASIN, KY	122	122
NOLIN LAKE, KY	1,892	1,892
OHIO RIVER LOCKS AND DAMS, KY, IL, IN & OH	32,687	35,000
OHIO RIVER OPEN CHANNEL WORK, KY, IL, IN & OH	4,560	4,560
PAINTSVILLE LAKE, KY	1,026	1,026
PROJECT CONDITION SURVEYS, KY	6	6
ROUGH RIVER LAKE, KY	2,421	2,421
TAYLORSVILLE LAKE, KY	895	895
WOLF CREEK DAM, LAKE CUMBERLAND, KY	8,804	9,804
YATESVILLE LAKE, KY	1,069	1,069
LOUISIANA		
ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF AND BLACK, L	13,813	15,407
BARATARIA BAY WATERWAY, LA	---	250
BAYOU BODCAU RESERVOIR, LA	776	776
BAYOU PIERRE, LA	28	28
BAYOU SEGNETTE, LA	---	375
BAYOU FECHE, LA	---	75
CADDO LAKE, LA	182	182
CALCASIEU RIVER AND PASS, LA	13,285	13,285
FRESHWATER BAYOU, LA	1,678	1,678
GRAND ISLE AND VICINITY, LA	---	250
GULF INTRACOASTAL WATERWAY, LA	17,476	17,476
HOUMA NAVIGATION CANAL, LA	3,070	3,070
INSPECTION OF COMPLETED WORKS, LA	747	747
J BENNETT JOHNSTON WATERWAY, LA	10,600	13,050
LAKE PROVIDENCE HARBOR, LA	38	38
MADISON PARISH PORT, LA	20	20
MERMENTAU RIVER, LA	4,410	4,410
MISSISSIPPI RIVER OUTLETS AT VENICE, LA	424	424
MISSISSIPPI RIVER, BATON ROUGE TO THE GULF OF MEXICO	59,125	59,125
MISSISSIPPI RIVER, GULF OUTLET, LA	13,004	13,004

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
REMOVAL OF AQUATIC GROWTH, LA	1,800	1,800
WALLACE LAKE, LA	290	290
EMPIRE TO THE GULF, LA	---	100
WATERWAY FROM INTRACAOSTAL WATERWAY TO BAYOU DULAC, LA	---	100
MAINE		
DISPOSAL AREA MONITORING, ME	1,390	1,390
INSPECTION OF COMPLETED WORKS, ME	11	11
KENNEBUNK RIVER, KENNEBUNK AND KENNEBUNKPORT, ME	---	625
PROJECT CONDITION SURVEYS, ME	646	646
SCARBOROUGH RIVER, ME	---	250
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, ME	17	17
MARYLAND		
BALTIMORE HARBOR AND CHANNELS (50 FOOT), MD	15,796	15,796
BALTIMORE HARBOR, MD (DRIFT REMOVAL)	510	510
BALTIMORE HARBOR, MD (PREVENTION OF OBSTRUCTIVE DEPOSI	700	700
CUMBERLAND, MD & RIDGELY, WV	---	250
CHESAPEAKE CITY, MD (DREDGING)	---	125
HERRING BAY & ROCKHOLD CREEK, MD	---	90
HERRING CREEK & TALL TIMBERS, MD	---	125
JENNINGS RANDOLPH LAKE, MD & WV	2,662	2,662
NANTYCOKE RIVER, MD	---	100
KNAPPS NARROWS, MD	---	150
OCEAN CITY HARBOR INLET, MD	---	435
PROJECT CONDITION SURVEYS, MD	372	372
QUEENSTOWN HARBOR, MD	---	43
SCHEDULING RESERVOIR OPERATIONS, MD	95	95
ST JEROME CREEK, MD	---	43
TILGHMAN HARBOR, MD	---	100
UPPERTHROUGHFARE SOMERSET COUNTY, MD	---	125
WICOMICO RIVER, MD	720	720
MASSACHUSETTS		
AUNT LYDIA'S COVE, MA	350	350
BARRE FALLS DAM, MA	680	680
BIRCH HILL DAM, MA	585	585
BOSTON HARBOR, MA	7,500	7,500
BUFFUMVILLE LAKE, MA	601	601
CAPE COD CANAL, MA	10,225	11,240
CHARLES RIVER NATURAL VALLEY STORAGE AREA, MA	310	310
CONANT BROOK LAKE, MA	211	211
EAST BRIMFIELD LAKE, MA	461	461
GREEN HARBOR, MA	387	387
HODGES VILLAGE DAM, MA	646	646
INSPECTION OF COMPLETED WORKS, MA	114	114
KNIGHTVILLE DAM, MA	559	559
LITTLEVILLE LAKE, MA	498	498
NEW BEDFORD FAIRHAVEN AND ACUSHNET HURRICANE BARRIER	750	750
PROJECT CONDITION SURVEYS, MA	1,511	1,511
SALEM HARBOR, MA	---	500
SESUIT HARBOR, MA	---	65
TULLY LAKE, MA	564	564
WEST HILL DAM, MA	736	736
WESTVILLE LAKE, MA	569	569
WEYMOUTH-FORE & TOWN RIVERS, MA	---	500
MICHIGAN		
BAYPORT HARBOR, MI	---	250
CASEVILLE HARBOR, MI	---	128
CHANNELS IN LAKE ST CLAIR, MI	97	97
CHARLEVOIX HARBOR, MI	159	159

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
CLINTON RIVER, MI	---	400
DETROIT RIVER, MI	4,357	4,357
GRAND HAVEN HARBOR, MI	637	637
GRAND MARAIS HARBOR, MI	181	181
HARBOR BEACH HARBOR, MI	38	38
HOLLAND HARBOR, MI	1,214	1,214
INSPECTION OF COMPLETED WORKS, MI	144	144
KEWEENAW WATERWAY, MI	399	399
LELAND HARBOR, MI	---	75
LITTLE LAKE HARBOR, MI	17	17
LUDINGTON HARBOR, MI	538	538
MANISTEE HARBOR, MI	521	521
MARQUETTE HARBOR, MI	10	10
MENOMINEE HARBOR, MI & WI	154	154
MONROE HARBOR, MI	184	184
MUSKEGON HARBOR, MI	47	47
ONTONAGON HARBOR, MI	569	569
PT. LOOKOUT HARBOR, MI	---	50
PROJECT CONDITION SURVEYS, MI	152	40
ROUGE RIVER, MI	1,241	1,241
SAGINAW RIVER, MI	2,708	2,854
ST CLAIR RIVER, MI	947	947
ST JOSEPH HARBOR, MI	605	605
ST MARYS RIVER, MI	16,705	16,705
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MI	2,410	2,410
MINNESOTA		
BIGSTONE LAKE WHETSTONE RIVER, MN & SD	228	228
DULUTH - SUPERIOR HARBOR, MN & WI	4,917	4,917
INSPECTION OF COMPLETED WORKS, MN	123	123
LAC QUI PARLE LAKES, MINNESOTA RIVER, MN	565	565
MINNESOTA RIVER, MN	178	178
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVP PORTION)	51,030	51,030
ORWELL LAKE, MN	361	361
PROJECT CONDITION SURVEYS, MN	72	72
RED LAKE RESERVOIR, MN	98	98
RESERVOIRS AT HEADWATERS OF MISSISSIPPI RIVER, MN	6,026	6,026
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MN	282	282
WARROAD HARBOR, MN	---	150
MISSISSIPPI		
BILOXI HARBOR, MS	1,250	1,250
CLAIBORNE COUNTY PORT, MS	7	57
EAST FORK, TOMBIGBEE RIVER, MS	170	170
GULFPORT HARBOR, MS	2,500	3,500
INSPECTION OF COMPLETED WORKS, MS	57	124
MOUTH OF YAZOO RIVER, MS	24	74
OKATIBBEE LAKE, MS	1,320	1,420
PASCAGOULA HARBOR, MS	3,900	4,450
PEARL RIVER, MS	---	30
PROJECT CONDITION SURVEYS, MS	355	355
ROSEDALE HARBOR, MS	20	260
YAZOO RIVER, MS	140	140
MISSOURI		
CARUTHERSVILLE HARBOR, MO	12	350
CLARENCE CANNON DAM AND MARK TWAIN LAKE, MO	5,821	6,321
CLEARWATER LAKE, MO	1,974	2,424
HARRY S TRUMAN DAM AND RESERVOIR, MO	8,369	8,369
INSPECTION OF COMPLETED WORKS, MO	781	781
LITTLE BLUE RIVER LAKES, MO	841	841
LONG BRANCH LAKE, MO	926	926
MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	21,236	21,736

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
NEW MADRID HARBOR, MO	16	188
POMME DE TERRE LAKE, MO	2,252	2.252
PROJECT CONDITION SURVEYS, MO	6	6
SCHEDULING RESERVOIR OPERATIONS, MO	319	319
SMITHVILLE LAKE, MO	1,175	1,175
SOUTHEAST MISSOURI PORT, MO	---	188
STOCKTON LAKE, MO	3 760	3.760
TABLE ROCK LAKE, MO	5,972	5,972
UNION LAKE, MO	10	10
MONTANA		
FT PECK DAM AND LAKE, MT	5,290	5,730
INSPECTION OF COMPLETED WORKS, MT	19	19
LIBBY DAM, LAKE KOOCANUSA, MT	3.837	3,837
SCHEDULING RESERVOIR OPERATIONS, MT	87	87
NEBRASKA		
GAVINS POINT DAM, LEWIS AND CLARK LAKE, NE & SD	6,842	6,842
HARLAN COUNTY LAKE, NE	2.005	2,005
INSPECTION OF COMPLETED WORKS, NE	102	102
MISSOURI R MASTER WTR CONTROL MANUAL, NE, IA, KS, MO	350	350
PAPILLION CREEK AND TRIBUTARIES LAKES, NE	619	619
SALT CREEK AND TRIBUTARIES, NE	644	644
NEVADA		
INSPECTION OF COMPLETED WORKS, NV	44	44
MARTIS CREEK LAKE, NV & CA	612	612
PINE AND MATHEWS CANYONS LAKES, NV	261	261
NEW HAMPSHIRE		
COCHECO RIVER, NH	---	1,000
BLACKWATER DAM, NH	617	617
EDWARD MACDOWELL LAKE, NH	527	527
FRANKLIN FALLS DAM, NH	722	722
HOPKINTON - EVERETT LAKES, NH	1,175	1,175
INSPECTION OF COMPLETED WORKS, NH	12	12
OTTER BROOK LAKE, NH	648	648
PROJECT CONDITION SURVEYS, NH	343	343
SURRY MOUNTAIN LAKE, NH	639	639
NEW JERSEY		
ABSECON INLET, NJ	---	28
BARNEGAT INLET, NJ	---	795
COLD SPRING INLET, NJ	245	245
DELAWARE RIVER AT CAMDEN, NJ	20	20
DELAWARE RIVER, PHILADELPHIA TO THE SEA, NJ, PA & DE	20,100	21,550
DELAWARE RIVER, PHILADELPHIA, PA TO TRENTON, NJ	3,415	3,415
INSPECTION OF COMPLETED WORKS, NJ	40	40
MANASQUAN RIVER, NJ	190	190
NEW JERSEY INTRACOASTAL WATERWAY, NJ	---	1,000
NEWARK BAY, HACKENSACK AND PASSAIC RIVERS, NJ	120	120
PASSAIC RIVER FLOOD WARNING SYSTEMS, NJ	425	425
PROJECT CONDITION SURVEYS, NJ	1,670	1,670
RARITAN RIVER, NJ	---	250
SALEM RIVER , NJ	---	125
SHARK RIVER, NJ	100	100
NEW MEXICO		
ABIQUIU DAM, NM	1,920	2,310
ALBUQUERQUE LEVEES, NM	---	175

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
COCHITI LAKE, NM	2,381	4,081
CONCHAS LAKE, NM	1,733	2,183
GALISTEO DAM, NM	432	532
INSPECTION OF COMPLETED WORKS, NM	192	192
JEMEZ CANYON DAM, NM	721	2,121
RIO GRANDE BOSQUE REHABILITATION, NM	5,000	5,000
SANTA ROSA DAM AND LAKE, NM	1,289	1,389
SCHEDULING RESERVOIR OPERATIONS, NM	172	511
TWO RIVERS DAM, NM	525	725
UPPER RIO GRANDE WATER OPERATIONS MODEL, NM	---	1,000
NEW YORK		
ALMOND LAKE, NY	530	530
ARKPORT DAM, NY	283	283
BLACK ROCK CHANNEL AND TONAWANDA HARBOR, NY	1,681	1,681
BROWNS CREEK, NY	750	750
BUFFALO HARBOR, NY	309	309
BUTTERMILK CHANNEL, NY	1,030	1,030
DUNKIRK HARBOR, NY	345	345
EAST RIVER, NY	370	370
EAST ROCKAWAY INLET, NY	2,100	2,100
EAST SIDNEY LAKE, NY	466	466
FIRE ISLAND INLET TO JONES INLET, NY	180	180
FLUSHING BAY AND CREEK, NY	---	375
GREAT SODUS BAY HARBOR, NY	---	150
GREAT SOUTH BAY, PATCHOGUE RIVER, NY	---	100
HUDSON RIVER, NY (MAINT)	2,005	2,005
HUDSON RIVER, NY (O&C)	1,950	1,950
INSPECTION OF COMPLETED WORKS, NY	594	594
JAMAICA BAY, NY	2,200	2,200
LAKE MONTAUK HARBOR, NY	750	750
LITTLE SODUS BAY HARBOR, NY	---	300
MORICHES INLET, NY	50	50
MT MORRIS LAKE, NY	2,129	2,129
NEW YORK AND NEW JERSEY CHANNELS, NY	5,700	5,700
NEW YORK HARBOR, NY	4,235	4,235
NEW YORK HARBOR, NY & NJ (DRIFT REMOVAL)	5,414	5,414
OSWEGO HARBOR, NY	500	500
PROJECT CONDITION SURVEYS, NY	1,075	1,075
ROCHESTER HARBOR, NY	60	60
SAUGERTIES HARBOR, NY	500	500
SHINNECOCK INLET, NY	100	100
SOUTHERN NEW YORK FLOOD CONTROL PROJECTS, NY	788	788
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, NY	596	596
WHITNEY POINT LAKE, NY	577	577
WILSON HARBOR, NY	---	175
NORTH CAROLINA		
ATLANTIC INTERCOASTAL WATERWAY, NC	---	2,000
B EVERETT JORDAN DAM AND LAKE, NC	1,915	1,915
CAPE FEAR RIVER ABOVE WILMINGTON, NC	123	123
FALLS LAKE, NC	1,793	1,793
INSPECTION OF COMPLETED WORKS, NC	35	35
LOCKWOODS FOLLY RIVER, NC	---	500
MANTEO (SHALLOWBAG) BAY, NC	6,970	6,970
MOREHEAD CITY HARBOR, NC	4,112	4,112
NEW RIVER INLE, NC	---	250
NEW TOPSAIL INLET & CONNECTING CHANNELS, NC	---	200
PROJECT CONDITION SURVEYS, NC	227	227
W KERR SCOTT DAM AND RESERVOIR, NC	2,524	2,524
WILMINGTON HARBOR, NC	8,157	8,157

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
NORTH DAKOTA		
BOWMAN - HALEY LAKE, ND	242	242
GARRISON DAM, LAKE SAKAKAWEA, ND	13,597	14,322
HOMME LAKE, ND	196	196
INSPECTION OF COMPLETED WORKS, ND	79	79
LAKE ASHTABULA AND BALDHILL DAM, ND	1,216	1,216
PIPESTEM LAKE, ND	534	534
SCHEDULING RESERVOIR OPERATIONS, ND	116	116
SOURIS RIVER, ND	387	387
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, ND	30	30
OHIO		
ALUM CREEK LAKE, OH	715	715
ASHTABULA HARBOR, OH	1,940	1,940
BERLIN LAKE, OH	1,830	1,830
CAESAR CREEK LAKE, OH	1,187	1,187
CLARENCE J BROWN DAM, OH	758	1,000
CLEVELAND HARBOR, OH	4,653	4,653
CONNEAUT HARBOR, OH	420	420
DEER CREEK LAKE, OH	727	1,000
DELAWARE LAKE, OH	719	719
DILLON LAKE, OH	653	653
FAIRPORT HARBOR, OH	954	954
HURON HARBOR, OH	1,104	1,104
INSPECTION OF COMPLETED WORKS, OH	175	175
LORAIN HARBOR, OH	1,615	1,615
MASSILLON LOCAL PROTECTION PROJECT, OH	25	25
MICHAEL J KIRWAN DAM AND RESERVOIR, OH	795	795
MOSQUITO CREEK LAKE, OH	985	985
MUSKINGUM RIVER LAKES, OH	5,776	7,026
NORTH BRANCH KOKOSING RIVER LAKE, OH	169	169
PAINT CREEK LAKE, OH	747	747
PORT CLINTON HARBOR, OH	5	185
PROJECT CONDITION SURVEYS, OH	98	98
ROSEVILLE LOCAL PROTECTION PROJECT, OH	30	30
SANDUSKY HARBOR, OH	950	950
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OH	170	170
TOLEDO HARBOR, OH	3,569	3,569
TOM JENKINS DAM, OH	269	269
WEST FORK OF MILL CREEK LAKE, OH	397	397
WILLIAM H HARSHA LAKE, OH	848	948
OKLAHOMA		
ARCADIA LAKE, OK	280	280
BIRCH LAKE, OK	459	459
BROKEN BOW LAKE, OK	1,294	1,294
CANDY LAKE, OK	20	20
CANTON LAKE, OK	3,111	3,111
COPAN LAKE, OK	734	734
EUFAULA LAKE, OK	5,435	5,435
FORT GIBSON LAKE, OK	6,190	6,190
FORT SUPPLY LAKE, OK	733	733
GREAT SALT PLAINS LAKE, OK	129	129
HEYBURN LAKE, OK	557	557
HUGO LAKE, OK	2,997	2,997
HULAH LAKE, OK	337	337
INSPECTION OF COMPLETED WORKS, OK	131	131
KAW LAKE, OK	1,835	1,835
KEYSTONE LAKE, OK	4,233	4,233
OOLOGAH LAKE, OK	2,094	2,094
OPTIMA LAKE, OK	41	41
PENSACOLA RESERVOIR, LAKE OF THE CHEROKEES, OK	18	18
PINE CREEK LAKE, OK	848	848

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
ROBERT S KERR LOCK AND DAM AND RESERVOIRS, OK	4,734	4,734
SARDIS LAKE, OK	604	604
SCHEDULING RESERVOIR OPERATIONS, OK	616	616
SKIATOOK LAKE, OK	1,196	1,196
TENKILLER FERRY LAKE, OK	3,217	3,217
WAURIKA LAKE, OK	946	946
WEBBERS FALLS LOCK AND DAM, OK	6,706	6,706
WISTER LAKE, OK	1,885	1,885
OREGON		
APPLEGATE LAKE, OR	669	669
BLUE RIVER LAKE, OR	256	256
CHETCO RIVER, OR	---	259
BONNEVILLE LOCK AND DAM, OR & WA	8,807	8,807
COLUMBIA & LWR WILLAMETTE R BLW VANCOUVER, WA & PORTLA	19,768	20,018
COLUMBIA RIVER AT THE MOUTH, OR & WA	17,791	17,791
COLUMBIA RIVER BETWEEN VANCOUVER, WA AND THE DALLES, O	614	614
COOS BAY, OR	5,796	6,165
COQUILLE RIVER, OR	---	132
COTTAGE GROVE LAKE, OR	793	793
COUGAR LAKE, OR	1,037	1,037
DEPOE BAY, OR	---	150
DEPOT SLOUGH, OR	---	150
DETROIT LAKE, OR	627	627
DORENA LAKE, OR	599	599
FALL CREEK LAKE, OR	521	521
FERN RIDGE LAKE, OR	993	993
GREEN PETER - FOSTER LAKES, OR	1,350	1,350
HILLS CREEK LAKE, OR	526	526
INSPECTION OF COMPLETED WORKS, OR	165	165
JOHN DAY LOCK AND DAM, OR & WA	5,898	5,898
LOOKOUT POINT LAKE, OR	1,456	1,456
LOST CREEK LAKE, OR	2,805	2,805
MCNARY LOCK AND DAM, OR & WA	5,678	5,678
PORT ORFORD, OR	---	175
PROJECT CONDITION SURVEYS, OR	200	200
ROGUE RIVER, GOLD BEACH, OR	---	175
SCHEDULING RESERVOIR OPERATIONS, OR	62	62
SIUSLAW RIVER, OR	---	125
SKIPANON CHANNEL, OR	---	92
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OR	134	134
TILLAMOOK BAY AND BAR, OR	---	250
UMPQUA RIVER, OR	---	225
WILLAMETTE FALLS LOCKS, OR	---	210
WILLAMETTE RIVER BANK PROTECTION, OR	60	60
WILLOW CREEK LAKE, OR	723	723
YAQUINA BAY AND HARBOR, OR	2,182	2,182
PENNSYLVANIA		
ALLEGHENY RIVER, PA	4,540	4,540
ALVIN R BUSH DAM, PA	614	614
AYLESWORTH CREEK LAKE, PA	204	204
BELTZVILLE LAKE, PA	906	906
BLUE MARSH LAKE, PA	2,355	2,355
CONEMAUGH RIVER LAKE, PA	1,012	1,012
COWANESQUE LAKE, PA	2,010	2,010
CROOKED CREEK LAKE, PA	1,210	1,210
CURWENSVILLE LAKE, PA	716	716
DELAWARE RIVER, FAIRLESS TURNING BASIN, BUCKS CO, PA	---	500
EAST BRANCH CLARION RIVER LAKE, PA	1,086	1,293
ERIE HARBOR, PA	70	70
FOSTER JOSEPH SAYERS DAM, PA	758	758
FRANCIS E WALTER DAM, PA	617	617
GENERAL EDGAR JADWIN DAM AND RESERVOIR, PA	231	231

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
INSPECTION OF COMPLETED WORKS, PA	4	4
JOHNSTOWN, PA	13	1,009
KINZUA DAM AND ALLEGHENY RESERVOIR, PA	1,206	1,206
LOYALHANNA LAKE, PA	934	934
MAHONING CREEK LAKE, PA	795	795
MONONGAHELA RIVER, PA	13,963	14,313
OHIO RIVER LOCKS AND DAMS, PA, OH & WV	21,603	21,603
OHIO RIVER OPEN CHANNEL WORK, PA, OH & WV	578	578
PROJECT CONDITION SURVEYS, PA	30	30
PROMPTON LAKE, PA	399	399
PUNXSUTAWNEY, PA	17	17
RAYSTOWN LAKE, PA	4,078	4,078
SCHEDULING RESERVOIR OPERATIONS, PA	55	55
SCHUYLKILL RIVER, PA	1,480	1,480
SHENANGO RIVER LAKE, PA	2,336	2,336
STILLWATER LAKE, PA	378	378
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, PA	82	82
TIOGA - HAMMOND LAKES, PA	2,642	2,642
TIONESTA LAKE, PA	1,551	1,551
UNION CITY LAKE, PA	244	244
WOODCOCK CREEK LAKE, PA	798	798
YORK INDIAN ROCK DAM, PA	538	588
PUERTO RICO		
SAN JUAN HARBOR, PR	2,000	2,000
SCHEDULING RESERVOIR OPERATIONS, PR	30	30
RHODE ISLAND		
BULLOCKS COVE, RI	---	250
INSPECTION OF COMPLETED WORKS, RI	10	10
PAWTUXET COVE, CRANSTON AND WARWICK, RI	---	400
PROJECT CONDITION SURVEYS, RI	414	414
PROVIDENCE RIVER AND HARBOR, RI	9,000	9,000
RHODE ISLAND REGION, LONG-TERM DREDGE DISPOSAL EVAL R	500	500
SOUTH CAROLINA		
ATLANTIC INTRACOASTAL WATERWAY, SC	---	2,500
CHARLESTON HARBOR, SC	14,052	14,052
COOPER RIVER, CHARLESTON HARBOR, SC	3,315	3,315
FOLLY RIVER, SC	---	225
GEORGETOWN HARBOR, SC	1,989	3,488
INSPECTION OF COMPLETED WORKS, SC	30	30
MURRELLS INLET, SC	---	28
PROJECT CONDITION SURVEYS, SC	349	349
TOWN CREEK, SC	---	413
SOUTH DAKOTA		
BIG BEND DAM, LAKE SHARPE, SD	9,263	9,263
CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE, SD	---	2,500
COLD BROOK LAKE, SD	308	308
COTTONWOOD SPRINGS LAKE, SD	215	215
FORT RANDALL DAM, LAKE FRANCIS CASE, SD	9,749	9,749
INSPECTION OF COMPLETED WORKS, SD	17	17
LAKE TRAVERSE, SD & MN	512	512
MISSOURI R BETWEEN FORT PECK DAM AND GAVINS PT, SD, MT	350	350
OAHE DAM, LAKE OAHE, SD & ND	13,580	13,580
SCHEDULING RESERVOIR OPERATIONS, SD	49	49
TENNESSEE		
CENTER HILL LAKE, TN	5,057	5,057
CHEATHAM LOCK AND DAM, TN	6,062	6,062

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
CHICKAMAUGA LOCK, TN	1,080	1,080
CORDELL HULL DAM AND RESERVOIR, TN	5,688	5,688
DALE HOLLOW LAKE, TN	4,461	4,461
INSPECTION OF COMPLETED WORKS, TN	116	116
J PERCY PRIEST DAM AND RESERVOIR, TN	4,245	4,245
OLD HICKORY LOCK AND DAM, TN	9,163	9,163
PROJECT CONDITION SURVEYS, TN	6	6
TENNESSEE RIVER, TN	15,210	17,000
WOLF RIVER HARBOR, TN	19	110
TEXAS		
AQUILLA LAKE, TX	644	644
ARKANSAS - RED RIVER BASINS CHLORIDE CONTROL - AREA VI	1,185	1,185
BARDWELL LAKE, TX	1,621	1,621
BAYPORT SHIP CHANNEL, TX	2,785	2,785
BELTON LAKE, TX	2,712	2,712
BENBROOK LAKE, TX	2,481	2,481
BRAZOS ISLAND HARBOR, TX	2,875	2,875
BUFFALO BAYOU AND TRIBUTARIES, TX	1,835	1,835
CANYON LAKE, TX	2,732	2,732
CORPUS CHRISTI SHIP CHANNEL., TX	7,945	7,945
DENISON DAM LAKE TEXOMA, TX	7,715	7,715
ESTELLINE SPRINGS EXPERIMENTAL PROJECT, TX	5	5
FERRELLS BRIDGE DAM, LAKE O' THE PINES, TX	2,635	2,635
FREEPORT HARBOR, TX	6,320	6,320
GALVESTON HARBOR AND CHANNEL, TX	8,551	8,551
GRANGER DAM AND LAKE, TX	1,600	1,600
GRAPEVINE LAKE, TX	2,834	2,834
GULF INTRACOASTAL WATERWAY, TX	15,527	15,527
GULF INTRACOASTAL, WATERWAY CHANNEL TO PORT MANSFIELD.	---	163
HORDS CREEK LAKE, TX	1,276	1,276
HOUSTON SHIP CHANNEL, TX	13,433	16,719
INSPECTION OF COMPLETED WORKS, TX	448	448
JIM CHAPMAN LAKE, TX	1,283	1,283
JOE POOL LAKE, TX	769	769
LAKE KEMP, TX	158	158
LAVON LAKE, TX	2,580	2,580
LEWISVILLE DAM, TX	3,832	3,832
MATAGORDA SHIP CHANNEL, TX	---	2,000
NAVARRO MILLS LAKE, TX	1,603	1,603
NORTH SAN GABRIEL DAM AND LAKE GEORGETOWN, TX	1,724	1,724
O C FISHER DAM AND LAKE, TX	813	813
PAT MAYSE LAKE, TX	724	724
PROCTOR LAKE, TX	1,701	1,701
PROJECT CONDITION SURVEYS, TX	50	50
RAY ROBERTS LAKE, TX	1,061	1,061
SABINE - NECHES WATERWAY, TX	10,985	10,985
SAM RAYBURN DAM AND RESERVOIR, TX	4,291	4,291
SCHEDULING RESERVOIR OPERATIONS, TX	129	129
SOMERVILLE LAKE, TX	2,600	2,600
STILLHOUSE HOLLOW DAM, TX	1,782	1,782
TEXAS WATER ALLOCATION ASSESSMENT, TX	100	550
TOWN BLUFF DAM, B A STEINHAGEN LAKE, TX	1,801	1,801
WACO LAKE, TX	2,291	2,791
WALLISVILLE LAKE, TX	1,295	1,295
WHITNEY LAKE, TX	4,516	4,516
WRIGHT PATMAN DAM AND LAKE, TX	2,672	2,672
UTAH		
INSPECTION OF COMPLETED WORKS, UT	76	76
SCHEDULING RESERVOIR OPERATIONS, UT	393	393

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
VERMONT		
BALL MOUNTAIN LAKE, VT	789	789
BURLINGTON HARBOR, VT	---	100
CONNECTICUT RIVER FLOOD CONTROL DAMS, VT	---	250
INSPECTION OF COMPLETED WORKS, VT	42	42
NARROWS OF LAKE CHAMPLAIN, VT & NY	50	50
NORTH HARTLAND LAKE, VT	659	659
NORTH SPRINGFIELD LAKE, VT	849	849
TOWNSHEND LAKE, VT	759	759
UNION VILLAGE DAM, VT	602	602
VIRGINIA		
ATLANTIC INTRACOASTAL WATERWAY - ACC, VA	1,934	1,934
ATLANTIC INTRACOASTAL WATERWAY - DSC, VA	435	785
CHINCOTEAGUE INLET, VA	---	250
GATHRIGHT DAM AND LAKE MOOMAW, VA	1,682	1,682
HAMPTON RDS, NORFOLK & NEWPORT NEWS HBR, VA (DRIFT REM	1,100	1,100
INSPECTION OF COMPLETED WORKS, VA	176	176
JAMES RIVER CHANNEL, VA	3,770	3,985
JOHN H KERR LAKE, VA & NC	11,881	11,881
JOHN W FLANNAGAN DAM AND RESERVOIR, VA	1,401	1,401
LYNNHAVEN INLET, VA	1,635	1,635
NORFOLK HARBOR, VA	8,678	10,089
NORFOLK HARBOR, VA (PREVENTION OF OBSTRUCTIVE DEPOSITS	190	190
NORTH FORK OF POUND RIVER LAKE, VA	347	347
PHILPOTT LAKE, VA	3,905	3,905
PROJECT CONDITION SURVEYS, VA	760	760
RUDEE INLET, VA	---	500
WASHINGTON		
CHIEF JOSEPH DAM, WA	839	839
EVERETT HARBOR AND SNOHOMISH RIVER, WA	1,589	1,589
GRAYS HARBOR AND CHEHALIS RIVER, WA	8,215	8,715
HOWARD HANSON DAM, WA	4,166	4,166
ICE HARBOR LOCK AND DAM, WA	6,022	6,022
INSPECTION OF COMPLETED WORKS, WA	303	303
LAKE WASHINGTON SHIP CANAL, WA	6,480	6,480
LITTLE GOOSE LOCK AND DAM, WA	1,607	1,607
LOWER GRANITE LOCK AND DAM, WA	2,931	2,931
LOWER MONUMENTAL LOCK AND DAM, WA	2,337	2,337
MILL CREEK LAKE, WA	1,763	1,763
MT ST HELENS SEDIMENT CONTROL, WA	272	272
MUD MOUNTAIN DAM, WA	2,705	3,855
NEAH BAY, WA	128	128
PROJECT CONDITION SURVEYS, WA	343	343
PUGET SOUND AND TRIBUTARY WATERS, WA	1,003	1,003
SCHEDULING RESERVOIR OPERATIONS, WA	490	490
SEATTLE HARBOR, WA	1,152	1,152
STILLAGUAMISH RIVER, WA	262	262
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WA	64	64
SWINOMISH CHANNEL, WA	510	510
TACOMA, PUYALLUP RIVER, WA	118	118
THE DALLES LOCK AND DAM, WA & OR	3,138	3,448
WATERWAY CONNECTING PORT TOWNSEND AND OAK BAY, WA	221	221
WEST VIRGINIA		
BEECH FORK LAKE, WV	1,062	1,062
BLUESTONE LAKE, WV	1,047	1,047
BURNSVILLE LAKE, WV	1,531	1,531
EAST LYNN LAKE, WV	1,672	1,672
ELKINS, WV	18	18
INSPECTION OF COMPLETED WORKS, WV	80	80

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
KANAWHA RIVER LOCKS AND DAMS, WV	7,454	7,454
OHIO RIVER LOCKS AND DAMS, WV, KY & OH	26,269	26,269
OHIO RIVER OPEN CHANNEL WORK, WV, KY & OH	2,494	2,494
R D BAILEY LAKE, WV	1,416	1,416
STONEWALL JACKSON LAKE, WV	859	859
SUMMERSVILLE LAKE, WV	1,587	1,587
SUTTON LAKE, WV	1,685	1,685
TYGART LAKE, WV	3,809	3,809
YOUGHIOGHENY LAKE, WV	---	1,753
WISCONSIN		
CORNUCOPIA HARBOR, WI	---	120
EAU GALLE RIVER LAKE, WI	722	722
FOX RIVER, WI	1,776	1,776
GREEN BAY HARBOR, WI	3,585	3,585
INSPECTION OF COMPLETED WORKS, WI	38	38
KENOSHA HARBOR, WI	190	190
KEWAUNEE HARBOR, WI	95	95
MANITOWOC HARBOR, WI	72	72
MILWAUKEE HARBOR, WI	768	1,038
PORT WING HARBOR, WI	---	130
PROJECT CONDITION SURVEYS, WI	61	61
SHEBOYGAN HARBOR, WI	2,450	2,450
STURGEON BAY HARBOR AND LAKE MICHIGAN SHIP CANAL, WI	1,324	1,324
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WI	472	472
TWO RIVERS HARBOR, WI	15	225
WYOMING		
INSPECTION OF COMPLETED WORKS, WY	11	11
JACKSON HOLE LEVEES, WY	1,281	1,281
SCHEDULING RESERVOIR OPERATIONS, WY	86	86
MISCELLANEOUS		
AQUATIC NUISANCE CONTROL RESEARCH	653	3,500
AUTOMATED BUDGET SYSTEM (ABS)	250	250
COASTAL INLET RESEARCH PROGRAM	2,475	2,675
CULTURAL RESOURCES (NAGPRA/CURATION)	1,391	1,391
DREDGE WHEELER READY RESERVE	8,000	8,000
DREDGING DATA AND LOCK PERFORMANCE MONITORING SYSTEM	1,062	1,062
DREDGING OPERATIONS AND ENVIRONMENTAL RESEARCH (DOER)	6,080	6,080
DREDGING OPERATIONS TECHNICAL SUPPORT PROGRAM	1,391	1,468
EARTHQUAKE HAZARDS REDUCTION PROGRAM	270	270
RESERVE FOR KEY EMERGENCY MAINTENANCE/REPAIRS	35,000	---
FACILITY PROTECTION	12,000	12,000
GREAT LAKES SEDIMENT TRANSPORT MODELS	900	950
HARBOR MAINTENANCE FEE DATA COLLECTION	608	608
INLAND WATERWAY NAVIGATION CHARTS	3,708	3,708
MONITORING OF COMPLETED NAVIGATION PROJECTS	1,575	1,575
NATIONAL DAM SAFETY PROGRAM	250	250
NATIONAL DAM SECURITY PROGRAM	31	31
NATIONAL EMERGENCY PREPAREDNESS PROGRAM (NEPP)	5,000	5,000
NATIONAL LEWIS AND CLARK COMMEMORATION COORDINATOR	319	319
PERFORMANCE BASED BUDGETING SUPPORT PROGRAM	734	734
PROTECT, CLEAR AND STRAIGHTEN CHANNELS (SEC 3)	45	45
RECREATION MANAGEMENT SUPPORT PROGRAM (RMSP)	1,600	1,600
REGIONAL SEDIMENT MANAGEMENT DEMONSTRATION PROGRAM	1,391	2,500
RELIABILITY MODELS PROGRAM FOR MAJOR REHABILITATION	608	608
REMOVAL OF SUNKEN VESSELS	450	675
WATER OPERATIONS TECHNICAL SUPPORT (WOTS)	653	653
WATERBORNE COMMERCE STATISTICS	4,271	4,271

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE.......	-12,325	-58,909
TOTAL, OPERATION AND MAINTENANCE...............	1,926,000	1,959,101

TITLE II—DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

The conference agreement includes $48,009,000 for fiscal year 2005 to carry out the provisions of the Central Utah Project Completion Act. An appropriation of $30,806,000 has been provided for Central Utah project construction; $15,469,000 for fish, wildlife, and recreation, mitigation and conservation. The conference recommendation provides $1,734,000 for program administration and oversight.

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

An appropriation of $859,481,000 is provided by the conferees for Water and Related Resources.

BUILDING AND SITE SECURITY

Security Costs and Allocations.—Following the attacks on September 11, 2001, the Bureau of Reclamation strengthened security at Federal dams and similar facilities and has undertaken but not completed extensive risk assessments for over 400 units throughout the West. Many of these are multi-purpose facilities providing flood control, water storage for contract irrigators, municipal and industrial water supplies, power generation, recreation and environmental mitigation benefits. The conference understands that beginning in fiscal year 2005, Reclamation will no longer make a distinction between pre-September 11, 2001, security costs and post-September 11, 2001, security costs. The conference recognizes that the security posture of Reclamation will likely not approach pre-September 11, 2001, levels for many years, if ever. The conference recognizes that project beneficiaries benefit from this enhanced security. However, the conference remains concerned about the reimbursability of increased security costs for Reclamation projects. Therefore, Reclamation shall provide a report to the conference, no later than, May 1, 2005, with a breakout of planned reimbursable and non-reimbursable security costs by project, by region. The conference directs the Commissioner not to begin the reimbursement process until the Congress provides direct instruction to do so.

Within the funds provided for the Central Valley Project, Colorado Front Work and Levee System, AZ. The conference has included additional funds to continue activities for water management reservoirs to be constructed along the All American Canal.

Central Valley Project.—A total of $7,500,000 has been provided under various divisions of the Central Valley Project in support of the California Bay-Delta Restoration. A description of the activities for which funds have been added follows.

CENTRAL VALLEY PROJECT

ENVIRONMENTAL WATER ACCOUNT

Miscellaneous Project Programs.—$1,000,000 is provided to acquire water and groundwater storage.

PLANNING AND MANAGEMENT ACTIVITIES

Delta Division Oversight.—$500,000 is provided to continue coordination, administration, planning, performance tracking and science activities in coordination with CALFED Program Implementation Plan.

STORAGE

Delta Division.—$1,000,000 is provided for Reclamation to continue participating in planning and study activities associated with enlarging Los Vaqueros reservoir.

Sacramento River Division.—$1,000,000 is provided to continue planning and study activities for Sites reservoir.

Shasta Division.—$1,000,000 is provided to continue evaluating the potential impacts of the proposed Shasta raise.

CONVEYANCE

Delta Division.—$1,000,000 is provided for the Tracy Test Fish facility.

Miscellaneous Project Programs.—$1,000,000 is provided for the continuation of feasibility levels studies and technical assistance to the State of California; $1,000,000 for the Bureau for the administration of storage, conveyance, water use efficiency, ecosystem restoration, science and water transfer.

Central Valley Project, Friant Division, California.—The conferees have provided an additional $1,000,000 for the Bureau of Reclamation to continue the Upper San Joaquin River Basin Storage investigation.

Middle Rio Grande Project, New Mexico.—The conferees are pleased with the increased progress of on-the-ground activities resulting from implementation of the Executive Committee of the Endangered Species Collaborative program. Of the total $6,150,000 provided for this effort, the Bureau of Reclamation is to fund the following activities: $2,000,000 for habitat restoration; $275,000 for water and minnow management improvement; $2,000,000 for water acquisition; $500,000 for science and monitoring; $750,000 for biological opinion monitoring; and $625,000 for program management. Prior to obligation of funds, the Bureau is to submit the funding levels for each category, accompanied by a detailed spending plan, to the House and Senate Appropriations Committees for approval. The Bureau will also submit to the Committees, concurrent with the President's funding request to Congress, a detailed spending plan for the 2006 fiscal year. The cost-share requirements for this program remain 75 percent Federal/25 percent non-Federal. Within the funds provided, the Bureau is directed to begin work on the models for the Silvery Minnow sanctuary.

Middle Rio Grande Project, Middle Rio Grande Levees, New Mexico.—The conference has provided an additional $5,000,000 for the continued repair of the Middle Rio Grande levees, on which work began in fiscal year 2003.

San Juan River Basin Investigations Program, New Mexico.—The conference has included additional funds for the Commissioner to begin the evaluation and initial work regarding the San Juan Chama, New Mexico, title transfer.

Oklahoma Investigations Project, Oklahoma.—The conferees have provided additional funds for the Bureau of Reclamation to continue studying ways to improve management of the Arbuckle-Simpson aquifer.

Klamath Project, Oregon and California.—The conferees recommend additional funds for the Klamath Project water bank program. From within available funds, the conferees direct that up to $1,000,000 be used for water quality multi-probe and flow measurement instrumentation.

Mni Wiconi Project, South Dakota.—The conference agreement provides $25,282,000 for this project. Within the funds provided, up to $160,000 may be used to replace water trucks for the Oglala Sioux Tribe. Reclamation and its tribal partners are cautioned that these water trucks should only be used for supplying water on a temporary short term critical need basis to areas that are part of the authorized Mni Wiconi project but are not yet served by the project. As more of the project is completed, the conference expects this water hauling operation to diminish. The Rosebud Sioux Rural Water System is authorized to utilize funds provided for the operation and maintenance of the Mni Wiconi Rural Water Project to contract with the town of White River to deliver water to tribal members located in White River, SD.

Washington State Investigations Program, Washington.—The conference has included additional funds for studies of the West Canal reach through Ephrata and for appraisal of the Odessa Subaquifer.

Departmental Irrigation Drainage Program.—The conferees have included additional funds for the Uncompahgre, Colorado selenium project.

Drought Emergency Assistance Program.—The conferees have provided additional funds for drought assistance and urge the agency to provide full and fair consideration of the request for drought assistance from the State of Hawaii. The conferees are aware of the impacts of the significant drought which has lasted several years in the West, and has provided $50,000 for drought assistance in an effort to mitigate some effects of the drought. Of the total funds provided, $250,000 is for Espanola, New Mexico and $200,000 is for Chimayo, New Mexico.

Water 2025.—The dire drought the West is currently experiencing, combined with an unprecedented number of water users and endangered species and related requirements, make water use efficiencies more critical than ever. The conference has provided $19,500,000 for this initiative proposed by the administration. The reduction does not reflect the conference's strong support for this effort. The initiative is an effort to enhance efficiency and performance in water and power delivery. Ultimately, the conference believes that the initiative, if successfully carried out, will result in enhanced efficiency in the operation of Reclamation programs and projects. Of the funds provided $2,000,000 is for the Desert Research Institute to address water quality and environmental issues in ways that will bring industry and regulators to mutually acceptable answers. The conference believes that the water resource and efficiency issues, combined with the drought and endangered species listings, make the Rio Grande River in New Mexico the embodiment of the Water 2025 initiative. Therefore, the conference has included $1,750,000 to provide for continued efficiency and water improvements related to the Middle Rio Grande Conservancy district, including a system evaluation, siphons, flow measurement gages, gates and the automation of diversions.

In addition, the conference has included $1,000,000 for work related to the Aamodt water rights settlement efforts.

The conference strongly encourages the Bureau to consider providing funding to the Rural Water Technology Alliance to implement low-cost remote sensing technologies and water conservation technologies in the West. The conferees have also provided additional funds for the Bureau of Reclamation to continue its successful alliance with the International Center for Water Resources Management at Central State University in Ohio, the Ohio View Consortium, and Colorado State University, for the development of advanced remote sensing technologies for use in operational decisionmaking to deal with the current drought conditions and with future constraining events. The conferees are also aware of the serious water shortage issues in Central Texas. There is significant potential to address these issues if salinity problems in the Lake Whitney watershed could be ameliorated. The Bureau is encouraged to work with local and State officials as well as researchers at Baylor University to address these problems.

Science and Technology, Desalination Research and Development Program.—The conferees have provided additional funds for desalination efforts for research and development of new, advanced technologies to create new additional water supplies using desalination and related technologies. The Commissioner is directed to assess the potential use of advanced water treatment technologies as a resource to create new net water supplies and to evaluate project benefits, economic values and environmental effects. Further, the Commissioner should identify resource needs that can be met through these technologies and inter-party transfers, and to identify obstacles to be overcome (physical, financial, institutional, and regulatory). In using the funds provided, the Bureau shall pay particular attention to research and development of shallow well pretreatment, brine disposal and recycling, micro-filtration and ultra-filtration, and water conditioning. Further, the conference continues to urge the Bureau of Reclamation to place a higher priority on desalination activities in future budgets given the importance of sustainable water supplies to the West and to other regions of the country. Of the funds provided, $3,500,000 is for the continuation of the project in Tularosa, New Mexico. The conference notes that, with regard to the Tularosa Basin National Desalination Research Center, section 7 of the Water Desalination Act of 1996 does not apply to the project because it is a joint Federal effort.

The conference has also included $3,000,000 in additional funding for the WateReuse Foundation. These funds shall be available to support the Foundation's research priorities.

Wetlands Development.—The conferees have provided $500,000 for the Bureau of Reclamation to continue work on the East Wetlands Restoration project in Yuma, Arizona.

Title XVI, Water Reclamation and Reuse Program.—The conference agreement provides $1,655,000 for the Title XVI Water Reclamation and Reuse Program. Of this, $125,000 is provided for the Bureau to work with the Mission Springs, California, Water District to evaluate further the possibilities of using recycled water for groundwater recharge or other non-potable uses.

Water Management and Conservation Program.—Within the funds provided, the conferees direct that $700,000 be used to continue urban water conservation programs within the service area of the Metropolitan Water District of Southern California and $200,000 for the Bureau to continue a cost shared, industrial recirculation water efficiency effort related to recirculating water use by industries in Southern California to conserve water.

CENTRAL VALLEY PROJECT RESTORATION FUND

The conference agreement provides $54,695,000 for the Central Valley Project Restoration Fund.

POLICY AND ADMINISTRATION

The conference agreement provides $58,153,000 for general administrative expenses. The conferees expect the Bureau of Reclamation to continue to observe underfinancing guidance provided in the fiscal year 2004 Energy and Water Appropriations Act.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

Sec. 201. The conference report includes language regarding Kesterson Reservoir in California.

Sec. 202. The conference report includes language regarding the purchase or lease of water in New Mexico.

Sec. 203. The conference report includes language regarding the Lower Colorado River Basin Development.

Sec. 204. The conference report includes language regarding Drought Emergency Assistance.

Sec. 205. The conference report includes language regarding the San Juan Chama Project in New Mexico.

Sec. 206. The conference report includes language regarding Water 2025.

Sec. 207. The conference report includes language regarding the Animas La Plata project.

Sec. 208. The conference report includes language regarding Montana water contract extensions.

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
WATER AND RELATED RESOURCES				
ARIZONA				
AK CHIN INDIAN WATER RIGHTS SETTLEMENT ACT PROJECT	---	6,893	---	6,893
CENTRAL ARIZONA PROJECT, COLORADO RIVER BASIN	33,993	94	33,993	94
COLORADO RIVER FRONT WORK AND LEVEE SYSTEM	3,647	---	4,347	---
FORT MCDOWELL SETTLEMENT ACT	712	---	712	---
NORTHERN ARIZONA INVESTIGATIONS PROGRAM	460	---	460	---
PHOENIX METROPOLITAN WATER RECLAMATION & REUSE PROJECT	---	---	375	---
SALT RIVER PROJECT	498	---	498	---
SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT PROJECT	5,078	---	5,078	---
SOUTH/CENTRAL ARIZONA INVESTIGATIONS PROGRAM	870	---	1,380	---
TRES RIOS WETLANDS DEMONSTRATION	400	---	400	---
YUMA AREA PROJECTS	1,560	20,666	1,560	20,666
CALIFORNIA				
CACHUMA PROJECT	939	822	939	822
CALIFORNIA INVESTIGATIONS PROGRAMS	300	---	300	---
CALLEGUAS MUNICIPAL WATER DISTRICT RECYCLING PROJECT	1,000	---	1,000	---
CENTRAL VALLEY PROJECT:				
AMERICAN RIVER DIVISION	1,867	7,499	4,867	7,499
AUBURN-FOLSOM SOUTH UNIT	6,397	125	6,397	125
DELTA DIVISION	7,262	6,372	10,762	6,372

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
EAST SIDE DIVISION	1,548	2,455	1,548	2,455
FRIANT DIVISION	1,955	3,970	2,955	3,970
MISCELLANEOUS PROJECT PROGRAMS	13,324	1,210	22,287	1,210
REPLACEMENTS, ADDITIONS, & EXTRAORDINARY MAINT	---	23,200	---	20,100
SACRAMENTO RIVER DIVISION	3,337	1,689	6,337	1,689
SAN FELIPE DIVISION	969	---	969	---
SAN JOAQUIN DIVISION	295	---	295	---
SHASTA DIVISION	1,110	7,171	1,610	7,171
TRINITY RIVER DIVISION	6,641	3,100	6,641	3,100
WATER AND POWER OPERATIONS	1,900	9,724	1,900	9,724
WEST SAN JOAQUIN DIVISION, SAN LUIS UNIT	41,484	7,766	8,484	7,766
YIELD FEASIBILITY INVESTIGATION	500	---	500	---
LAKE TAHOE REGIONAL WETLANDS DEVELOPMENT	---	---	2,250	---
LONG BEACH AREA WATER RECLAMATION AND REUSE PROJECT	1,000	---	1,000	---
LONG BEACH DESALINATION PROJECT	---	---	1,000	---
NAPA -SONOMA MARIN AGRICULTURE REUSE PROJECT	---	---	375	---
NORTH SAN DIEGO COUNTY AREA WATER RECYCLING PROJECT	2,000	---	2,500	---
ORANGE COUNTY REGIONAL WTR RECLAMATION PROJECT, PHS 1	2,000	---	2,500	---
ORLAND PROJECT	40	547	40	547
PASADENA RECLAIMED WATER PROJECT	---	---	50	---
SACRAMENTO RIVER DIVERSION STUDY, CA	---	---	500	---
SALTON SEA RESEARCH PROJECT	1,000	---	2,250	---
SAN DIEGO AREA WATER RECLAMATION PROGRAM	3,500	---	3,500	---
SAN GABRIEL BASIN PROJECT	500	---	500	---
SAN GABRIEL BASIN RESTORATION PROJECT	---	---	4,500	---

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
SAN JOSE WATER RECLAMATION AND REUSE PROGRAM	---	---	1,750	---
SANTA MARGARITA RIVER CONJUNCTIVE USE PROJECT	---	---	250	---
SOLANO PROJECT	1,576	2,677	1,576	2,677
SOUTHERN CALIFORNIA INVESTIGATIONS PROGRAM	740	---	1,240	---
VENTURA RIVER PROJECT	524	---	524	---
WATSONVILLE AREA WATER RECYCLING PROJECT	---	---	500	---
COLORADO				
ANIMAS-LA PLATA PROJECT, CRSP SECTIONS 5 & 8	52,000	---	52,000	---
COLLBRAN PROJECT	184	1,159	184	1,159
COLORADO-BIG THOMPSON PROJECT	627	10,334	627	10,334
COLORADO INVESTIGATIONS PROGRAM	65	---	65	---
GRAND VALLEY UNIT, CRBSCP, TITLE II	189	527	189	527
PARADOX VALLEY UNIT, CRBSCP, TITLE II	67	2,054	67	2,054
FRUITGROWERS DAM PROJECT	87	130	87	130
FRYINGPAN-ARKANSAS PROJECT	366	4,941	366	4,941
LEADVILLE/ARKANSAS RIVER RECOVERY	592	2,179	592	2,179
MANCOS PROJECT	133	99	133	99
PINE RIVER PROJECT	31	111	31	111
SAN LUIS VALLEY PROJECT	279	4,771	279	4,771
UNCOMPAHGRE PROJECT	202	153	202	153
HAWAII				

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
HAWAII WATER RESOURCES STUDY	---	---	250	---
IDAHO				
BOISE AREA PROJECTS	2,717	2,810	2,717	2,810
COLUMBIA AND SNAKE RIVER SALMON RECOVERY PROJECT	17,500	---	17,500	---
IDAHO INVESTIGATIONS PROGRAM	750	---	750	---
MINIDOKA AREA PROJECTS	3,355	2,122	3,355	2,122
MINIDOKA NORTHSIDE DRAIN WATER MANAGEMENT PROJECT	200	---	200	---
KANSAS				
KANSAS INVESTIGATIONS PROGRAM	50	---	50	---
WICHITA PROJECT	250	328	250	328
MONTANA				
FORT PECK DRY PRAIRIES RURAL WATER SYSTEM	---	---	7,000	---
HUNGRY HORSE PROJECT	---	521	---	521
HUNTLEY PROJECT	28	120	28	120
MILK RIVER PROJECT	508	839	508	839
MONTANA INVESTIGATIONS	519	---	519	---
NORTH CENTRAL MONTANA RURAL WATER SUPPLY SYSTEM	---	---	1,000	---

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
NORTH DAKOTA				
DAKOTAS INVESTIGATIONS PROGRAM	230	---	230	---
DAKOTAS TRIBES INVESTIGATIONS PROGRAM	191	---	191	---
PICK-SLOAN MISSOURI BASIN PROGRAM, GARRISON DIVERSION	18,659	3,414	21,830	3,414
NEBRASKA				
MIRAGE FLATS PROJECT	12	91	12	91
NEBRASKA INVESTIGATIONS PROGRAM	85	---	85	---
NEW MEXICO				
ALBUQUERQUE METRO AREA WATER & RECLAMATION REUSE	---	---	500	---
CARLSBAD PROJECT	907	994	907	994
EASTERN MEXICO WATER SUPPLY	---	---	88	---
MIDDLE RIO GRANDE PROJECT	7,199	10,801	13,349	15,801
NAVAJO NATION INVESTIGATIONS PROGRAM	300	---	300	---
NAVAJO-GALLUP WATER SUPPLY PROJECT	200	---	200	---
PECOS RIVER BASIN WATER SALVAGE PROJECT	---	31	---	79
RIO GRANDE PROJECT	909	3,314	909	3,314
SAN JUAN RIVER BASIN INVESTIGATIONS PROGRAM	188	---	288	---
SANTA FE - WATER RECLAMATION AND REUSE PROJECT	---	---	500	---
SOUTHERN NEW MEXICO/WEST TEXAS INVESTIGATIONS PROGRAM	238	---	238	---
TUCUMCARI PROJECT	---	13	---	13

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
NEVADA				
HALFWAY WASH PROJECT STUDY	150	---	1,750	---
LAHONTAN BASIN PROJECT (HUMBOLT, NEWLANDS, WASHOE)	6,475	1,844	6,475	1,844
LAKE MEAD /LAS VEGAS WASH PROGRAM	1,450	---	2,000	---
NORTH LAS VEGAS WATER REUSE	---	---	2,500	---
SOUTHERN NEVADA WATER RECYCLING PROJECT	---	---	5,000	---
OKLAHOMA				
ARBUCKLE PROJECT	13	168	13	168
MCGEE CREEK PROJECT	26	463	26	463
MOUNTAIN PARK PROJECT	13	331	13	331
NORMAN PROJECT	13	303	13	303
NORTH FORK OF THE RED RIVER PROJECT	---	---	125	---
OKLAHOMA INVESTIGATIONS PROGRAM	190	---	440	---
W.C. AUSTIN PROJECT	150	387	150	387
WASHITA BASIN PROJECT	13	1,053	13	1,053
OREGON				
CROOKED RIVER PROJECT	373	388	373	388
DESCHUTES ECOSYSTEM RESTORATION PROJECT	---	---	500	---
DESCHUTES PROJECT	448	143	448	143

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
EASTERN OREGON PROJECTS	818	354	818	354
KLAMATH PROJECT	24,191	809	26,191	809
OREGON INVESTIGATIONS PROGRAM	655	---	655	---
ROGUE RIVER BASIN PROJECT, TALENT DIVISION	820	181	820	181
SAVAGE RAPIDS DAM REMOVAL	2,000	---	2,200	---
TUALATIN PROJECT	222	118	472	118
UMATILLA BASIN PROJECT, PHASE III STUDY	200	---	200	---
UMATILLA PROJECT	816	2,259	816	2,259
SOUTH DAKOTA				
LEWIS AND CLARK RURAL WATER SYSTEM	17,500	---	18,750	---
MID-DAKOTA RURAL WATER PROJECT	17,000	15	17,000	15
MNI WICONI PROJECT	18,246	6,254	25,282	6,254
PERKINS COUNTY RURAL WATER SALVAGE PROJECT	500	---	2,250	---
RAPID VALLEY PROJECT, DEERFIELD DAM	---	16	---	16
TEXAS				
CANADIAN RIVER PROJECT	---	---	63	145
EL PASO WATER RECLAMATION AND REUSE	63	117	382	59
LOWER RIO GRANDE VALEY WATER RESOURCES	50	---	1,625	---
NUECES RIVER	31	609	31	609
SAN ANGELO PROJECT	63	333	63	333
SUN RIVER PROJECT	---	204	---	204

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
TEXAS INVESTIGATIONS PROGRAM	208	---	208	---
UTAH				
HYRUM PROJECT	152	26	152	26
MOON LAKE PROJECT	26	22	26	22
NEWTON PROJECT	62	19	62	19
NORTHERN UTAH INVESTIGATIONS PROGRAM	220	---	220	---
OGDEN RIVER PROJECT	314	27	314	27
PARK CITY FEASIBILITY STUDY	---	---	250	---
PROVO RIVER PROJECT	883	314	883	314
PROVO RIVER PROJECT, DEER CREEK DAM	---	4,150	---	4,150
SCOFIELD PROJECT	109	22	109	22
SOUTHERN UTAH INVESTIGATIONS PROGRAM	133	---	133	---
STRAWBERRY VALLEY PROJECT	194	7	194	7
WEBER BASIN PROJECT	1,808	379	2,058	379
WEBER BASIN PROJECT, PINEVIEW PROJECT	---	1,375	---	1,375
WEBER RIVER PROJECT	103	75	103	75
WASHINGTON				
COLUMBIA BASIN PROJECT	3,991	11,277	3,991	11,277
LOWER ELWHA KLALLAM WATER SUPPLY FEASIBILITY STUDY	---	---	50	---
MAKAH INDIAN COMMUNITY WATER SUPPLY FEASIBILITY	---	---	300	---
STORAGE DAM FISH PASSAGE FEASIBILITY STUDY	700	---	700	---

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
WASHINGTON INVESTIGATIONS PROGRAM	470	---	620	---
YAKIMA PROJECT	1,948	7,107	1,948	7,107
YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT	9,190	---	9,190	---
YAKIMA RIVER BASIN STORAGE STUDY	---	---	1,500	---
WYOMING				
KENDRICK PROJECT	19	3,774	19	3,774
NORTH PLATTE PROJECT	25	1,686	25	1,686
SHOSHONE PROJECT	20	1,354	20	1,354
WYOMING INVESTIGATIONS PROGRAM	40	---	40	---
VARIOUS				
COLORADO RIVER BASIN SALINITY CONTROL PRJCT, TITLE I	781	9,988	781	9,834
COLORADO RIVER BASIN SALINITY CONTROL PRJCT, TITLE II	9,064	---	9,314	---
COLORADO RIVER STORAGE PROJECT, (CRSP), SECTION 5	8,514	3,333	8,257	3,333
COLORADO RIVER STORAGE PROJECT, SECTION 8	1,995	---	1,995	---
COLORADO RIVER WATER QUALITY IMPROVEMENT PROGRAM	450	---	450	---
DAM SAFETY PROGRAM:				
DEPARTMENT DAM SAFETY PROGRAM	---	1,700	---	1,700
INITIATE SOD CORRECTIVE ACTION	---	38,253	---	37,753
SAFETY EVALUATION OF EXISTING DAMS	---	18,000	---	18,000
SAFETY OF DAMS CORRECTIVE ACTION STUDIES	---	500	---	500
DEPARTMENTAL IRRIGATION DRAINAGE PROGRAM	---	---	150	---

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
DROUGHT EMERGENCY ASSISTANCE	500	---	1,000	---
EFFICIENCY INCENTIVES PROGRAM	1,798	---	1,798	---
EMERGENCY PLANNING & DISASTER RESPONSE PROGRAM	---	451	---	451
ENDANGERED SPECIES RECOVERY IMPLEMENTATION	12,464	---	12,464	---
ENVIRONMENTAL & INTERAGENCY COORDINATION ACTIVITIES	1,557	---	1,557	---
ENVIRONMENTAL PROGRAM ADMINISTRATION	883	---	883	---
EXAMINATION OF EXISTING STRUCTURES	---	5,920	---	5,920
FEDERAL BUILDING SEISMIC SAFETY PROGRAM	---	1,575	---	1,575
GENERAL PLANNING STUDIES	1,931	---	1,931	---
LAND RESOURCES MANAGEMENT PROGRAM	8,631	---	8,631	---
LOWER COLORADO RIVER INVESTIGATIONS PROGRAM	564	---	564	---
LOWER COLORADO RIVER OPERATIONS PROGRAM	15,322	---	15,322	---
MISCELLANEOUS FLOOD CONTROL OPERATIONS	---	626	---	626
NATIVE AMERICAN AFFAIRS PROGRAM	7,720	---	7,720	---
NATURAL RESOURCES DAMAGE ASSESSMENT	300	---	300	---
NEGOTIATION & ADMINISTRATION OF WATER MARKETING	1,699	---	1,699	---
OPERATION & MAINTENANCE PROGRAM MANAGEMENT	156	1,031	156	1,031
PICK-SLOAN MISSOURI BASIN PROGRAM, OTHER PROJECTS	3,589	36,019	3,589	36,019
POWER PROGRAM SERVICES	802	226	802	226
PUBLIC ACCESS AND SAFETY PROGRAM	603	---	603	---
RECLAMATION LAW ADMINISTRATION	4,144	---	4,144	---
RECLAMATION RECREATION MANAGEMENT	300	---	300	---
RECREATION AND FISH & WILDLIFE PROGRAM ADMINISTRATION	1,743	---	1,743	---

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
SCIENCE AND TECHNOLOGY PROGRAM:				
IMPROVING WATER & POWER INFRASTRUCTURE RELIABILITY	2,000	---	2,000	---
IMPROVING WATER DELIVERY RELIABILITY..............	4,184	---	4,184	---
IMPROVING WATER SUPPLY TECHNOLOGIES...............	1,800	---	1,800	---
IMPROVING WATER OPERATIONS DECISION SUPPORT TOOLS.	1,450	---	1,450	---
APPLIED SCIENCE/TECHNOLOGY AND DEVELOPMENT........	---	---	---	---
DESALINATION RESEARCH AND DEVELOPMENT PROGRAM.....	100	---	6,500	---
SALT CEDAR IRRADICATION DEMONSTRATION PROGRAM.....	---	---	1,050	---
SITE SECURITY......................................	---	43,216	---	43,216
SOIL AND MOISTURE CONSERVATION.....................	290	---	290	---
TECHNICAL ASSISTANCE TO STATES.....................	2,071	---	2,071	---
TITLE XVI, WATER RECLAMATION AND REUSE PROGRAM........	1,530	---	1,655	---
UNITED STATES/MEXICO BORDER ISSUES - TECHNICAL SUPPORT	78	---	78	---
WATER MANAGEMENT & CONSERVATION PROGRAM...............	5,580	---	5,680	---
WATER 2025..	20,000	---	19,500	---
WETLANDS DEVELOPMENT..................................	---	---	---	500
UNDISTRIBUTED REDUCTION BASED ON ANTICIP DELAYS.......	-36,601	---	-59,143	-4,852
TOTAL, WATER AND RELATED RESOURCES.............	461,839	366,637	495,815	363,666

TITLE III—DEPARTMENT OF ENERGY

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Department of Energy. Additional items of conference agreement are discussed below.

CONGRESSIONAL DIRECTION

The conferees support the House language requiring the Secretary to submit to the House and Senate Committees on Appropriations, Subcommittee on Energy and Water Development, a quarterly report on the status of all projects, reports, fund transfers, and other actions directed in the House bill and report for the Energy and Water Development Appropriations Act for Fiscal Year 2005, and in this conference agreement.

FIVE-YEAR BUDGET PLANNING

The conferees agree with the House language regarding five-year budget planning.

NON-NNSA WORK AT NNSA FACILITIES

Within 90 days of enactment, the conferees direct the Secretary, working with the Administrator of the National Nuclear Security Administration (NNSA), to put in place written procedures for work taskings originating from non-NNSA program offices in DOE to NNSA laboratories that are consistent with the constraints of Section 3213 of Public Law 106–65, as subsequently modified by Section 3157 of Public Law 106–398, and follow the chain of command (i.e., through the Secretary of Energy and the Administrator of the NNSA to the NNSA field elements) that is clearly specified in those statutes.

LABORATORY DIRECTED RESEARCH AND DEVELOPMENT (LDRD)

The conferees recognize the value of conducting discretionary research at DOE's national laboratories. Such research provides valuable benefits to the Department and to other Federal agencies, and is useful for attracting and retaining scientific talent.

However, the conferees continue to have serious reservations about the financial execution of this program, specifically with how the Department's laboratories levy the LDRD "tax" on work being performed for other agencies (Work for Others). The conferees agree with the concerns detailed in the House report dealing with LDRD and work for others. Beginning with the enactment of this appropriation, DOE shall not advance funds for LDRD based upon work for others, but only provide the LDRD funds to the labs once the Department has received the fund transfers from other agencies to pay for the work.

REPROGRAMMING GUIDELINES

The conferees require the Department to inform the House and Senate Committees on Appropriations promptly and fully when a change in program execution or funding is required during the fiscal year. A reprogramming includes the reallocation of funds from one activity to another within an appropriation, or any significant departure from a program, project, or activity described in the agency's budget justification as presented to and approved by Congress. For construction projects, a reprogramming constitutes the reallocation of funds from one construction project identified in the justifications to another project or a significant change in the scope of an approved project.

A reprogramming should be made only when an unforeseen situation arises, and then only if delay of the project or the activity until the next appropriations year would result in a detrimental impact to an agency program or priority. The Department should not submit reprogrammings in the fourth quarter of the fiscal year unless necessitated by an unforeseeable change in external circumstances. Reprogrammings may also be considered if the Department can show that significant cost savings can accrue by increasing funding for an activity. Mere convenience or desire should not be factors for consideration.

Reprogrammings should not be employed to initiate new programs or to change program, project, or activity allocations specifically denied, limited, or increased by Congress in the Act or report. In cases where unforeseen events or conditions are deemed to require such changes, proposals shall be submitted in advance to the Committees and be fully explained and justified.

The conferees have not provided statutory language to define the reprogramming guidelines, but do expect the Department to follow the spirit and the letter of the guidance provided in this report. The Committees have not provided the Department with any internal reprogramming flexibility in fiscal year 2005, unless specifically identified in the House or conference reports. Any reallocation of new or prior year budget authority or prior year deobligations must be submitted to the Committees in writing and may not be implemented prior to approval by the Committees on Appropriations.

REDUCTIONS NECESSARY TO ACCOMMODATE SPECIFIC PROGRAM DIRECTIONS

The Department is directed to provide a report to the House and Senate Committees on Appropriations by March 30, 2005, on the actual application of any general reductions of funding or applications of prior year balances contained in this conference agreement. Such reductions are to be applied proportionately against each program, project, or activity. If necessary, the Department must submit a reprogramming to reallocate funds if the proportional reduction unduly impacts a specific program, project, or activity.

SMALL BUSINESS PROCUREMENTS

The conferees are concerned that the Department of Energy's current efforts at breaking out procurement requirements for small business contracts do not represent a systematic approach for consideration of small business statutory goals together with other legitimate acquisition objectives. The conference report includes statutory language (General Provisions 312 and 313) requiring the Department to undertake such a systematic approach by utilizing the appropriate consultative process set forth in the Federal Acquisition Regulation.

ENERGY SUPPLY

The conference agreement provides $946,272,000 for Energy Supply.

RENEWABLE ENERGY RESOURCES

The conference agreement provides $389,063,000 for renewable energy resources. As in fiscal year 2004, funds for renewable energy resources shall remain available until expended. The conferees provide $5,000,000 for the National Center on Energy Management and Building Technologies and direct that this project shall be subject to the cost sharing requirements of a research project rather than a demonstration project.

Biomass/biofuels.—The conference agreement includes $82,147,000 for biomass and biorefinery systems research and development. The conference agreement includes $500,000 for the Oxydiesel demonstration program in California and Nevada; $500,000 for a biorefinery at the Louisiana State University Agricultural Center; $500,000 for the ThermoEnergy research project at the University of Nevada-Reno; $500,000 for the Vermont Biomass Energy Center; $500,000 for the Vermont Biofuels Initiative; $500,000 for the National Ag-Based Industrial Lubricants Center at the University of Northern Iowa; $500,000 for the Chariton Valley Biomass Project; $250,000 for the Eastern Nevada Landscape Coalition for biomass restoration and science-based restoration; $250,000 for the City of Wells, Nevada, Recycling for Energy Conservation Project; $1,000,000 for the Center for Biomass Utilization at the University of North Dakota; $500,000 for the Livingston Parish Alternative Fuel Plant Construction; $3,000,000 for the Consortium for Plant Biotechnology Research (CPBR); $200,000 for the Alaska Wood Biomass project; $3,000,000 for the Mississippi Technology Alliance Alternative Energy Enterprise Program; $1,500,000 for the Mississippi State University Biodiesel from Feedstocks project; $2,000,000 for the Kentucky Rural Energy Supply program; $1,500,000 to the South-Eastern and North-Central Regional Sun Grant Centers for purposes as authorized in H.R. 2673, the Consolidated Appropriations Act, 2004, which amended Title IX of the Farm Security and Rural Investment Act of 2002, for research, extension, and educational programs on biobased energy technologies and products; $500,000 for the Purdue-Midwest Consortium for Sustainable Biofuels; $1,000,000 for the Texas A&M Renewable Energy from Animal Biowaste project; $1,500,000 for the Biotech-to-Ethanol Project; $2,000,000 for the National Biofuel Energy Laboratory; $1,000,000 for the Research Triangle Biomass project in North Carolina; $2,000,000 for sugar-based ethanol biorefinery at Louisiana State University; $200,000 for the SUNY-Morrisville anaerobic digester project; $3,000,000 through NREL for demonstration for a small-scale biomass system (BioMax); $1,000,000 for research on anaerobic digestion by the Ohio Agricultural Research Development Center in cooperation with the City of Wooster. The conference agreement provides $500,000 for alternative fuel source study in Alabama. $1,500,000 is provided for a biorefinery and hydrogen fuel cell research in Georgia.

The conferees believe that the Regional Biomass Energy Program (RBEP) has been a successful partnership and provide $4,000,000 for product development and State and Regional partnership activities.

Geothermal.—The conference agreement includes $25,800,000 for geothermal activities, the same as the budget request. Geopowering the West is funded at current year levels. The Department is directed to maintain funding for university research at the fiscal year 2004 funding level. The conference agreement includes $500,000 for the Full Circle Project in Lake County, California; $1,000,000 for geothermal research at the University of Nevada-Reno; $500,000 for the Tuscarora Geothermal Project; $300,000 for the Klamath and Lake Counties Geothermal-Agricultural Industrial Park in Oregon; $750,000 for the Geothermal Mill Redevelopment project in Massachusetts; and $196,000 for the University of Texas Permian Basin Center for Energy and Economic Diversification for geothermal research.

Hydrogen.—The conference agreement includes $95,325,000 for hydrogen activities. No funds are provided for the proposed effort on hydrogen education as these efforts are premature. The conference agreement includes $2,000,000 for the Fuel Cell Mine Loader and Prototype Locomotive; $1,000,000 for the Hawaii Hydrogen Center for Development and

Deployment of Distributed Energy Systems; $5,000,000 for the University of Nevada-Las Vegas renewable hydrogen fueling station system; $3,000,000 for the University of Nevada-Las Vegas for hydrogen storage and fuel cells; $100,000 for the Zero Emission Bus Demonstration Program Evaluation; $1,000,000 for the hydrogen fuel cell project for the Regional Transportation Commission of Washoe County, Nevada; $1,100,000 for the Ohio Distributed Hydrogen Project; $2,000,000 for the Hydrogen Regional Infrastructure Program; $2,000,000 for the University of South Carolina Clean Energy Research program; $1,000,000 for the University of Toledo/Bowling Green Fuel Cell Research project; $5,000,000 for the California Hydrogen Infrastructure Project, including $1,000,000 for validation efforts within the Lake Tahoe basin; $500,000 for Startech plasma conversion technology; $3,000,000 for fuel cell research at the University of South Florida; $3,000,000 for the Edison Materials Technology Center to develop improved materials to support the hydrogen economy; and $2,000,000 for the Florida Hydrogen Initiative; $5,000,000 should be used to support a competitive solicitation for solid oxide fuel cell research under a cost-shared program to look at the application of solid oxide electrochemical technology for co-production of hydrogen and electricity and also for storage of electricity through closed and open system regenerative fuel cells.

The conferees strongly support the FreedomCar and Hydrogen Fuel initiatives.

Hydropower.—The conference agreement provides $5,000,000 for hydropower. As directed previously, the Department should focus its efforts on completing a limited program of testing and demonstration of new turbine technologies and then transfer these technologies to other Federal agencies and private sector firms for deployment. The proposed increase for advanced hydropower technology should be funded by the agencies that own and operate the Federal hydropower facilities, not by the Department of Energy.

Solar Energy.—The conference agreement includes $86,533,000 for solar energy programs. As in prior fiscal years, the conferees have combined the concentrating solar power, photovoltaic energy systems, and solar building technology subprograms into a single program for solar energy, with the control level at the solar energy program account level. The Southeast and Southwest photovoltaic stations are to be funded at current year levels and the conferees direct the Department to continue to support the public-private Million Solar Roofs program. The conferees include $6,000,000 from within available funds for concentrating solar power. The conference agreement includes $200,000 for Photovoltaic panels for the Mark Twain House and Museum; $750,000 for the Solar Technology Center at the University of Nevada-Las Vegas; $1,500,000 for Photonics Research and Development at the University of Nevada-Las Vegas; $4,500,000 for the evaluation of solar-powered thermo-chemical production of hydrogen for the University of Nevada-Las Vegas; $400,000 for the University of Louisville Sustainable Buildings project; $1,500,000 for the Conductive Coatings for Solar Cells project; and $250,000 for the Town of Yucca Valley solar energy project (CA).

Wind.—The conference agreement includes $41,600,000 for wind programs. The conference agreement includes $500,000 for the North Dakota Hydrogen Wind Pilot Project; $500,000 for the Great Plains Wind Energy Transmission Development Project; $1,500,000 for the Alaska Wind Energy project; $500,000 for the Renewable Energy for Rural Economic Development Program, Utah State University (UT); $500,000 for the Iowa Lakes Community College wind turbine project; and $525,000 for the St. Francis University (PA) wind farm project.

Intergovernmental Activities.—The conference agreement includes $17,000,000 for renewable support and implementation. This amount includes $6,500,000 for the international renewable energy program, including $2,000,000 for the International Utility Electricity Partnership (IUEP), $5,500,000 for tribal energy, and $5,000,000 for the Renewable Energy Production Incentive (REPI). The conference agreement includes $1,000,000 for the Pyramid Lake Paiute Tribe Renewable Energy Park; $1,000,000 for the Council of Renewable Energy Resource Tribes (CERT); and $600,000 for the Clean Energy Technology Exports (CETE) initiative. The funds for CETE are provided to the Office of International Energy Market Development in the Department of Energy to carry out a program in support of the multi-Agency Clean Energy Technology Exports Initiative.

Renewable Support and Implementation.—The conference agreement provides $4,967,000, including $1,967,000 for departmental energy management and $3,000,000 to continue the efforts of the National Renewable Energy Laboratory (NREL) to develop renewable energy resources uniquely suited to the Southwestern United States through its virtual site office in Nevada.

National Climate Change Technology Initiative.—The conferees provide no funds for this initiative.

Facilities and Infrastructure.—The conference agreement provides the requested amount of $4,800,000 for the National Renewable Energy Laboratory (NREL) and includes an additional $6,680,000 for construction of the new Science and Technology facility at NREL (project 02–E–001).

Program Direction.—The conference agreement includes $19,211,000 for program direction.

ELECTRICITY TRANSMISSION AND DISTRIBUTION

The conference agreement provides $121,155,000 for Electricity Transmission and Distribution. The conference agreement includes $5,000,000 to accelerate the operation of the national SCADA testbed at the Idaho National Laboratory. The conferees provide $5,500,000 for the GridWorks initiative and $6,500,000 for the GridWise initiative, which includes an additional $1,500,000 in GridWise for the Northwest Regional Demonstration project. The conference agreement includes: $750,000 for the Electric Utility Transmission and Distribution Line Engineering Project; $325,000 for the Pacific Northwest Bi-National Regional Energy Planning Initiative (AK); $3,000,000 for the Western Environmental Technology Office; $2,000,000 for the University of Missouri at Rolla electric transmission program; $1,000,000 for the Smart Energy Management Control Systems project in Alabama; $1,500,000 for the Northwest Indiana Electric Infrastructure project; $1,500,000 for the University of Notre Dame for research on ionic fluids for power distribution; $1,500,000 for the Center for Grid Modernization (PA); $1,000,000 for the Large Scale Energy Center in Michigan; $750,000 for research on advanced ceramic engines and materials for energy applications; $1,000,000 for the National Center for Reliable Electric Power Transmission to develop high power silicon-carbide based power electronics systems (AR); $2,000,000 to continue development of the bi-polar Ni-Mh wafer cell battery storage system; $1,500,000 for the Iowa Stored Energy Plant using an underground aquifer; $2,000,000 for research, development, and demonstration of advanced thermal energy storage technology integrated with renewable thermal energy technology; $5,000,000 for a Florida state-wide university research initiative on electric power infrastructure and security; $3,000,000 for research into lead carbon acid asymmetric supercapacitors; and $400,000 for Dine Power in New Mexico. The conference agreement provides $500,000 for alternative fuel source study in Alabama.

The conference agreement includes $10,500,000 for the National Energy Technology Laboratory (NETL) for energy assurance technology and electric grid modeling activities, including $3,000,000 for program direction, travel, and other related direct and indirect expenses. An additional $5,000,000 shall be for NETL to continue the planning, design, and construction of an energy information training facility at Camp Dawson. An additional $4,000,000 shall be available to continue physical improvements at the facility.

The conferees agree that the Office of Energy Assurance should be closed and that the functions of that office should be merged with the functions of the Office of Electricity Transmission and Distribution.

NUCLEAR ENERGY

The conference agreement provides a total of $513,271,000 for Nuclear Energy. The Office of Nuclear Energy, Science and Technology is the lead office with landlord responsibilities for the Idaho site. Because this site provides considerable support to defense activities and naval nuclear reactors, $114,347,000 of costs are allocated to other defense activities and $10,000,000 is allocated to Naval Reactors. Both programs are in the 050 budget function.

The conferees commend the State of South Carolina for recently creating one of the first new graduate nuclear engineering programs in the last 20 years. The conferees provide $1,500,000 from available funds to support this effort. The conferees also support the efforts of the University of Nevada-Las Vegas to launch a graduate nuclear engineering program and instruct the Department to support this worthy effort.

University reactor fuel assistance and support.—The conference agreement includes $24,000,000.

Research and development.—The conference agreement provides $172,000,000 for nuclear energy research and development activities. The conference agreement includes $2,500,000 for nuclear energy plant optimization (NEPO) to address the affects of aging on material in nuclear plants, $2,500,000 for the nuclear energy research initiative (NERI), $50,000,000 for Nuclear Power 2010, $40,000,000 for the Generation IV nuclear energy systems initiative, $9,000,000 for the nuclear hydrogen initiative, and $68,000,000 for the Advanced Fuel Cycle Initiative (AFCI). These NERI funds are in addition to funds included in the request for other nuclear research and development items.

For Nuclear Power 2010, the conferees direct the Department to focus the resources on the demonstration of the regulatory licensing processes of 10 CFR Part 52 for early site permits, design certifications, and combined construction and operating licenses. This is to be cost-shared with industrial and governmental entities.

Within the funding for Generation IV, the conferees direct that $25,000,000 be used for the Next Generation Nuclear Plant (NGNP) project. The conferees expect the Department to submit a budget in fiscal year 2006 that is consistent with the goal of demonstrating hydrogen production and electricity generation by 2015 at the Idaho National Laboratory.

Within the Nuclear Hydrogen Initiative, the conferees provide $4,000,000 to the UNLV Research Foundation to continue research and development of high temperature heat exchangers and chemical processing equipment to permit demonstration of nuclear-powered production of hydrogen from water.

Within the Advanced Fuel Cycle Initiative, the conferees direct $7,000,000 to the UNLV Research Foundation for continued research; of this amount, $3,000,000 is provided for collaborative studies of "deep burn" fuel cycles in advanced nuclear reactor designs. Also within available funds, $3,000,000 is provided for the Idaho Accelerator Center and $7,000,000 is provided to develop a Nuclear Energy Materials Test Station at the Los Alamos Neutron Science Center to advance the technology needed to support the materials and fuel experiments required by the Advanced Fuel Cycle and for the exploration of Generation IV fast neutron spectrum systems.

Radiological Facilities Management.—The Office of Nuclear Energy, Science and Technology operates a variety of facilities and equipment to support the needs of space, defense, and medical customers who obtain radiological materials from the Department of Energy on a reimbursable basis. The conference agreement provides $69,110,000 for this work.

Space and defense power systems infrastructure.—The conference agreement includes $33,800,000 to maintain the infrastructure necessary to support future national security needs and National Aeronautics and Space Administration missions.

Medical isotopes infrastructure.—The conference agreement includes $21,194,000 for the medical isotope program and $13,616,000 for construction of facility modifications for U-233 disposition at Oak Ridge National Laboratory.

Idaho Facilities Management.—The conference agreement provides $121,527,000 for Idaho National Laboratory operations and infrastructure. This funding covers activities previously funded separately in budget lines for ANL-West and INEEL. The conference agreement provides the requested amount of $1,523,000 for project 99–E–200, at the Test Reactor Area. Within available funds, $10,000,000 is provided for capital improvements and operational upgrades to the Advanced Test Reactor. Of these funds, $8,000,000 is designated for capital improvements, including the ATR Gas Loop and $2,000,000 is provided for operational systems and upgrades. The conferees provide $5,000,000 for critical infrastructure upgrades at Argonne National Laboratory-West.

Idaho Sitewide Safeguards and Security.—The conference agreement provides $58,103,000 for Idaho sitewide safeguards and security.

Spent Nuclear Fuel Management.—The conferees direct the Office of Nuclear Energy, Science and Technology to assume the responsibilities that were proposed for transfer to the Office of Civilian Radioactive Waste Management. The conference recommendation provides the requested amount of funding, $6,723,000. Within available funds, $1,500,000 is provided to inspect and repackage the spent fuel stored at the Lynchburg Technology Center in Virginia.

Program direction.—The conference agreement includes $60,285,000 for program direction.

ENVIRONMENT, SAFETY, AND HEALTH (NON-DEFENSE)

The conference agreement provides $28,000,000 for non-defense environment, safety and health activities, which includes $20,000,000 for program direction. The conference agreement includes the transfer of $700,000 to the Occupational Health and Safety Administration (OSHA) for the costs of OSHA regulation of worker health and safety at DOE's non-nuclear facilities not covered under the Atomic Energy Act.

OFFICE OF LEGACY MANAGEMENT (NON-DEFENSE)

The conference agreement provides $31,130,000 for the Office of Legacy Management, the same as the budget request.

NON-DEFENSE SITE ACCELERATION COMPLETION

The conference agreement provides $151,850,000 for Non-Defense Site Acceleration.

2006 Accelerated Completions.—The conference agreement provides $45,435,000, the same as the budget request.

2012 Accelerated Completions.—The conference agreement provides $98,191,000, the same as the budget request.

2035 Accelerated Completions.—The conference agreement provides $8,224,000 for 2035 Accelerated Completions. The Conferees' recommendation includes the requested $7,773,000 to accelerate remediation of the former Atlas Mill Site in Moab, Utah.

NON-DEFENSE ENVIRONMENTAL SERVICES

The conference agreement provides $291,296,000 for non-defense environmental services.

Community and regulatory support.—The conference agreement provides $90,000, the same as the budget request.

Environmental cleanup projects.—The conference agreement provides $46,083,000, the same as the budget request.

Non-closure environmental activities.—The conference agreement provides $245,123,000, the same as the budget request. The conferees provide $100,000,000 for the Depleted Uranium Hexafluoride Conversion Project, Paducah, Kentucky and Portsmouth, Ohio (project 02-U-101), including an additional $7,400,000 to ensure that conversion and disposition of the accumulated DUF6 is carried out as soon as is safely possible.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

The conference agreement provides $499,007,000 for activities funded from the Uranium Enrichment Decontamination and Decommissioning Fund.

The Conferees' recommendation provides a total of $112,178,000 for activities related to the Paducah Gaseous Diffusion Plant. The Conferees provide $19,421,000 in additional funds to accelerate characterization and disposal of legacy waste stored at the plant, including 50,000 tons of scrap metal and 41,000 drums of low-level waste at the Paducah Gaseous Diffusion Plant. The conferees provide $80,000,000 for uranium and thorium reimbursements.

The Conferees reiterate the fiscal year 2004 conference guidance regarding the barter arrangement.

SCIENCE

The Science account funds the Department's work on high energy physics, nuclear physics, biological and environmental sciences, basic energy sciences, advanced scientific computing, maintenance of the laboratories' physical infrastructure, fusion energy sciences, safeguards and security, science workforce development, and science program direction. The conference agreement provides $3,628,902,000. The conferees encourage the Department to request sufficient funds for the Office of Science in fiscal year 2006 to operate user facilities for as much time as possible, to enhance user support, and to upgrade essential equipment at the Department's Science user facilities.

The conferees reiterate their support for broader participation by universities in DOE's research programs, including existing user facilities and potential new user facilities. The conferees are aware of the Office of Science's strategy for future facilities. Where existing facilities provide capabilities critical to a new user facility, co-location is appropriate; where this is not the case, the location of new user facilities should be openly competed. Regardless of location, broad participation in design by staff from national laboratories, user faculty from colleges, universities, and industrial investigators and groups should be sought. All of these user groups must have access to these capabilities on a competitive basis.

High energy physics.—The conference agreement provides $741,629,000 for high energy physics research. The control level is at the High Energy Physics level. The conferees encourage the Department to proceed with the Dark Energy Mission even if the primary science of the mission and mission development must be pursued by the Department so as to avoid schedule delays resulting from implementing the mission jointly with NASA. International cooperation and appropriate launch arrangements should be pursued where appropriate. The conferees recognize that an excellent and energized science team has been assembled for this exciting mission. Within available funds, the conferees redirect $5,000,000 from the Science Laboratories Infrastrucuture construction funds at the Stanford Linear Accelerator Center MEL–001 Subproject 36 to the High Energy Physics account for the research program at SLAC.

Nuclear physics.—The conference agreement provides $408,040,000 for nuclear physics. An additional $5,000,000 is provided to continue research and development and initiate concept design activities for the Rare Isotope Accelerator, and an additional $7,000,000 is provided to increase utilization of the user facilities in the Nuclear Physics program.

Biological and environmental research.—The conference agreement includes $576,590,000 for biological and environmental research. The conference agreement provides an additional $10,000,000 to initiate Project Engineering and Design for the proposed new facility for the production and characterization of proteins and molecular tags. The Conferees do not agree with the Department's strategy of restricting competition for such a facility to only the DOE national laboratories. The Department should present in the fiscal year 2006 budget request an alternate procurement strategy for this and future Genomes to Life (GTL) facilities that will maximize rather than limit competition and will allow universities and other entities to compete with DOE national laboratories for these new GTL facilities. The Department is encouraged to consult with NASA, which for decades has conducted competitions for the development of research instrumentation among universities, NASA, DOE, and other government laboratories, and other entities including for-profit corporations.

The conference agreement includes $2,000,000 for a science building at Waubonsee

Community College in Illinois; $1,000,000 for digital playback hardware and software for Recording for the blind and dyslexic; $600,000 for All Children's Hospital in Florida; $300,000 for Eckerd College in Florida; $2,000,000 for Applied Research and Technology Park electrical and communication infrastructure improvements in Springfield, Ohio; $250,000 for a Multiple Sclerosis, Alzheimer's, Parkinson's, Lou Gehrig's Imaging System at the Cleveland Clinic in Ohio; $125,000 for Duchenne Muscular Dystrophy research-related equipment at Children's National Medical Center in the District of Columbia; $125,000 for Duchenne Muscular Dystrophy research-related equipment at the University of Washington-Seattle; $500,000 for the Northeast Regional Cancer Center in Scranton, Pennsylvania; $250,000 for Ohio State University for environmental research in cooperation with Earth Uniyersity; $125,000 for the University of Akron, Ohio, Polymer Center; $125,000 for the Ohio Northern University, Ada, Ohio, Science and Pharmacy Building; $250,000 for the Alabama A&M University; $600.000 for University of Texas at Arlington optical medical imaging equipment; $1.000,000 for the Missouri Alternative and Renewable Energy Technology Center, Crowder College; $600,000 for the San Antonio, Texas, Cancer Research and Therapy Center; $250,000 for the University of South Alabama Cancer Center; $1,250,000 for the Virginia Commonwealth University Massey Cancer Center; $250,000 for the Saint Francis Hospital, Delaware, Cardiac Catheterization Lab; $450,000 for the Jacksonville University Environmental Science Center; $600,000 for the Houston, Texas, Alliance for Nanohealth; $250,000 for the Virginia Science Museum; $1,000,000 for the Polly Ryon Memorial Hospital, Texas; $250,000 for the St. Thomas University Minority Science Center, Miami, Florida; $500,000 for Project Intellicare, Roseville, California; $250,000 for the Virginia Polytechnic Institute Center for High-Performance Learning Environment; $500,000 for Georgia State University; $700,000 for the Michigan Research Institute for life science research: $700,000 for the University of Arizona Environment and Natural Resources Phase II Facility; $250,000 for the Children's Hospital of Illinois ambulatory care project; $700,000 for the Loma Linda University, California, Medical Center synchrotron expansion; $250,000 for the University of Dubuque, Iowa, Environmental Science Center; $250,000 for the Ball State University, Indiana, Bioenergetics Research Initiative; $600,000 for the Clearfield Area School District, Pennsylvania, Energy Initiative; $500,000 for Digital Cardiology equipment at Children's Hospital and Research Center, Oakland, California; $750,000 for the National Childhood Cancer Foundation; $250,000 for the Roswell Park Cancer Institute, New York, Center for Genetics and Pharmacology; $250,000 for Bucknell University, Pennsylvania, Materials Science Laboratory; $1,000,000 for the Science Center at Mystic Seaport, Connecticut; $250,000 for the Saratoga Hospital, New York, radiation therapy center; $600,000 for the San Joaquin Community Hospital, Bakersfield, California; $700,000 for the Syracuse University, New York, Environmental Systems Center; $600,000 for the University of Tennessee Sim Center; and $250,000 for the St. Mary's Hospital, Kankakee, Illinois.

The conference agreement includes $575,000 for the Derby Center for Science and Mathematics at Lyon College in Arkansas; $1,000,000 for the Rush Presbyterian St. Lukes Medical Center in Illinois; $1,000,000 for Medical Research and Robotics at the University of Southern California; $750,000 for the Advanced Building Efficiency Testbed at Carnegie Mellon University; $1,000,000 for DePaul University Biological Sciences; $500,000 for the Philadelphia Educational Advancement Alliance; $750,000 for Northwestern University Institute of Bioengineering and Nanoscience in Medicine; $500,000 for the Rensselaer Polytechnical Institute Center for Bioscience; $750,000 for St. Peter's Biotechnical Research in New Jersey; $160,000 for the Berkshire Environmental Center in Massachusetts; $500,000 for the Center for the Environment at the University of Massachusetts; $1,000,000 for technical upgrades at St. Joseph Hospital in Arizona; $515,000 for the Center for Science at the University of San Francisco in California; $1,000,000 for Augsburg College in Minnesota; $1,000,000 for the Bronx Community Center for Sustainable Energy; $500,000 for Marquette General Hospital in Marquette, Michigan; $1,500,000 for the Illinois Indiana Super-Grid Program connecting Argonne National Laboratory and Purdue and Notre Dame Universities; $1,000,000 for the Purdue Calumet Water Environmental Institute; $1,000,000 for the Multi-Discipline Engineering Institute at Notre Dame in Indiana; and $1,000,000 for the Energy Efficiency Project at Valparaiso University in Indiana.

The conference agreement provides $11,000,000 for the Mental Illness and Neuroscience Discovery Institute in New Mexico; $1,800,000 for Military Spirit in New Mexico; $2,000,000 for the Academic Center Sustainable Design Project at St. Francis College, New York; $3,000,000 for the University of Louisville Pediatric Clinical Proteomic Center; $2,000,000 for the University of Louisville Institute for Advanced Materials; $2,000,000 for the Advanced Bioreactor located in Butte, Montana; $1,200,000 to expand the Center for Integrated and Applied Environmental Toxicology at the University of Southern Maine; $500,000 for the University of Tennessee Cancer Institute; and $500,000 for St. Jude Children's Research Hospital in Tennessee.

The conference agreement includes $250,000 for the Huntsman Cancer Institute; $500,000 for the Mega-Voltage Cargo Imaging Development Applications for the Nevada Test Site; $500,000 for the California Hospital Medical Center PET /CT Fusion Imaging System; $500,000 for the Luci Curci Cancer Center Linear Accelerator; $500,000 for Project Intellicare in California; $750,000 for the University Medical Center in Las Vegas, Nevada; $500,000 for the Southern California Water Education Center; $500,000 for Live Cell Molecular Imaging System at the University of Connecticut; $500,000 for the St. Francis Hospital Wilmington, Delaware, MRI and Cardiac Catherization Laboratory; $500,000 for the University of Delaware for the Delaware Biology Institute; $500,000 for the University of Nevada-Las Vegas School of Public Health; $250,000 for the Latino Development and Technology Center; $250,000 for the Swedish American Health Systems; $250,000 for DePaul University Chemistry Lab Renovation Project; $250,000 for the Edward Hospital Cancer Center; $500,000 for the Mary Bird Perkins Cancer Center; $500,000 for the Morgan State University Center for Environmental Toxicology; $500,000 for the Suburban Hospital in Montgomery County, Maryland; $500,000 for the University of Massachusetts at Boston Multidisciplinary Research Facility and Library; $500,000 for the Martha's Vineyard Hospital; $750,000 for the Nevada Cancer Institute; $500,000 for the Mercy Hospital Grayling, Michigan Rural Healthcare Advancement Initiative; $750,000 for the Health Sciences Complex at Creighton University; $500,000 for the Hackensack University Medical Center Women and Children's Pavilion; $500,000 for the Kennedy Health System Linear Accelerator; $750,000 for the University of Buffalo Center of Excellence in Bioinformatics; $500,000 for the Hospital for Special Surgery National Center for Musculoskeletal Research; $500,000 for the New University in New York City; $500,000 for the Radiochemistry research facility at the University of Nevada-Las Vegas; $250,000 for the Hauptman-Woodward Medical Research Institute; $1,000,000 for the Vermont Institute of Natural Science; and $750,000 for the Tahoe Center for Environmental Services.

Molecular Medicine.—The conferees continue to support research that brings together PET imaging, systems biology and nanotechnology to develop new molecular imaging probes. These probes should provide a biological diagnosis of disease that it informative of the molecular basis of disease and specific for guiding the development of new molecular therapies.

The conferees are concerned about consequence mitigation activities and public health impacts associated with the threat of any radiological event and strongly encourage the Department to develop therapeutic radiological countermeasures to protect against exposure to the effects of ionizing radiation. The conferees are aware of the potential of inositol radiation and encourages the Department to support research of this emerging technology. The conferees recommend that the Department fund medical therapy research and other treatment options to protect the public health against radiation exposure.

The conferees strongly support the Department's efforts to maintain the scientific infrastructure of the Nation's structural biology assets, and encourage the Department to work to address the needs within the broader community. The Department should continue to work constructively with the nonprofit entity operating the X4A and X4C beamlines to fund state-of-the-art detectors, goniometers, and automated sample changing equipment, using available funds.

Basic energy sciences.—The conference agreement includes $1,113,530,000 for Basic Energy Sciences. The conference agreement includes $628,228,000 for materials sciences and engineering research, and $253,422,000 for chemical sciences, geosciences, and energy biosciences. For purposes of reprogramming during fiscal year 2005, the Department may allocate funding among all operating accounts within Basic Energy Sciences. The conference agreement also provides the request of $7,673,000 for the Experimental Program to Stimulate Competitive Research (EPSCoR).

Advanced scientific computing research.—The conference agreement includes $234,340,000 for advanced scientific computing research (ASCR), an increase of $30,000,000 over the budget request, with not more than $25,000,000 devoted to hardware. The conferees support the House Report language on ASCR.

Science laboratories infrastructure.—The conference agreement provides $42,336,000 for science laboratories infrastructure, including an additional $5,000,000 to correct safety deficiencies at Science laboratories, and $6,100,000 additional for excess facilities disposal.

The conference agreement provides the requested amounts of $1,766,000 for infrastructure support, $5,079,000 for Oak Ridge landlord costs, and $24,391,000 for construction of various infrastructure projects (MEL-001). Of this increase, $5,000,000 additional is provided to continue infrastructure subproject 18 under MEL-001 to support continuing activities at the Pacific Northwest National Laboratory to replace the infrastructure being displaced by the closure of the 300 Area at the Hanford site.

Fusion energy sciences.—The conference agreement includes $276,110,000 for fusion energy sciences, an increase of $12,000,000 over the budget request. The additional $12,000,000 is to be used to increase the utilization of existing large and small experiments; further work in inertial fusion technology; take advantage of opportunities in High Energy Density Physics, including research on fast ignition, and large-scale scientific computing; and provide for cost- effective construction and development of the National Compact Stellarator Experiment. The conference notes the delay in site selection for the International Thermonuclear Experimental Reactor (ITER) and directs the Department to reduce its planned expenditures on ITER in fiscal year 2005 in consideration of this delay.

Safeguards and security.—The conference agreement includes $73,315,000 for safeguards and security activities at laboratories and facilities managed by the Office of Science.

Science workforce development.—The conference agreement provides the requested amount of $7,660,000 for science workforce development. The conferees encourage the Department to provide funds and technical expertise for high school students to participate in the For Inspiration and Recognition. of Science and Technology (FIRST) robotics competition.

Science program direction.--The conference agreement includes $155,268,000 for science program direction. This amount includes $89,341,000 for field offices and $65,927,000 for headquarters. The control level for fiscal year 2005 is at the program account level of Science Program Direction.

Funding adjustments.—The conference agreement includes an offset of $5,605,000 for the safeguards and security charge for reimbursable work, as proposed in the budget request. The conference agreement also includes the use of $5,062,000 of prior year balances.

Nuclear Waste Disposal

The conference agreement provides $346,000,000 for Nuclear Waste Disposal. When combined with the $231,000,000 appropriated from the Defense Nuclear Waste Disposal account, a total of $577,000,000 will be available for program activities in fiscal year 2005. The conferees have provided $2,000,000 for the State of Nevada and $8,000,000 for the Affected Units of Local Government (AULG) for project oversight.

Departmental Administration

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $332,866,000 for Departmental Administration expenses. Including a transfer of $92,440,000 from Other Defense Activities, and revenues of $122,000,000, the same as estimated by the Congressional Budget Office, this results in a net appropriation of $118,426,000.

Specific funding levels for each Departmental organization are provided in the accompanying table.

Reprogramming guidelines.—The conference agreement provides reprogramming authority of $1,000,000 or 10 percent, whichever is less, within the Departmental Administration account without prior submission of a reprogramming to be approved by the House and Senate Committees on Appropriations. No individual program account may be increased or decreased by more than this amount during the fiscal year using this reprogramming authority. Congressional notification within 30 days of the use of this reprogramming authority is required. Transfers which would result in increases or decreases in excess of $1,000,000 or 10 percent to an individual program account require prior notification and approval.

Office of the Inspector General

The conference agreement provides $41,508,000 for the Inspector General.

Atomic Energy Defense Activities

National Nuclear Security Administration

Weapons Activities

(INCLUDING TRANSFER OF FUNDS)

The National Nuclear Security Administration (NNSA), a semi-autonomous agency within the Department of Energy, manages the Nation's nuclear weapons, nuclear nonproliferation, and naval reactors activities.

The conference agreement provides $6,526,471,000 for Weapons Activities.

Availability of funds.--The conference agreement makes funds available until expended.

Directed stockpile work (DSW).—The conference agreement includes $1,316,936,000 for directed stockpile work. The conference agreement provides $460,754,000 for DSW Life Extension Programs. The conference agreement provides $511,095,000 for DSW Stockpile Systems and $75,000,000 for DSW Retired Warheads Stockpile systems. The conferees do not provide $9,000,000 for advanced concepts research on new weapons designs, but the same amount is made available for the Reliable Replacement Warhead program to improve the reliability, longevity, and certifiability of existing weapons and their components. The conference agreement provides $270,087,000 for DSW Stockpile services. No funds have been provided for the Robust Nuclear Earth Penetrator (RNEP).

The Conferees support a degree of flexibility in executing this budget by providing limited reprogramming authority within Directed Stockpile Work [DSW]. The control levels for the DSW program are:

(1) Life Extension Programs;

(2) Stockpile Systems;

(3) Retired Warhead Stockpile Systems; and

(4) Stockpile Services.

Campaigns.—Funding for individual campaigns is shown on the accompanying table. From within funds provided for the various campaigns, $4,350,000 is provided for the University Research Program in Robotics.

For science campaigns, the conference agreement provides $279,462,000. The conference agreement provides $73,973,000 for primary assessment technologies; $86,521,000 for dynamic materials properties program and $55,371,000 for the advanced radiography program. The conferees provided $63,597,000 for secondary assessment technologies.

Within available funds, the conferees provide $7,500,000 to support Dynamic Materials Properties at the Nevada Test Site [NTS], experiments on dynamic materials properties at the Atlas facility and plutonium experiments at the Joint Actinide Shock Physics Experimental facility [JASPER].

Within available funds, the Department is directed to work with the UNLV Research Foundation to organize and lead a consortium of universities to design, prepare, and conduct experiments on the Atlas Machine.

Within Primary Assessment Technologies, NNSA is directed to fund the Nevada Test Site [NTS] to maintain the critical personnel skills and institutional viability in direct support of the subcritical experiment program.

The conference agreement provides $260,830,000 for engineering campaigns. The conference agreement for the enhanced surety campaign is $33,121,000. The conference agreement for the weapons system engineering assessment technology is $27,270,000. The conference agreement for nuclear survivability is $9,460,000 and the conference recommendation for enhanced surveillance campaign is $99,879,000.

Engineering campaign construction projects.—The conference agreement provides $86,500,000 for Project 01–D–108, Microsystem and engineering science applications (MESA) at Sandia, in New Mexico.

Inertial Confinement Fusion Ignition and High Yield.—The conferee agreement includes $541,034,000 for the inertial confinement fusion ignition and high yield program. This represents a $25,000,000 cut of the NIF project baseline. An additional $46,000,000 is provided to support expanded research in non-NIF related ICF research including petawatt and high-energy petawatt laser development. Funding also enables continued development of the beryllium shell targets currently envisioned for ignition demonstrations in 2010. This target, if successful, may enable advancement of the 2014 date for ignition specified in the budget request documentation, a date which represents a 4 year slip from the original goal of 2010. Since demonstration of ignition by 2010 was the rationale provided for construction of NIF under the current baseline funding, the conference is extremely concerned with suggestions of major delay in that date and requires that effort focus on achieving that goal on the timescale originally proposed. Until very recently, the beryllium shell and fill tube design was not considered viable, but it is now viewed by the program managers as the best option for regaining the 2010 ignition goal. Significant risks are associated with this design however, which is why this target design was not considered earlier in the program. To estimate the probability of success for this new target design, the conference mandates that a full review of NIF progress and the use and promise of this target be accomplished by an outside panel of experts, the JASONs, to validate the current NIF construction baseline and the outlook for ignition with this target design. As part of this validation, experiments should be designed and completed on alternative drivers, such as LLE at the University of Rochester and the Z machine at Sandia National Laboratories, to increase confidence in the performance of this target. The conference further requires that these experiments, as well as the JASON review, be used to develop a position paper authored by the NNSA Laboratory and LLE Directors by June 2005, discussing the promise of this target design to achieve ignition on the original schedule of 2010, 4 years ahead of the date specified in the current Budget. The conference is also aware that the laser glass used in the Japanese GEKKO program, which is identical to the optics used in the NIF project, has significantly degraded in efficiency over time. The conference requests the JASONs undertake a study utilizing the Japanese laser optic operations as a measure to determine if the NIF laser optics are performing as originally estimated and what impact this will have on the project, the ability to achieve ignition by 2010 and the overall lifecycle costs of replacing the optics more frequently. The conference provides

$5,000,000 for the development of advanced target fabrication and diagnostic techniques required to support experiments at Omega, Z machine and NIF employing advanced materials. Target fabrication and manufacturing capabilities are critical in fielding increasingly sophisticated experiments.

Petawatt Lasers.—The conference recommendation includes an additional $6,000,000 for university grants and other support. Of this amount, $3,000,000 is provided for continued development of the petawatt laser at the University of Texas at Austin; $1,000,000 is provided for an optical parametric chirped pulse amplifier upgrade and associated operations of the short pulse laser at the University of Nevada, Reno; $1,000,000 is provided to the University of Nevada, Reno to continue its collaboration with Sandia National Laboratories on highly diagnosed studies of exploding wire arrays and implosion dynamics; and $1,000,000 is provided for research using the Z- Beamlet laser at Sandia National Laboratories under the Z-Petawatt Consortium that includes the University of Texas at Austin, the University of California, San Diego, the University of California, Davis, the University of Nevada, Reno, the University of Michigan, the University of Rochester, Ohio State University and the General Atomics Corporation.

Inertial Fusion Technology.—The conferees also include $25,000,000 to continue development of high average power lasers and supporting science and technology, the budget request for the Naval Research Laboratory, and $73,469,000 for the University of Rochester, an increase of $28,000,000 over the budget request. The additional funding is provided to the University of Rochester's Laboratory for Laser Energetics for the OMEGA Extended Performance (EP) Facility in support of the nation's stockpile stewardship program. The conference recommendation includes $9,000,000 to initiate double-shift operations and assessments and initial development and testing of Z-pinch inertial fusion energy. The conference recommendation includes $1,000,000 to the University of Nevada-Reno for magnetized plasma/laser interaction studies at the Nevada Terawatt Facility, using the Zebra pulse power machine and the Leopard short pulse laser system.

National Ignition Facility.—Within the funds provided, $130,000,000 is for National Ignition Facility (NIF) construction, Project 96–D–111.

Advanced Simulation and Computing.—The conference agreement provides $703,760,000. From within available funds for advanced simulation and computing, $10,000,000 is provided for the Ohio Supercomputing Center high-end computer network at its Springfield, Ohio site; $2,500,000 is provided to complete Phase I of the demonstration project of three-dimensional chip scale packaging integrated with spray cooling at Pacific Northwest National Laboratory. The conferees direct the University Partnerships program be funded at the budget request.

For the pit manufacturing and certification campaign, the conference agreement provides $265,671,000. The conference agreement provides $132,005,000 for W88 pit manufacturing and $60,960,000 for W88 pit certification, the same as the budget request. Providing the requested level of funding will ensure that the NNSA maintains its commitment to produce a certified W88 pit by 2007. The conference agreement provides $13,500,000 for Pit Manufacturing Capability and $7,000,000 for Modern Pit Facility. The conferees agree that funding for Modern Pit Facility cannot be used to select a construction site in fiscal year 2005.

For readiness campaigns, the conference agreement provides $272,627,000. The conference agreement provides $45,812,000 for the Stockpile readiness campaign. High explosives weapons operations is funded at $34,220,000. The conference agreement provides $32,957,000 for the non-nuclear readiness campaign. The conference agreement provides $79,788,000 for the advanced design and production technologies campaign. Funding for the tritium readiness campaign is the same as the budget request. The Conferees are aware of the successful partnership between the NNSA and the University of Nevada-Las Vegas and the University of Nevada-Reno that have been fostered through a series of cooperative agreements. The Department is encouraged to renew these agreements at higher levels as appropriate.

Readiness in technical base and facilities.—For readiness in technical base and facilities, the conference agreement provides $1,121,557,000 for operations of facilities.

Within funds provided for operations of facilities, the conferees provide an additional $45,000,000 for the Pantex Plant in Texas; and an additional $50,000,000 for the Y–12 Plant in Oak Ridge, Tennessee; and an additional $5,000,000 for the Kansas City Plant. For Program Readiness, the conference agreement provides $106,204,000.

Within available funds, an additional $5,000,000 is provided to support the operation for the facilities at the Nevada Test Sites, including the Device Assembly Facility, the Joint Actinide Shock Physics Experimental facility, operations associated with the Atlas relocation project, Ula operations, general plant projects and other NTS support facilities. Finally, the conferees provide an additional $1,000,000 to the Nevada Site Office for testing and enablement of water filters to mitigate consequences of radionuclides in drinking water. The conference agreement includes an additional $13,000,000 within the funds provided for modification of the Z-Beamlett laser at the Z Pinch at Sandia National Laboratory.

For continued facility upgrades, refurbishments, operation and maintenance costs associated with and for the National Center for Combating Terrorism [NCCT] at the Nevada Test Site, an additional $25,000,000 is provided. Within the funds provided for NCCT, the conference agreement includes $2,500,000 to the UNLV Research Foundation to support the ongoing programs of the Institute for Security Studies including research and development, training and collaborative activities related to combating terrorism, emergency response and consequence management. The recommendation also includes, within funds provided, $2,500,000 for the UNR Fire Sciences Academy.

For Special Projects, the conference agreement provides $41,500,000. Within the available funds, $3,000,000 for magnetized high energy density matter research at the Nevada Terawatt facility at the University of Nevada-Reno; and $1,000,000 to continue the ongoing administration infrastructure support grant for the UNLV Research Foundation; $750,000 to the UNLV Research Foundation to establish and certify a radioanalytical services laboratory to support emergency management training activities and actual radiological events; $10,000,000 for settlement of claims for the Pajarito Plateau homesteaders pertaining to acquisition of their lands and property during the Manhattan Project; and $8,000,000 for Los Alamos County Schools Program.

From within available funds, $5,000,000 for National Energy Technology Laboratory to use the Plasma Separation Process to develop high energy isomers and isotopes for energy storage and utilization. From within available funds, the conferees provide $2,000,000 for the Airborne Particulate Threat Assessment program; $2,000,000 for the Secure Wireless Technology Program; $1,000,000 for the Total Asset Management (TAMS) program; $2,000,000 for Integrated Collaborative Prototyping for Y–12; and $2,000,000 for development of multi-platform dosimeter Radiation Detection devices. The conference provides $2,000,000 for the National Center for Biodefense at George Mason University in Virginia.

The conference agreement includes $86,965,000 for materials recycle and recovery, the same as the budget request. The conferees continue to be concerned about the fire station support at the Nevada Test Site and are pleased by the decision to use a design-build acquisition strategy for the fire station and encourage completion at the earliest possible time within the funding that has been provided. The conference agreement also includes an additional $16,000,000 for the Los Alamos National Laboratory for the CMR Building 04–D–125.

The conference agreement includes the budget request of $17,910,000 for containers and $18,982,000 for storage.

Construction projects.—

Project 05–D–140, Project engineering and design (PED)—RTBF, various locations. The conferees provide $16,600,000, an increase of $5,000,000. The additional PED funds are provided to begin planning for impact-resistant bunkers for additional warhead storage facilities for nuclear warheads with conventional high explosives at the Pantex Plant in Texas.

Project 04–D–125, Chemistry and Metallurgy Research Facility Replacement (CMRR)—LANL. The conference provides $40,000,000 for the CMRR project.

Project 01–D–124, Highly Enriched Uranium Materials Facility, Y–12 National Security Complex, Oak Ridge, TN. The conference provides $114,000,000, an increase of $50,000,000 over the budget request.

Facilities and Infrastructure Recapitalization.—The conference agreement includes $316,224,000 for the facilities and infrastructure (F&I) recapitalization program.

Secure Transportation Asset.—The conference agreement provides $201,300,000 for secure transportation asset. The conference agreement provides $57,427,000 for STA program direction. Consistent with the new triad as outlined in the Nuclear Posture Review, NNSA is working to create a responsive infrastructure to deliver needed facilities at lower cost and with greater speed. The conference encourages NNSA to explore opportunities for third party financing where appropriate.

Nuclear Weapons Incident Response.—The conference agreement provides $99,209,000 for nuclear weapons incident response.

Safeguards and Security.—The conference agreement includes $757,678,000, for safeguards and security activities at laboratories and facilities managed by the National Nuclear Security Administration. The conferees provide an additional $30,000,000 at the Y–12 plant in Tennessee to accelerate security infrastructure upgrades and consolidate the facility footprint. The conferees provide an additional $20,000,000 for the expansion of the red network at Los Alamos National Laboratory to reduce the necessity for CREM.

Funding Adjustments.—The conference agreement includes an adjustment of $30,000,000 for a security charge for reimbursable work, as proposed in the budget, and the use of $86,000,000 in prior year balances.

Defense Nuclear Nonproliferation

The conference agreement provides $1,420,397,000 for Defense Nuclear Nonproliferation.

Nonproliferation and Verification Research and Development.—The conference agreement provides $225,750,000 for nonproliferation and verification research and development. The conference agreement includes $20,000,000 for ground-based systems for treaty monitoring.

The conferees provide an additional $5,000,000 within Supporting Activities to support the ongoing regulatory and environmental activities for 300 Area replacement at Pacific Northwest National Laboratory that will allow PED to occur on an accelerated schedule. The conferees direct the Office of Nuclear Nonproliferation to coordinate closely with the Office of Science on the transition schedule and construction plans to maintain the national security capabilities resident at PNNL. From within available funds, the conferees provide $2,000,000 for testing of high-pressure xenon radiation detectors at the Brookhaven National Laboratory Rad-Tech facility for portal applications. From within the funds provided, the conference recommendation includes $3,500,000 for the University of Nevada-Reno for the development of state-of-the-art chemical, biological, and nuclear detection sensors. The conference recommendation includes the $2,000,000 for the UNLV research Foundation to continue to establish and operate within the Institute for Security Studies and applied research and technology capability in support for the effort to combat terrorism. An additional $500,000 is provided to support nanomaterial research related to sensor applications. The conference recognizes the unique mission capability the Los Alamos National Laboratory possesses through work performed at Technical Area 18 [TA–18] in areas of nuclear threat detection and response. In light of these important national security activities, the conferees direct the Secretary to perform an assessment as to the LANL role in managing the future CAT III/IV mission.

Nonproliferation and International Security.—The conference agreement provides $154,000,000 for nonproliferation and international security. The conferees include $20,000,000 for the Global Threat Reduction Initiative. The conferees provide $10,000,000 for initiatives focused on removing nuclear weapons-usable materials from vulnerable sites around the world. These activities are essential to prevent terrorist groups or states hostile to the United States from acquiring destructive nuclear capabilities. The Administrator, working with the Secretary, must utilize the NNSA's strength in the inter-agency process to become the lead agency for all such government activities worldwide. From within available funds, the conference agreement provides $150,000 to continue the collaboration between Texas A&M and Russian universities on nuclear facilities safety and decontamination and decommissioning technologies.

NON-PROLIFERATION PROGRAMS WITH RUSSIA

The conferees are disappointed the Administration has failed to negotiate an acceptable solution for liability to allow the MOX program to move forward this year. As a result, another construction season will be missed in Russia. Not only does this raise serious concern from a national security standpoint, but it will also have serious repercussions here in the United States as a result of maintaining parity of the two construction schedules. The conferees strongly urge the Administration to find an acceptable solution in the near term in order to successfully complete negotiations and allow construction of both the Russian and United States mixed oxide fuel fabrication facilities to begin.

International Materials Protection, Control and Cooperation (MPC&A).—The conference recommendation is $322,000,000 for the MPC&A program, an increase of $84,000,000 over the budget request. The Conferees provide additional funds for MPC&A to accelerate securing nuclear warhead sites in Russia, begin MPC&A upgrades at the Russian Federation serial production enterprise sites and provide additional resources for the Second Line of Defense program to accelerate installation activities in the Baltic and Caucasus regions and other critical border activities. The conference provides the budget request within the Second Line of Defense program for the MegaPorts initiative. An increase of $50,000,000 is provided for other high priority MPC&A activities, to include countries outside the FSU.

Russian Transition Initiatives.—The conference agreement provides $41,000,000, for the Initiatives for Proliferation Prevention (IPP) program and the Nuclear Cities Initiative (NCI).

HEU Transparency Implementation.—The conference agreement provides $20,950,000, the same as the budget request.

Elimination of Weapons-Grade Plutonium Production.—The conference agreement includes $40,097,000 for the elimination of weapons-grade plutonium production program.

Fissile Materials Disposition.—The conference agreement provides $624,000,000 for fissile materials disposition, the same level authorized in the fiscal year 2005 defense authorization bill. Funding of $159,700,000 is provided for U.S. surplus materials disposition and $64,000,000 for the Russian plutonium disposition program.

Construction Projects.—The conference recommendation includes $368,000,000 for Project 99–D–143, the Mixed Oxide Fuel Fabrication facility project. Funding of $32,300,000 is provided for Project 99–D–141, the Pit Disassembly and Conversion Facility project.

Off-Site Source Recovery Project.—The conference agreement provides $7,600,000 for Off-Site Source Recovery Project. The conferees provide an additional $2,000,000 for the Nuclear and Other Hazardous Materials Transportation Research Project at South Carolina State University's Transportation Center.

Naval Reactors

The conference agreement provides $807,900,000 for Naval Reactors, an increase of $10,000,000 over the budget request. The conferees agree to transfer the additional $10,000,000 to the Office of Nuclear Energy to support the Idaho National Laboratory's Advanced Test Reactor.

Office of the Administrator

The conference agreement provides $356,200,000 for the Office of the Administrator, $22,500,000 above the request.

The conference recommendation provides $12,000, the same as the budget request, for official reception and representation expenses for the NNSA.

Within the Office of the Administrator, the conferees provide $22,500,000 to support the Historically Black Colleges and Universities (HBCUs) scientific and technical programs. The conferees concur with the House language directing the HBCUs and Hispanic Serving Institutions (HSIs) receive financial support in rough parity on a year-to-year basis. The conference recommendation includes $2,000,000 each for Wilberforce University and Central State University in Wilberforce, Ohio; and $2,000,000 each for Claflin College in Orangeburg, SC and Allen University in Columbia, SC; $500,000 each for Morris College in Sumter, SC and Benedict College in Columbia, SC; and $1,000,000 for Voorhees College in Denmark, SC and $2,000,000 for Morehouse College Dansby Hall Minority Science Center.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

Defense Environmental Management

The conference agreement for Defense Environmental Management totals $7,034,405,000. The conferees are aware that the Department of Defense has utilized guaranteed fixed price remediation (GFPR) to remediate contaminated properties. The conferees note the significant cost-savings experienced by the Department of Defense using GFPR, and believe that the Department of Energy may be able to achieve similar savings and benefits. In order to better assess the opportunity for cost savings by the Department of Energy, the conferees direct the Department to submit to the Committees on Appropriations of the House and Senate, by May 1, 2005, a report as to the feasibility of applying GFPR to remediation activities undertaken or planned by the Department.

Defense Site Acceleration Completion

The conference agreement for Defense Site Acceleration Completion in fiscal year 2005 is $6,096,429,000.

Accelerated Completions, 2006.—The conference agreement provides $1,264,999,000. This funding supports the closure by the year 2006 of the Rocky Flats, West Jefferson, Fernald, Miamisburg, and Ashtabula sites, and the completion of significant cleanup projects at various other sites such as Melton Valley, Kansas City, and Savannah River. The additional $13,200,000 is provided to accelerate low-level waste shipments during fiscal year 2005 from the Miamisburg Closure Project.

Accelerated Completions, 2012.—The conference agreement provides $2,150,641,000.

Accelerated Completions, 2035.—The conference agreement provides $1,904,339,000. This amount includes the requested funding of $43,827,000 for construction of the Glass Waste Storage Building #2 at SRS (project 04–D–408) and the requested funding for the Waste Isolation Pilot Plant, the Idaho Cleanup Project, the Y–12 and Oak Ridge National Laboratory sites, Hanford and the Office of River Protection, Savannah River, Los Alamos National Laboratory, Nevada Test Site, and various other sites and facilities. From within available funds, the conferees provide $2,000,000 for the Hanford Tank Waste Operations Simulator (HTWOS); $2,000,000 for the Modular Phase Low Cost Nano-particle at Idaho National Lab; and $1,000,000 for the Mid-Atlantic Recycling Center for End of Life Electronics.

Waste Incidental to Reprocessing.—The conference agreement provides $162,600,000 for the Savannah River site, $97,300,000 for the Idaho site and $32,050,000 for the Hanford site. The conference agreement provides $26,000,000 for Project 05–D–405 Salt Waste Processing Facility for long lead procurement activities.

Safeguards and Security.—The conference agreement provides $265,059,000, the same as the budget request.

Technology Development and Deployment.—The conference agreement provides $60,142,000. From within available funds, the conferees direct the Department to use not less than $10,000,000 to conduct a competitive evaluation of the various advanced remediation technologies available in the private sector. Within remaining available funds, the conferees provide $5,000,000 to continue the five-year international agreement with AEA Technology, and $7,000,000 to continue the five-year agreement with Florida International University's Hemispheric Center for Environmental Technology.

Within available funds, the conferees provide $3,000,000 for Advanced Monitoring Systems Initiative at the Nevada Test Site, to continue micro-sensing technology development and prototype deployment of remote monitoring systems for the underground test area; $2,400,000 for the Management of Nevada Natural Resources with Remote Sensing Systems program; $1,000,000 for nanotube research and development at the Materials Reliability Center at the University Research Programs in Robotics. The Department is directed to renew its cooperative agreements with the University of Nevada-Las Vegas and the University of Nevada-Reno.

Within available funds, $3,000,000 is provided to continue the development of an electrochemical system utilizing ceramic ionic transport membranes for the recycling and disposal of radioactive sodium ion waste. The conference also provides $4,000,000 for work on the subsurface science research institute by Idaho National Laboratory and the Inland Northwest Research Alliance institutions. The Department shall continue its support of the Tribal Colleges Initiative grant, involving Crownpoint Institute of Technology, Dine College, and Southwestern Indian Polytechnic Institute, to develop high-quality environmental programs at tribal colleges.

DEFENSE ENVIRONMENTAL SERVICES

The conference recommendation for Defense Environmental Services in fiscal year 2005 is $937,976,000.

Community and Regulatory Support.—The conference agreement is $60,547,000. From within available funds, $500,000 shall be used to support the Energy and Environmental Hispanic Community Participation project of the Self Reliance Foundation needed to increase Hispanic community understanding of and participation in environmental management initiatives of the Department.

Federal Contribution to Uranium Enrichment Decontamination and Decommissioning Fund.—The Energy Policy Act of 1992, Public Law 102-486, created the Uranium Enrichment Decontamination and Decommissioning Fund to pay for the cost of cleanup of the gaseous diffusion facilities located in Oak Ridge, Tennessee; Paducah, Kentucky; and Portsmouth, Ohio. The conference agreement includes the budget request of $463,000,000 for the Federal contribution to the Uranium Enrichment Decontamination and Decommissioning Fund.

Non-Closure Environmental Activities.—The conference agreement is $146,038,000. Within available funds, the conference agreement directs the Department to provide $10,000,000 for the Hazardous Waste Worker Training Program and $8,000,000 for the Volpentest Hazardous Materials Management and Emergency Response (HAMMER) training and education center.

The conference agreement includes $2,000,000 for the Desert Research Institute's Environmental Monitoring Program; $750,000 for the University of Nevada-Reno to conduct research in the areas of materials evaluation, fundamental studies on nuclear degradation mechanisms, alternate materials and design, and computational and analytical modeling; $1,000,000 for the Nye County Groundwater Evaluation Program; $2,000,000 for the Defense and Security Research Center; $1,000,000 for the Amargosa Valley Science and Technology Park; $1,000,000 for the Hazardous Material Truck Tracking Facility; and $1,000,000 for the Research Foundation at the University of Nevada-Las Vegas to assess earthquake hazards and seismic risk in Southern Nevada; $100,000 for the Perchlorate Characterization study for the City of Simi Valley; and $6,000,000 for the Western Environmental Technology Office.

Spent Nuclear Fuel Management.—The Department proposed to transfer responsibility for the management and operation of the DOE national spent fuel program, the foreign research reactor spent nuclear fuel acceptance program, and the management of chemical processing plant 666 at Idaho from the Office of Environmental Management to the Office of Civilian Radioactive Waste Management. The conference agreement includes the requested amounts of $8,217,000 for the DOE national spent fuel program, $8,055,000 for management of chemical processing plant 666, and $1,060,000 for associated program direction costs. It is the conferees' expectation that these activities will continue to be managed at the Idaho site.

Program Direction.—The conference agreement for program direction is $271,059,000, the same as the budget request.

Funding adjustments.—The conference agreement includes an offset of $143,000 the same as the budget request, for the security costs associated with reimbursable work. The conference agreement includes the use of $2,000,000 of prior year balances.

OTHER DEFENSE ACTIVITIES

The conference agreement provides $692,691,000 for Other Defense Activities.

ENERGY SECURITY AND ASSURANCE

The conference agreement funds these programs under the Office of Electricity Transmission and Distribution.

OFFICE OF SECURITY

The conference agreement provides $298,506,000. $193,904,000 is provided for nuclear safeguards and security; $49,880,000 is provided for security investigations; and $54,722,000 is provided for program direction.

INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE

The conference agreement provides $24,669,000, the same as the budget request, for the independent oversight and performance assurance program.

ENVIRONMENT, SAFETY AND HEALTH (DEFENSE)

The conference agreement provides $129,519,000 for defense-related environment, safety and health activities, including $20,414,000 for program direction. The conferees disagree with the Administration's decision to cut funding for the Radiation Effects Research Foundation. Within available funds, the conference agreement provides $14,000,000, an increase of $10,000,000 above the request for the Foundation. This funding is critical in carrying out the scientific work, which the United States has funded since 1947, to study the health effects associated with the atomic blasts above Hiroshima and Nagasaki.

The conference agreement includes $2,000,000 for the Marshall Island program to meet the core health and environmental monitoring mission in order to reassure the communities of safe habitation and resettlement. The conference agreement also includes $5,000,000 to continue the DOE Worker Records Digitization project in Nevada. These funds are to be administered by the Nevada Site Office. The conferees provide $4,100,000 for the medical monitoring at the gaseous diffusion plants at Paducah, Kentucky, Portsmouth, Ohio, and Oak Ridge, Tennessee. The conferees support the continued use of helical low-dose CAT scanning for early lung cancer detection in workers with elevated risks of lung cancer. The conferees direct the Department to establish an employee field resource center in the State of New York.

Former Worker Medical Screening.—The conference agreement includes $300,000 within the Former Workers Health Program for the Iowa Army Ammunition Plant-for ongoing assistance in collecting requisite medical records and completing claims forms for workers and retirees and $250,000 for the ongoing beryllium screening and outreach program for workers employed at vendors in the Worcester, Massachusetts, area who supplied beryllium to the Atomic Energy Commission.

The conferees support and are pleased with the Department's efforts to expand the Voluntary Protection Program and other voluntary cooperative programs. The conference agreement includes $790,000 for the University of Washington's Former Hanford Production Workers Medical Screening Program and to initiate medical screening for current tank farm workers consistent with the July 2004 NIOSH Health Hazard Evaluation Report.

Energy Employees Compensation Initiative.—The conferees note the transfer of responsibility for processing the Subtitle D claims from the Department of Energy to the Department of Labor.

LEGACY MANAGEMENT

The conferees support the established mission of the office of legacy management to manage the long-term stewardship responsibilities at the Department's cleanup sites. The conference agreement provides a total of $46,895,000 for the office of legacy management of which $13,201,000 is provided for program direction. Within available funds, the conferees provide $8,000,000, to remain available until expended, for planning, design, construction, and land acquisition, if necessary, to establish a records management facility centrally located near sites transferring into Legacy Management status, and in close proximity to the Office of Legacy Management's records management capability. The conferees urge the Department to accelerate these activities with the goal of such a facility being operational by early fiscal year 2007. From within available funds, the conference agreement provides $1,200,000 to complete transition of the STAR Center in Pinellas County, Florida and $4,000,000 for the final payment, subject to the existing requirement for matching funds, to the Miamisburg Mound Community Improvement Corporation. From available funds, $500,000 is provided to establish a Local Stakeholder Post-Closure organization in the State of Colorado.

FUNDING FOR DEFENSE ACTIVITIES IN IDAHO

The conference agreement provides $114,347,000 for defense-related activities at the Idaho National Laboratory (INL) and associated Idaho cleanup sites.

DEFENSE RELATED ADMINISTRATIVE SUPPORT

The conference agreement provides $92,440,000 as proposed by the House for national security programs administrative support.

OFFICE OF HEARINGS AND APPEALS

The conference agreement provides $4,318,000 for the Office of Hearings and Appeals, the same as the budget request.

OFFICE OF FUTURE LIABILITIES

The conferees do not support the creation of a redundant Departmental office to address the planning function for long term environmental cleanup liabilities. The conference agreement provides no funds for the Office of Future Liabilities.

DEFENSE NUCLEAR WASTE DISPOSAL

The conference agreement provides $231,000,000 for the defense contribution to the nuclear waste repository program. The Conferees are aware that the Department formally approved, in 1995, the right of the Affected Units of Local Government and the State of Nevada to retain interest earned on unexpended balances in their oversight accounts. The conferees reaffirm that this policy reflects the intent of Congress and should be maintained by the Department.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

The conference agreement includes $5,200,000, the same as the budget request, for the Southeastern Power Administration. The conference agreement provides $34,000,000 for purchase power and wheeling in fiscal year 2005.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

The conference agreement includes $29,352,000, the same as the budget request, for the Southwestern Power Administration. The conference agreement provides $2,900,000 for purchase power and wheeling in fiscal year 2005. The conference recommendation also provides authority for Southwestern to accept advances from non-Federal entities to provide interconnections to Southwestern's transmission system.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

The conference agreement provides $173,100,000, for Western Area Power Administration. The conference agreement provides $227,600,000 for purchase power and wheeling in fiscal year 2005. Within available funds, the conference recommendation includes $6,000,000 for Topock-Davis-Mead Transmission Line Upgrades to provide additional transmission capacity by using aluminum matrix composite conductor technology.

Utah Mitigation and Conservation Fund.—The conference report does not contain the change in law sought by the Administration concerning the transfer of this fund from the Secretary of Energy to the Secretary of the Interior.

Within available funds, $500,000 is provided on a non-reimbursable basis for a transmission study on the placement of 500 MW of wind energy in North Dakota and South Dakota.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

The conference agreement includes $2,827,000, the same as the budget request, for the Falcon and Amistad Operating and Maintenance Fund.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $210,000,000 for the Federal Energy Regulatory Commission (FERC). Revenues for FERC are set at an amount equal to the budget authority, resulting in a net appropriation of $0.

On March 24, 2004, FERC issued a declaratory order asserting exclusive jurisdiction over the approval and siting of liquefied natural gas (LNG) terminals. FERC concluded that LNG terminals are engaged in foreign commerce and, as such, fall clearly within the authority granted to the FERC under Section 3 of the Natural Gas Act of 1938. The conferees agree on this point and disagree with the position of at least one State government agency that it should be the authority responsible for LNG terminal siting within its boundaries, rather than the FERC.

The Natural Gas Act clearly preempts States on matters of approving and siting natural gas infrastructure associated with interstate and foreign commerce. These facilities need one clear process for review, approval, and siting decisions. Because LNG terminals affect both interstate and foreign commerce, LNG facility development requires a process that also looks at the national public interest, and not just the interests of one State.

The conferees recognize that, as a matter of energy supply, the nation will need to expand its LNG infrastructure over the decades to come to satisfy natural gas demand. Any dispute of LNG siting jurisdictional authority now will be counterproductive to meeting our natural gas needs in the future.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

Sec. 301. The conference agreement includes language regarding contract competition.

Sec. 302. The conference agreement includes a provision that none of the funds may be used to prepare or implement workforce restructuring plans or provide enhanced severance payments and other benefits and community assistance grants for Federal employees of the Department of Energy under section 3161 of the National Defense Authorization Act of Fiscal Year 1993, Public Law 102–484. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 303. The conference agreement includes a provision that none of the funds may be used to augment funds made available for obligation for severance payments and other benefits and community assistance grants unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 304. The conference agreement includes a provision that none of the funds may be used to prepare or initiate Requests for Proposals for a program if that program has not been funded by Congress in the current fiscal year. This provision also precludes the Department from initiating activities for new programs which have been proposed in the budget request, but which have not yet been funded by Congress. This provision has been carried in previous Energy and Water Development Appropriations Acts.

(TRANSFERS OF UNEXPENDED BALANCES)

Sec. 305. The conference agreement includes a provision that permits the transfer and merger of unexpended balances of prior appropriations with appropriation accounts established in this bill. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 306. The conference agreement includes a provision prohibiting the Bonneville Power Administration from performing energy efficiency services outside the legally defined Bonneville service territory unless the Administrator certifies in advance that such services are not available from private sector businesses. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 307. The conference agreement includes a provision establishing certain notice and competition requirements for Department of Energy user facilities. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 308. The conference agreement includes a provision allowing the Administrator of the National Nuclear Security Administration to authorize certain nuclear weapons production plants, including the Nevada Test Site, to use not more than 2 percent of available funds for research, development and demonstration activities. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 309. The conference agreement includes a provision which would authorize intelligence activities of the Department of Energy for purposes of section 504 of the National Security Act of 1947 until enactment of the Intelligence Authorization Act for fiscal year 2005.

Sec. 310. The conference agreement includes a provision that requires that waste characterization at WIPP be limited to determining that the waste is not ignitable, corrosive, or reactive. This confirmation will be performed using radiography or visual examination of a representative subpopulation of the waste. The language directs the Department of Energy to seek a modification to the WIPP Hazardous Waste Facility Permit to implement the provisions of this section.

Sec. 311. The conference agreement includes language regarding disposition of depleted Uranium Hexafluoride.

Sec. 312. The conference agreement includes a provision regarding the use of funds in this Act for some procurement actions by the Department of Energy.

Sec. 313. The conference agreement includes a provision prohibiting the use of funds in this Act for procurements to increase the dollar value of prime contracts awarded directly by the Department to small business.

Sec. 314. The conference agreement includes a provision limiting the types of waste that can be disposed of in the Waste Isolation Pilot Plant in New Mexico. None of the funds may be used to dispose of transuranic waste in excess of 20 percent plutonium by weight for the aggregate of any material category. At the Rocky Flats site, this provision includes ash residues; salt residues; wet residues; direct repackage residues; and scrub alloy as referenced in the "Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site". This provision has been carried in previous Energy and Water Development Appropriations Acts.

CONFERENCE RECOMMENDATIONS

The conference agreement's detailed funding recommendations for programs in title III are contained in the following table.

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
ENERGY SUPPLY		
RENEWABLE ENERGY RESOURCES		
Renewable energy technologies		
Biomass and biorefinery systems R&D	72,596	82,147
Geothermal technology	25,800	25,800
Hydrogen technology	95,325	95,325
Hydropower	6,000	5,000
Solar energy	80,333	88,533
Wind energy	41,600	41,600
Intergovernmental activities	16,000	17,000
Total, Renewable energy technologies	337,654	353,405
Renewable support and implementation		
Departmental energy management program	1,967	1,967
Renewable program support	---	3,000
Total, Renewable support and implementation	1,967	4,967
National climate change technology initiative	3,000	---
Facilities and infrastructure		
National renewable energy laboratory	4,800	4,800
Construction		
02-E-001 Science and technology facility, NREL Golden, CO	6,680	6,680
Total, Facilities and infrastructure	11,480	11,480
Program direction	20,711	19,211
TOTAL, RENEWABLE ENERGY RESOURCES	374,812	389,063
ELECTRICITY TRANSMISSION AND DISTRIBUTION		
High temperature superconductivity R&D	45,000	55,000
Transmission reliability R&D	10,720	15,720
Electricity distribution transformation R&D	5,459	5,459
Energy storage R&D	4,000	4,000
Gridwise	5,000	6,500
Gridworks	5,500	5,500
Total, Research and development	75,679	92,179
Electricity restructuring	5,000	20,000
Program direction	10,201	8,201
Construction		
04-E-001 Project engineering and design (PED), energy reliability and efficiency laboratory	---	775
TOTAL, ELECTRICITY TRANSMISSION AND DISTRIBUTION	90,880	121,155
NUCLEAR ENERGY		
University reactor fuel assistance and support	21,000	24,000
Research and development		
Nuclear energy plant optimization	---	2,500
Nuclear energy research initiative	---	2,500
Nuclear power 2010	10,246	50,000
Generation IV nuclear energy systems initiative	30,546	40,000
Nuclear hydrogen initiative	9,000	9,000

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
Advanced fuel cycle initiative	46,254	68,000
Total, Research and development	96,046	172,000
Infrastructure		
Radiological facilities management		
Space and defense infrastructure	33,800	33,800
Medical isotopes infrastructure	21,194	21,194
Construction		
05-E-203 Facility modifications for U-233 disposition, Oak Ridge	13,616	13,616
Subtotal, Medical isotopes infrastructure	34,810	34,810
Enrichment facility and uranium management	500	500
Subtotal, Radiological facilities management	69,110	69,110
Idaho facilities management		
INL Operations and infrastructure	---	121,527
ANL-West operations	30,781	---
INL infrastructure	75,746	---
Construction		
99-E-200 Test reactor area electrical utility upgrade, Idaho National Engineering Lab, ID	1,523	1,523
Subtotal, INL infrastructure	77,269	1,523
Subtotal, Idaho facilities management	108,050	123,050
Idaho sitewide safeguards and security	58,103	58,103
Total, Infrastructure	235,263	250,263
Spent nuclear fuel management	---	6,723
Program direction	60,285	60,285
Subtotal, Nuclear Energy	412,594	513,271
Funding from other defense activities	-112,847	-114,347
Funding from Naval Reactors	---	-10,000
TOTAL, NUCLEAR ENERGY	299,747	388,924
CIVILIAN RADIOACTIVE WASTE MANAGEMENT		
Spent nuclear fuel management	5,223	---
ENVIRONMENT, SAFETY AND HEALTH		
Office of Environment, Safety and Health (non-defense)	10,000	8,000
Program direction	20,474	20,000
TOTAL, ENVIRONMENT, SAFETY AND HEALTH	30,474	28,000
OFFICE OF FUTURE LIABILITIES		
Future liabilities	3,000	---

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
OFFICE OF LEGACY MANAGEMENT		
Legacy management	31,130	31,130
Subtotal, Energy supply	835,266	958,272
Use of prior year balances	---	-12,000
TOTAL, ENERGY SUPPLY	835,266	946,272
NON-DEFENSE SITE ACCELERATION COMPLETION		
Accelerated completions, 2006	45,435	45,435
Accelerated completions, 2012	98,191	98,191
Accelerated completions, 2035	8,224	8,224
TOTAL, NON-DEFENSE SITE ACCELERATION COMPLETION	151,850	151,850
URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND		
Decontamination and decommissioning	399,586	419,007
Uranium/thorium reimbursement	100,614	80,000
TOTAL, URANIUM ENRICHMENT D&D FUND	500,200	499,007
NON-DEFENSE ENVIRONMENTAL SERVICES		
Community and regulatory support	90	90
Environmental cleanup projects	46,083	46,083
Non-closure environmental activities	152,523	145,123
Construction		
02-U-101 Depleted uranium hexafluoride conversion project, Paducah, KY and Portsmouth, OH	92,600	100,000
Total, Non-closure environmental activities	245,123	245,123
TOTAL, NON-DEFENSE ENVIRONMENTAL SERVICES	291,296	291,296
SCIENCE		
High energy physics		
Proton accelerator-based physics	412,092	417,092
Electron accelerator-based physics	150,890	150,890
Non-accelerator physics	42,936	42,936
Theoretical physics	49,630	49,630
Advanced technology R&D	81,081	81,081
Subtotal	736,629	741,629
Construction		
98-G-304 Neutrinos at the main injector, Fermilab	751	751
Total, High energy physics	737,380	742,380
Nuclear physics	401,040	408,040
Biological and environmental research	496,590	576,590

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
Construction		
05-SC-004 Project engineering and design (PED), facility for the production and characterization of proteins and molecular tags	5,000	10,000
Basic energy sciences		
Research		
Materials sciences and engineering research	603,228	628,228
Chemical sciences, geosciences and energy biosciences	228,422	253,422
Subtotal, Research	831,650	881,650
Construction		
05-R-320 LINAC coherent light source (LCLS)	30,000	30,000
05-R-321 Center for functional nanomaterials (BNL)	18,465	18,465
04-R-313 The molecular foundry (LBNL)	32,085	32,085
03-SC-002 Project engineering & design (PED) SLAC	20,075	20,075
03-R-312 Center for nanophase materials sciences, ORNL	17,811	17,811
03-R-313 Center for Integrated Nanotechnology	30,897	30,897
02-SC-002 Project engineering and design (VL)	2,012	2,012
99-E-334 Spallation neutron source (ORNL)	80,535	80,535
Subtotal, Construction	231,880	231,880
Total, Basic energy sciences	1,063,530	1,113,530
Advanced scientific computing research	204,340	234,340
Science laboratories infrastructure		
Laboratories facilities support		
Infrastructure support	1,520	1,766
Construction		
MEL-001 Multiprogram energy laboratory infrastructure projects, various locations	16,391	24,391
Subtotal, Laboratories facilities support	17,911	26,157
Oak Ridge landlord	5,079	5,079
Excess facilities disposal	6,100	6,100
Safety-related corrective actions	---	5,000
Total, Science laboratories infrastructure	29,090	42,336
Fusion energy sciences	264,110	278,110
Safeguards and security	73,315	73,315
Science workforce development	7,660	7,660
Science program direction		
Field offices	89,341	89,341
Headquarters	65,927	65,927
Total, Science program direction	155,268	155,268
Subtotal, Science	3,437,323	3,639,569

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
Use of prior year balances	---	-5,062
Less security charge for reimbursable work	-5,605	-5,605
TOTAL, SCIENCE	3,431,718	3,628,902
NUCLEAR WASTE DISPOSAL		
Repository program	661,510	366,000
Program direction	87,490	80,000
TOTAL, NUCLEAR WASTE DISPOSAL	749,000	446,000
DEPARTMENTAL ADMINISTRATION		
Administrative operations		
Salaries and expenses		
Office of the Secretary	5,441	4,649
Board of contract appeals	653	653
Chief information officer	44,856	38,273
Congressional and intergovernmental affairs	4,956	4,865
Economic impact and diversity	5,400	5,140
General counsel	23,349	21,870
Office of Management, Budget and Evaluation	106,055	106,855
Policy and international affairs	17,977	15,114
Public affairs	4,649	2,464
Subtotal, Salaries and expenses	213,336	199,883
Program support		
Minority economic impact	830	830
Policy analysis and system studies	395	395
Environmental policy studies	567	567
Cybersecurity and secure communications	24,932	24,932
Corporate management information program	37,632	32,138
Subtotal, Program support	64,356	58,862
Competitive sourcing initiative (A-76)	5,000	2,500
Total, Administrative operations	282,692	261,245
Cost of work for others	71,621	71,621
Subtotal, Departmental Administration	354,313	332,866
Funding from other defense activities	-92,440	-92,440
Total, Departmental administration (gross)	261,873	240,426
Miscellaneous revenues	-122,000	-122,000
TOTAL, DEPARTMENTAL ADMINISTRATION (net)	139,873	118,426
OFFICE OF INSPECTOR GENERAL		
Office of Inspector General	41,508	41,508

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
ATOMIC ENERGY DEFENSE ACTIVITIES		
NATIONAL NUCLEAR SECURITY ADMINISTRATION		
WEAPONS ACTIVITIES		
Directed stockpile work		
Life extension program		
B61	117,927	117,927
W76	213,111	236,427
W80	146,400	106,400
Subtotal, Life extension program	477,438	460,754
Stockpile systems		
B61	91,256	91,256
W62	18,401	18,401
W76	137,527	137,527
W78	44,313	44,313
W80	49,507	39,507
B83	44,995	44,995
W84	6,119	6,119
W87	94,884	79,884
W88	49,093	49,093
Subtotal, Stockpile systems	536,095	511,095
Retired warheads stockpile systems	65,258	75,000
Stockpile services		
Research and development certification and safety	157,986	147,986
Management, technology, and production	133,101	113,101
Reliable replacement warhead	9,000	9,000
Robust nuclear earth penetrator	27,557	---
Subtotal, Stockpile services	327,644	270,087
Total, Directed stockpile work	1,406,435	1,316,936
Campaigns		
Science campaigns		
Primary assessment technologies	81,473	73,973
Dynamic materials properties	91,521	86,521
Advanced radiography	62,371	55,371
Secondary assessment technologies	65,597	63,597
Subtotal, Science campaigns	300,982	279,462
Engineering campaigns		
Enhanced surety	38,121	33,121
Weapons system engineering assessment technology	27,270	27,270
Nuclear survivability	24,460	9,460
Enhanced surveillance	99,879	99,879
Microsystem and engineering science applications (MESA), other project costs	4,600	4,600
Construction		
01-D-108 Microsystem and engineering science applications (MESA), SNL, Albuquerque, NM	48,654	86,500
Subtotal, MESA	53,254	91,100
Subtotal, Engineering campaigns	242,984	260,830

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
Inertial confinement fusion ignition and high yield campaign:		
Ignition	76,437	69,437
Support of stockpile program	38,987	38,987
NIF diagnostics, cryogenics and experiment support	44,023	49,023
Pulsed power inertial confinement fusion	10,080	11,080
University grants/other support	7,776	7,776
Facility operations and target production	63,056	63,056
Inertial fusion technology	---	34,000
NIF demonstration program	113,700	95,700
High-energy petawatt laser development	7,975	41,975
Subtotal	362,034	411,034
Construction		
96-D-111 National ignition facility, LLNL	130,000	130,000
Subtotal, Inertial confinement fusion	492,034	541,034
Advanced simulation and computing	738,032	700,532
Construction		
00-D-103, Terascale simulation facility, LLNL, Livermore, CA	3,228	3,228
Subtotal, Advanced simulation and computing	741,260	703,760
Pit manufacturing and certification		
W88 pit manufacturing	132,005	132,005
W88 pit certification	101,470	60,960
Pit manufacturing capability	20,992	13,500
Modern pit facility	29,800	7,000
Pit campaign support activities at NTS	52,206	52,206
Subtotal, Pit manufacturing and certification	336,473	265,671
Readiness campaigns		
Stockpile readiness	45,812	45,812
High explosives weapons operations	34,220	34,220
Non-nuclear readiness	35,457	32,957
Advanced design and production technologies	84,788	79,788
Tritium readiness	58,850	58,850
Construction		
98-D-125 Tritium extraction facility, SR	21,000	21,000
Subtotal, Tritium readiness	79,850	79,850
Subtotal, Readiness campaigns	280,127	272,627
Total, Campaigns	2,393,840	2,323,384
Readiness in technical base and facilities		
Operations of facilities	1,017,557	1,121,557
Program readiness	106,204	106,204
Special projects	20,534	41,500
Material recycle and recovery	86,965	86,965
Containers	17,910	17,910
Storage	18,982	18,982
Subtotal, Readiness in technical base and fac	1,268,152	1,393,118

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
Construction		
05-D-140 Project engineering and design (PED), various locations	11,600	16,600
05-D-401 Building 12-64 production bays upgrades, Pantex plant, Amarillo, TX	25,100	25,100
05-D-402 Beryllium capability (BEC) project, Y-12 National security complex, Oak Ridge, TN	3,627	3,627
04-D-103 Project engineering and design (PED), various locations	1,500	1,500
04-D-125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM	24,000	40,000
04-D-126 Building 12-44 production cells upgrade, Pantex plant, Amarillo, TX	2,600	2,600
03-D-102, National Security Sciences building, Los Alamos National Laboratory, Los Alamos, NM	37,348	37,348
03-D-103 Project engineering and design (PED), various locations	15,275	15,275
03-D-123 Special nuclear materials requalification, Pantex plant, Amarillo, TX	4,602	4,602
02-D-103 Project engineering and design (PED), various locations	5,250	5,250
02-D-105 Engineering technology complex upgrade, LLNL, CA	5,400	5,400
01-D-103 Project engineering and design (PED), various locations	6,000	6,000
01-D-124 HEU materials facility, Y-12 plant, Oak Ridge, TN	64,000	114,000
Subtotal, Construction	206,302	277,302
Total, Readiness in technical base and facilities	1,474,454	1,670,420
Facilities and infrastructure recapitalization program	291,543	248,863
Construction		
05-D-160 Facilities and infrastructure recapitalization program project engineering design (PED), various locations	8,700	8,700
05-D-601 Compressed air upgrades project (CAUP), Y-12, National security complex, Oak Ridge, TN	4,400	4,400
05-D-602 Power grid infrastructure upgrade (PGIU), Alamos National Laboratory, Los Alamos, NM	10,000	10,000
05-D-603 New master substation (NMSU), SNL	600	600

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
04-D-203 Facilities and infrastructure recapitalization program (FIRP), project engineering design (PED), various locations	981	981
Subtotal, Construction	24,681	24,681
Total, Facilities and infrastructure recapitalization program	316,224	273,544
Secure transportation asset		
Operations and equipment	143,873	143,873
Program direction	57,427	57,427
Total, Secure transportation asset	201,300	201,300
Nuclear weapons incident response	99,209	99,209
Safeguards and security	669,991	720,678
Construction		
05-D-170 Project engineering and design (PED), various locations	17,000	17,000
05-D-701 Security perimeter project, Los Alamos, National Laboratory, Los Alamos, NM	20,000	20,000
Total, Safeguards and security	706,991	757,678
Subtotal, Weapons activities	6,598,453	6,642,471
Use of prior year balances	---	-86,000
Less security charge for reimbursable work	-30,000	-30,000
Excluding transfer of DOD ppropriations	---	-300,000
TOTAL, WEAPONS ACTIVITIES	6,568,453	6,226,471
Transfer from Department of Defense appropriations	---	(300,000)
Total, Weapons Activities (program level)	(6,568,453)	(6,526,471)
DEFENSE NUCLEAR NONPROLIFERATION		
Nonproliferation and verification, R&D	220,000	225,750
Nonproliferation and international security	124,000	154,000
Nonproliferation programs with Russia		
International nuclear materials protection and cooperation	238,000	322,000
Russian transition initiative	41,000	41,000
HEU transparency implementation	20,950	20,950
Elimination of weapons-grade plutonium production program	50,097	40,097
Fissile materials disposition		
U.S. surplus materials disposition	184,700	159,700
Russian surplus materials disposition	64,000	64,000
Construction		
99-D-141 Pit disassembly and conversion facility, Savannah River, SC	32,300	32,300

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC	368,000	368,000
Subtotal, Construction	400,300	400,300
Subtotal, Fissile materials disposition	649,000	624,000
Total, Nonproliferation programs with Russia	999,047	1,048,047
Offsite source recovery project	5,600	7,600
Subtotal, Defense Nuclear Nonproliferation	1,348,647	1,435,397
Use of prior year balances	---	-15,000
TOTAL, DEFENSE NUCLEAR NONPROLIFERATION	1,348,647	1,420,397
NAVAL REACTORS		
Naval reactors development	761,211	771,211
Construction		
05-N-900 Materials development facility building, Schenectady, NY	6,200	6,200
90-N-102 Expended core facility dry cell project, Naval Reactors Facility, ID	989	989
Subtotal, Construction	7,189	7,189
Total, Naval reactors development	768,400	778,400
Program direction	29,500	29,500
TOTAL, NAVAL REACTORS	797,900	807,900
OFFICE OF THE ADMINISTRATOR		
Office of the Administrator	333,700	356,200
TOTAL, OFFICE OF THE ADMINISTRATOR	333,700	356,200
TOTAL, NATIONAL NUCLEAR SECURITY ADMINISTRATION	9,048,700	8,810,968
DEFENSE SITE ACCELERATION COMPLETION		
Accelerated completions, 2006	1,251,799	1,264,999
Accelerated completions, 2012	1,437,001	1,437,001
Construction		
04-D-414 Project engineering and design (PED), various locations	3,000	3,000
04-D-423 Container surveillance capability in 235-F, Savannah River	20,640	20,640

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
01-D-416 Waste treatment and immobilization plant, Richland, WA	690,000	690,000
Subtotal, Construction	713,640	713,640
Total, Accelerated completions, 2012	2,150,641	2,150,641
Accelerated completions, 2035	1,849,512	1,860,512
Construction		
04-D-408 Glass waste storage building #2, Savannah River	43,827	43,827
Total, Accelerated completions, 2035	1,893,339	1,904,339
Safeguards and security	265,059	265,059
Alternative high level waste actions	---	249,442
High level waste (Waste Incidental to Reprocessing) (legislative proposal)	249,442	217,392
Construction		
05-D-405 Salt waste processing facility, Savannah River	52,000	26,000
04-D-414 04-02 PED: Sodium bearing waste treatment, Idaho	24,900	24,900
03-D-414 PED: Salt waste processing facility alt Savannah River, SC	23,658	23,658
Total, High level waste (WIR) (legis. proposal)	350,000	291,950
Technology development and deployment	60,142	60,142
Subtotal, Defense Site Acceleration Completion	5,970,980	6,186,572
Less security charge for reimbursable work	-143	-143
Use of prior year balances	---	-90,000
TOTAL, DEFENSE SITE ACCELERATION COMPLETION	5,970,837	6,096,429
DEFENSE ENVIRONMENTAL SERVICES		
Community and regulatory support	60,547	60,547
Federal contribution to the uranium enrichment fund	463,000	463,000
Non-closure environmental activities	187,864	146,038
Spent nuclear fuel management	---	17,332
Program direction	271,059	271,059
Use of prior year balances	---	-20,000
TOTAL, DEFENSE ENVIRONMENTAL SERVICES	982,470	937,976
TOTAL, DEFENSE ENVIRONMENTAL MANAGEMENT	6,953,307	7,034,405
OTHER DEFENSE ACTIVITIES		
Other national security programs		
Energy security and assurance		
Energy security	6,100	---
Program direction	4,500	---
Subtotal, Energy security and assurance	10,600	---

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
Office of Security		
Nuclear safeguards and security	143,197	193,904
Security investigations	53,554	49,880
Program direction	58,350	54,722
Subtotal, Office of Security	255,101	298,506
Independent oversight and performance assurance	24,669	24,669
Civilian radioactive waste management		
Spent nuclear fuel management	21,190	---
Program direction	1,060	---
Subtotal, Civilian radioactive waste mgmt	22,250	---
Environment, safety and health (Defense)	99,105	109,105
Program direction - EH	20,414	20,414
Subtotal, Environment, safety & health (Defense)	119,519	129,519
Office of Legacy Management		
Legacy management	19,194	33,694
Worker and community transition	2,500	---
Program direction	13,201	13,201
Subtotal, Office of Legacy Management	34,895	46,895
Defense related administrative support	92,440	92,440
Defense activities at INEEL	112,847	114,347
Office of hearings and appeals	4,318	4,318
Office of Future Liabilities	5,000	---
Subtotal, Other Defense Activities	681,639	710,694
Use of prior year balances	-15,000	-15,000
Less security charge for reimbursable work	-3,003	-3,003
TOTAL, OTHER DEFENSE ACTIVITIES	663,636	692,691
DEFENSE NUCLEAR WASTE DISPOSAL		
Defense nuclear waste disposal	131,000	131,000
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES	16,796,643	16,669,064
POWER MARKETING ADMINISTRATIONS		
SOUTHEASTERN POWER ADMINISTRATION		
Operation and maintenance		
Purchase power and wheeling	---	34,000
Program direction	5,200	5,200
Subtotal, Operation and maintenance	5,200	39,200
Offsetting collections	---	-34,000
TOTAL, SOUTHEASTERN POWER ADMINISTRATION	5,200	5,200

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
SOUTHWESTERN POWER ADMINISTRATION		
Operation and maintenance		
Operating expenses	4,676	4,676
Purchase power and wheeling	---	2,900
Program direction	19,324	19,324
Construction	5,352	5,352
Subtotal, Operation and maintenance	29,352	32,252
Offsetting collections	---	-2,900
TOTAL, SOUTHWESTERN POWER ADMINISTRATION	29,352	29,352
WESTERN AREA POWER ADMINISTRATION		
Operation and maintenance		
Construction and rehabilitation	20,191	20,191
Operation and maintenance	39,821	39,821
Purchase power and wheeling	---	227,600
Program direction	116,756	116,756
Subtotal, Operation and maintenance	176,768	404,368
Offsetting collections	---	-227,600
Offsetting collections (P.L. 98-381)	-3,668	-3,668
TOTAL, WESTERN AREA POWER ADMINISTRATION	173,100	173,100
FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND		
Operation and maintenance	2,827	2,827
TOTAL, POWER MARKETING ADMINISTRATIONS	210,479	210,479
FEDERAL ENERGY REGULATORY COMMISSION		
Federal energy regulatory commission	210,000	210,000
FERC revenues	-210,000	-210,000
GRAND TOTAL, DEPARTMENT OF ENERGY	23,147,833	23,002,804

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
ENERGY AND WATER DEVELOPMENT ACCOUNTS		
Energy programs:		
Energy supply	835,266	946,272
Non-defense site acceleration completion	151,850	151,850
Non-defense environmental management	---	---
Uranium enrichment D&D fund	500,200	499,007
Non-defense environmental services	291,296	291,296
Uranium facilities maintenance and remediation	---	---
Science	3,431,718	3,628,902
Nuclear waste disposal	749,000	446,000
Departmental administration	261,873	240,426
Revenues	-122,000	-122,000
Total, Departmental administration	139,873	118,426
Office of the Inspector General	41,508	41,508
Total, Energy programs	6,140,711	6,123,261
Atomic energy defense activities:		
National Nuclear Security Administration:		
Weapons activities	6,568,453	6,226,471
Defense nuclear nonproliferation	1,348,647	1,420,397
Naval reactors	797,900	807,900
Office of the Administrator	333,700	356,200
Subtotal, National Nuclear Security Admin	9,048,700	8,810,968
Defense environmental restoration and waste mgmt	---	---
Defense facilities closure projects	---	---
Defense site acceleration completion	5,620,837	5,804,479
High level waste legislative proposal	350,000	291,950
Defense environmental management privatization	---	---
Defense environmental services	982,470	937,976
Defense environmental mgmt. privatization (resc.)	---	---
Subtotal, Defense environmental management	6,953,307	7,034,405
Other defense activities	663,636	692,691
Defense nuclear waste disposal	131,000	131,000
Total, Atomic energy defense activities	16,796,643	16,669,064

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
Power marketing administrations:		
Southeastern Power Administration	5,200	5,200
Southwestern Power Administration	29,352	29,352
Western Area Power Administration	173,100	173,100
Falcon and Amistad operating and maintenance fund	2,827	2,827
Total, Power marketing administrations	210,479	210,479
Federal Energy Regulatory Commission:		
Salaries and expenses	210,000	210,000
Revenues	-210,000	-210,000
Total, Federal Energy Regulatory Commission	---	---
TOTAL, ENERGY AND WATER DEVELOPMENT ACCOUNTS	23,147,833	23,002,804
FUNCTION RECAP:		
NON-DEFENSE	6,351,190	6,583,182
DEFENSE	16,796,643	16,419,622
Environmental restoration and waste management:		
Defense function	(6,953,307)	(7,034,405)
Non-defense function	(943,346)	(942,153)
Total, Environmental restoration and waste mgmt	(7,896,653)	(7,976,558)
Nuclear waste disposal:		
Defense function	(131,000)	(131,000)
Non-defense function	(749,000)	(446,000)
Total, Nuclear waste disposal	(880,000)	(577,000)

TITLE IV—INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

The conference agreement provides $66,000,000 for the Appalachian Regional Commission. Within available funds, the conferees direct the Commission to provide $1,000,000 to facilitate construction of the Farmers' Ethanol biorefinery and supporting infrastructure in Perry County, Ohio. The conferees support the Appalachian-Turkish Trade Project to promote trade and investment opportunities.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

The conference agreement provides $20,268,000 for the Defense Nuclear Facilities Safety Board, the same as the request.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

The conference agreement appropriates $6,048,000 for the Delta Regional Authority. The conferees direct the Authority to submit to the House and Senate Committees on Appropriations quarterly financial reports providing detailed accounting data on the expenditures of funds during fiscal year 2005. The conferees also expect the Authority to submit a detailed budget justification for the fiscal year 2006 budget.

DENALI COMMISSION

The conference agreement appropriates $67,000,000 for the Denali Commission. The conferees renew the direction to the Commission to submit a detailed budget justification for fiscal year 2006.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $662,777,000, to be offset by revenues of $534,354,000, for a net appropriation of $128,423,000. This reflects the statutory language adopted by the conference in fiscal year 2001 to reduce the fee recovery requirement to 90 percent in fiscal year 2005.

In fiscal year 2004, the conferees directed the Nuclear Regulatory Commission to contract with the National Academy of Sciences for a study of spent nuclear fuel storage at commercial reactor sites. The National Academy completed this study and found a number of areas in which the NRC could improve its modeling of the risks to spent fuel storage and the mitigation of such risks. The conferees expect the NRC to take the necessary steps to improve its analyses, including the preparation of site-specific models, and to work with the utilities to ensure timely application of this information to mitigate risks.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $7,518,000, to be offset by revenues of $6,766,200, for a net appropriation of $751,800. This reflects the statutory language adopted by the conference in fiscal year 2001 to reduce the fee recovery requirement to 90 percent in fiscal year 2005.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

The conference agreement provides $3,177,000, the same as the budget request.

TITLE V—GENERAL PROVISIONS

Sec. 501. The conference agreement includes language directing that none of the funds appropriated in this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress except to communicate to Members of Congress.

Sec. 502. The conference agreement includes language regarding the transfer of funds made available in this Act to other departments or agencies of the federal government.

Sec. 503. The conference agreement includes language regarding the public release of documents concerning energy markets.

Sec. 504. The conference agreement includes language regarding the extension of the prohibition of oil and gas drilling in the Great Lakes through 2007.

Sec. 505. The conference agreement includes language authorizing the Secretary of the Army to transfer and advance funds to the Administrator of the Bonneville Power Administration to carry out activities in connection with Section 2406 of the Energy Policy Act of 1992.

Sec. 506. The conference agreement includes language concerning the voting methods for the Delta Regional Authority.

TITLE VI

The conference agreement includes language changing the composition, operation, and duties of the Board of Directors of the Tennessee Valley Authority.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2005 recommended by the Committee of Conference, with comparisons to the fiscal year 2004 amount, the 2005 budget estimates, and the House and Senate bills for 2005 follow:

[In thousands of dollars]

New budget (obligation) authority, fiscal year 2004	$27,756,375
Budget estimates of new (obligational) authority, fiscal year 2005	28,470,382
House bill, fiscal year 2005	28,525,000
Senate bill, fiscal year 2005	0
Conference agreement, fiscal year 2005	29,020,000
Conference agreement compared with:	
New budget (obligation) authority, fiscal year 2004	+1,263,625
Budget estimates of new (obligational) authority, fiscal year 2005	+549,618
House bill, fiscal year 2005	+495,000
Senate bill, fiscal year 2005	+29,020,000

DIVISION D—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2005

The statement of the managers remains silent on provisions that were in both the House and Senate bills that remain unchanged by this conference agreement, except as noted in this statement of the managers. The House and Senate report language that is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The conference agreement appropriates $59,800,000 for the subsidy appropriation instead of $125,700,000 as proposed by the House and $115,700,000 as proposed by the Senate. The managers expect that there will be no reduction in Export-Import Bank activity levels due to the extraordinarily high level of carryover balances in fiscal year 2005, which total approximately $444,000,000.

The conference agreement appropriates $73,200,000 for administrative expenses for the Export-Import Bank as included in the House bill and Senate amendment.

The conference agreement does not include a first-time appropriation for an Office of Inspector General. The managers note that the Export-Import Bank already has an audit committee and other regimes in place, including independent auditors that provide financial oversight to its operations.

The conference agreement includes Senate language that requires the Export-Import Bank to provide a report on the economic effect of an ethanol dehydration plant in Trinidad and Tobago within 30 days of enactment of this Act. The conference agreement does not include Senate language that would have required prior consultation with the Senate Finance Committee and the Committees on Appropriations prior to extending credit support to establish or expand the production of indigenous products by a beneficiary country pursuant to section 423 of the Tax Reform Act of 1986. The managers are concerned by the precedent this provision may establish within the Act, and believe this matter is better addressed by the relevant authorizing committees.

OVERSEAS PRIVATE INVESTMENT CORPORATION

The managers direct the President of OPIC to continue current policy and consult with the Committees on Appropriations before any future financing for nongovernmental organizations or private and voluntary organizations is approved.

The conference agreement includes Senate language that allows OPIC to operate in Iraq for fiscal year 2005. The House bill did not address this matter.

TRADE AND DEVELOPMENT AGENCY

The conference agreement appropriates $51,500,000 for the Trade and Development Agency (TDA) as proposed by the House instead of $49,000,000 as proposed by the Senate. The managers have provided $1,500,000 for TDA to conduct a development and training program to assist countries with meeting their obligations for international aviation security and safety standards.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

The conference agreement appropriates $1,550,000,000 for the Child Survival and Health Programs Fund as proposed by the Senate instead of $1,648,500,000 as proposed by the House. The managers make funding in this account available until September 30, 2006, as proposed by the House, rather than September 30, 2007, as proposed by the Senate.

As in previous years, the conference agreement includes language allocating the Child Survival and Health Programs Fund among six program categories. For child survival and maternal health, including vaccine-preventable diseases such as polio, the conference agreement allocates $345,000,000 as proposed by the Senate instead of $330,000,000 as allocated by the House. For vulnerable children (not including children affected by HIV/AIDS), the conference agreement allocates $30,000,000 as proposed by the Senate instead of $28,000,000 as allocated by the House. For HIV/AIDS, including children orphaned by HIV/AIDS and otherwise affected by the disease, the conference agreement allocates $350,000,000 instead of $330,000,000 as allocated by the House or $600,000,000 as allocated by the Senate. For other infectious diseases, including TB and malaria, the conference agreement allocates $200,000,000 as proposed by the Senate instead of $185,000,000 as allocated by the House. For reproductive health/family planning, the conference agreement allocates $375,000,000 as allocated by the Senate; and for the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), the conference agreement allocates $250,000,000 as proposed by the Senate (not including $150,000,000 of emergency funding) instead of $400,000,000 as allocated by the House. The allocation for the Global Fund also includes $87,800,000 in prior year funds, bringing the total allocation to $337,800,000.

The managers expect that any change proposed subsequent to the allocation as directed in bill language will be subject to the requirements of section 515 of this Act. A definition of program categories and their components can be found on pages 9 through 11 of House Report 107–142 and under the heading "Family Planning/Reproductive Health" on page 12 of Senate Report 107–58.

The conference agreement includes a total of $337,800,000 for the Global Fund. The managers note that other donors have not contributed adequate matching funding to make available all of the potential United States fiscal year 2004 contribution to the Fund of $547,000,000. The managers have carried over the amount that could not be made available, $87,800,000, for inclusion in the fiscal year 2005 Global Fund contribution. Absent this action by the Congress, these funds would have been used for purposes other than a contribution to the Global Fund.

The managers provide that up to 5 percent of funds made available for a United States contribution to the Global Fund may be made available to USAID for technical assistance related to Global Fund activities, similar to a House provision. Priority should be given to assistance that speeds the distribution of Global Fund grants and improves the accountability and efficiency of their use, rather than increases the pipeline of undisbursed funding.

As in previous years, the managers specify that funding for family planning/reproductive health should also be spent in areas where population growth threatens biodiversity or endangered species, as recommended by the Senate. The House bill did not address this matter.

The conference agreement includes $30,000,000 to support research on and the development of microbicides as a means for combating HIV/AIDS, instead of $32,000,000 as proposed by the Senate. The House bill did not address this matter. The managers endorse Senate report language recommending up to $2,000,000 for the International Partnership for Microbicides.

The conference agreement includes $27,000,000 for the International AIDS Vaccine Initiative, instead of $28,000,000 as proposed by the Senate. The House bill addressed this matter under the heading "Global HIV/AIDS Initiative".

The managers do not include a provision providing funds under this heading for the Joint UN Programme on HIV/AIDS (UNAIDS), as proposed by the Senate. Instead, the managers provide such funds from the heading "Global HIV/AIDS Initiative".

To simplify accounting and improve transparency, no funding is appropriated in this account for HIV/AIDS programs in the 15 Emergency Plan for AIDS Relief "focus" countries. Funding for the "focus" countries is appropriated under the heading "Global HIV/AIDS Initiative".

The managers note that, of the funding pledged thus far by the Global Fund to recipient countries, approximately 56 percent would be for HIV/AIDS interventions, 31 percent for malaria interventions, and 13 percent for tuberculosis (TB) or combined TB/AIDS interventions. The managers have used these percentages to estimate the portion of the United States contributions to the Global Fund that is likely to be attributed for each disease. The narrative for HIV/AIDS funding is under the heading "Global HIV/AIDS Initiative".

The conference agreement provides a total of $132,500,000 for TB assistance. Of this amount, $80,000,000 is funded through the "other infectious diseases" allocation in this account, an estimated $8,500,000 from other bilateral accounts, and $44,000,000 through the contribution to the Global Fund.

For malaria, the conference agreement provides a total of $203,700,000. Of this amount, it is expected that $104,700,000 of the contribution to the Global Fund will fund malaria programs, $90,000,000 is funded through the "other infectious diseases" allocation in this account, and an estimated $9,000,000 is provided from other bilateral accounts.

The managers note with concern the reductions made in the fiscal year 2005 budget request for a number of African countries. The conference agreement contains funding levels for both "Child Survival and Health Programs Fund" and "Development Assistance" that significantly exceed the amounts requested. The managers therefore expect USAID to restore cuts in African country allocations in those accounts to their fiscal year 2004 levels, consistent with proper programmatic considerations. The managers expect that the Committees on Appropriations will be fully consulted prior to the release of section 653(a) allocations for fiscal year 2005.

The managers endorse House report language urging USAID to increase its support for obstetric fistula prevention and repair. The managers also intend that $32,000,000 be made available to support the multilateral campaign to combat polio.

The managers note the policy and technical analysis and educational programs of the Global Health Council and recommend funding for the Council for such activities in fiscal year 2005.

The managers direct USAID to provide the Committees with a detailed report not later than March 31, 2005, on the programs, projects, and activities undertaken by the Child Survival and Health Programs Fund during fiscal year 2004.

The managers note the growing demand for health-related research and development from this and other accounts in this Act. Therefore, the managers request USAID to provide a report not later than 180 days after enactment of this Act describing efforts made to coordinate USAID's health-related research and development activities with those of the Department of Health and Human Services, the Department of Defense, and other agencies as appropriate. The report should focus on the research, development, and application cycle and outline USAID's appropriate role in that process. The report should also include amounts spent by USAID for research and development, with a breakdown by health issue or disease, recipient, and stage of research or development funded. The managers request USAID to consult regularly with the Committees while developing this report.

Funds appropriated for the Child Survival and Health Programs Fund are appropriated for programs, projects and activities. Funds for administrative expenses to manage Child Survival and Health Programs Fund activities are provided in a separate USAID Operating Expenses account, with two exceptions included in the conference agreement: authority for USAID's central and regional bureaus to use up to $250,000 from program funds for Operating Expense-funded personnel to better monitor and provide oversight of the Child Survival and Health Programs Fund, and section 522, which includes authority to use up to $13,500,000 to reimburse other government agencies and private institutions for professional services.

DEVELOPMENT ASSISTANCE

The conference agreement appropriates $1,460,000,000 for "Development Assistance" as proposed by the Senate instead of $1,429,000,000 as proposed by the House.

The conference agreement includes $194,000,000 for trade capacity building under this heading, the same as the level in the House bill. The Senate amendment did not address this matter. Trade capacity building is further addressed in section 570 of the general provisions.

The managers have agreed to provide $300,000,000 for basic education, including adult literacy programs, under this heading. Additionally, the conference agreement addresses this matter further in section 567 of the general provisions. The Senate amendment addressed this matter in the general provisions, not under this heading.

The managers note that both the House and Senate reports direct USAID to design and fund a $15,000,000 program in Africa with the aim of eliminating school fees. The managers endorse the instructions included in the House report stipulating that this program address the issue of eliminating school fees in a holistic manner, with attention paid to increasing host country investment in education, increasing parent and community involvement, and ensuring sufficient infrastructure for both male and female students. The managers understand that eliminating school fees, even in one country, could cost hundreds of millions of dollars, and that the pilot project undertaken with the funds provided will necessarily be smaller in scope. The managers also direct that the strategies requested in both the House and Senate reports be combined and transmitted together to the Committees on Appropriations no later than 180 days after enactment of this Act.

The conference agreement provides $15,000,000 for programs to improve women's leadership capacity in recipient countries as included in the House bill. The Senate amendment did not address this matter.

The conference agreement provides $2,000,000 for clean water treatment activities in developing countries. The House bill did not address this matter. The managers recommend consideration of up to $2,000,000 for Water Missions International assuming satisfaction of normal requirements for project technical merit and financial accounting system standards.

The conference agreement includes Senate language that provides $100,000,000 from all funds appropriated by this Act shall be made available for drinking water supply projects and related activities. The House bill did not address this matter. The Committee expects USAID to report no later than 90 days after enactment of this Act on funding and implementation of its water projects, including the number and location of wells drilled, and the cost per well.

The conference agreement does not include the Senate requirement that funds for the Global Development Alliance are subject to notification. However, the managers request USAID to present to the Committees its financial plan for continued implementation of the Global Development Alliance. The House did not address this matter.

The managers support the fertilizer-related research and development being conducted by the International Fertilizer Development Center (IFDC) and urge USAID to make at least $4,000,000 available to IFDC, including not less than $2,300,000 for its core grant, as provided under the Senate amendment. The House bill did not address the matter.

The conference agreement provides $20,000,000 for American Schools and Hospitals Abroad. The Senate provided $22,000,000. The House bill did not address this matter. The managers endorse House report language concerning medical simulation technology.

The managers direct that not less than $1,000,000 be made available to the U.S. Telecommunications Training Institute, a nonprofit joint venture program between the public and private sectors that provides tuition free communications and broadcasting training to professionals around the world. The Senate amendment included bill language mandating that such funds be made available for this purpose. The House bill did not address this matter.

The managers understand that USAID has reached a three-year, $3,000,000 agreement with the International Real Property Foundation (IRPF). The managers support the work of the IRPF, which provides field volunteers to developing countries to help make their real estate markets more open and professional. The managers expect USAID to provide $1,000,000 to the IRPF from funds made available under this heading.

The conference agreement includes a modified Senate provision directing that "Development Assistance" funds should be used for programs in sub-Saharan Africa to address sexual and gender-based violence. The House bill did not address this matter. The managers recognize the importance of these programs and expect USAID to increase funding above the current level.

The managers endorse Senate report language concerning Laos and expect that a total of $2,000,000 from "Development Assistance" and the "Child Survival and Health Programs Fund" will be used to continue ongoing programs in that country. The managers continue to strongly support programs, funded under the "Nonproliferation, Anti-Terrorism, Demining and Related Programs" account, to clear unexploded ordnance in Laos and expect that at least $2,500,000 will be made available for this purpose in fiscal year 2005.

The conference agreement does not include a Senate provision that $8,000,000 in development assistance funds should be made available for assistance to Liberia. The House bill did not address this matter. However, the managers believe that additional funds are urgently needed for a variety of activities in Liberia, especially drug rehabilitation of former combatants, and expect USAID to provide $6,000,000 in development assistance funds for Liberia. The managers endorse the budget request for Liberia except where otherwise noted in the conference agreement or statement of managers.

The managers recommend $10,000,000 from "Development Assistance" and "Economic Support Fund" to assist victims of torture. The House bill did not address this matter.

The managers support microenterprise development programs for the poor, especially women, and urge USAID to achieve a level of $200,000,000 for these programs in fiscal year 2005. The managers also recommend $30,000,000 be available to USAID's Office of Microenterprise through a central funding or other appropriate mechanism for contracts, cooperative agreements and grants.

The managers also urge USAID to take steps to preserve the viability of leading NGO microfinance networks and to consult with the Committees on Appropriations on these measures.

The managers strongly support the work of volunteers with experience in the private sector in developing countries. In that regard, the managers endorse the House report language regarding the Financial Services Volunteer Corps (FSVC) and the Citizens Development Corps (CDC), and Senate language that endorses the International Executive Service Corps (IESC). The FSVC can make an important contribution to reconstruction in Iraq and Afghanistan. The managers strongly support these institutions and direct the State Department and USAID to seek ways to use them to full effect.

The managers direct the State Department and USAID to report to the Committees on Appropriations not later than 90 days after enactment of this Act on how funding made available in this Act will be used by the FSVC.

The managers endorse the list of university proposals in the Senate and House reports. In addition, the managers recommend consideration of proposals in support of the Norman E. Borlaug International Science and Technology Fellows Program, coordinated by Texas A&M University and other partnering universities and agencies.

The conference agreement does not include Senate language that would direct $40,000,000 appropriated under title II of this Act be made available to the Office of the Higher Education Community Liaison within USAID. The managers affirm the principle of rigorous competitive selection of proposals on technical merit. On a highly exceptional basis, the Committees may request USAID to consult them on behalf of proposals deemed meritorious.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

The conference agreement appropriates $370,000,000 for "International Disaster and Famine Assistance", instead of $355,500,000 as proposed by the House and $385,500,000 as proposed by the Senate.

Of this amount, $34,500,000 is made available specifically for assistance for famine prevention and relief, instead of $20,000,000 as proposed by the House and $50,000,000 as proposed by the Senate.

TRANSITION INITIATIVES

The conference agreement appropriates $49,000,000 to support transition to democracy and long-term development of countries in crisis, instead of $47,500,000 proposed by the House and $50,000,000 proposed by the Senate.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $21,000,000 via transfer authority for micro and small enterprise programs, urban programs and other credit programs as proposed by the House and the Senate. The conference agreement does not include a Senate limitation of $700,000,000 on loan principal any part of which is to be guaranteed. The House bill did not address this matter.

CAPITAL INVESTMENT FUND

The conference agreement appropriates $59,000,000 for USAID's Capital Investment Fund as proposed by the Senate, instead of $64,800,000 as proposed by the House.

The conference agreement does not include Senate language that would have required the USAID Administrator to assess rental assessments on other agencies in buildings constructed with funds under this title. The conference agreement does not include House language that would have made USAID funds available for contribution to the Capital Security Cost Sharing Program managed by the State Department only if all other agencies that have agreed to participate in the program are making their contribution. The conference agreement makes available not to exceed $19,709,000 for USAID's contribution to the Capital Security Cost Sharing Program.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

The conference agreement appropriates $2,482,500,000 for the Economic Support Fund.

Funds in this account are allocated in the following table and, as stipulated in section 595, any change to these allocations is subject to the regular reprogramming procedures of the Committees on Appropriations:

Economic Support Fund

[Budget Authority, dollars in thousands]

	Conference Agreement
Africa:	
Africa Regional	9,000
Angola	3,000
Burundi	3,250
Democratic Republic of Congo	5,000
Djibouti	2,000
Ethiopia	5,000
Kenya	9,000
Liberia	25,000
Nigeria	5,000
Regional Organizations	1,000
Safe Skies	3,500
Sierra Leone	6,000
South Africa	1,000
Sudan	20,000
Zimbabwe	2,000
Kimberley Process	1,750
NED Democracy Programs	3,500
Subtotal—Africa	105,000
East Asia and the Pacific:	
ASEAN Regional	750
Burma	8,000
Cambodia	17,000
NED Democracy Programs	4,000
Tibet	4,250
East Timor	22,000
Indonesia	65,000
Mongolia	10,000
Thailand	1,000
Philippines	35,000
Environmental Programs	1,750
Regional Security Fund	250
Regional Women's Issues	1,000
South Pacific Fisheries	18,000
Subtotal—East Asia and Pacific	188,000
Europe:	
Cyprus	13,500
Irish Visa Program	3,500
Subtotal—Europe	17,000
Near East:	
Egypt	535,000

	Conference Agreement
Israel	360,000
Jordan	250,000
Lebanon	35,000
Middle East Multilaterals	2,000
Middle East Partnership Initiative	75,000
Middle East Regional Cooperation	5,000
Morocco	20,000
West Bank/Gaza	75,000
Yemen	15,000
NED Muslim Democracy Programs	4,000
Subtotal—Near East	1,376,000
South Asia:	
Afghanistan	225,000
Bangladesh	5,000
India	15,000
Nepal	5,000
Pakistan	300,000
South Asia Regional	1,000
Sri Lanka	10,000
Subtotal—South Asia	561,000
Western Hemisphere:	
Bolivia	8,000
Cuba	9,000
Dominican Republic	3,000
Ecuador	13,000
Haiti	40,000
Guatemala	6,000
Nicaragua	3,500
Mexico	13,500
Panama	3,000
Paraguay	3,000
Peru	8,000
Peru/Ecuador Peace	3,000
Regional Anticorruption Initiatives	3,000
Summit of the Americas Support	1,500
Third Border Initiative	9,000
Trade capacity/CAFTA Technical Assistance	20,000
Venezuela	500
Subtotal—Western Hemisphere	147,000
Global:	
Human Rights and Democracy Fund	37,000
Disability Programs	2,500
OES Initiatives	2,500
Partnerships to Eliminate Sweatshops	2,000
Wheelchairs	5,000
Reconciliation Programs	12,000
Security and Sustainability Programs	3,000
Trafficking in Persons	24,500
Subtotal—Global	88,500
Total, ESF	2,482,500

The conference agreement provides $360,000,000 for Israel and language requiring disbursement of funds within 30 days of enactment of this Act. The conference agreement provides not less than $535,000,000 for Egypt as proposed by both the House and Senate.

The conference agreement includes language similar to that of the Senate amendment that provides that $200,000,000 should be provided for Commodity Import Program assistance for Egypt. The House bill did not address this matter.

The conference agreement does not include language, proposed by the Senate, that assistance be provided for Egypt with the understanding that the Government of Egypt (GoE) will undertake significant political reforms in addition to those undertaken in previous years. The House bill did not address this matter.

The conference agreement includes language, proposed by the Senate, that democracy and governance activities shall not be subject to the prior approval of the GoE. The managers intend this language to include nongovernmental organizations and other segments of civil society that may not be registered with, or officially recognized by, the GoE. However, the managers understand that the GoE should be kept informed of funding provided pursuant to these activities.

The conference agreement does not include a Senate provision to make funds from this account available to USAID for administrative costs for regional programs in Asia and the Near East regions. The House bill did not address this matter.

The conference agreement includes language similar to that proposed by the House and the Senate providing that not less than $13,500,000 shall be made available for assistance for Cyprus.

The conference agreement includes language that provides that not less than $250,000,000 should be made available for assistance for Jordan, as proposed by the House. The Senate language would have mandated this level of support.

The conference agreement includes language similar to that in the House bill that provides that not less than $35,000,000 shall be made available for assistance for Lebanon, of which not less than $4,000,000 should be made available for scholarships and direct support of American educational institutions in Lebanon.

The conference agreement provides $22,000,000 for assistance for East Timor (Timor-Leste) as proposed by the Senate. The House bill had similar language. The conference agreement provides that of the funds for East Timor, $1,000,000 may be made available for administrative expenses of USAID, as proposed by the Senate.

The conference agreement does not include a House provision providing $50,000,000 for assistance for Haiti. The conference agreement provides $85,000,000 in assistance for Haiti as specified in section 549 of this Act, including $40,000,000 in the Economic Support Fund.

The managers include prior year language authorizing non-lethal assistance to the National Democratic Alliance of Sudan to protect its civilians from attack. The Senate did not address this matter.

The conference agreement provides that $3,000,000 should be made available to promote freedom of the media in Indonesia. The managers expect these funds will support ongoing programs and activities, including those conducted by Internews.

The conference agreement does not include a Senate provision that $2,000,000 shall be made available for economic development programs conducted by Indonesian universities. However, the managers expect funding should be provided for this purpose.

The managers expect USAID to provide sufficient funding for democracy building activities in Indonesia, and request USAID to consult with the Committees on this matter.

The managers also expect currently unobligated funds for police training in Indonesia to be fully utilized before fiscal year 2005 Economic Support Fund resources are used for that purpose.

The conference agreement does not include Senate language providing assistance to the Rosary Sisters Hospital in Jordan. The managers understand the concerns of the Government of Jordan regarding the impact this proposed activity would have on the assistance program for Jordan and recommend that USAID and the Department of State review a proposal from the hospital for possible funding from other sources within this Act. The House bill did not address this matter.

The conference agreement does not include Senate language that would have authorized up to $4,500,000 for scholarship programs for students from countries with significant Muslim populations at accredited American institutions of higher education. The House bill did not address this matter. The managers note that sufficient authority exists to fund such scholarships at the present time, and endorse the House report language on this matter. The managers direct the Department of State to review such a proposal and, based on such review, to recommend, as part of the President's fiscal year 2006 budget request, how such a program (including elementary and secondary school students) could be most effectively funded and managed by the United States Government.

The conference agreement does not include $2,500,000 for technical assistance to implement the Kimberley Process Certification Scheme. However, $1,750,000 should be made available for this purpose, as identified in the table establishing funding levels for this account.

The conference agreement does not include Senate language providing funding for environment initiatives in the East Asia and Pacific region. However, $1,750,000 should be made available for this purpose as indicated in the table establishing funding levels for this account. The House bill did not address this matter.

The conference agreement does not include Senate provisions providing specific funding levels for Kenya and Liberia. Amounts for these countries are identified in the table establishing funding levels for this account. The House bill did not address this matter.

The conference agreement does not include a Senate provision that directed not less than $500,000 should be made available for the Commission to Investigate Illegal Groups and Clandestine Security Apparatus in Guatemala (CICIACS). However, the managers intend that if CICIACS is established not less than $500,000 should be made available to support the Commission. The House bill did not address this matter.

The conference agreement does not include Senate language providing funding for the Foundation for Security and Sustainability. The managers provide $3,000,000 for the Foundation as identified in the table establishing funding levels for this account. The House bill did not address this matter.

The conference agreements includes $5,000,000 for the provisions of wheelchairs for needy persons in developing countries instead of $10,000,000 as proposed by the Senate. The House bill did not address this matter.

INTERNATIONAL FUND FOR IRELAND

The conference agreement appropriates $18,500,000 as proposed by the House. The Senate did not address this matter.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

The conference agreement appropriates $396,600,000 instead of $410,000,000 as proposed by the Senate and $375,000,000 as proposed by the House.

Funds in this account are allocated in the following table and, as stipulated in section

595, any change to these allocations is subject to the regular reprogramming procedures of the Committees on Appropriations:

Assistance for Eastern Europe and the Baltic States

[Budget Authority in thousands of dollars]

	Conference Agreement
Albania	$28,000
Bosnia-Herzegovina	41,000
Bulgaria	27,000
Croatia	20,000
Kosovo	75,000
Macedonia	34,000
Romania	27,000
Serbia	73,600
Montenegro	20,000
Regional Programs	51,000
Total AEEB	396,600

The conference agreement contains language similar to that in the Senate amendment that provides that $2,000,000 should be made available to enhance safety at nuclear power plants. The managers understand that additional funding for this purpose will not be required in subsequent fiscal years.

The conference agreement does not include language proposed by the Senate to reduce assistance for Serbia by an amount equal to the amount of financial and other support that Serbia has provided to Slobodan Milosevic and other indicated war criminals and their families during calendar year 2004. The managers request the State Department to promptly consult with the Committees on the amounts, if any, Serbia has provided to these individuals. The House bill did not address this matter.

The conference agreement does not include a House provision requiring the Administrator of USAID to provide prior written approval for grants and loans for the economic revitalization program in Bosnia and Herzegovina. The Senate did not address this matter.

The conference agreement includes House language that requires separate accounts for local currencies and cash transfers made available under this heading. The Senate did not address this matter.

The managers have included House language authorizing the President to withhold funds for Bosnian economic revitalization if Bosnia is not in compliance with article III of annex 1-A of the Dayton Accords and has not terminated intelligence cooperation with state sponsors of terrorism and terrorist organizations.

The managers note the language of both the House and Senate reports endorsing the American Bar Association's rule of law programs, and also support implementing them through cooperative agreements.

The managers recommend funding for the Russian, Eurasian, and East European Research and Training Program (Title VIII) at the fiscal year 2004 level. The managers also encourage the use of Title VIII funds to include comparative research and language training concerning Eurasian countries critical in the war on terrorism.

The managers note that USAID, the Kosovo Business Finance Fund, and the American Council for International Education have recently entered into a partnership to expand professional educational opportunities in Kosovo. Given the static or declining aid levels for Eastern Europe and Eurasia, the managers encourage the State Department and USAID to work with various Enterprise Funds to develop further post graduate partnership programs and opportunities for professional education.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

The conference agreement appropriates $560,000,000 as proposed by the Senate, instead of $550,000,000 as proposed by the House.

Funds in this account are allocated in the following table and, as stipulated in section 595, any change to these allocations is subject to the regular reprogramming procedures of the Committees on Appropriations:

Assistance for the Independent States of the Former Soviet Union

[Budget Authority in thousands of dollars]

	Conference Agreement
Armenia	$75,000
Azerbaijan	38,000
Belarus	6,500
Georgia	92,000
Kazakhstan	27,000
Kygryz Republic	32,000
Moldova	17,500
Russia	90,000
Tajikistan	25,000
Turkmenistan	6,000
Ukraine	70,000
Uzbekistan	36,000
Regional Programs	45,000
Total	560,000

The conference agreement includes $3,859,000 for health and other assistance needs of victims of trafficking in persons, instead of $1,500,000 as proposed by the House and $8,000,000 as proposed by the Senate.

The conference agreement includes language providing not less than $17,500,000 for the Russian Far East, instead of $20,000,000 as proposed by the Senate. The managers endorse Senate report language recognizing the important contributions to development activities in this region by the University of Alaska.

The conference agreement does not include a Senate provision making available assistance for an emergency operations center in Kazakhstan.

The conference agreement provides that of the funds made available for assistance for Ukraine, $5,000,000 should be made available for nuclear reactor safety initiatives. The managers expect that of this amount, $3,000,000 should be provided for simulator-related projects. The Senate amendment included a similar provision. The House bill did not address this matter.

The conference agreement includes not less than $55,000,000 for child survival, environmental and other health activities, and programs to reduce the incidence of HIV/AIDS, tuberculosis, and other infectious diseases. The House bill would have provided $57,000,000 for these purposes. The Senate amendment did not address this matter.

The managers do not include a Senate provision specifying funding for the Russia programs of the National Endowment for Democracy or for democracy, human rights, and rule of law programs in Belarus. The House bill did not address these matters. The managers request that of the funds provided for assistance for Russia, $3,500,000 should be made available to the National Endowment for Democracy for democracy and human rights activities in Russia, including political party development programs.

The conference agreement assumes $6,500,000 for assistance for Belarus, which should be used to implement programs and activities authorized under the Belarus Democracy Act of 2004. Funds may also be used for anti-trafficking programs and programs to combat HIV/AIDS.

The conference agreement assumes that of the funds allocated for regional programs, at least $3,000,000 should be provided to address ongoing humanitarian needs in Nagorno-Karabakh.

INDEPENDENT AGENCIES

INTER-AMERICAN FOUNDATION

The conference agreement appropriates $18,000,000 instead of $19,000,000 as proposed by the Senate and $16,238,000 as proposed by the House.

AFRICAN DEVELOPMENT FOUNDATION

The conference agreement appropriates $19,000,000 instead of $20,000,000 as proposed by the Senate and $18,579,000 as proposed by the House.

PEACE CORPS

The conference agreement appropriates $320,000,000, instead of $330,000,000 as proposed by the House and $310,000,000 as proposed by the Senate. The managers encourage the Peace Corps to consider new programs in Cambodia and elsewhere in Asia, provided sufficient funds are available.

MILLENNIUM CHALLENGE CORPORATION

The conference agreement appropriates $1,500,000,000 for the Millennium Challenge Corporation (MCC) instead of $1,250,000,000 as proposed by the House and $1,120,000,000 as proposed by the Senate.

The conference agreement makes available up to $50,000,000 for administrative expenses instead of $30,000,000 as proposed by the House. The Senate amendment did not address this matter. Additionally, the managers include House language providing up to 10 percent of funds for the threshold countries. The Senate included similar language in section 5093 of the Senate amendment.

The conference agreement includes a number of provisions in the House bill that were not addressed by the Senate amendment including: Requirement for a written justification before funds are made available, requesting a report on the threshold country program, extension of section 605(e)(4) of the Millennium Challenge Act of 2003, and requiring that the MCC fully fund multi-year compacts for fiscal years 2004 and 2005.

The conference agreement includes in section 534 of the general provisions a provision similar to the Senate amendment that amends the eligibility criteria of the MCC. The managers have included a definition of the "investments in the people" criteria that is inclusive of government policies of a potentially eligible country that promote the health, education, and other factors that contribute to the well-being and productivity of their people, such as decent, affordable housing.

The managers direct the MCC to consult with the Committees on Appropriations and other appropriate committees if the MCC plans to propose an expansion of the "investment in the people" criteria beyond the areas of health and education for purposes of country eligibility. In the event of such a proposed expansion, the managers direct the MCC to provide this consultation not later than 21 days prior to the release of the report on the criteria and methodology for determining eligibility. The consultation shall include a justification, including supporting documents, that the proposed expansion will meet requirements and expectations of country coverage, transparency and availability, objectivity and reliability, an appropriate inclusion in the eligibility methodology, and a link to economic growth and poverty reduction that merits the provision of eligibility incentives.

DEPARTMENT OF STATE

GLOBAL HIV/AIDS INITIATIVE

The conference agreement appropriates $1,385,000,000 for the Global HIV/AIDS Initiative instead of $1,450,000,000 as proposed by the Senate and $1,260,000,000 as proposed by the House. The managers include a total of $2,296,300,000 for HIV/AIDS, tuberculosis, and malaria, $99,300,000 over the President's request and $690,145,000 over the fiscal year 2004 level. This figure does not include significant funding anticipated to be appropriated for the Department of Health and Human Services.

HIV/AIDS, TB, and Malaria, fiscal year 2005

(Budget Authority in thousands of dollars)

	Conference Agreement
Child Survival and Health Programs Fund (CSH)	867,800
HIV/AIDS	(350,000)
Other Infectious Diseases (TB & malaria)	(170,000)
Global ATM Fund	(337,800)
Global HIV/AIDS Initiative	1,385,000
Other bilateral accounts for HIV/AIDS, TB, malaria	53,500
Total	2,296,300

The conference agreement provides, of the $2,296,300,000 included for HIV/AIDS, TB, and malaria in this Act, not less than $1,960,100,000 for programs for the prevention and treatment of HIV/AIDS, and for care and support of those infected and affected by the disease. $1,385,000,000 for HIV/AIDS is included in the Global HIV/AIDS Initiative account. An additional $539,100,000 is funded through the Child Survival and Health Programs Fund, including $189,100,000 as a conservative estimate of the amount from this Act that will be allocated for HIV/AIDS by the Global Fund using historic Fund disbursement trends. An estimated $36,000,000 is provided through other accounts, such as the Economic Support Fund, International Disaster and Famine Assistance, Foreign Military Financing, and regional accounts for Eastern Europe and the former Soviet Union. The estimate of $1,960,100,000 for HIV/AIDS does not include the United States share of HIV/AIDS assistance through the World Bank Group.

The managers note that all funding for the 15 Global HIV/AIDS Initiative "focus" countries is appropriated in this account. The managers strongly encourage the Office of the Global AIDS Coordinator to continue its policy of providing additional funding to "non-focus" countries. The managers also support the procurement of cost-effective commodities that are appropriate for use in developing and least developed countries, including rapid strip-based HIV tests that address the threat of all strains of HIV, including Group O.

The conference agreement does not include a Senate provision regarding capacity building for nongovernmental organizations and governments. The House bill did not address this matter.

The managers request the Office of the Global AIDS Coordinator to submit a report not later than 180 days following enactment of this Act describing efforts to build the capacity of focus-country governments and nongovernmental organizations in those countries to develop and implement sustainable HIV/AIDS programs. The report should detail efforts, with funding allocations, to train local health care personnel, including nurses, and to build the infrastructure necessary for effective prevention, care and treatment programs. The report should describe how these programs fit into the country's national health care system and, if relevant, national HIV/AIDS plan. The report should also describe efforts undertaken by the Office of the Global AIDS Coordinator and other parts of the Global HIV/AIDS Initiative to coordinate capacity building efforts with other relevant initiatives and organizations, such as the Global Fund, the World Bank, and the World Health Organization. The managers encourage the Office of the Global AIDS Coordinator to consolidate reports requested under this title, as appropriate.

Funding for the United States contribution to the Global Fund has been included in two places within the President's annual budget submission: The request for USAID and the request for the Department of Health and Human Services. The managers request the Office of the Global AIDS Coordinator to provide a detailed and consolidated description of United States participation in and coordination with the Global Fund. This description should include the levels of United States government contributions to the Global Fund, efforts to coordinate United States government and Global Fund efforts in "focus" countries, and cost estimates of future Global Fund operations, including projections of the cost of grant renewals versus new grants. At a minimum, the forecast should break out these estimated costs for fiscal years 2006, 2007, and 2008 and describe how the Administration is working with the international community to garner support for the Fund.

The conference agreement does not include a Senate provision making funds available for a specific HIV/AIDS education and outreach program. The House bill did not address this matter. The managers endorse Senate report language regarding Voice for Humanity.

The managers recommend $53,500,000 in this Act from the Economic Support Fund, Foreign Military Financing, and regional accounts for Eastern Europe and the Baltic States and the former Soviet Union, for HIV/AIDS, TB, and malaria programs. The conference agreement does not include a Senate provision making available from specified regional and programmatic accounts $42,000,000 for HIV/AIDS, TB, and malaria programs. The House bill did not address this matter.

The managers include not less than $27,000,000 from this account for the Joint United Nations Programme on HIV/AIDS (UNAIDS). The Senate amendment included funding for UNAIDS in the Child Survival and Health Programs Fund, and the House bill did not address this matter.

The conference agreement does not include a House provision providing $26,000,000 for the International AIDS Vaccine Initiative (IAVI). The managers include funding for IAVI under the heading "Child Survival and Health Programs Fund", similar to a Senate provision.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The conference agreement appropriates $328,820,000 for International Narcotics Control and Law Enforcement (INCLE), the same level as proposed by the House and the Senate.

The conference agreement provides $40,000,000 for assistance to Mexico and $10,500,000 for ongoing programs in Africa. Additionally, the conference agreement provides $10,000,000 for demand reduction programs, similar to the House bill. The Senate did not address this matter.

The conference agreement provides $3,000,000 for the purchase of helicopters for Malta, as proposed by the Senate. The House did not address this matter.

The conference agreement includes a modified Senate provision that makes $4,000,000 available under this heading for the Philippines. The managers recognize the importance of the United States-Philippines relationship and support an increase in funding for the Philippines above the requested level under "Child Survival and Health Programs Fund", "Development Assistance", "Anti-Terrorism Assistance" and "International Military Education and Training". The managers expect to be consulted on assistance for the Philippines not later than 60 days after enactment of this Act.

The conference agreement provides $11,900,000 for the International Law Enforcement Training Academies (ILEA), and the managers expect the academies, with the exception of ILEA/Latin America, to be funded at the budget request. The managers request the State Department to consult with the Committees on plans to establish an academy in the Middle East.

The conference agreement does not include a provision providing $15,000,000 for anti-trafficking programs as proposed by the Senate. The managers expect that $5,000,000 of funds under this heading will be used for this purpose.

The managers do not include funds for police training in Indonesia under this heading and expect the State Department to consult with the Committees prior to using ESF funds in this or prior year Acts for these purposes. The managers request the State Department to submit a report to the Committees not later than 180 days after enactment of this Act on current and planned police training activities in Indonesia, including funding sources, obligations, and expenditures.

The conference agreement does not include $1,000,000 for police training in Timor-Leste as proposed by the Senate. However the managers expect that under the heading "Economic Support Fund", of the $22,000,000 provided for Timor-Leste, that not less than $1,000,000 will be used for these purposes.

The conference agreement makes available $30,300,000 for administrative expenses instead of $26,117,000 as proposed by the House and the Senate.

The conference agreement does not include an amendment, proposed by the Senate, providing $1,500,000 to the International Foundation of Hope (IFH) for alternative crop development programs in Nangarhar Province, Afghanistan. The managers recognize the security threat posed by narcotics production in Afghanistan and recommend the State Department consider funding the IFH program.

The conference agreement does not include a Senate provision that $5,000,000 be made available to combat the piracy of United States intellectual property. The managers commend the work of the State Department on this issue, expect $3,000,000 to be made available in fiscal year 2005, and urge the State Department to request funds for this purpose next year. The managers support the reporting requirement concerning this program contained in the Senate report.

The managers endorse House report language on "Anti-Corruption Compacts" and expect the Department of State to work with the MCC to identify possible threshold country program funding for this purpose.

ANDEAN COUNTERDRUG INITIATIVE

The conference agreement appropriates $731,000,000 for the Andean Counterdrug Initiative as proposed by the House and the

Senate. The managers emphasize that there are other funds for Andean nations in this Act.

The conference agreement provides that not less than $264,600,000 shall be made available for alternative development and institution building activities by USAID, the Department of Justice, and the Department of State of which $237,000,000 shall be directly apportioned to USAID, including $125,700,000 for Colombia.

The conference agreement provides that not less than $6,000,000 should be made available for judicial reform in Colombia, not less than $6,000,000 shall be made available to USAID for organizations and programs to protect human rights and $2,000,000 should be made available for biodiversity and indigenous reserves protection in Colombia.

The conference agreement again includes conditions, similar to current law and the same as the Senate bill, on aerial spraying. The House bill did not address this matter.

The conference agreement includes the House language prohibiting funds for the resumption of flights in support of a Peruvian air interdiction program until a system of enhanced safeguards are in place. The Senate did not address this matter.

The conference agreement includes Senate language providing that assistance should be made available to the Bolivian military and police only if the Bolivian military and police are respecting human rights and cooperating with investigations and prosecutions of alleged violations of human rights.

The conference agreement does not include Senate conditions on assistance to support the demobilization of illegal armed groups in Colombia. The managers are aware that the Colombian Government is engaged in demobilization negotiations with such groups, which have been designated foreign terrorist organizations (FTOs) by the State Department. Leaders of these FTOs have been indicted by the Justice Department for drug trafficking and these groups have been implicated in widespread human rights violations. The managers note that according to the Justice Department, United States law forbids the provision of United States assistance to members of terrorist organizations. The managers further note that USAID included $3,250,000 in its fiscal year 2005 budget justification for "Peace Initiatives" in Colombia, including demobilization/integration. The conference agreement requires consultation with and notification to the Committees prior to the obligation of fiscal year 2005 funds for such activities. The managers believe that the costs of demobilizing illegal armed groups should be borne by the Colombian Government, not the United States. The managers are concerned that the demobilization process is being undertaken without adequate safeguards to ensure the dismantling of such FTOs, to deter members of such groups from resuming illegal activities, or to prosecute and punish those involved in drug trafficking and human rights violations.

The managers do not believe the Administration should request funds in fiscal year 2006 for the demobilization/reintegration of members of such FTOs unless it is for limited activities that are determined by the Justice Department to be consistent with United States anti-terrorism laws, and the following conditions can be met: (1) The FTO is respecting a ceasefire and the cessation of illegal activities; (2) the Government of Colombia has not adopted any law or policy inconsistent with its obligations under the United States-Colombian treaty on extradition, and has committed to the United States that it will continue to extradite Colombian citizens to the United States, including members of such illegal armed groups, in accordance with that treaty; (3) the Colombian legal framework governing the demobilization of such groups provides for prosecution and punishment, in proportion to the crimes committed, of those responsible for gross violations of human rights, violations of international humanitarian law, and drug trafficking, for reparations to victims, and for the monitoring of demobilized individuals; (4) the Government of Colombia is implementing a policy of effectively dismantling such groups, including the seizure of financial and property assets; and (5) the Government of Colombia is taking actions to enable the return of stolen assets, including real property, to their original owners.

The managers are also aware that the Administration has used fiscal year 2004 funds to support the Organization of American States (OAS) Mission in Colombia. The managers request that, prior to the provision of additional funds to the OAS for this purpose, the Secretary of State report to the Committees that the OAS Mission is strictly adhering to its verification role, FTOs are concentrated in zones for demobilization, the legal framework governing the demobilization conforms with (3) above, and the Inter-American Commission for Human Rights is providing advice to the OAS Mission.

The conference agreement makes available $16,285,000 from this account for administrative expenses of the Department of State as proposed by the House and the Senate and $7,800,000 for administrative expenses of USAID instead of $4,500,000 as proposed by the House and the Senate.

The conference agreement includes a provision proposed by the Senate that requires that the Administrator of USAID, in consultation with the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, shall have responsibility for the use of funds under this heading that are directly apportioned to USAID. The conference agreement does not include a provision in section 515 of the general provisions, as proposed by the Senate, requiring that all reprogrammings of funds under this and the previous heading shall be subject to review and approval by the Deputy Secretary of State. The House did not address either matter.

Funds in this account are allocated in the following table and, as stipulated in section 595, any change to these allocations is subject to the regular reprogramming procedures of the Committees on Appropriations:

Andean Counterdrug Initiative

[Budget Authority, dollars in thousands]

	Conference Agreement
Bolivia:	
Interdiction/Eradication	49,000
Alternative Development/Institution Building	42,000
Colombia:	
Interdiction/Eradication	313,200
USAID Alternative Development/Institution Building	125,700
Rule of Law	27,600
Ecuador:	
Interdiction/Eradication	11,000
Alternative Development/Institution Building	15,000
Peru:	
Interdiction/Eradication	62,000
Alternative Development/Institution Building	54,300
Panama	6,000
Brazil	9,000
Venezuela	3,000
Guatemala	1,000
Nicaragua	1,000
Air Bridge Denial	11,200
Total, ACI	731,000

MIGRATION AND REFUGEE ASSISTANCE

The conference agreement appropriates $770,000,000 for the Migration and Refugee Assistance account (MRA) instead of $756,000,000 as proposed by the House and $775,000,000 as proposed by the Senate.

The conference agreement makes available $22,000,000 for administrative expenses as proposed by the Senate instead of $21,000,000 as proposed by the House. The managers expect the additional administrative funds to be used for refugee admissions and emergency situations.

The conference agreement also includes Senate language providing not less than $50,000,000 for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel. The House bill did not address this matter.

The conference agreement does not include a Senate provision that makes funds available for assistance for international organizations for refugees from North Korea. The House did not address this matter. The managers strongly support the provision of funds for such purposes, and request the State Department to review methods to provide sufficient assistance to safeguard the human rights and dignity of North Korean refugees. The managers request the State Department to report to the Committees not later than 90 days after enactment of this Act on programs and activities regarding North Korean refugees supported during calendar years 2003 and 2004.

The conference agreement does not include Senate language providing that funds under this and the following heading be made available to NGOs located in Thailand for humanitarian assistance inside Burma. The managers expect NGOs working in Thailand on Burmese refugee issues to be funded at amounts above the fiscal year 2004 level from these accounts. The managers endorse Senate report language regarding funding levels for the Burma Border Consortium.

The managers are deeply concerned with reports of the misuse of facilities managed by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and UNRWA-owned vehicles for terrorist activities and the recent statement by UNRWA's Commissioner General that the agency employs members of the terrorist organization Hamas. The managers note that continued United States support for UNRWA depends on its compliance with United States law prohibiting assistance to terrorist organizations. The managers direct the State Department to work closely with the United Nations and UNRWA to develop effective standards and practices to ensure that UNRWA resources are not diverted for terrorist purposes, and that the agency is not employing terrorists. The managers direct the Secretary of State to transmit a report on these new standards to the Committees on Appropriations no later than 180 days after the enactment of this Act.

The managers are aware of potential tensions between Sudanese refugees in Chad and the citizens of Chad. The managers recommend funding for programs to mitigate conflict between refugees and hosting communities and to provide technical assistance to local organizations for assistance to refugees, including refugee registration and protection.

UNITED STATES EMERGENCY MIGRATION AND REFUGEE ASSISTANCE FUND

The conference agreement appropriates $30,000,000 for the United States Emergency Migration and Refugee Assistance Fund (ERMA), instead of $20,000,000 as proposed by the House and $50,000,000 as proposed by the Senate.

The conference agreement includes language from the Senate amendment that provides the funds notwithstanding section 2(c)(2) of the Migration and Refugee Assistance Act of 1962.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The conference agreement appropriates $402,000,000 for Nonproliferation, Anti-terrorism, Demining and Related Programs, instead of $382,000,000 as proposed by the House and $415,200,000 as proposed by the Senate.

Funds in this account are allocated in the following table and, as stipulated in section 595, any change to these allocations is subject to the regular reprogramming procedures of the Committees on Appropriations:

Nonproliferation, Anti-Terrorism, Demining and Related Programs

[Budget Authority in thousands of dollars]

	Conference Agreement
Nonproliferation and Disarmament Fund	$32,000
Export Control and Border Security assistance	38,000
Nonproliferation of WMD Expertise	50,500
International Atomic Energy Agency-Voluntary Contribution	53,000
CTBT/International Monitoring System	19,000
Anti-terrorism Assistance	120,000
Counterterrorism financing	7,500
Terrorist Interdiction Program	5,000
CT Engagement with Allies	500
Humanitarian Demining	59,500
International Trust Fund for Demining	10,000
Small Arms/Light Weapons Destruction	7,000
NADR Total	402,000

The conference agreement does not contain language from the Senate amendment that would have authorized not to exceed $250,000 for the support of public-private partnerships for mine action by grant, cooperative agreement, or contract. Language authorizing these activities for fiscal year 2004 and subsequent years was contained in Public Law 108-199. The House bill did not address this matter.

The conference agreement contains Senate language that provides that funds available for the CTBT Preparatory Commission that are not necessary to make the United States contribution to the Commission shall be made available to the International Atomic Energy Agency and shall be available until September 30, 2006.

The conference agreement does not include a Senate provision providing that $10,000,000 be made available to destroy MANPADS. The House bill did not address this matter. The managers support efforts to curtail the proliferation of MANPADS and note that more than $10,000,000 from this and other appropriations Acts is being made available to achieve this objective.

The conference agreement does not contain Senate language that would have authorized $10,000,000 for mobile combat systems and radiation detection technology to combat international terrorism. While this appropriation account is not the appropriate place to fund such activities, the managers support efforts to develop such systems and note that more than $10,000,000 from other appropriations Acts is being made available to achieve this objective.

The conference agreement contains Senate language that provides 2-year availability of funds appropriated for anti-terrorism assistance and export control and border security.

CONFLICT RESPONSE FUND

The conference agreement does not include Senate language authorizing activities under the Conflict Response Fund, or $20,000,000 for the Fund, as proposed by the Senate. The House bill did not address this matter.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

The conference agreement appropriates $19,000,000 for the International Affairs Technical Assistance program of the Department of the Treasury as proposed by the House instead of $17,500,000 as proposed by the Senate.

DEBT RESTRUCTURING

The conference agreement appropriates $100,000,000 for Debt Restructuring, instead of $105,000,000 as proposed by the House and $95,000,000 as proposed by the Senate. The conference agreement provides $20,000,000 for the Tropical Forest Conservation Act Program, and at least $10,000,000 for bilateral debt relief for the Democratic Republic of Congo and the flexibility to provide more from available funds if necessary.

The conference agreement includes House language limiting the use of the United States contribution to the HIPC Trust Fund and endorses the House report language on this issue. The managers note that the fiscal year 2004 and 2005 funds are subject to the regular notification procedures of the Committees on Appropriations.

TITLE III—MILITARY ASSISTANCE

INTERNATIONAL MILITARY EDUCATION AND TRAINING

The conference agreement provides that funding for Nigeria, Haiti, and the Democratic Republic of Congo shall be subject to the regular notification procedures of the Committees on Appropriations. The House bill would have required notification for Nigeria and Guatemala, while the Senate amendment would have required notification for Cambodia, Haiti, the Democratic Republic of Congo, Nigeria, and Guatemala.

The conference agreement does not include $2,000,000 in International Military Education and Training (IMET) assistance for Greece, as proposed by the Senate. However, the managers request the Secretary of State to consider providing up to $2,000,000 in IMET assistance for Greece. The House bill did not address this matter.

In order to increase cooperation in the war on international terrorism, the managers support additional funding above the budget request in IMET assistance for Egypt.

FOREIGN MILITARY FINANCING PROGRAM

The conference agreement appropriates $4,783,500,000 for the Foreign Military Financing Program.

The managers have included language providing $2,220,000,000 for Israel and $1,300,000,000 for Egypt as proposed in both the House and Senate bills. The conference agreement includes language similar to that proposed in the Senate amendment that provides that $206,000,000 should be made available for assistance for Jordan.

Funds in this account are allocated in the following table and, as stipulated in section 595 any change to these allocations is subject to the regular reprogramming procedures of the Committees on Appropriations:

Foreign Military Financing Program

[Budget Authority, dollars in thousands]

	Conference Agreement
Africa:	
Botswana	$500
Djibouti	4,000
Eritrea	500
Ethiopia	2,000
Ghana	500
Kenya	7,000
Liberia	3,000
Nigeria	500
Senegal	500
Uganda	2,000
Africa Coastal/Border Security Program 4,000	
Military Health Affairs	2,000
Subtotal—Africa	26,500
East Asia and the Pacific:	
Cambodia	1,000
East Timor	1,000
Fiji	250
Indonesia	1,000
Mongolia	1,000
Tonga	250
Philippines	30,000
Thailand	1,500
Subtotal—East Asia and the Pacific	36,000
Europe and Eurasia:	
Albania	3,000
Armenia	8,000
Azerbaijan	8,000
Bosnia	2,500
Bulgaria	7,000
Czech Republic	6,000
Estonia	5,000
Georgia	12,000
Hungary	6,000
Kazakhstan	5,000
Kyrgyz Republic	2,000
Latvia	5,000
Lithuania	5,500
Macedonia	5,250
Moldova	450
Poland	66,000
Romania	11,000
Slovakia	5,000
Slovenia	1,500
Tajikistan	500
Turkey	34,000
Turkmenistan	700
Ukraine	3,000
Uzbekistan	11,000
Subtotal—Europe and Eurasia	213,400
Near East:	
Bahrain	19,000
Egypt	1,300,000
Israel	2,220,000
Jordan	206,000
Morocco	15,250
Oman	20,000
Tunisia	10,000
Yemen	10,000
Subtotal—Near East	3,800,250
South Asia:	
Afghanistan	400,000

	Conference Agreement
Bangladesh	250
Nepal	1,500
Pakistan	150,000
(by transfer)	(150,000)
Sri Lanka	500
Subtotal—South Asia	552,250
Western Hemisphere:	
Argentina	1,000
Bahamas	100
Belize	200
Bolivia	2,000
Chile	500
Colombia	100,000
Dominican Republic	1,000
Ecuador	1,000
El Salvador	1,500
Guyana	100
Haiti	300
Honduras	1,000
Jamaica	600
Nicaragua	500
Panama	1,000
Peru	1,000
Suriname	100
Uruguay	400
Eastern Caribbean	1,000
Subtotal—Western Hemisphere	113,300
Global:	
Enhanced Peacekeeping Capabilities	1,800
FMF Administrative Costs	40,000
Subtotal—Global	41,800
Total	4,783,500

The conference agreement provides that not less than $580,000,000 shall be made available for procurement in Israel of defense articles and services, as proposed by the House. The Senate proposed similar language.

The conference agreement does not include language proposed by the Senate that would have allowed for the transfer of up to $5,000,000 to "Nonproliferation, Anti-Terrorism, Demining and Related Programs". The House bill did not address this matter.

The conference agreement includes $400,000,000 in military assistance for Afghanistan.

The conference agreement stipulates that not less than $206,000,000 should be provided from this account for assistance to Jordan, similar to a Senate provision. The House bill did not address this matter.

The managers have not included Senate provisions specifying funding levels for Tunisia, Armenia, Liberia, and Georgia. Information on funding levels as a basis for notification for these and other countries and programs is found in the table included in the Statement of Managers.

The conference agreement includes a provision, similar to Senate language, which conditions up to $2,000,000 in assistance for Uganda on progress by the Government of Uganda in human rights, the protection of civilians, and the professionalization of Ugandan armed forces. The House bill did not address this matter.

The conference agreement includes a House provision that permits up to $150,000,000 from prior year Foreign Military Financing Program and Economic Support Fund accounts to be transferred to the FMF account in this Act for assistance to Pakistan. The Senate included similar language, but did not designate Pakistan as the recipient of the transferred funds.

The conference agreement includes Senate language prohibiting funding from this account for Sudan and Guatemala. The House bill also included Indonesia in the funding prohibition.

The conference agreement includes Senate language that requires a notification for assistance for Haiti. The House bill did not address this matter.

The conference agreement does not include a House provision prohibiting funding from this account for activities related to the clearance of unexploded ordnance from United States Armed Forces testing or training centers, except on San Jose Island, Republic of Panama. The Senate amendment did not address this matter.

PEACEKEEPING OPERATIONS

The conference agreement does not include a Senate provision authorizing the transfer of funding from the Department of Defense to the Department of State for military or security assistance to enhance the capability of foreign countries to participate in international peacekeeping or peace enforcement operations. The House bill did not address this matter.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

The conference agreement appropriates $107,500,000 for the Global Environment Facility as proposed by the House instead of $120,678,000 as proposed by the Senate.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

The conference agreement appropriates $850,000,000 for the International Development Association, the concessional lending facility of the World Bank, as proposed by the House instead of $820,000,000 as proposed by the Senate.

The managers note that the World Bank promised $313,000,000 in grant assistance and $3,000,000,000 in loans to the people of Iraq. Of this commitment, only one training program totaling $3,600,000 has been completed, which represents less than .01 percent of total funds pledged. The managers request the Secretary of Treasury to submit a report not later than January 1, 2005 on World Bank loan disbursement and the deployment of World Bank international staff to Iraq.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

The conference agreement appropriates $11,000,000 for past due payments by the United States to the Multilateral Investment Fund instead of $25,000,000 as proposed by the House and $15,000,000 as proposed by the Senate.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

The conference agreement appropriates $100,000,000 for the United States contribution to the Asian Development Fund, instead of $112,212,465 as proposed by the House and $59,691,000 as proposed by the Senate.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

The conference agreement appropriates $4,100,000 for the African Development Bank instead of $5,100,000 as proposed by the House and $1,100,000 as proposed by the Senate.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

The conference agreement appropriates $106,000,000 for the African Development Fund instead of $118,000,000 as proposed by the House and $67,000,000 as proposed by the Senate.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

The conference agreement appropriates $328,394,000 for voluntary contributions to International Organizations and Programs instead of $323,450,000 as proposed by the House and $328,925,000 as proposed by the Senate.

The managers continue to support the work of the World Food Program and have provided $6,000,000 for a voluntary contribution under section 534 of this Act as included in the House bill and the Senate amendment.

The managers expect that of funds under this heading subject to section 307(a) of the Foreign Assistance Act of 1961, an additional $350,000 will be made available for United Nations Center for Human Settlements for a total of $500,000 in fiscal year 2005. As with all funds subject to section 307(a), these funds are subject to notification.

Funds in this account are allocated in the following table and, as stipulated in section 595, any change to these allocations is subject to the regular reprogramming procedures of the Committees on Appropriations:

International Organizations and Programs

[In thousands of dollars]

UN Fund for Tech. Cooperation in Human Rights	$1,500
UN Voluntary Fund for Victims of Torture	7,000
OAS Fund for Strengthening Democracy	3,000
UNDP	109,000
UNIFEM	2,000
UNIFEM Trust Fund	1,000
UNICEF	125,000
OAS Development Assistance	4,900
WTO	1,000
ICAO Aviation Programs	1,000
UNEP	11,000
IMO Maritime Security	100
Montreal Protocol	21,500
International Conservation Programs (CITES/ITTO/IUCN/Ramsar/CCD)	6,400
IPCC/UNFCCC	6,000
International Contributions for Scientific Educational & Cultural Activities	844
World Meteorological Organization	2,000
UN Center for Human Settlements	150
Reserve to be allocated	25,000
Total	328,394

TITLE V—GENERAL PROVISIONS

(Note.—If House and Senate language is identical except for a different section number or minor technical differences, the section is not discussed in the Statement of Managers.)

Sec. 505. Limitation on Representational Allowances

The conference agreement includes limitations similar to the House bill of $4,000 for Foreign Military Financing for entertainment expenses and $130,000 for representation allowances; $55,000 for International Military Education and Training for entertainment; $4,000 for representation and entertainment expenses for the Trade and Development Agency; and $115,000 for the Millennium Challenge Corporation (MCC). The House bill included $130,000 for the MCC, and the Senate amendment included $2,000 and $125,000 for

Foreign Military Financing for entertainment and representation allowances, respectively; $50,000 for International Military Education and Training; $2,000 for the Trade and Development Agency; and $100,000 for the MCC.

Sec. 515. Notification Requirements

The conference agreement does not include a Senate provision requiring that the International Narcotics Control and Law Enforcement and Andean Counterdrug Initiative accounts be subject to the same reprogramming oversight procedures as the Economic Support Fund account. The House bill did not address this provision.

Sec. 517. Independent States of the Former Soviet Union

Similar to the Senate amendment, the conference agreement does not include House subsection (a) restricting assistance to the governments of certain countries unless they are making progress in implementing economic reforms, and if these governments used United States assistance to facilitate the expropriation or seizure of assets.

Sec. 520. Special Notification Requirements

The conference agreement adds "Pakistan" and "Cambodia" to the list of countries proposed by the House to be subject to the special notification procedures of this section, similar to language proposed by the Senate. Compared to current law, the conference agreement deletes the Democratic Republic of the Congo.

Sec. 522. Child Survival and Health Activities

The conference agreement makes available not less than $441,000,000 for family planning and reproductive health activities from funds appropriated under title II of this Act, rather than $450,000,000 as proposed by the Senate amendment. The House addressed this matter in the House report and included a level of $432,000,000.

Sec. 523. Afghanistan

The conference agreement provides that not less than $980,000,000 of the funds appropriated by titles II and III should be made available for humanitarian, reconstruction, and related assistance for Afghanistan. The House bill included $977,000,000 for such activities. The Senate amendment provided not less than $504,450,000 for humanitarian and reconstruction assistance from this Act.

The conference agreement does not include Senate language that would have directed that not less than $225,000,000 be made available for Afghanistan from the Economic Support Fund. The House bill did not address this matter.

The conference agreement contains language, similar to a Senate provision, providing that not less than $2,000,000 should be made available for the Independent Human Rights Commission and other human rights groups. The House bill did not address this matter.

The conference agreement contains language, similar to that contained in the Senate amendment, which provides that funds for the Afghan National Army should be provided dependent on the vetting of members for involvement in a variety of illicit activities. The House bill did not address this matter.

The conference agreement includes Senate language that provides that not less than $2,000,000 should be provided for reforestation activities in Afghanistan, and these funds would be matched, to the maximum extent possible. The House bill did not address this matter.

The conference agreement contains language, similar to that in both the House bill and the Senate amendment, that provides that $50,000,000 should be made available to support programs that directly address the needs of Afghan women and girls, of which not less than $7,500,000 shall be made available for small grants to improve the capacity of women-led Afghan nongovernmental organizations.

The conference agreement does not include a Senate provision that not less than $2,000,000 should be made available for assistance for Afghan communities and families that have suffered losses as a result of the military operations. However, the managers support this program and expect not less than $2,000,000 to be made available for medical, rehabilitation, reconstruction, and other appropriate assistance to Afghan communities and families to mitigate such losses. The House bill did not address this matter.

Sec. 525. HIV/AIDS

The conference agreement includes a general provision, "HIV/AIDS", combining elements of section 525 of the House bill and section 5025 of the Senate amendment. The new general provision conditions 25 percent of the appropriation to the Global Fund to Fight AIDS, Tuberculosis and Malaria, subject to a waiver, on managerial and process changes at the Fund to improve its efficiency and transparency. The managers have also included language authorizing a "Working Capital Fund" to strengthen the ability of the Office of the Global AIDS Coordinator, USAID, and other agencies of the United States Government to negotiate the lowest possible prices for safe, effective pharmaceuticals and commodities.

Sec. 526. Democracy Programs

The conference agreement provides $19,000,000 under the Economic Support Fund for activities to support democracy, human rights and the rule of law in the People's Republic of China and Hong Kong, instead of $35,000,000 as proposed by the Senate, of which $15,000,000 is provided to the State Department's Human Rights and Democracy Fund (HRDF) and $4,000,000 to the National Endowment for Democracy (NED). Subject to a matching requirement, funds are made available for the conduct of such programs in Taiwan.

The conference agreement provides $15,000,000 under the ESF account, instead of $25,000,000 as proposed by the Senate, for programs to foster democracy, human rights, and other programs in countries with significant Muslim populations and where such programs would be important to respond to, deter, or prevent acts of international terrorism. Of this amount, $11,000,000 is provided to the HRDF and $4,000,000 to the NED. The agreement provides $3,000,000 for programs that provide professional training for journalists, including organizations such as Internews, and $3,000,000 for activities to advance democracy and human rights in Iran. The managers support the use of funds for a conference to bring together Iranian dissidents and advocates of freedom and justice in Iran to explore opportunities for furthering democracy in that country. Authority is provided to conduct such programs for Syria.

The conference agreement provides $4,500,000 to support NED programs in sub-Saharan Africa, $500,000 less than the level proposed by the Senate.

The conference agreement does not include a provision proposed by the Senate that provides $10,000,000 to American educational institutions for programs in China relating to environment, democracy and the rule of law. This matter is addressed in section 534.

Assistance provided under this section is subject to regular notification procedures.

The managers request the State Department, in consultation with USAID, to submit a report to the Committees not later than 90 days after enactment of this Act on: the standard definition of "democracy and governance programs" funded by the United States Government; a summary, including budgetary totals, of USAID's democracy and governance programs categorized by grants, cooperative agreements and contracts in fiscal years 2003 and 2004; and, additional information on how the proposed United Nations Democracy Fund could complement ongoing, United States-funded democracy building activities.

The conference agreement addresses Tibet in section 581, in a separate general provision as proposed by the Senate. The House bill addressed Tibet under this section.

Sec. 531. Burma

The conference agreement includes in this section a requirement, as proposed by the Senate, to instruct the United States Executive Directors to the international financial institutions to oppose loans and assistance for Burma. The House did not address this matter.

Additionally, the conference agreement includes a provision, similar to the Senate amendment, providing $8,000,000 under the heading "Economic Support Fund" for democracy and other activities in Burma and along the Burma-Thailand border.

The conference agreement includes a provision similar to the Senate amendment providing in addition to funds from "Migration and Refugee Assistance" not less than $4,000,000 to USAID for humanitarian assistance for displaced Burmese and host communities in Thailand. The House did not address this matter.

The conference agreement does not include a Senate proposed requirement that none of the funds appropriated by this Act may be made available to the central government of any country that is a major provider of weapons to the State Peace and Development Council (SPDC). The House did not address this matter.

The managers express their concern for the safety and welfare of Burmese democracy leaders Aung San Suu Kyi, U Tin Oo, and other members of the National League for Democracy. The managers call for the immediate, unconditional and safe release of Suu Kyi, as well as all other political prisoners in Burma.

The conference agreement also includes language, similar to section 5097 of the Senate amendment, that provides that contributions from the Global Fund to Fight AIDS, Tuberculosis and Malaria to the SPDC and its affiliate organizations will be withheld according to the provisions of section 202 of Public Law 108–25. The House did not address this matter.

Sec. 534. Special Authorities

In subsection (a), the conference agreement includes House language providing certain authority for assistance for Afghanistan, Pakistan, and Montenegro, assistance to victims of war, and displaced Burmese. The conference agreement adds Lebanon to that list of countries, as in the Senate amendment, but does not include Senate language regarding Iraq and programs to address sexual and gender-based violence. The managers have included such language in section 564, "Community-Based Police Assistance".

In subsection (f), the conference agreement increases the funding ceiling of $25,000,000 in section 451(a) of the Foreign Assistance Act of 1961 to $45,000,000, instead of $50,000,000 as in the Senate amendment.

The conference agreement does not include subsection (j) of the Senate amendment defining "areas outside of the control of the Government of Sudan". The managers have included similar language in section 569, "Sudan".

The managers have included subsection (k) of the Senate amendment, addressing the adjudication of applications from parolees from Indochina.

The conference agreement includes language, similar to subsection (m) as proposed by the Senate, providing $2,000,000 for an endowment to document genocide and crimes against humanity in Cambodia, and $3,750,000 for an endowment to sustain rehabilitation programs for persons suffering from physical disabilities in that country. The conference agreement eliminates language contained in the Senate amendment authorizing funds from future appropriations Acts to be used in these endowments. The managers intend that prior year funds may also be used to support these endowments, and the managers understand that with respect to the endowment to document genocide, an additional $2,000,000 may be made available from fiscal year 2003 funding for a combined total of $4,000,000. The managers request that USAID provide signed copies of the endowment agreements to the Committees on Appropriations and request that the agreements include a disposition of funds upon future liquidation of the endowments. The House bill did not address this matter.

The conference agreement does not include subsection (n) of the Senate amendment making foreign extinction lists applicable to United States fish and wildlife regulations and law. The House bill did not address this matter.

The conference agreement includes subsection (o) of the Senate amendment extending the availability of loan guarantees to Israel from September 30, 2005, to September 30, 2007. The House bill did not address this matter.

The conference agreement includes section (c) of section 5109 of the Senate amendment, "United Nations Resolutions on Israel", requiring the Secretary of State to report how governments vote at the United Nations on resolutions regarding Israel that are opposed by the United States. The House bill did not address this matter.

Subsection (p) of the Senate amendment regarding affordable housing and the MCC is discussed under the heading "Millennium Challenge Corporation".

The managers provide authority for USAID, notwithstanding any other provision of law and subject to the regular notification procedures of the Committees, to provide Development Assistance funds to American educational institutions for programs and activities in the People's Republic of China relating to the environment, democracy, and the rule of law.

Sec. 543. Withholding of Assistance for Parking Fines and Real Property Taxes Owed By Foreign Governments

The conference agreement includes language similar to that proposed by the Senate, which requires withholding of United States assistance to central governments of countries with adjudicated unpaid real property taxes and parking fines in the United States. The House bill did not address the issue of property taxes.

Sec. 547. War Crimes Tribunals Drawdown

The conference agreement includes House language authorizing up to $30,000,000 in drawdowns of commodities or services for the United Nations War Crimes Tribunal for the former Yugoslavia or other future tribunals. The Senate amendment included $32,000,000 for such purposes.

Sec. 549. Haiti

The conference agreement appropriates funding for Haiti at a level not less than $85,000,000 from Child Survival and Health Programs Fund, Development Assistance, and Economic Support Funds, which is $60,512,000 above the budget request. The managers endorse the budget request for Haiti under Peace Corps and Foreign Military Financing and note additional assistance for Haiti is contained in the Global HIV/AIDS Initiative and the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005.

The managers recognize that improving the health of the Haitian people will necessitate investments in prevention activities, such as health outreach and behavioral change, in order to stem the spread of illness and disease. The managers note the pioneering work of Zanmi Lasante and direct that $2,000,000 should be provided from this account to strengthen and expand that organization's maternal child health activities in Haiti's Central Plateau region. This amount is in addition to other amounts that are provided by USAID to Zanmi Lasante for HIV/AIDS activities under this account, and other headings in the Act.

The conference agreement does not provide $2,000,000 for the Hillside Agriculture Production program. The managers understand that USAID is considering funding this activity at nearly $1,000,000 in FY 2005, and support follow on activities which broaden the program to include both agriculture and environment.

The conference agreement does not provide funding under the INCLE account for police training activities. The managers recommend ESF funding for these purposes. The managers support judicial reform programs to strengthen rule of law in Haiti.

The managers strongly support the holding of credible, inclusive elections in Haiti in 2005, and direct that sufficient funds be made available for election-related activities through the Organization of American States. The managers request the State Department to consult with the appropriate committees on plans to support these elections.

The conference agreement does not include a Senate provision requiring a plan for reforestation in Haiti. However, concerns with deforestation in Haiti were reinforced by the May 2004 mudslides that caused widespread death and destruction. The managers request the Administrator of USAID to consult with the Secretaries of State, Agriculture, and Energy, with Haitian officials, nongovernmental organizations and communities, and with appropriate international donor agencies, to devise a reforestation strategy for areas that are vulnerable to erosion. The managers request the Administrator of USAID submit a report not later than 180 days after enactment of this Act containing such a strategy including funding requirements.

The managers also request that the Secretary of State submit a report within 90 days after enactment of this Act containing a multi-year assistance strategy for Haiti, with a focus on security, employment, elections, health, education, and the rule of law.

The managers were disappointed by the Haitian Government's mishandling of the trial of Louis Jodel Chamblain and note with growing concern the deteriorating security and human rights situation in Haiti.

The managers support the work of the Cooperative Association of States for Scholarships program and recommend additional funding to expand its activities in Haiti.

Sec. 554. Cambodia

The conference agreement includes a provision, similar to a Senate amendment, regarding assistance for Cambodia. The managers remain concerned with the slow pace of political, legal and economic reforms in that country, and the absence of transparency and accountability on behalf of the Royal Government of Cambodia (RGC).

The managers commend a recent USAID-funded assessment of corruption in Cambodia, and are troubled by the lack of political will demonstrated by the RGC and the Cambodian People's Party in tackling the issues of lawlessness and impunity in that country. The conference agreement provides that $4,000,000 may be made available for activities to support democracy in that country, and the managers have included an exception for rule of law programs.

The conference agreement provides $1,000,000 in FMF assistance for Cambodia, and conditions IMET assistance on the provision of a list to the Committees, compiled by the Secretary of State, of those individuals who have been credibly alleged to have ordered or carried out the attack against the Khmer Nation Party in 1997. This list may be provided in classified form, if necessary. The managers expect FMF assistance to strengthen border control and counterterrorism efforts in Cambodia, and request that the Committees be consulted prior to initiating any FMF related activities. The managers recommend that the Secretary of State consult with relevant United States Government agencies and international nongovernmental organizations in compiling the IMET-required list.

The conference agreement provides that assistance may be made available for a Khmer Rouge genocide tribunal if the Secretary of State makes a number of determinations regarding the credibility and independence of Cambodia's judicial system and the proposed tribunal.

Sec. 555. Palestinian Statehood

The conference. agreement includes language similar to that proposed by the House providing Presidential waiver authority in circumstances "vital" to national security. The Senate amendment would have provided such waiver authority in circumstances "important" to national security.

Sec. 556. Colombia

The conference agreement includes a provision similar to current law that conditions the provision of assistance to the Colombian Armed forces, but includes a Senate proposed change in subsection (2)(E) requiring a certification that the Colombian Government is dismantling paramilitary leadership and financial networks. The House bill and current law required the Colombian Armed Forces to meet this condition.

The conference agreement does not include a Senate provision requiring prior consultation with the Office of the United Nations High Commissioner for Human Rights in Colombia, with the International Committee of the Red Cross, and with the appropriate congressional committees. The managers expect the Secretary of State, prior to making the certifications required by this section, to consider the opinion of the Office of the United Nations High Commissioner for Human Rights in Colombia regarding the conditions in section 556(2)(A) through (E) of this Act and to consult with the Committees on Appropriations.

Sec. 559. West Bank and Gaza Program

The conference agreement does not include a Senate provision creating a new subsection "Certification". The agreement does include a new Senate subsection "Prohibition" that prohibits funds under this program from recognizing or honoring individuals who commit acts of terrorism. The House did not address either of these matters.

Sec. 560. Contribution to the United Nations Population Fund

The conference agreement provides $34,000,000 for the UN Population Fund (UNFPA) for fiscal year 2005, as recommended by the Senate. Of this amount, $25,000,000 is to be made available from funds appropriated under "International Organizations and Programs" (designated in the table as "Reserve to be allocated") and the balance of $9,000,000 is to be made available from funds appropriated under "Child Survival and Health Programs Fund".

The conference agreement includes language that mandates the reprogramming of $12,500,000 in fiscal year 2004 funds, originally appropriated under "International Organizations and Programs" in P.L. 108–199 for UNFPA, for anti-trafficking programs and $12,500,000 in fiscal year 2004 funds, originally appropriated under "International Organizations and Programs" in P.L. 108–199 for UNFPA, for family planning, maternal, and reproductive health activities.

The conference agreement also includes language similar to a Senate provision which requires that funds appropriated under "International Organizations and Programs" in this Act that are available for UNFPA (designated in the table as "Reserve to be allocated"), that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to "Child Survival and Health Programs Fund" and shall be made available for family planning, maternal, and reproductive health activities. If transferred to "Child Survival and Health Programs Fund", these funds would be administered by USAID subject to the Committees' regular notification procedures. The purpose of this provision is to eliminate any ambiguity regarding the managers' intent that funds appropriated for UNFPA that are not provided to UNFPA as a result of the operation of any provision of law are to be made available to USAID for family planning, maternal, and reproductive health activities.

Sec. 563. Funding for Serbia

The conference agreement includes Senate language that conditions assistance for the central government of Serbia, after May 31, 2005, on certain specified conditions. The House bill contained current law on this matter.

Sec. 564. Community-Based Police Assistance

The managers have included a general provision similar to Senate proposed language expanding the authorities in current law to allow USAID to participate in programs that improve community policing. The House bill limited the authority to Jamaica and El Salvador, the same as current law. The expanded authorities in this section are limited to improving the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, strategic planning, and through assistance to foster civilian police roles that support democratic governance. The section includes a consultation requirement that the managers expect to be invoked at the preliminary planning stages of such programs. The section further provides that the notification of the Committees on Appropriations is required before any obligation of funds using the authority of this section. The House bill included a provision similar to current law.

Sec. 565. Special Debt Relief for the Poorest

The conference agreement includes language similar to the Senate amendment providing the President authority to reduce debt owed to the United States as a result of obligations to pay for purchases of United States agricultural commodities under export credit guarantee programs. The House bill did not include this authority.

Sec. 567. Basic Education

The conference agreement includes language proposed by the House that provides not less than $400,000,000 for basic education from title II of this Act shall be available. The Senate amendment would have provided that not less than $335,000,000 from title II of this Act should be for such purposes.

Sec. 568. Reconciliation Programs

The conference agreement provides $12,000,000 from the Economic Support Funds account for such programs similar to the House bill. The Senate amendment provided $15,000,000 for such purposes.

Sec. 569. Sudan

The conference agreement includes a new provision, similar to section 531 of the House bill, that provides not less than $311,000,000 from this Act for Sudan. As in the House bill, no funds from this Act may be available for assistance for the Government of Sudan or to alleviate the sovereign debt of that government unless specific steps are taken to improve security and humanitarian assistance in Darfur. In addition to the notification procedures required for Sudan in section 520, this general provision limits the amount of "International Disaster and Famine Assistance" and "Transition Initiatives" funds that may be spent without notification outside of Darfur to $45,000,000. The section also provides the Administration the authority to continue current projects and programs in Sudan.

This section also includes modified language from sections 5103 and 5105 of the Senate amendment providing $75,000,000 in emergency appropriations for "Peacekeeping Operations" to support peace and humanitarian intervention operations for Sudan, and an additional $18,000,000 for "International Disaster and Famine Assistance" for humanitarian assistance and related activities for Sudan. The managers intend that the additional Peacekeeping Operations funding will be used to support the African Union operation in Darfur.

Language is included designating the entire amount as an emergency. The Secretary of State is instructed to consult with the Committees on Appropriations regarding the proposed uses of these funds within 30 days of enactment of this Act.

For purposes of Section 402(a)(2) of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress), funds made available pursuant to this section are provided in response to a situation which poses a direct threat to life and property, is sudden, is an urgent and compelling need, is unpredictable, and is not permanent in nature.

Sec. 570. Trade Capacity Building

The managers recommend that not less than $507,000,000 should be made available for trade capacity building assistance from several accounts in title II of this Act. The House bill recommended $517,000,000 for this purpose and the Senate did not address this matter.

In this section, the conference agreement provides $20,000,000 for capacity building activities under "Economic Support Fund" related to the free trade agreement between the United States and the countries of Central America and the Dominican Republic. The managers expect that such activities should include labor cooperation, capacity building priorities on fundamental labor rights and the elimination of child labor, and improvements in labor administration. Additionally, the managers note that these activities should also include programs relating to the environment, specifically technical assistance on the development and enforcement of environmental laws and regulations, environmental management systems, partnerships to enhance environmental efforts, and market-related and economically sustainable conservation programs. Prior to the obligation of funds for these purposes, the managers request that the Department of State consult with the Committees on Appropriations.

Sec. 572. Indonesia

The conference agreement includes language similar to that of the Senate amendment regarding assistance for Indonesia under the accounts "International Military Education and Training" (IMET) and "Foreign Military Financing Program" (FMF).

The managers note the recent election of Indonesia President Susilo Bambang Yudhoyono and look forward to a cooperative relationship on a broad range of issues including anti-terrorism and military reform. The managers note the opportunity for improved and enhanced military-to-military relations.

However, the managers remain concerned with the slow pace of military reforms in that country, and that members of the Indonesian Armed Forces continue to avoid justice in cases involving gross violations of human rights, including those committed in East Timor. The managers condition FMF assistance and licenses for the export of lethal defense articles on a certification by the Secretary of State.

The conference agreement again conditions IMET assistance on the Indonesian Armed Forces cooperation with the FBI's investigation into the August 31, 2002 murders of two American citizens and one Indonesian citizen. Expanded IMET assistance is not subject to this condition. The managers strongly encourage the Indonesian Government to redouble efforts to resolve this case in a credible and professional manner.

The House bill included language similar to that of the Senate on the provision of IMET assistance. The House bill did not address the issue of FMF assistance for Indonesia in this section, but prohibited assistance in the bill language under that account.

Sec. 573. Limitation on Contracts

The conference agreement includes language, similar to that in the House bill, which prohibits funds from this Act from being used to fund any contract contravening section 8(d)(6) of the Small Business Act, which requires certain reporting and certification requirements from government subcontractors. The Senate did not address this matter.

Sec. 574. Limitation on Economic Support Fund Assistance for Certain Foreign Governments that are Parties to the International Criminal Court

The conference agreement includes language in subsection (a) prohibiting the use of funds appropriated under the Economic Support Fund for assistance to any government of a country that is a party to the International Criminal Court (ICC) and has not entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the ICC from proceeding against United States personnel present in such country.

In subsection (b), the President is given the authority, without prior notice to Congress, to waive the prohibition of subsection (a) with respect to a North Atlantic Treaty Organization (NATO) member country, a major non-NATO ally (as specified in this subsection), or Taiwan if he determines and reports to the appropriate congressional committees that it is important to the national security interests of the United States.

In subsection (c), the President is given the authority, without prior notice to Congress, to waive the prohibition in subsection (a) for a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98.

In subsection (d) language is included that exempts assistance under the Millennium Challenge Act from the prohibition of this section, notwithstanding section 606(a)(2)(B) of such Act.

The House bill included the same language as contained in subsection (a). The Senate amendment did not address this matter.

Sec. 575. Prohibition against Direct Funding for Saudi Arabia

The conference agreement includes language that prohibits assistance to Saudi Arabia, but allows for assistance to be provided if the President certifies to the Committees on Appropriations, 15 days prior to the obligation of funds for assistance for Saudi Arabia, that Saudi Arabia is cooperating with efforts to combat international terrorism and that the proposed assistance will help facilitate that effort. The House bill did not contain a waiver provision. The Senate amendment did not address this matter.

Sec. 576. Environment Programs

The conference agreement provides that $165,000,000 in development assistance shall be made available for biodiversity programs, of which $8,000,000 should be made available to implement a new regional strategy for biodiversity conservation in countries comprising the Amazon basin of South America, which is additional to the amounts requested for biodiversity activities in the Amazon basin in fiscal year 2005. The Senate proposed $15,000,000. The managers note that $7,000,000 in unobligated fiscal year 2004 funds are also available for this purpose. The managers request to be consulted prior to the obligation of funds.

The conference agreement does not include a Senate provision that not less than $17,500,000 should be made available for the Congo Basin Forest Partnership, of which not less than $2,500,000 should be made available for the Great Apes Conservation Fund administered by the United States Fish and Wildlife Service for use in Central Africa. However, the managers support these conservation programs and expect these amounts to be made available for these purposes.

The conference agreement includes language similar to a Senate provision making $180,000,000 available for clean energy and other climate change policies and programs in developing countries. Of this amount, $100,000,000 should be made available to promote and deploy energy conservation, energy efficiency, and renewable and clean energy technologies. The managers are concerned that funding for these energy activities, and for USAID's Office of Energy and Information Technology, has decreased in recent years, and have therefore provided $15,000,000 above the amount allocated by USAID in fiscal year 2004 for these purposes. The managers request USAID to submit a report not later than 90 days after enactment of this Act, describing activities funded and funding amounts for each type of energy program. The managers request that the Caribbean be considered by USAID for support for solar, hydro and other renewable energy technologies, in addition to the regions listed in the Senate report.

The conference agreement includes in this section the same language as Senate section 5101 that requires the Secretary of Treasury to inform the international financial institutions (IFIs) that it is United States policy not to provide assistance for natural resource extraction and export until a number of transparency guidelines are met with respect to revenues and expenditures. Additionally the section requires a report describing assistance by the IFIs for natural resource extraction and export. The House did not address this matter.

Sec. 577. Uzbekistan

The conference agreement contains language proposed by the Senate that provides that assistance to the Government of Uzbekistan may be made available only if the Secretary of State determines and reports that the Government is making substantial progress in meeting its bilateral commitments in the Declaration of Strategic Partnership with the United States. The House bill did not address this matter.

Sec. 578. Central Asia

The conference agreement contains language proposed by the Senate that provides that assistance to the Government of Kazakhstan may be made available upon a determination and report by the Secretary of State that Kazakhstan has made significant improvements in the protection of human rights during the preceding six months. The Senate provision includes a national security waiver. It also requires the Secretary of State to submit periodic reports on the provision of defense articles, services, and financial assistance to the countries of Central Asia. The House bill did not address this matter.

Sec. 579. Disability Programs

The managers strongly support the rights of people with disabilities and direct funding be made available to support policies and programs on behalf of people with disabilities in developing countries. The managers note that USAID has already designated a Disability Coordinator, and expect the USAID Disability Coordinator and the State Department to work together to devise a plan for their respective roles in administering these funds, in consultation with the Committees on Appropriations.

The managers have provided authority to use a portion of the funds for an international conference on the needs of people with disabilities, including disability rights, advocacy and access. USAID and the Department of State are to consult with the Committees on Appropriations regarding any plan to sponsor such a conference.

Sec. 580. Zimbabwe

The conference agreement includes language the same as current law and similar to section 5073 of the Senate amendment that requires the Secretary of the Treasury to take certain punitive measures against the Government of Zimbabwe. The House bill did not address this matter.

Sec. 581. Tibet

The conference agreement contains language similar to that contained in the House bill in section 526, and in the Senate amendment in section 5074, that provides that of the funds appropriated to the Economic Support Fund, not less than $4,000,000 should be made available to nongovernmental organizations which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities. In addition, the conference agreement provides that $250,000 should be made available for human rights and democracy programs through the National Endowment for Democracy.

Sec. 582. Nigeria

The conference agreement includes Senate language requiring a report (which should be provided within 90 days of enactment) on the involvement of the Nigerian Armed Forces in an incident in Benue State, the steps being taken to prosecute those involved, and whether such units have received United States assistance. The House bill did not address this matter.

Sec. 583. Discrimination against Minority Religious Faiths in the Russian Federation

The conference agreement includes Senate language prohibiting any funds from this Act for the Government of the Russian Federation after 180 days from enactment of this Act, unless the President determines and certifies that the Government of the Russian Federation has implemented no government action discriminating against religious groups or communities. The House bill did not address this matter.

Sec. 584. Central America

The conference agreement includes a new general provision providing funds for countries of Central America. Subsection (a) provides that of the funds appropriated by this Act under the headings "Child Survival and Health Programs Fund" and "Development Assistance", not less than the amount of funds initially allocated pursuant to section 653(a) of the Foreign Assistance Act of 1961 for fiscal year 2004 should be made available for El Salvador, Guatemala, Nicaragua and Honduras. The managers note that the total funding levels for these countries are as follows: $35,755,000 for El Salvador, $22,499,000 for Guatemala, $35,144,000 for Honduras, and $35,011,000 for Nicaragua. The House bill did not address this matter, and the Senate amendment addressed only Nicaragua and Guatemala.

Subsection (b) includes a provision similar to the Senate amendment conditioning $3,227,000 of funds provided in prior years Acts for the Guatemala Military Assistance Program. The House did not address this matter.

Subsection (c) includes a provision identical to Senate section 5088 that amends section 527 of the Foreign Relations Authorization Act for fiscal years 1994 and 1995 to exempt the government of Nicaragua from sanctions as a result of expropriation of property claims after a certain date set by the Secretary of State.

The managers note that the Procuraduria de la Republica in Nicaragua and the Fiscalia de Anti-corrupcion in Guatemala have played leading roles in the fight against corruption in Central America. Both have assembled impressive track records of investigations, arrests and convictions involving the misuse of government funds that are unprecedented in each country. The managers endorse Senate report language recommending $250,000 for the Procuraduria and $250,000 for the Fiscalia in fiscal year 2005.

Sec. 585. War Crimes in Africa

The conference agreement includes a Senate provision conditioning funding to the central government of any country where specific war criminals are living on a determination by the Secretary of State that such government is making efforts to cooperate with specified criminal tribunals and special courts. Funding for "Peacekeeping Operations" and projected economic assistance are exempt from this restriction.

Sec. 586. Admission of Refugees

The conference agreement provides language similar to section 5081 of the Senate amendment that advises the Secretary of State to use private voluntary organizations with relevant expertise in the processing, identification, and referral of refugees and advises the Secretary of State to develop a system for accepting referrals from local private, voluntary organizations, and outlines categories of special consideration for admission. The provision does not include a report required in the Senate language. The House bill did not address this matter.

Sec. 587. Code of Conduct

The conference agreement continues previous year language that prohibits refugee and humanitarian assistance funding under the heading "Migration and Refugee Assistance" and "Office of Transition Initiatives" to an organization that has not adopted a code of conduct consistent with the Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises six core principles. Additionally the provision advises the Secretary of State and the Administrator of USAID to incorporate policies and programs to identify the needs of, and threats to, women and children at the various stages of a complex humanitarian emergency. The provision is similar to the Senate amendment. The House bill did not address this matter.

Sec. 588. United States Agency for International Development Hiring Authority

The conference agreement provides authority for USAID to use up to $37,500,000 to hire 175 Foreign Service Limited employees. The Senate provided $25,000,000 for an USAID pilot management initiative and $12,500,000 in hiring authority. For many years, USAID has used multiple personnel authorities, such as Personal Services Contracts (PSCs), Participating Agency Service Agreements (PASAs), Resources Support Service Agreements (RSSAs) and other mechanisms to obtain the services of individuals necessary to carry out USAID's programs.

Many of these individuals have unique skills that USAID will require only for a limited duration, although in most other respects these individuals are indistinguishable from USAID employees. USAID estimates it has over 800 of these individuals now working in Washington and in overseas missions. The salary and support costs of these individuals are currently included in appropriations for program accounts.

Prior to using the authority, USAID must meet several conditions, including: a comprehensive work force analysis and a one for one reduction in the number of PSCs, PASAs, RSSAs and other staff. The managers expect this authority to help rationalize USAID's personnel practices and make more transparent the costs of program implementation. It will lead to budget savings as USAID is now required to pay other agencies and entities overhead costs of as much as 30 and 40 percent when it uses outside staff.

The conference agreement includes language under this section similar to section 5083 of the Senate amendment, which allows USAID to use program funds to cover the costs of staff working to mitigate the effects of natural disasters. The managers note that this authority should be used sparingly and only when necessary to enable USAID to cope with the consequences of natural disasters, such as those on the scale of Hurricane Mitch in Central America in 1999.

Sec. 589. Overseas Private Investment Corporation and Export-Import Bank Restrictions

The conference agreement includes a provision identical to the Senate amendment and current law that prohibits the use of funds by OPIC and the Export-Import Bank to finance investments in connection with a project involving diamonds in a country that is not implementing the requirements developed by the Kimberley Process, or is not undertaking other measures that the Secretary of State determines to contribute to the elimination of the trade in conflict diamonds.

Sec. 590. Security in Asia

The conference agreement does not include Senate language that would have specified military assistance for a number of countries in Asia. Funding for these countries is addressed in the Statement of the Managers in the table under the heading "Foreign Military Financing Program". The House bill did not address these matters.

The conference agreement provides FMF assistance to a number of Asian countries not included in the 2005 budget request, including Cambodia, Indonesia, Fiji, Tonga, and Bangladesh, and additional assistance above the request for Mongolia, Thailand and Nepal. The managers endorse Senate report language regarding terrorism in Southeast Asia.

The conference agreement provides FMF assistance for the Indonesian navy in order to enhance maritime security, subject to a report by the Secretary of State that the navy is not violating human rights and is cooperating with civilian judicial authorities on cases involving human rights violations. The provision of such assistance is subject to notification.

The conference agreement also provides that FMF assistance for Cambodia may be made available notwithstanding section 554 of this Act, subject to notification.

The managers deplore and condemn atrocities committed by Maoist insurgents in Nepal, and commend the Government of Nepal for recognizing the need for a political solution to this conflict. The conference agreement conditions FMF assistance on a number of determinations by the Secretary of State regarding the Government of Nepal's efforts to promote and protect human rights, and includes a national security waiver.

Sec. 591. HIPC Debt Reduction and Trust Fund

The conference agreement includes a section identical to Senate section 5093 that authorizes not more than $150,000,000 for contributions to the HIPC Trust Fund. The House did not address this matter.

Sec. 592. Compliance with the Algiers Agreement

The conference agreement includes language similar to a Senate provision restricting United States assistance, with certain exceptions and a waiver provision, to the central governments of Ethiopia or Eritrea unless the Secretary of State certifies that such governments are taking steps to comply with the Algiers Agreements. The House did not address this matter.

Sec. 593. Administrative Provisions Related to Multilateral Development Banks

The conference agreement includes language similar to Senate section 5099 related to a number of environmental provisions for the multilateral development banks. The House did not address this matter.

Sec. 594. Vietnamese Refugees

The conference agreement includes language similar to section 5100 of the Senate amendment which makes certain potential Vietnamese refugees eligible to be considered refugees "of special humanitarian concern" and to be resettled in the United States.

Sec. 595. Joint Explanatory Statement

The conference agreement includes a new general provision requiring that funds in the following accounts be allocated as indicated in the respective tables in the statement of the managers accompanying this Act: Economic Support Fund, Assistance to Eastern Europe and the Baltic States, Assistance for the Independent States of the Former Soviet Union, Nonproliferation, Anti-terrorism, Demining and Related Programs, Andean Counterdrug Initiative, Foreign Military Financing Program, and International Organizations and Programs. Any change to these allocations is subject to the regular reprogramming procedures of the Committees on Appropriations.

PROVISIONS NOT ADOPTED BY THE CONFEREES:

The conference agreement does not include section 5025 of the Senate bill, "HIV/AIDS Working Capital Fund". The contents of the section are included in section 525 of the conference agreement "HIV/AIDS". The House did not address this matter.

The conference agreement does not include section 569 of the House bill or section 5095 of the Senate amendment, "Debt Restructuring Authority" authorizing funds from the Iraq Relief and Reconstruction Fund to be used for the costs of debt relief for Iraq or Senate language amending the sectoral allocations for the Iraq Relief and Reconstruction Fund as specified in the fiscal year 2004 Emergency Supplemental for Iraq and Afghanistan. The provisions of this section were enacted in Public Law 108–309, the continuing resolution for fiscal year 2005. Senate language in this section providing the Overseas Private Investment Corporation authorization to work in Iraq during fiscal year 2005 is included under title I of this Act.

The conference agreement does not include section 572 of the House bill or section 5091 of Senate amendment, each regarding Cuba.

The conference agreement does not include section 573 of the House bill, "Office of the Inspector General of the CPA". A similar provision was enacted in Public Law 108–375, the Defense Authorization Act, 2005. The Senate amendment did not address this matter.

The conference agreement does not include section 574 of the House bill, "Oversight of Iraqi Reconstruction". The provisions of this section were enacted in Public Law 108-309, the continuing resolution for fiscal year 2005. The Senate amendment did not address this matter.

The conference agreement does not include section 576 of the House bill, "Limitation on Attendance at Conferences Outside the United States". The Senate amendment did not address this matter.

The conference agreement does not include section 5076 of the Senate amendment, "University Programs". The House bill did not address this matter.

The conference agreement does not include section 578 of the House bill, "Prohibition on Use of Funds for Certain Purposes". The Senate amendment did not address this matter.

The conference agreement does not include section 579 of the House bill, "Prohibition on Use of Funds to Request the United Nations to Assess the Validity of Elections in the United States". The Senate amendment did not address this matter.

The conference agreement does not include section 580 of the House bill, "Limitation on Provision by the Export-Import Bank of Credit to Entities Reincorporating Overseas". The Senate amendment did not address this matter.

The conference agreement does not include section 5083 of the Senate amendment regarding "Disaster Surge Capacity". This matter is addressed in section 588, "USAID Hiring Authority". The House bill did not address this matter.

The conference agreement does not include Senate section 5084 requiring a report by the Secretary of State setting forth procedures and guidelines for (1) implementing the President's Proclamation dated January 12, 2004, which established a policy of denying entry into the United States to corrupt current and former public officials and certain members of their families; and (2) for making public the names of those individuals who have been denied entry as a result of such Proclamation. However, the managers request the Secretary of State to submit this report to the Committees on Appropriations not later than 60 days after enactment of this Act.

The conference agreement does not include section 5085 of the Senate amendment regarding "Assistance for Victims of Torture". This matter was addressed in the House report.

The conference agreement does not include section 5086 of the Senate amendment regarding "United States Agency for International Development Pilot Management Initiative". This matter is addressed in section 588 "USAID Hiring Authority". The House bill did not address this matter.

The conference agreement does not include section 5088 of the Senate amendment regarding "Certain Claims for Expropriation by the Government of Nicaragua" but the contents of the section are included in section 584 "Central America". The House bill did not address this matter.

The conference agreement does not include section 5093 of the Senate amendment regarding "Assistance to Millennium Challenge Candidate Countries". This matter is addressed under the heading "Millennium Challenge Corporation" where the House bill addresses this matter.

The conference agreement does not include section 5094 of the Senate amendment regarding the "Chernobyl Nuclear Power Plant". The House did not address this matter. The managers expect the Government of the Russian Federation to pledge and contribute funds for the construction of a new shelter over the Chernobyl nuclear power plant, and will continue to closely follow developments in this matter.

The conference agreement does not include section 5097 of the Senate amendment regarding "North Korea and Burma". The provisions regarding Burma are addressed in section 531, "Burma", of the conference agreement. The House bill did not address this matter.

The conference agreement does not include section 5098 of the Senate amendment regarding "Thailand". The House bill did not address this matter. The managers urge the Government of Thailand to promote reconciliation and peace in Burma and to respect the human rights and dignity of Burmese refugees and displaced persons residing in Thailand. The managers also request the Government of Thailand to address the situation in southern Thailand in a manner consistent with Thai laws and international obligations, including those ensuring the protection of human rights. The conference agreement provides $1,000,000 in ESF for programs to promote democracy and press freedoms. The managers request the State Department to consult with the Committees on the use of these funds.

The conference agreement does not include section 5102 of the Senate amendment regarding "Assistance for Foreign Nongovernmental Organizations". The House bill did not address this matter.

The conference agreement does not include section 5104 of the Senate amendment regarding "Additional Funds for the Global Fund to Fight AIDS, Tuberculosis and Malaria". The conference agreement appropriates funding for a contribution to the Global Fund under the heading "Child Survival and Health Programs Fund", as in the House bill.

The conference agreement does not include section 5105 of the Senate amendment regarding "Support for African Union Mission in Darfur, Sudan". The conference agreement addresses this issue in section 569, "Sudan". The House bill did not address this issue.

The conference agreement does not include section 5106 of the Senate amendment regarding "Improving Security in Haiti". The conference agreement addresses Haiti in section 549, as in the House bill.

The conference agreement does not include section 5107 of the Senate amendment regarding "Report on Global Poverty and National Security". The House did not address this matter. The managers direct the Secretary of State, in consultation with other relevant agencies, to fulfill the reporting requirements of this provision not later than 180 days after enactment of this Act.

The conference agreement does not include section 5108 of the Senate amendment regarding "Report on Education Reform in Pakistan". The House did not address this matter. The managers direct the Secretary of State to fulfill the reporting requirements of this provision not later than 90 days after enactment of this Act.

The conference agreement does not include section 5109 of the Senate amendment regarding "United Nations Resolutions on Israel". The conference agreement includes language under section 534 requiring the Secretary of State to report how governments vote at the United Nations on resolutions related to Israel that are opposed by the United States. The House bill did not address this matter.

The conference agreement does not include section 5110 of the Senate amendment regarding "Sense of the Senate on Violations of Religious Freedom in Saudi Arabia". The House bill did not address this matter.

The conference agreement does not include section 5111 of the Senate amendment regarding "Support for the Political Independence of Lebanon". The House bill did not address this matter.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2005 recommended by the Committee of Conference, with comparisons to the fiscal year 2004 amount, the 2005 budget estimates, and the House and Senate bills for 2005 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2004	$38,717,018
Budget estimates of new (obligational) authority, fiscal year 2005	21,360,830
House bill, fiscal year 2005	19,428,145
Senate bill, fiscal year 2005	19,653,500
Conference agreement, fiscal year 2005	19,839,960
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2004	−18,877,058
Budget estimates of new (obligational) authority, fiscal year 2005	−1,520,870
House bill, fiscal year 2005	+411,815
Senate bill, fiscal year 2005	+186,460

DIVISION E—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The conference agreement on the Department of the Interior and Related Agencies Appropriations Act incorporates some of the provisions of both the House passed and the Senate reported versions of the bill. Report language and allocations set forth in either House Report 108-542 or Senate Report 108-341 that are not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

The conference agreement provides $848,939,000 for management of lands and resources instead of $840,401,000 as proposed by the House and $855,689,000 as proposed by the Senate.

Land Resources.—Changes to the House level for land resources include increases of $500,000 for the National Center for Invasive and Plant Management and $500,000 for Idaho weed control, and a reduction of $3,947,000 to reflect a transfer to the wild horse and burro program.

Wildlife and Fisheries.—The change to the House level for wildlife and fisheries is a reduction of $603,000 to reflect a transfer to the wild horse and burro program. The managers agree to the House-proposed funding level for the National Fish and Wildlife Foundation and direct the Foundation to use the funding increase above fiscal year 2004 for projects that support sagebrush ecosystem conservation on public and private lands.

Threatened and Endangered Species.—The change to the House level for threatened and endangered species is a reduction of $576,000 to reflect a transfer to the wild horse and burro program.

Recreation Management.—Changes to the House level for recreation management include an increase of $1,000,000 for the Undaunted Stewardship Program and decreases of $1,000,000 for nationwide recreation management, and $1,039,000 to reflect a transfer to the wild horse and burro program. The managers urge the Bureau to comply with the provisions of the Steens Act and allow landowner, lessee and inholder access to their property within the boundary of the Steens Mountain Cooperative Management and Protection Area. Unless funding is provided for land acquisitions or exchanges, landowners should be afforded full access to their property.

Energy and Minerals.—Changes to the House level for energy and minerals include an increase of $1,000,000 for oil and gas management and $250,000 for coal management.

Alaska Minerals.—The change to the House level for Alaska minerals is an increase of $1,768,000.

Realty Ownership and Management.—Changes to the House level for realty and ownership management include increases of $9,500,000 for Alaska conveyance, $300,000 for GIS mapping in Utah, $750,000 for the Alaska public lands database, and $1,000,000 for recordable disclaimer applications in Alaska, and a decrease of $144,000 to reflect a transfer to the wild horse and burro program.

Resource Protection and Maintenance.—Changes to the House level for resource protection and maintenance include an increase of $1,500,000 for monitoring, and decreases of $600,000 for nationwide law enforcement and $1,309,000 to reflect a transfer to the wild horse and burro program.

Transportation and Facilities Maintenance.—Changes to the House level for transportation and facilities maintenance are an increase of $1,500,000 for capping oil wells in the National Petroleum Reserve Alaska, and a decrease of $2,145,000 to reflect a transfer to the wild horse and burro program. The managers agree to the House level on deferred maintenance, which shifts the funding for the infrastructure improvement program into the deferred maintenance program. These two funding sources address identical project types and this shift will consolidate and streamline maintenance budget activities in the Bureau.

Land and Resource Information Systems.—The change to the House level for land and resource information systems is a decrease of $493,000 to reflect a transfer to the wild horse and burro program.

Workforce and Organizational Support.—Changes to the House level for workforce and organizational support include increases of $583,000 for e-government initiatives, $208,000 for Quickhire, and $570,000 for competitive sourcing, and decreases of $291,000 for Safecom and $244,000 to reflect the transfer to the wild horse and burro program.

Challenge Cost Share.—The managers agree to the House level for the challenge cost share program.

Bill Language.—The conference agreement does not include language carried in previous years concerning the management of wild horses and burros.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $743,099,000 for wildland fire management as proposed by both the House and the Senate.

Hazardous Fuels.—The change to the House level for hazardous fuels is a decrease of $5,000,000.

State and Local Fire Assistance.—The change to the House level for State and local fire assistance is an increase of $5,000,000.

The managers note that the conference agreement provides an additional $100,000,000 in Title IV of this bill for urgent wildfire suppression activities.

The managers remain concerned about the need to control suppression costs. The managers are concerned that effective performance measures are not in place on an interagency basis to report on suppression costs. It is imperative that the Secretaries establish appropriate performance metrics promptly. This includes the integration of reporting systems, implementation of polices through the Wildland Fire Leadership Council for cost reporting, and responding to findings of the independent cost control review panel established under Public Law 108-287. The managers direct the Secretaries to submit a report no later than June 30, 2005, on performance measures planned for implementation in fiscal year 2006 to be used on an inter-agency basis.

The managers direct the Bureau to continue the native plant materials development effort at the fiscal year 2004 level.

CENTRAL HAZARDOUS MATERIALS FUND

The conference agreement provides $9,855,000 for the central hazardous materials fund as proposed by the House and the Senate. The managers do not agree with the budget proposal to transfer unobligated funds to the EPA. The managers reiterate that the Bureau?s liability does not extend beyond past payments.

CONSTRUCTION

The conference agreement provides $11,500,000 for construction instead of $15,000,000 as proposed by the House and $8,976,000 as proposed by the Senate.

Changes to the House level for construction include increases of $1,500,000 for construction of the California Trail Interpretive Center in Nevada, which completes the Department of the Interior?s contribution to this project, $750,000 for the Sand Hollow Recreation MOU with the State of Utah, and $750,000 for the White Sandy Beach on Houser Lake in Montana, and a decrease of $6,500,000 for general construction projects.

The managers are concerned about the relatively low level of construction funding provided to the Bureau compared to other land management agencies and urge the Administration to place more emphasis on providing adequate funding for large deferred maintenance construction projects on public lands.

LAND ACQUISITION

The conference agreement provides $11,350,000 for land acquisition instead of $4,500,000 as proposed by the House and $22,850,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Area (State)	*Amount*
Blackfoot River Watershed (MT)	$5,000,000
Boise Front ACEC (ID)	1,000,000
California Wilderness (CA)	750,000
Chain-of-Lakes RMA/Lewis and Clark NHT (MT)	3,500,000
Colorado Canyons NCA (CO)	1,500,000
Grande Ronde National Wild and Scenic River (OR/WA)	500,000
Snake River Breaks ERMA (Swede's Landing) (OR)	150,000
Henrys Lake ACEC (ID)	750,000
Rio Grande Natl. Wild & Scenic River (NM)	2,700,000
Sandy River/Oregon NHT (OR)	1,000,000
Use of unobligated balances	−10,000,000
Subtotal	6,850,000
Acquisition Management	3,000,000
Emergency/Inholdings	1,500,000
Land Exchange Equalization Payment	0
Total	11,350,000

The managers expect the Bureau to ensure that acquisitions associated with the Blackfoot Challenge are consistent with Federal appraisal standards. The Bureau should not pay more than the fair market value determined by those appraisals.

OREGON AND CALIFORNIA GRANT LANDS

The conference agreement provides $109,057,000 for Oregon and California grant lands instead of $111,557,000 as proposed by the House and $113,558,000 as proposed by the Senate. The change to the House level is a decrease of $2,500,000 for judgment fund repayment.

RANGE IMPROVEMENTS

The conference agreement provides an indefinite appropriation for range improvements of not less than $10,000,000 as proposed by both the House and the Senate.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

The conference agreement provides an indefinite appropriation for service charges, deposits, and forfeitures, which is estimated to be $24,490,000 by both the House and the Senate.

MISCELLANEOUS TRUST FUNDS

The conference agreement provides an indefinite appropriation of $12,405,000 for miscellaneous trust funds as proposed by both the House and the Senate.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

The conference agreement provides $977,205,000 for resource management instead of $970,494,000 as proposed by the House and $966,265,000 as proposed by the Senate. The changes described below are to the House recommended funding level.

Ecological Services.—Changes to ecological services programs, including Endangered Species Act programs and habitat conservation programs, are detailed below.

In Endangered Species Act candidate conservation, there are increases of $150,000 for Kootenai River burbot and $10,000 for slickspot peppergrass, and a decrease of $750,000 for Alaska sea otter, which is addressed under the recovery program.

In the Endangered Species Act listing program, there is a decrease of $726,000; however, the number that appears in bill language is higher to reflect the recent changes to the Service?s cost allocation methodology as explained below.

In Endangered Species Act consultation, there is a decrease of $750,000 for the natural communities conservation planning program in California.

In Endangered Species Act recovery, there are increases of $2,000,000 for Atlantic salmon grants administered by the National Fish and Wildlife Foundation, $500,000 for Lahonton cutthroat trout, $350,000 for White Sulphur Springs NFH, WV, freshwater mussel recovery, $1,800,000 for eider and sea otter recovery at the Alaska SeaLife Center, and $250,000 for concho water snake delisting efforts in Texas. Decreases include $500,000 in base program funding and $300,000 in wolf monitoring. The Service should use the distribution of wolf monitoring funds proposed by the Senate.

In habitat conservation, changes to the House passed level for partners for fish and wildlife projects are as follows:

[Dollars in thousands]

Project	*Change*
Invasive species/competitive projects (non-specific)	−500
Federal trust species restoration program	−4,000
Walla Walla Basin HCP, WA	−750
Walla Walla Basin fish passage, WA	−250
Restoration in Tunkhannock, Bentley & Bowman's Creek watersheds, PA	−50
West branch of the Susquehanna River fish passage, PA	−500
Georgia stream bank restoration	−500
Wildlife enterprises program at MS State University	+1,000
Thunder Basin initiative, WY	+250
NH Audubon Society study w/FWS on declining wildlife populations on Lake Umbagog NWR	+425
NH Lakes Association/analysis of degradation of surface waters	+55
Invasive species control in Hawaii	+700
Endangered species management & conservation in Hawaii	+750
Vermont Natural Heritage Partners bald eagle restoration	+100
Nevada biodiversity research and conservation	+1,250
Montana Water Center wild fish habitat initiative	+500
Lake Sakakawea invasive species control, ND	+100
GIS mapping of AK NWRs	+1,000
Conservation/restoration work at Don Edwards NWR, CA	+540

In project planning, increases include $550,000 for the Middle Rio Grande (Bosque) research program and $400,000 for Montana wildlife conservation plan development. There is also a decrease of $300,000 for the metropolitan greenspaces program.

In coastal programs, there is a general program decrease of $1,500,000, which still provides an increase above the fiscal year 2004 level.

Refuge Operations and Maintenance.—In refuge operations, there is an increase of $2,500,000 to provide for the Service?s share of the costs associated with the Midway Atoll NWR common infrastructure and airport (the balance of infrastructure and airport operating funds should be borne by the Federal Aviation Administration and other benefiting parties), and decreases of $1,000,000 for competitive projects on invasive species control (non-specific) and $1,000,000 for invasive species control at Loxahatchee NWR, FL. In refuge maintenance, there is an increase of $500,000.

Law Enforcement Operations.—In law enforcement operations, increases include $450,000 for the Memphis, TN port of entry and $315,000 for space costs at the Atlanta, Louisville and Memphis ports of entry. There are also decreases of $450,000, which negates the general increase proposed by the House, and $450,000 for vehicle replacement.

Fisheries.—In fish and wildlife management, increases include $800,000 for whirling disease research by the National Partnership on the Management of Wild and Native Coldwater Fisheries, for a total of $1,000,000 for the partnership, $350,000 for the Whirling Disease Foundation, $400,000 for the Wildlife Health Center in Montana, and $400,000 for Yukon River Treaty implementation. These increases are partially offset by a decrease of $1,000,000 for non-partner specific whirling disease research. In marine mammals, there is an increase of $1,300,000 and the Service should use the distribution of marine mammal funding proposed by the Senate. Finally, there is an increase of $885,000 to address partially operational shortfalls in the fisheries program. These funds should be reprogrammed to the appropriate line items in the budget and should remain in the base budget for fiscal year 2006 and beyond.

General Administration.—In general administration, there is a decrease of $130,000 for the National Fish and Wildlife Foundation; increases of $750,000 for training activities at the National Conservation Training Center and $387,000 for NCTC maintenance; and an increase of $400,000 for the Caddo Lake Ramsar Center in Texas.

Bill Language.—The conference agreement includes statutory language earmarking $1,000,000 for Natural Community Conservation Planning in California. Language also is included earmarking $16,175,000 for the endangered species listing program instead of $16,226,000 as proposed by the House and $15,500,000 as proposed by the Senate. This earmark reflects the Senate proposed level adjusted upward for $675,000 in space rental costs associated with the recent changes to the Service?s cost allocation methodology.

The managers agree to the following:

1. The Service should realign its fiscal year 2005 budget to agree with the recent changes to the Service's cost allocation methodology.

2. Fiscal year 2005 represents the final year of a statutory earmark for Natural Communities Conservation Planning in California. This program is eligible to compete with other programs for funding in future years and for additional funding in fiscal year 2005.

3. The Service should move as quickly as possible to delist the concho water snake. The managers addressed this issue 5 years ago and are dismayed that the Service has yet to resolve it.

4. Additional funds required for invasive species control programs at Loxahatchee NWR, FL, should be addressed in the fiscal year 2006 budget request.

5. The Peregrine Fund activities should be funded at $400,000 in fiscal year 2005.

6. The Department should carefully review the budget requirements for the fisheries program in its fiscal year 2006 request. The managers are concerned that the fiscal year 2005 request did not accurately reflect program shortfalls and consequences associated with fixed cost absorption and proposed program reductions.

7. The Service should reprogram $4,000,000 in the fisheries program from the deferred maintenance account to the annual maintenance account. This reprogramming is necessary to address operational shortfalls.

8. The managers have provided funds in the law enforcement program to provide full staffing at the ports of entry at the Atlanta, Louisville, and Memphis airports. The managers note that, because of the large volume of cargo flowing through these airports, particularly at Louisville and Memphis, these ports of entry are staffed at significantly higher levels than most other ports around the country. The managers have also provided $315,000 specifically for unanticipated space rental costs at these three ports of entry. The funds for additional space needs should be allocated to these three ports of entry, and the House and Senate Committees on Appropriations should be notified as to the distribution of funds. The additional space funds, along with the annual operating funds, should be retained in the base budget for these three ports of entry for fiscal year 2006 and beyond.

9. The funds provided for the Caddo Lake Ramsar Center in Texas are for conservation and education programs directly related to Caddo Lake and may not be used for infrastructure, construction-related projects, legal or management fees, or any other purposes.

10. Funding for E-Training and E-Rulemaking activities are retained. Funds budgeted for Safecom and Disaster Management should be reprogrammed to cover equitably fixed cost increases not funded in the budget request.

11. The managers are concerned by the recent discoveries of the northern snakehead in the Potomac River and its potential impact on native fish populations through predation, food and habitat competition, and the introduction of diseases and parasites. The Service should submit a report to the House and Senate Committees on Appropriations, no later than 180 days after enactment of this Act, on the steps it is taking to identify, contain, and eradicate this species.

CONSTRUCTION

The conference agreement provides $53,400,000 for construction instead of $48,400,000 as proposed by the House and $37,136,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

[Dollars in thousands]

Project	Description	Amount
Alaska SeaLife Center, AK	Seabird Research Facility	$500
Arapaho NWR, CO	Muskrat Dam [p/d/cc]	800
Bayou Sauvage NWR, LA	Visitor Center [p/d]	300
Chase Lake and Arrowwood NWRs, ND.	Joint Interpretive Center [p/d]	300
Clark R Bavin Forensics Laboratory, OR.	Renovation/upgrade facility [c]	2,682
Clark's River NWR, KY	Maintenance Facility [cc]	750
Craig Brook NFH, ME	Wastewater Treatment Compliance-Phase II [d/ic].	1,950
Eastern MA NWR Complex, MA (Great Meadows).	Visitor Center and Administration Building [p/d/cc].	3,177
Fish Springs NWR, UT	Seismic Safety Rehabilitation of Six Buildings-Phase I [p/d].	115
Garrison NFH, ND	Hatchery Renovation [cc three ponds].	300
Green Lake NFH, ME	Wastewater Treatment Compliance-Phase I [p/d].	658
Hanford Reach NM, WA	Visitor Center	750
Kenai NWR, AK	Visitor Center [water and sewer lines].	2,100
King Salmon FWS Administrative Site, AK.	Seismic Safety Rehab. of Office/Storage Building-Phase I [p/d].	65
Klamath Basin NWR Complex, CA.	Water Supply and Management-Phase V [c].	1,000
Lacreek NWR, SD	Little White River Dam-Phase III [cc].	4,200
Midway Atoll NWR	Electrical system replacement [cc].	2,700
Midway Atoll NWR	Replace wastewater treatment system w/septic fields [cc].	500
National Conservation Training Center.	Waterline construction [cc]	600
Northeast Fishery Center, PA	Raceway rehabilitation and tank installation.	795
Northwest Power Planning Area	Fish screens etc.	2,000
Office of Aircraft Services (MBS Programs).	Replacement of Survey Aircraft-Phase II.	1,000

[Dollars in thousands]

Project	Description	Amount
Ohio River Islands NWR, WV	Headquarters/Visitor Contact Station Improvements [cc].	835
Okefenokee NWR, GA	Environmental Education Facility [p/d/cc].	600
Servicewide	Bridge Safety Inspections	575
Servicewide	Dam Safety Programs & Inspections.	730
Servicewide	Visitor Contact Facilities	4,000
Sevilleta NWR, NM	Laboratory Construction	3,000
Silvio O Conte NWR, VT	Nulhegan Div. visitor contact station [cc].	2,000
Togiak NWR, AK	Visitor Center [p/d]	300
Togue Replacement	Replace fish stocking vessel [cc].	750
Tualatin NWR, OR	Visitor Center and Administration Building [p/d].	700
White Sulphur Springs NFH, WV	Wild Fish Propagation Center [p/d/cc].	650
World Birding Center, TX	Administrative Building/Visitor Center.	1,000
Subtotal, Line Item Construction.		42,382
Nationwide Engineering Services:		
Cost Allocation Methodology.		3,151
Environmental Compliance.		1,400
Other, non-project specific services.		6,117
Seismic Safety Program		200
Waste Prevention, Recycling, Env. Mgmt.		150
Subtotal, Nationwide Engineering Services.		11,018
Total		53,400

Bill Language.—The conference agreement includes statutory language allowing for a single contract for the full scope of the Clark R. Bavin Forensics Laboratory, OR renovation.

The managers agree to the following:

1. The Service should develop standardized designs for maintenance facilities so that requirements like that at ACE Basin NWR, SC and other NWRs can be categorized, priorities can be established, and the most critical needs can be funded.

2. The administrative building/visitor center proposal for Bombay Hook NWR, DE should be incorporated into the Service?s priority system and, as appropriate, should be considered within the visitor contact facilities fund.

3. Funding for the Hanford Reach NM, WA, visitor center is provided with the understanding that the Service's total contribution to this effort will not exceed $3,000,000.

4. The managers are concerned with the lack of progress in locating a site and commencing construction of the administrative/visitor center for the Kodiak NWR, AK. The Service should expedite this process in fiscal year 2005 and provide a definitive cost estimate to complete this project.

5. Funding for large game guzzlers at Nevada refuges should be addressed using refuge operations and maintenance funding.

6. Funds for raceway rehabilitation and tank installation at the Northeast Fishery Center, PA, should be supplemented with cost sharing from other benefiting parties.

7. Funding for field and laboratory testing of fishway designs is not included. The Service should work with the U.S. Geological Survey to determine the appropriate bureau and the appropriate means to fund this effort.

8. Funding for the Sevilletta NWR, NM laboratory, construction should not exceed $6,600,000. With the funds provided for fiscal year 2005, the Service will have received $4,500,000.

9. Funds provided for the World Birding Center, TX, represent the second of three payments for this program. The managers understand that the remaining amount for this project will not exceed $1,100,000.

10. Funds are provided for planning and design of a visitor center at Togiak NWR in Dillingham, AK. The managers expect that this facility will be located adjacent to the airport to maximize contact with the public. This center should be a similar size as the visitor center operated by the Service in King Salmon, Alaska.

LAND ACQUISITION

The conference agreement provides $37,526,000 for land acquisition instead of $12,500,000 as proposed by the House and $49,864,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Area (State)	*Amount*
Archie Carr NWR (FL)	$711,000
Baca NWR (CO)	3,400,000
Back Bay NWR VA)	700,000
Balcones Canyonlands NWR (TX)	900,000
Black Bayou Lake NWR (LA)	625,000
Cache River NWR (AR)	700,000
Cahaba NWR (AL)	550,000
Cape Romain NWR (SC)	850,000
Chickasaw NWR (TN)	750,000
Dakota Tallgrass Prairie WMA (SD/ND)	650,000
Eastern Shore NWR (VA)	500,000
Great Swamp NWR (NJ)	500,000
Great White Heron NWR (FL)	750,000
James Campbell NWR (HI)	2,000,000
Lake Umbagog NWR (NH)	1,500,000
Lower Hatchie NWR (TN)	750,000
Lower Rio Grande Valley NWR (TX)	1,000,000
Massasoit NWR (MA)	575,000
Middle MS River NWR (MO) (Wilkinson Island)	1,300,000
Northern Tallgrass Prairie (MN/IA)	500,000
Palmyra Atoll NWR	600,000
Patoka River NWR (IN)	250,000
Rachel Carson NWR (ME)	500,000
Rhode Island refuge complex (RI)	500,000
San Diego NWR (CA)	1,000,000
Silvio O. Conte NWR, (NH, VT, CT)	1,000,000
Tensas NWR (LA)	2,000,000
Togiak NWR (AK)	1,500,000
Upper MS River NFWR (MN, WI, IA, IL)	400,000
Waccamaw NWR (SC)	1,250,000
Walkill NWR (NJ)	700,000
Yukon River Delta NWR (AK)	1,000,000
Use of unobligated balances	−7,000,000
Subtotal	22,911,000
Acquisition Management	8,365,000
Inholdings	1,500,000
Exchanges	1,750,000
Emergencies/Hardships	1,000,000
Cost Allocation Methodology	2,000,000
Total	37,526,000

Bill Language.—The conference agreement makes a technical modification to the language proposed in the Senate bill earmarking $750,000 for the Yukon Flats NWR (AK)/ Doyon land exchange. The conference agreement retains the language proposed in the Senate bill providing that none of the funds in this or any other Act may be used for acquisition of land to be part of Deep Fork NWR (OK).

The managers agree to the following:

1. Acquisitions proposed in the budget requests for the Alaska Peninsula NWR (AK), Canaan Valley NWR (WV), Cypress Creek NWR (IL), and Red River NWR (LA) shall be funded out of the inholdings account.

2. Lands acquired for the James Campbell NWR (HI) must be within the authorized refuge boundary.

LANDOWNER INCENTIVE PROGRAM

The conference agreement provides $22,000,000 for the landowner incentive program instead of $15,000,000 as proposed by the House and $29,000,000 as proposed by the Senate.

PRIVATE STEWARDSHIP GRANTS

The conference agreement provides $7,000,000 for private stewardship grants instead of $5,000,000 as proposed by the House and $7,500,000 as proposed by the Senate.

Bill Language.—The conference agreement includes bill language, as proposed by the House providing for the merger of funds previously appropriated under the "Stewardship Grants" heading. The Senate had no similar provision.

COOPERATIVE ENDANGERED SPECIES FUND

The conference agreement provides $81,596,000 for the cooperative endangered species fund as proposed by the House instead of $82,600,000 as proposed by the Senate.

Bill Language.—The conference agreement earmarks $32,212,000 to be derived from the Cooperative Endangered Species Fund instead of $49,384,000 as proposed by the House and $32,600,000 as proposed by the Senate. The amount derived from the Land and Water Conservation Fund is $49,384,000 as proposed by the House instead of $50,000,000 as proposed by the Senate.

NATIONAL WILDLIFE REFUGE FUND

The conference agreement provides $14,414,000 for the national wildlife refuge fund as proposed by both the House and the Senate.

NORTH AMERICAN WETLANDS CONSERVATION FUND

The conference agreement provides $38,000,000 for the North American wetlands conservation fund as proposed by both the House and the Senate.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

The conference agreement provides $4,000,000 for neotropical migratory bird conservation as proposed by the Senate instead of $4,400,000 as proposed by the House.

MULTINATIONAL SPECIES CONSERVATION FUND

The conference agreement provides $5,800,000 for multinational species conservation fund programs instead of $5,900,000 as proposed by the House and $5,700,000 as proposed by the Senate. Changes to the House recommended level include decreases of $50,000 for African elephants, $50,000 for rhinoceros and tigers, $50,000 for Asian elephants, and $50,000 for great apes, and an increase of $100,000 to initiate the newly authorized marine turtles program. The managers expect the Service to keep the funding for marine turtles in the base budget and to increase funding, as appropriate, for this program in future budget requests.

Bill Language.—The conference agreement includes the statutory citation for the Marine Turtle Conservation Act of 2004.

STATE AND TRIBAL WILDLIFE GRANTS

The conference agreement provides $70,000,000 for State and tribal wildlife grants instead of $67,500,000 as proposed by the House and $75,000,000 as proposed by the Senate. The managers reiterate the importance of comprehensive wildlife conservation strategies toward the conservation of each State's full array of wildlife and their habitats. The strategies, produced in each State and territory plan, are expected to be complete by October 1, 2005. Emphasis should be on those habitats and conservation actions that support the species of greatest conservation need. Program funds should be directed to those actions and habitats that will best implement the comprehensive wildlife conservation strategies and preclude the need to list many more species as threatened or endangered under the Endangered Species Act.

Bill Language.—The conference agreement includes bill language, as proposed by the House, providing for the merger of funds previously appropriated under the "State Wildlife Grants"heading. The Senate had no similar provision.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

The conference agreement provides $1,707,282,000 for operation of the national park system instead of $1,686,067,000 as proposed by the House and $1,688,915,000 as proposed by the Senate.

The managers have provided an additional $52,654,000 for park base operations. Combined with the $22,012,000 in specific park operating increases in the budget request, the parks will have an additional $74,666,000 in park programmatic increases for fiscal year 2005. This is the largest park base programmatic increase ever for the National Park Service and in keeping with the large increases in operating funds provided by the Congress over the past 10 years.

The Administration's budget requests for parks in recent years have not sufficiently addressed growing shortfalls in core operating programs at the parks. Recent budgets have seen increasing emphasis placed on expanding law enforcement and security, facility maintenance, information technology, and natural resource data gathering. Core park operations have also been impacted by the absorption of pay costs within budget requests, Congressionally mandated pay increases in excess of budget requests, and storm damage. New security and anti-terrorism requirements and other new mandates and responsibilities have also been assigned by the Department and the Office of Management and Budget. The managers have been supportive of these requirements and have provided significant increases for security at icon and border parks while consistently including additional park maintenance funding to ensure the maintenance backlog reduction efforts continue on track. However important these new responsibilities, the budget of the National Park Service cannot continue to be limited to a few parks and purposes while core visitor service requirements are going unmet nationwide. All parks need to remain open and accessible to visitors and basic visitor services need to be available at all parks across the system.

Of the additional amount provided for park base operations, $40,000,000 should be distributed to all park units as an across-the-board increase in all budget subactivities within park management to help offset the impact of recent absorptions. This will provide each unit with a minimum increase of approximately 5 percent above their fiscal year 2004 level. Also, $500,000 of the additional amount should be distributed to national trails on a priority basis. The remaining balance of $12,154,000 for additional park operations funding shall be used solely to restore basic visitor services and address resource preservation needs in accordance with National Park Service priorities.

The conference agreement provides $342,967,000 for resource stewardship. Changes to the House level include a reduction of $1,000,000 for inventory and monitoring and an increase of $500,000 for Vanishing Treasures.

The conference agreement provides $326,856,000 for visitor services, the same as the House level.

The conference agreement provides $573,178,000 for maintenance, the same as the House level.

The conference agreement provides $285,946,000 for park support. Changes to the House level include an additional $871,000 for e-government initiatives, $250,000 for wild and scenic rivers, $500,000 for the traditional challenge cost share program and $94,000 for the Lewis and Clark program. The House position on the CCI challenge cost share program is adopted.

Bill language.—The conference agreement retains the House language regarding one year funding for repair and rehabilitation funds. The conference agreement earmarks $2,000,000 for the YCC program.

Report language.—Earmarks within the repair and rehabilitation program are as follows: $450,000 for 26 Williams Street at Dayton Aviation Heritage NHP; $306,000 for rehab of Porter Beach restrooms at Indiana Dunes NL; $500,000 for boat launch ramps at Lake Mead NRA; $300,000 for signage repairs at Fort Stanwix NM; $388,000 for dock, signage and lighting repairs at Amistad NRA; $300,000 to continue cultural landscaping improvements at Gettysburg NMP, $400,000 for Natchez Trace Parkway; $325,000 for rehab of Fort Piute at Mojave National Preserve; $400,000 for rehab of structures at Stiltsville in Biscayne NP; and $200,000 for restoration at International Peace Garden, ND.

The conference agreement continues to earmark one-third of the challenge cost share program for the National Trails System. The managers have retained the House language concerning National Park Service travel. Foreign travel must be pre-approved by the House and Senate Committees on Appropriations.

The managers recognize the successful partnership between the National Park Service and Southeast Community College, KY, in providing important employee training. The managers encourage the Service to consider additional training opportunities with the college.

UNITED STATES PARK POLICE

The conference agreement provides $81,204,000 for the United States Park Police as proposed by the House and the Senate.

It has been three years since the National Academy of Public Administration's comprehensive financial and management review of the U.S. Park Police. As of two months ago, NAPA reported that none of the major reforms had been implemented. The managers expect the Secretary and the Director of the National Park Service to implement fully the major reforms and be prepared to discuss those changes at the fiscal year 2006 hearings.

NATIONAL RECREATION AND PRESERVATION

The conference agreement provides $61,832,000 for national recreation and preservation, instead of $53,877,000 as proposed by the House and $63,023,000 as proposed by the Senate.

The conference agreement provides $551,000 for recreation programs, the same as the House and Senate. Also included is $11,018,000 for natural programs. Changes to the House level include an additional $300,000 for the rivers and trails program. The managers expect that the reforms made to the strategic plan will be closely followed. This is a technical assistance program. Direct grants are not authorized.

The conference agreement provides $20,214,000 for cultural programs. Changes to the House level include increases of $100,000 for the Louisiana Creole Heritage Center and $300,000 for a National Underground Railroad Network grant program, which is authorized.

The conference agreement provides $1,616,000 for International park affairs, the same as the House and Senate.

The conference agreement provides $397,000 for environmental and compliance review, the same as the House and Senate.

The conference agreement provides $1,892,000 for grant administration, the same as the House level.

The conference agreement provides the $500,000 requested in the budget for the partnership office. The managers intend to continue support for the work of NPS regional office partnership and volunteers-in-the-parks coordinators. Funds are to be provided equally to each of the seven regions to supplement existing regional office and park partnership activities, services, and events consistent with identified regional priorities and mission goals.

The conference agreement provides $14,785,000 for nationally designated heritage areas. Included in this amount is $122,000 for administration and $500,000 for heritage areas authorized after enactment of this Act. Individual projects are as follows:

Project	*Amount*
America's Agricultural Heritage Partnership (Silos & Smokestacks) ...	$750,000
Augusta Canal NHA	400,000
Automobile NHA	500,000
Blue Ridge NHA	900,000
Cache La Poudre River Corridor	45,000
Cane River NHA	900,000
Delaware and Lehigh NHC	800,000
Erie Canalway National Corridor	700,000
Essex NHA	900,000
Hudson River Valley NHA	500,000
John H. Chafee Blackstone River Valley NHC	845,000
Lackawanna Valley NHA ..	550,000
National Coal Heritage Area	123,000
Ohio and Erie Canal NHC ..	900,000
Quinnebaug & Shetucket Rivers Valley NHC	850,000
Rivers of Steel NHA	900,000
Schuylkill River Valley National Heritage Area ..	500,000
Shenandoah Valley Battlefields National Historic District	500,000
South Carolina NHC	900,000
Tennessee Civil War Heritage Area	400,000
Wheeling NHA	900,000
Yuma Crossing NHA	400,000
Subtotal	14,163,000
Administration	122,000
Newly authorized areas	500,000
Total	14,785,000

The conference agreement provides $11,359,000 for statutory or contractual aid, instead of $3,794,000 as proposed by the House and $12,080,000 as proposed by the Senate. The funds are to be distributed as follows:

Project	*Amount*
Alaska National Parks	$750,000

Project	Amount
Benjamin Franklin Tercentenary Commission	250,000
Black Jack Battlefield Trust	89,000
Brown Foundation	250,000
Chesapeake Bay Gateway	2,500,000
Flight 93 Memorial	250,000
Ft. Mandan, Ft. Lincoln & No. Plains Foundation	625,000
George Washington Memorial Bridge	100,000
Ice Age National Scientific Reserve	796,000
Jamestown 2007	400,000
Johnstown Area Heritage Association	49,000
Keweenaw NHP—Main Street	800,000
Lamprey W&SR Cooperative Agreements	900,000
Lower Eastside Tenement Museum	250,000
Mississippi Museum of Natural Science	750,000
Mt. Rainier NP—study	700,000
Natchez NHP—Slave Market	150,000
Native Hawaiian Culture and Arts Program	750,000
Sewall-Belmont House	400,000
Sleeping Rainbow Ranch, Capital Reef NP	600,000
Total	11,359,000

The conference agreement includes $400,000 for the Sewall-Belmont House. The managers are concerned that the Service has taken too long to determine an appropriate solution to making the facility handicapped accessible. The managers direct the Service to report to the Committees no later than April 1, 2005, on a final recommendation.

Bill language.—The conference agreement provides $700,000 for a feasibility study for the Train to the Mountain project.

The conference agreement includes the Senate language on the use of funds for the Rivers and Trails program.

The conference agreement has included bill language to change the matching requirements at Keweenaw NHP to 1/1 for one year only.

Report language.—The conference agreement provides $100,000 within available funds to the National Center for Preservation Technology and Training for continued support of the successful competitive heritage education grants program to schools in Louisiana. No more than fifteen percent of this amount may be used to administer the program.

HISTORIC PRESERVATION FUND

The conference agreement provides $72,750,000 for the historic preservation fund instead of $71,533,000 as proposed by the House and $71,250,000 as proposed by the Senate. Changes to the House level include an increase of $1,430,000 for grants-in-aid to States and Territories and an increase of $287,000 for grants-in-aid to Indian Tribes. The conference agreement provides $3,500,000 for Historically Black Colleges and Universities, instead of $4,000,000 as proposed by the House.

Of the $30,000,000 provided for Save America's Treasures, $15,000,000 is for competitive grants. The balance of the funds are to be distributed as follows:

Project/State	Amount
Albany Theatre, GA	$150,000
Alyeska Roundhouse, AK	200,000
Bellance Air Service hanger, DE	300,000
Beringer-Crawford museum collections, KY	100,000
Boligee Street Historic perservation, AL	400,000
Bremerton Building 50 Naval Museum, WA	300,000
Bronx Community College Stanford White Complex, NY	200,000
Broome County YWCA, NY	100,000
Buckland Preservation, VA	50,000
Church of the Presidents, NJ	100,000
City of Springfield City Hall, MO	300,000
Clarke County Courthouse, MS	200,000
Clinton House, NY	100,000
Cold War sites, ND	250,000
Decatur House, DC	100,000
Dennison Railroad Depot Museum, OH	200,000
Drake Oilwell, PA	150,000
Duluth National Guard Armory, MN	250,000
El Gracia Train Depot, CA	200,000
First Congregational Church, CT	300,000
Ft. Seward Military Post, ND	100,000
Goodwill Theater, NY	50,000
Grand Traverse Civil War Monument, MI	30,000
Grove Arcade, NC	500,000
Harmony Engine Company Firehouse, PA	200,000
Harper House, NC	100,000
Hazlett-Fields House, WV	250,000
Henry Phillips Farmhouse, NJ	150,000
Holland Theatre, OH	200,000
Hoover House, OH	100,000
Hotchkiss Building, NY	200,000
Howe House, OH	100,000
Hoyt Sherman Place Theater, IA	300,000
Hunley Submarine, SC	100,000
Hutmacher Complex, ND	100,000
James Beard Historic Market, OR	300,000
Jefferson Community College, KY	100,000
King Memorial Baptist Church, AL	100,000
Lafayette County Courthouse, MS	200,000
Lake Oswego Historic Iron Smelter, OR	100,000
Lear Theater, NV	400,000
Lee-Fendall House, Va	75,000
Linden Project, MD	250,000
MD House at the Baltimore Zoo, MD	350,000
Moore County Courthouse, TN	50,000
Moravian College Bretheren House, PA	150,000
Morehouse College African American Archival Program, GA	100,000
New Salem Academy, MA	175,000
Nicholson House, NJ	150,000
Northern VA Freedom House	75,000
Oats Park School/Arts Center, NV	200,000
Ohio Wesleyan, OH	50,000
Old Henderson County Courthouse, NC	110,000
Old Mint, CA	300,000
Old Warren County Courthouse, KY	250,000
Orpheum Theatre, IL	250,000
Oscar Howe Murals (Mobridge School District), SD	150,000
Ossining Historic Architecture Protection, NY	150,000
Pawtucket Public Library, RI	300,000
Penland School, NC	100,000
Phoenix Bank, VA	100,000
Rayburn Library, TX	200,000
Rios Caledonia Adobe, CA	200,000
Rye Meeting House, NY	50,000
Sandusky Old Post Office, OH	200,000
Sequoia Presidential Yacht, VA	50,000
Socorro Mission, TX	200,000
Sommerville Courthouse, AL	95,000
Sonnenberg Mansion, NY	370,000
Stabler-Leadbeater Apothecary Museum, VA	50,000
State Theatre, PA	100,000
Stewart County Courthouse, GA	125,000
Town Hall Theater, VT	150,000
Troy High School, PA	250,000
Tryon Palace, NC	150,000
Turnblad Mansion, MN	200,000
Union Pacific Dining Lodge, MT	400,000
Universal Preservation Hall, NY	200,000
Washington and Jefferson College Historic Buildings, PA	300,000
Westcott House, OH	200,000
Wilkesboro Courthouse, NC	200,000
Winston Courthouse, AL	95,000
Yawkey House, WI	250,000
Total	150,000,000

Bill language.—The conference agreement does not provide an earmark of $2,000,000 for a new Preserve America grants program as proposed by the Senate.

The conference agreement does not prohibit the use of Save America's Treasures funds for administrative purposes.

The conference agreement includes bill language clarifying the ability of the National Endowment for the Arts to award Save America's Treasures grants based upon the recommendations of the Save America's Treasures grant selection panel.

CONSTRUCTION

The conference agreement provides $307,362,000 for construction instead of $297,628,000 as proposed by the House and $330,019,000 as proposed by the Senate. The funds are to be distributed as follows:

Project	Amount
Allegheny Portage RR NHS, PA (rehabilitate historic Trace Corridor Trail)	$861,000
Apostle Islands NL, WI (restore Raspberry Island Light Station)	1,136,000
Big Bend NP, TX (replace Chisos Basin water supply)	2,000,000
Big Cypress NPres, FL (rehabilitate off-road vehicle trails—completes)	569,000
Blue Ridge Parkway, NC (Hemphill Knob visitor center)	3,000,000
Boston NHP, MA (rehabilitate Bldg. 125)	1,187,000
Boston NHP, MA (rehabilitate Commandant's house)	774,000
Cane River Creole NHP, LA (curatorial facility—planning)	100,000

Project	*Amount*
Cane River Creole NHP, LA (stabilize/preserve Magnolia Plantation structures)	1,068,000
Chattahoochee River NRA, GA (reduce resource damage—provide river rec. acc)	2,125,000
Crater Lake NP, OR (rehabilitate historical cafeteria bldg; relocate Rim parking area)	8,741,000
Cumberland Island NS, GA (stabilize Dungeness Ruins)	1,285,000
Cumberland Island NS, GA (Plumb Orchard planning)	264,000
Cuyahoga NP, OH (rehabilitate various historic structures)	2,500,000
Dayton Aviation NHP, OH (Huffman Prairie Hanger)	650,000
Dayton Aviation NHP, OH (Wright-Dunbar Plaza, accessibility & plaza)	275,000
Delaware Water Gap NRA, PA (cabin replacement)	700,000
Denali NP, AK (replace Eielson Visitor Center)	7,420,000
Everglades NP, FL (modify water delivery system)	8,077,000
Fire Island NS, NY (rehabilitate Sailors Haven Marina & ferry dock)	2,374,000
Flight 93 NMem, PA (build starter public facilities & services)	806,000
Fort Larned NHS, KS (fix structural problems at Old Commissary)	869,000
Fort Washington Park, MD (stabilize fort)	3,660,000
Frederick Law Olmsted NHS, MA (upgrade life/safety systems; rehabilitate historical structure)	2,011,000
George Washington Carver NM, MO (rehabilitate/complete visitor center—completes)	3,187,000
George Washington Mem. Pkwy, VA (general maintenance/rehabilitate along parkway)	300,000
Gettysburg NMP, PA (new visitor center)	5,000,000
Gettysburg NMP, PA (Wills House—completes)	5,759,000
Grant Teton NP, WY (visitor center—completes)	5,000,000
Great Smoky Mtns NP, NC (replace Smokemont water/sewer w/municipal sys)	2,171,000
Great Smoky Mountains NP, TN (Institute at Tremont)	500,000
Hampton NHS, MD (install environmental controls in Hampton Mansion)	1,546,000
Harpers Ferry NP, WV (rehabilitate Bldg 82, The Jackson House)	50,000
Harpers Ferry NP, WV (restoration of Armory Yard—planning)	450,000
Homestead NHS, NE (cont. planning the visitor/heritage center)	1,112,000
Hot Springs NP, AR (rehabilitate/stabilize bathhouses for adaptive reuse)	4,989,000
John H. Chaffee Blackstone R. Valley NHC, RI	500,000
Kalaupapa NHP, HI (preserve historic buildings; correct safety problems)	3,928,000
Kenai Fjords NP, AK (multi-agency center)	950,000
Klondike Gold Rush NHP, AK (build historical resource support center/protect museum collection)	739,000
L.Q.C. Lamar House NHL, MS (restoration)	500,000
Lassen Volcanic NP, CA (replace condemned chalet w/improved visitor service facility.)	10,051,000
Lincoln Library, IL (cont. Library/Museum construction)	5,000,000
Little Rock Central High School NHS, AR (design visitor facility—planning)	733,000
Manassas NBP, VA (rehabilitate historic Brawner Farm for visitor use)	2,317,000
Martin Luther King, Jr. NHS, GA (restore Ebenezer Baptist Church, Ph. II)	2,459,000
Moccasin Bend NAD (CHCH), TN (erosion & DCP—planning)	400,000
Monocacy NB, MD (relocate flood-prone visitor center to Best Farm)	3,539,000
Morris Thompson Visitor & Cultural Center, AK (completes)	6,000,000
New Bedford Whaling NHP, MA (Corson building)	3,000,000
New River Gorge NR, WV	2,275,000
Olympic NP, WA (remove salmon obstructions; build bridge/culvert)	1,940,000
Olympic NP, WA (restore Elwha River ecosystem & fisheries)	13,450,000
Organ Pipe Cactus NM, AZ (construct vehicle barrier—completes)	6,600,000
Petersburg NB, VA (consolidate, rehabilitate/replace maintenance facilities)	812,000
Point Reyes NS, CA (restore Lifeboat Station Marine Railway)	1,885,000
Pu'uhonua o Honaunau NHP, HI (remove/replace admin. buildings from arch. site)	1,112,000
Rock Creek Park, DC (preserve/protect Meridian Hill Park)	3,007,000
San Francisco Maritime NHP, CA (C.A. Thayer)	2,123,000
Saratoga NHP, NY (planning for visitor access to Victory Woods)	295,000
Shenandoah NP, VA (Old Rag parking lot & connecting trail)	600,000
Southwest Pennsylvania Heritage Comm., PA (rehabilitate/preservation grants)	2,500,000
Timucuan Ecological & HPres, FL (Kingsley Plantation Hs/Kitchen Hs work)	388,000
Tuskegee Airmen NHS, AL (continue federal project planning—site develop/utilities)	1,000,000
Utah Public Lands Artifact Preservation Act, UT	5,000,000
Vicksburg NMP, MS (Pemberton House)	750,000
Washington Office, DC (emergency storm damage reconstruction—various)	14,000,000
Weir Farm NHS, CT (replace maintenance, curatorial & admin. facilities)	3,536,000
Western Arctic NParklands, AK (build NW AK Heritage Ctr & Admin HQ)	2,500,000
White House, DC (structural & utility rehabilitate—Exec. Residence & Pres. Park)	9,938,000
Wrangell-St. Elias NP&Pres, AK (build museum—preserve/interpretive AHTNA cult.)	1,135,000
Yellowstone NP, WY (restoration of Old House, Old Faithful Inn, Ph II)	9,801,000
Yellowstone NP, WY (reconstruct West Entrance Station)	1,487,000
Yellowstone NP, WY (replace admin winter snowcoaches/improve infrastructure)	1,000,000
Yellowstone NP, WY (replace existing court facilities w/ new courthouse)	2,655,000
Use of unobligated balances	−20,000,000
Subtotal, Line Item	192,421,000
Emergency/Unscheduled Projects	4,000,000
Housing replacement	8,000,000
Dam safety	2,700,000
Equipment replacement	38,344,000
Construction planning	21,220,000
Construction program management	27,364,000
General management planning	13,313,000
Total Construction	307,362,000

Bill language.—House language on partnership projects has been slightly modified to remove the requirement for "written" approval from the Committees. Approval of the House and Senate Committees on Appropriations still applies.

The conference agreement includes the following: (1) House provision regarding Flight 93 NMem; (2) Senate provision regarding how funds are provided for the Modified Water Deliveries project; (3) Senate provision earmarking funds for the L.Q.C. Lamar House NHL from the Historic Preservation Fund (funds must be matched); and (4) Senate provision regarding construction at Old Rag Mountain trail in Shenandoah Mountain NP.

Partnerships.—The managers reiterate the concerns voiced by both the House and Senate regarding the management of partnership construction projects. The National Park Service has developed interim guidance to govern the development of partnership construction proposals and the managers expect all levels of the Service to comply with the new procedures. The managers expect the Service and its partners to work collaboratively on the appropriateness, scope, and costs of contemplated projects, with careful consideration given to both the capital development and long-term operational and life-cycle costs. At a time of increased attention and emphasis on park operation budgets, the Service and its partners must not pursue new facility investments that are unrealistic and unachievable in their expectations. The managers expect the Service's review of all partnership construction proposals to make difficult decisions, where necessary, to defer or suspend a project that is not the right project, for the right reason, at the right size, and at the right time. Additionally, any partnership construction project for which there is to be a Federal contribution towards the cost must be budgeted for and included in the Service's five-year construction program. In the event a partnership construction proposal assumes funding from another Federal agency, the Service must seek the agreement of the appropriate agency including funding in the agency's budget request. The managers expect the Service to provide a status report regarding partnership construction projects no later than February 15, 2005.

Language regarding partnership projects at Moccasin Bend NAD, Great Smoky Mountains NP (Tremont), Delaware Water Gap NRA (Pocono Environmental Education Center), Flight 93 NMem, and Dayton Aviation NHP (Wright Dunbar Plaza) was included in the House and Senate committee reports, and is reinforced by the managers. Partnership construction projects that have not followed the interim guidance, the requirements of Director's Order 21, or been reviewed by the Development Advisory Board, will not be considered for approval by the Committees.

Funds provided for the Cane River Creole NHP are to initiate pre-design and planning for a curatorial storage facility. The managers understand that this facility will be for Service collections, and will be constructed and managed by the Service. The scope and cost of this facility are subject to further refinement using the Service's planning model, but are expected to be less than the $3 million project previously proposed as a partnership with the university.

The conference agreement provides $700,000 for cabin restoration at the Delaware Water Gap NRA, consistent with the direction provided in the House report. The funds are to be used for cabin restoration, or replacements in kind, consistent with the programming levels allowed in the General Management Plan. As discussed in the House Report, the Service needs to complete the site plan and value analysis requested in fiscal year 2004. The park and the partner are reminded that any significant facility investments that go beyond existing program levels must follow the interim guidance regarding partnership construction projects. The managers expect the Service to report by February 1, 2005, on a plan and schedule for the expenditure of the funds for fiscal year 2005. The managers are very concerned that the Service has not followed directions in previous conference reports.

Funding has not been provided to the following projects due to various delays in awarding contracts: C&O Canal NHP, Saugus Iron Works NHS, Yellowstone NP (Madison wastewater facility), and Fire Island NS (west ranger station). The Pinnacles NM project was supplanted by an urgent land acquisition need. Boston Harbor NRA, Fort Larned NHS and Point Reyes NS are strongly encouraged to resubmit in the next fiscal year's budget.

Report language.—The managers direct the Service to initiate the Waco Mammoth site and the Manhattan Project new area studies, which are authorized.

The managers expect the Service to initiate a preliminary resource assessment of Tunica River Park, MS and the surrounding area, and to provide technical assistance as necessary to cooperating entities.

Funds for the Natchez Trace Parkway, MS, have been removed from construction and addressed in park operations.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The conference agreement rescinds the contract authority provided for fiscal year 2005 by 16 U.S.C. 4601–10a as proposed by both the House and the Senate.

LAND ACQUISITION AND STATE ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $148,411,000 for land acquisition and State assistance instead of $107,500,000 as proposed by the House and $155,831,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Area (State)	*Amount*
Appalachian National Scenic Trail (High Top Mtn.) (VA)	$1,380,000
Big Thicket National Preserve (TX)	4,541,000
Blue Ridge Parkway (Roanoke) (VA)	750,000
Civil War Battlefield Sites (Grants)	5,000,000
Congaree NP (SC)	6,000,000
Cumberland Gap (Fern Lake) (KY)	1,000,000
Ft. Clatsop NM (OR)	5,000,000
Guilford Courthouse NMP (NC)	250,000
Harpers Ferry NHP (WV)	2,900,000
Ice Age NST (WI)	1,000,000
Mojave National Preserve (relocation) (CA)	1,600,000
Mount Rainier NP (WA)	1,000,000
National Capital Parks (DC)	2,479,000
New River Gorge NSR (WV)	2,000,000
Niobrara NSR (easements) (NE)	200,000
Pinnacles NM (CA)	2,600,000
Pu'uhonua O Honaunau NHP (HI)	4,600,000
Shenandoah Valley Battlefields NHD (VA)	1,500,000
Sleeping Bear Dunes NL (MI)	1,500,000
Valley Forge NHP (PA)	1,500,000
Wilson's Creek NB (MO)	4,500,000
Wrangell-St. Elias NP (AK)	1,500,000
Use of unobligated balances	−12,400,000
Subtotal	40,400,000
Acquisition Management	10,511,000
Emergencies/Hardships	2,500,000
Inholdings/Exchanges	2,500,000
Stateside Grants	91,000,000
Stateside Administration	1,500,000
Total	$148,411,000

Bill Language.—The conference agreement retains the language proposed by the Senate providing that, in lieu of State assistance program indirect costs (as described in OMB Circular A–87), not to exceed five percent apportionments under the State assistance program may be used by States, the District of Columbia, and insular areas to support program administration costs. The conference agreement retains the language proposed in the Senate bill providing that $250,000 provided for Civil War battlefield protection be available for transfer to the National Recreation and Preservation account.

Report Language.—The managers support land acquisition efforts at Jean Lafitte National Historical Park and Preserve in Louisiana, but understand that there are not purchases currently ready for completion. The managers will look favorably upon future acquisitions at the park, should parcels become available.

The Committee is anxious to see progress on efforts to locate and build a boathouse with access to the Potomac River near the George Washington Memorial Parkway in Arlington, Virginia. The Committee encourages the Service to continue exploring options that would facilitate the possible acquisition of suitable land by Arlington County to construct the boathouse.

ADMINISTRATIVE PROVISIONS

Bill language.—The conference report includes statutory language, with minor modifications, regarding concession contracts. This language was originally included in the House bill.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides $948,921,000 for surveys, investigations, and research instead of $944,498,000 as proposed by the House and $939,486,000 as proposed by the Senate.

Mapping, Remote Sensing and Geographic Investigations.—The change to the House level for mapping, remote sensing and geographic investigations is a decrease of $2,355,000 for The National Map. The managers understand that this decrease will be partially offset by anticipated buyout savings. The managers expect that the Alaska digital data mapping program will continue from within base funding at no less than the fiscal year 2004 enacted level.

The managers reiterate their concern with the equipment failure on the Landsat 7 satellite, which occurred well over a year ago, and the issues that have arisen as a result. Despite repeated requests from both the House and Senate Committees on Appropriations, a clear plan has yet to be submitted by the Administration regarding long term USGS satellite operations, nor has an interim solution been offered to address the current funding issues surrounding Landsat 7. The managers are dismayed that the Administration has been unable to provide specific guidance and coordination on an issue that crosses multiple agencies and jurisdictions. Further, the managers object to the notion of continuing to redirect funds from other valuable Survey activities in order to maintain the status quo for a program that is no longer fully functional. The managers expect to see a fiscal year 2006 budget submission that contains a detailed proposal to address the Landsat issue. If, however, a clear plan regarding mission and funding options is not received by June 30, 2005, the managers direct the Department of the Interior to submit a plan for shutdown of the Landsat program. In the meantime, to the extend that buyout savings may be required to contribute to EROS Data Center operations during fiscal year 2005, the mapping program should reserve these funds to do so. The managers expect the Survey to be extremely cautious in expanding its mapping programs or entering into additional cooperative agreements with these monies until it is clear how the Landsat issue will be resolved.

The managers agree that long-term remote sensing data is vital to many aspects of the government and private sector in the nation. Once again, the managers encourage the Administration to work with NASA and other Federal agencies to place the next generation Landsat sensor in orbit as soon as possible to reduce future gaps in data.

Geologic Hazards, Resources and Processes.—Changes to the House level for geologic hazards, resources and processes include increases of $3,242,000 for the base volcano monitoring program, $1,150,000 for the Alaska mineral resource assessment program, and $100,000 for the Alaska Geological Materials Center and decreases of $500,000 for the Advanced National Seismic System program, $400,000 for the earth observation monitoring program, $1,482,000 for the Alaska minerals-at-risk project that has been completed, $250,000 for the landslide hazards program, and $250,000 for geothermal assessments. Other projects that are continued in fiscal year 2005 at their fiscal year 2004 funding levels include a North Carolina coastal erosion study, South Carolina/Georgia coastal erosion and monitoring studies, and subsidence studies at the University of New Orleans.

The managers agree that the volcano monitoring program is vital to both the safety of citizens living near these areas and the protection of commercial aircraft. Within the funds provided in the conference agreement, the Survey shall continue its ongoing volcanic research and monitoring activities at no less than the fiscal year 2004 enacted level, and should direct increased funding to areas of recent and imminent volcanic activity.

The managers agree that the amount of funding provided for conducting inquiries into the economic conditions affecting mining and materials processing industries is $15,499,000. This number will no longer appear in bill language.

Water Resources Investigations.—Changes to the House level for water resources investigations include increases of $1,481,000 for collaborative research with the University of Oklahoma, $518,000 for the toxic substances hydrology program, $50,000 for the Potomac river groundwater assessment study, $198,000 for the Berkeley Pit study with Montana Tech, $295,000 for Lake Champlain basin toxic materials, $444,000 for monitoring water resources in Hawaii, and $889,000 for the coal bed methane study of the Tongue river, and decreases of $400,000 for the water availability pilot project and $400,000 for the Klamath basin study. Funds remain in the base to continue the US/Mexico border initiative at the fiscal year 2004 level. The managers agree that, from within base funds, up to $889,000 may be designated for the Survey's continued participation in the Long Term Estuary Assessment program. The managers agree that the reduction to the Klamath basin funding will be offset by an internal reprogramming in the current fiscal year. The managers agree that the Potomac river groundwater assessment projects in the House and Senate bills address similar issues and they have been combined into one project.

Biological Research.—Changes to the House level for biological research include increases of $250,000 for northern prairie carbon sequestration, $741,000 for the Mark Twain National Forest mining study, $790,000 for molecular biology at Leetown Science Center, $300,000 for pallid sturgeon research, $198,000 for a diamondback terrapin study, $988,000 to complete the Northern Continental Divide Ecosystem study in Montana, $296,000 for a multi-disciplinary water resource study at Leetown Science Center, $250,000 for the Delaware River Basin Study, and decreases of $250,000 for ecological systems mapping, $250,000 for the deepwater fisheries vessel program, $500,000 for invasive species, $400,000 for Klamath basin studies, $170,000 for equipment at the Anadromous Fish Research Center, and $250,000 for cooperative research units. The managers understand that the reduction to the Klamath basin study is offset by an internal reprogramming in the current fiscal year. The managers direct the Survey to continue to pursue ongoing chronic wasting disease research nationwide and to continue to work with the Southeastern Cooperative Wildlife Disease Study. Within the funds available for invasive species studies, the managers expect the Survey to continue its cooperative program with Mississippi State University at no less that the fiscal year 2004 enacted level.

Enterprise Information.—Changes to the House level for enterprise information include increases of $500,000 for certification and accreditation of information technology systems, $300,000 for accessible data transfer and $50,000 for the enterprise services network.

Science Support.—The change to the House level for science support is a decrease of $1,000,000 for financial management improvements.

Facilities.—There are no changes to the House funding level for facilities activities. The conference agreement also retains language proposed in the House bill designating $1,600,000 from within amounts provided to remain available until expended for deferred maintenance and capital improvement projects exceeding $100,000. The managers have not agreed to provide base funding to the Lake Ponchartrain restoration project.

Other.—The managers note that, unless otherwise specified, funding levels for ongoing projects included in the conference agreement as proposed by the Senate should reflect reductions that resulted from fiscal year 2004 rescissions.

ADMINISTRATIVE PROVISIONS

The conference agreement includes language proposed by the House that provides work injury and travel benefits to students.

Minerals Management Service

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

The conference agreement provides $169,175,000 for royalty and offshore minerals management instead of $171,575,000 as proposed by the House and $171,175,000 as proposed by the Senate. The managers agree to the following changes to the House recommendations:

1. The leasing and environmental program includes an earmark of $150,000 within available funds for the Alaska Whaling Commission as proposed by the Senate.

2. Resource evaluation includes increases of $900,000 for the Center for Marine Resources, MS and $900,000 for the Marine Mineral Technology Center, AK as proposed by the Senate .

3. The regulatory program includes an increase of $600,000 as proposed by the Senate for the Offshore Technology Research Center, TX, and $1,000,000 for hurricane related studies and for extra expenses of deepwater helicopter operations.

4. Compliance and asset management is reduced by $5,800,000. The managers understand that the agency will realize savings in this program for fiscal year 2005 such that this reduction will not reduce program capability. Compliance and asset management is reduced accordingly, but approximately $1,000,000 should be designated for section 202/205 cooperative audits with the States.

5. The MMS should reprogram funds for e-government initiatives relating to disaster management and "SAFECOM" to the environmental studies program to help fund fixed costs.

Bill Language.—The managers accept the Senate proposed bill language which deletes "pilot" in referring to the royalty-in-kind program, allows payments to States under the Mineral Leasing Act, and allows the MMS to recover certain portions of the royalty-in-kind sales for costs directly related to this program.

OIL SPILL RESEARCH

The conference agreement provides $7,105,000 for oil spill research as proposed by both the House and the Senate.

Office of Surface Mining Reclamation and Enforcement

REGULATION AND TECHNOLOGY

The conference agreement provides $109,905,000 for regulation and technology as proposed by the Senate instead of $108,905,000 as proposed by the House. This total includes an indefinite appropriation estimated to be $100,000. The agreement includes $1,000,000 as proposed by the Senate to contract with the National Research Council for a review of coal reserves, research, and technologies. The agreement also directs the OSM to reprogram funds for e-government initiatives relating to disaster management and "SAFECOM" to help fund fixed costs.

ABANDONED MINE RECLAMATION FUND

The conference agreement provides $190,863,000 for the abandoned mine reclamation fund as proposed by the Senate instead of $194,106,000 as proposed by the House. The agreement directs the OSM to reprogram funds for e-government initiatives relating to disaster management and "SAFECOM" to help fund fixed costs. The managers note that bill language within Title I, general provisions, provides an extension until June 30, 2005, of the Secretary's authority to collect fees pursuant to the Surface Mining Control and Reclamation Act.

ADMINISTRATIVE PROVISION

The conference agreement includes bill language recommended in the request which allows funds available for the technical innovation and professional services program to be used to transfer title for certain computer devices to State and Tribal regulatory and reclamation programs.

Bureau of Indian Affairs

OPERATION OF INDIAN PROGRAMS

The conference agreement provides $1,955,047,000 for the operation of Indian programs instead of $1,935,033,000 as proposed by the House and $1,951,798,000 as proposed by the Senate.

Tribal Priority Allocations.—Changes to the House level for tribal priority allocations include increases of $3,000,000 for contract support costs and $2,000,000 for welfare assistance.

Other Recurring Programs.—Changes to the House level for other recurring programs include increases of $10,500,000 for tribally controlled community colleges, $98,000 for the Alaska Sea Otter Commission, $790,000 for the Bering Sea Fishermen's Association, $87,000 for the Intertribal Bison Council, $346,000 for the Chugach Regional Resources Commission, and a decrease of $2,000,000 for the administrative cost grant fund.

Non-recurring Programs.—Changes to the House level for non-recurring programs include increases of $500,000 for the Rocky Mountain Technology Foundation, $750,000 for the rural Alaska fire program, $1,250,000 for the Salish and Kootenai College nursing program (housing project), $392,000 for Alaska legal services, and $1,000,000 for the Denali Commission.

Central Office Operations.—Changes to the House level for central office operations include decreases of $2,000,000 for the workforce initiative and $1,000,000 for information resources technology.

Special Programs and Pooled Overhead.—Changes to the House level for special programs and pooled overhead include increases of $500,000 for the United Tribes Technical College, $450,000 for the United Sioux Tribes Development Corporation, $442,000 for the Crownpoint Institute, $1,250,000 for the Western Heritage Center distance learning program, $750,000 for the Alaska native aviation program, and $409,000 for e-government initiatives, and $500,000 for the enterprise services network.

Bill Language.—There is a statutory earmark of $1,000,000 for administrative cost grants to tribes for transitional costs instead of $3,000,000 as proposed by the House and no funding as proposed by the Senate.

CONSTRUCTION

The conference agreement provides $323,626,000 for construction instead of $348,626,000 as proposed by the House and $283,126,000 as proposed by the Senate. Changes to the House level include increases of $2,500,000 for the tribal school demonstration program, $2,500,000 for facilities maintenance of detention centers and a decrease of $30,000,000 for school replacement construction.

The managers have included bill language directing the Bureau to provide $4,500,000 to the Eastern Band of Cherokee education facility at the Ravensford tract, $4,000,000 for the Sac and Fox Meskwaki settlement school and $4,000,000 for the Twin Buttes elementary school on the Fort Berthold Reservation within the Tribal School Demonstration Program.

The managers have retained language included in the Senate bill that allows the Secretary of the Interior to assume control of construction projects if the tribes have not completed planning, design, and initial construction within 18 months of the appropriation of funds.

The managers have included bill language that allows the Office of Special Trustee for American Indians to reimburse the appropriate share of construction costs for space expansion needs identified as a result of trust reform implementation.

The managers are aware of the significant problems with Bureau owned detention centers, and have provided additional funding for facilities and deferred maintenance of these facilities. The managers urge the Department to address the operations and maintenance of detention centers in future budget submissions.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The conference agreement provides $44,771,000 for Indian land and water claim settlements and miscellaneous payments to Indians as proposed by the House instead of $34,771,000 as proposed by the Senate.

The managers have agreed to $10,032,000 for the Quinault Indian Nation settlement. The managers have retained the Senate bill language which contained minor technical differences from the House.

The managers recognize that the Department of the Interior is working with Northwest Indian tribes and the shellfish industry to complete the historic Washington State shellfish settlement agreement and secure funding for it. This agreement represents nine years of hard, cooperative work by the Tribes and the shellfish industry. The managers support this effort and encourage the Department and all parties to continue working together to finalize the settlement in a timely manner. The managers agree that the Administration should provide funding for settlements such as these in the annual budget submission as the managers do not foresee having funds above the requested level for new settlements.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

The conference agreement provides $6,421,000 for the Indian guaranteed loan program as proposed by both the House and the Senate. The managers have retained the House bill language which contained minor technical differences from the Senate.

ADMINISTRATIVE PROVISIONS

Bill Language.—The conference agreement includes language that allows certain tribes to continue to receive contract support as a supplement to administrative cost grants.

DEPARTMENTAL OFFICES

Insular Affairs

ASSISTANCE TO TERRITORIES

The conference agreement provides $76,255,000 for assistance to territories instead of $74,935,000 as proposed by the House and $74,255,000 as proposed by the Senate. Changes in funding levels from the House recommendation include the Senate recommendations for an additional $320,000 to continue judicial, court education, and court administration training, and $1,000,000 for Marshall Islands health care. The managers agree to the following:

1. Although the agreement does not include bill language proposed by the Senate designating a specific funding level for a grant to the Close Up Foundation, the managers do support this effort and expect the Secretary to designate approximately $750,000 for this program.

2. The OIA should reprogram funds for e-government initiatives relating to disaster management and "SAFECOM" to help fund fixed costs.

3. The conference agreement includes $1,000,000 for payments to replace the Prior Service Trust Fund as proposed by the House. The managers direct the Department to work with the Prior Service Benefits Board of Directors to reach an agreement as soon as possible, but no later than October 1, 2005, to replace the Prior Service Trust Fund. Such agreement shall provide for: (a) the pension systems of Palau, CNMI, RMI and FSM to assume responsibility for the enrollees of the Prior Service Benefits Trust Fund; (b) the allocation of potential future U.S. funding, if appropriated, among these four pension systems and payment of their benefits; (c) a reasonable transition overhead rate; (d) appropriate changes in benefits, if any; and (e) for the termination of certification and enrollment of new beneficiaries by March 31, 2005. The managers also direct that this $1,000,000 in funding should be reprogrammed for general technical assistance uses if no agreement can be reached.

4. The conference agreement includes $1,000,000 to assist health care programs on the Marshall Islands as proposed by the Senate. These instructions replace the Senate direction. These funds shall first be used to provide primary health care to members of the Enewetak, Bikini, Rongelap and Utrik communities who currently reside on Enewetak Atoll, Kili island, Mejetto island, Rongelap Atoll following resettlement, and Utrik Atoll. Such primary medical care shall consist of a clinic with at least one doctor and an assistant, and necessary supplies and logistical support. If excess funds are available, these funds may be used to augment primary healthcare for members of these communities who get primary healthcare services from the facilities in Ebeye and Majuro.

5. The managers have included $1,000,000 to continue work on water system rehabilitation in the CNMI. The managers note that the Army Corps of Engineers has completed a comprehensive water infrastructure study that has identified and prioritized over $200,000,000 in essential needs. The magnitude of this need far exceeds any possible resolution from funds made available to the Interior and Related Agencies Subcommittee on Appropriations. Existing programmatic expertise of other Federal agencies is not being used fully, as evidenced in the delays in completing the Kagman water project by the Department of Agriculture. Accordingly, the managers direct the Secretary of the Interior to prepare, in consultation with the Interagency Group on Insular Areas, a comprehensive, coordinated and detailed implementation program for the plans developed by the Army Corps of Engineers by July 31, 2005. To develop this program the Secretary shall look to authorities of the Corps of Engineers under the Secretary of the Army, the Bureau of Reclamation within the Department of the Interior, the various programs under the Secretary of Agriculture, authorities available to the Administrator of the Environmental Protection Agency, and authorities available under any other agency dealing with water infrastructure. The Secretary shall provide the House and Senate Committees on Appropriations with an implementation plan that fully utilizes and coordinates those authorities to ensure that the goals of the plan are achieved in a timely, cost-effective manner. The managers expect the implementation plan to identify projects, responsible agency, funding needs, implementation schedule, any statutory or other changes necessary to implement the program, and a specific time table for full completion.

COMPACT OF FREE ASSOCIATION

The conference agreement provides $5,499,000 for the compact of free association as proposed by the House instead of $5,400,000 as proposed by the Senate. The conference agreement follows the funding recommendations made by the House.

Departmental Management

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $90,855,000 for departmental management instead of $79,551,000 as proposed by the House and $81,608,000 as proposed by the Senate. The changes described below are to the House recommended funding level.

Management and Coordination.—Increases include $750,000 for the financial and business management system, $10,500,000 to restore partially funds cut on the House floor for motor vehicle lease, purchase or services costs, and $54,000 for E-government initiatives.

Bill Language.—The conference agreement retains the language proposed in the Senate bill directing the transfer of $13,500,000 from unobligated balances in the Central Hazardous Materials Fund. The conference agreement modifies the language proposed in the House bill reducing amounts otherwise appropriated for motor vehicle lease, purchase or service costs. The modification changes $13,500,000 to $3,000,000.

PAYMENTS IN LIEU OF TAXES

The conference agreement provides $230,000,000 for payments in lieu of taxes as proposed by the Senate instead of $226,000,000 as proposed by the House.

Office of the Solicitor

SALARIES AND EXPENSES

The conference agreement provides $52,384,000 for the office of the solicitor instead of $51,356,000 as proposed by the House and $53,053,000 as proposed by the Senate. The changes described below are to the House recommended funding level.

Legal Services.—Increases include $446,000 for paralegal and support positions, $300,000 for legal staff support, and $186,000 for uncontrollable fixed costs.

General Administration.—Increases include $15,000 for E-government initiatives and $78,000 for fixed costs.

Ethics Office.—Increases include $3,000 for fixed costs.

Office of Inspector General

SALARIES AND EXPENSES

The conference agreement provides $37,800,000 for office of inspector general, instead of $37,655,000 as proposed by the House and $38,100,000 as proposed by the Senate. The changes described below are to the House recommended funding level.

Audits.—Changes include an increase of $237,000 for fixed costs and a decrease of $100,000 for non-traditional audit staff.

Investigations.—Changes include an increase of $165,000 for fixed costs and a decrease of $172,000 for law enforcement equipment replacement.

Administrative Services and Information Management.—Changes include increases of $105,000 for fixed costs and $10,000 for E-government initiatives, and a decrease of $100,000 for IT standardization.

Office of Special Trustee for American Indians

FEDERAL TRUST PROGRAMS

The conference agreement provides $196,267,000 for Federal trust programs as proposed by both the House and the Senate. The managers have retained language contained in the Senate bill that caps the amount of funding that can be used for historical accounting activities at $58,000,000.

INDIAN LAND CONSOLIDATION

The conference agreement provides $35,000,000 for Indian land consolidation programs instead of $42,000,000 as proposed by the House and $50,000,000 as proposed by the Senate. The managers are concerned about recent events in the courts that will likely slow the process of Indian land consolidation and reduce the ability of the Department of the Interior to obligate funds for acquisition of lands. The land consolidation program has the potential to resolve many of the contentious issues surrounding Indian trust management. The actions of the court concerning notifying Indian landowners of ongoing litigation will undoubtedly slow the process of consolidation of lands.

Bill Language.—The managers have retained bill language included by the Senate that allows Indian land consolidation funds to be transferred to the Bureau of Indian Affairs and Departmental Management accounts. The House had no similar provision.

Natural Resource Damage Assessment and Restoration

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The conference agreement provides $5,818,000 for the natural resource damage assessment fund as proposed by both the House and the Senate.

General Provisions, Department of the Interior

Sec. 101. The conference agreement modifies the text of Senate section 101 correcting the reference to the budget agreement in providing Secretarial authority to transfer program funds for emergencies. The House had a similar provision in section 101 of the House bill.

Sec. 102. The conference agreement modifies the text of Senate section 102 correcting the reference to the budget agreement in providing for expenditure or transfer of funds by the Secretary for natural disasters. The House had a similar provision in section 102 of the House bill.

Sec. 103. The conference agreement retains the language proposed in section 103 of the House bill providing for use of appropriated funds for operation of garages, shops, warehouses, and similar facilities. The Senate had a similar provision in section 103 of the Senate bill.

Sec. 104. The conference agreement retains an identical provision in section 104 of both the House and Senate bills, providing for vehicle and other services.

Sec. 105. The conference agreement retains the language proposed in section 105 of the House bill making permanent the use of appropriated funds to purchase uniforms or to provide a uniform allowance. The Senate had a similar provision in section 105 of the Senate bill.

Sec. 106. The conference agreement retains the language proposed in section 106 of the House bill making permanent a provision that contracts issued for services and rentals with appropriated funds be in effect for a period not to exceed 12 months. The Senate had a similar provision in section 106 of the Senate bill.

Sec. 107–109. The conference agreement retains identical provisions in sections 107–109 of both the House and Senate bills, prohibiting the expenditure of funds for Outer Continental Shelf (OCS) leasing activities in certain areas.

Sec. 110. The conference agreement retains a provision in section 110 of the House bill prohibiting the National Park Service from reducing recreation fees for non-local travel through any park unit. The Senate had no similar provision.

Sec. 111. The conference agreement retains the language proposed in section 111 of the House bill that makes permanent a provision limiting the investment of Federal funds by tribes or tribal organizations. The Senate had a similar provision in section 110 of the Senate bill.

Sec. 112. The conference agreement retains a provision in section 112 of the House bill permitting the transfer of funds between the Bureau of Indian Affairs and the Office of Special Trustee for American Indians. The Senate had an identical provision in section 111 of the Senate bill.

Sec. 113. The conference agreement retains a provision in section 113 of the House bill continuing a provision allowing the hiring of administrative law judges to address the Indian probate backlog. The Senate had an identical provision in section 112 of the Senate bill.

Sec. 114. The conference agreement retains a provision in section 114 of the House bill continuing a provision permitting the redistribution of tribal priority allocation and tribal base funds to alleviate funding inequities. The Senate had an identical provision in section 113 of the Senate bill.

Sec. 115. The conference agreement retains a provision in section 115 of the House bill continuing a provision requiring the allocation of Bureau of Indian Affairs postsecondary schools funds consistent with unmet needs. The Senate had an identical provision in section 114 of the Senate bill.

Sec. 116. The conference agreement retains the language proposed in section 115 of the Senate bill that makes permanent a limitation on the use of the Huron Cemetery in Kansas. The House had a similar provision in section 116 of the House bill.

Sec. 117. The conference agreement retains a provision in section 117 of the House bill continuing a provision permitting the conveyance of the Twin Cities Research Center of the former Bureau of Mines for the benefit of the National Wildlife Refuge System. The Senate had an identical provision in section 116 of the Senate bill.

Sec. 118. The conference agreement retains the language proposed in section 119 of the House bill making permanent a provision permitting the Bureau of Land Management to retain funds from the sale of seeds and seedlings. The Senate had a similar provision in section 117 of the Senate bill.

Sec. 119. The conference agreement retains a provision in section 120 of the House bill continuing a provision authorizing the Secretary of the Interior to use helicopters or motor vehicles to capture and transport horses and burros at the Sheldon and Hart National Wildlife Refuges. The Senate had an identical provision in section 118 of the Senate bill.

Sec. 120. The conference agreement modifies a provision in section 119 of the Senate bill limiting the implementation of Claims Maintenance and Location Fees and directs the Bureau of Land Management to establish a permit tracking system. The House had no similar provision.

Sec. 121. The conference agreement modifies a provision in section 120 of the Senate bill allowing certain funds provided for land acquisition at the Shenandoah Valley Battlefield NHD and Ice Age NST to be granted to a State, a local government, or any other land management entity. The House had a similar provision in section 121 of the House bill.

Sec. 122. The conference agreement retains a provision in section 122 of the House bill continuing a provision prohibiting the closure of the underground lunchroom at Carlsbad Caverns NP, NM. The Senate had an identical provision in section 121 of the Senate bill.

Sec. 123. The conference agreement retains a provision in section 123 of the House bill preventing the demolition of a bridge between New Jersey and Ellis Island. The Senate had no similar provision.

Sec. 124. The conference agreement retains a provision in section 125 of the House bill continuing a provision limiting compensation for the Special Master and Court Monitor appointed by the Court in Cobell v. Norton to 200 percent of the highest Senior Executive Service rate of pay. The Senate had an identical provision in section 122 of the Senate bill.

Sec. 125. The conference agreement retains a provision in section 126 of the House bill continuing a provision allowing the Secretary to pay private attorney fees for employees and former employees incurred in connection with Cobell v. Norton. The Senate had an identical provision in section 123 of the Senate bill.

Sec. 126. The conference agreement retains a provision in section 127 of the House bill dealing with the U.S. Fish and Wildlife Service's responsibilities for mass marking of salmonid stocks. The Senate had no similar provision.

Sec. 127. The conference agreement modifies a provision in section 128 of the House bill dealing with paying for operational needs at the Midway Atoll National Wildlife Refuge airport using funds appropriated under the "Departmental Management, Salaries and Expenses" appropriation. The modification changes the word "shall" to "may". The Senate had no similar provision.

Sec. 128. The conference agreement retains a provision in section 129 of the House bill prohibiting the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on lands described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001, or land that is contiguous to that land. The Senate had an identical provision in section 124 of the Senate bill.

Sec. 129. The conference agreement retains a provision in section 130 of the House bill continuing a provision prohibiting the use of funds to study or implement a plan to drain or reduce water levels in Lake Powell. The Senate had an identical provision in section 125 of the Senate bill.

Sec. 130. The conference agreement retains a provision in section 131 of the House bill allowing the National Indian Gaming Commission to collect $12,000,000 in fees for fiscal year 2006. The Senate had an identical provision in section 126 of the Senate bill.

Sec. 131. The conference agreement retains a provision in section 127 of the Senate bill making funds available to the tribes within the California Tribal Trust Reform Consortium and others and separates this demonstration project from the Department of the Interior's trust reform organization. The House had a similar provision in section 132 of the House bill.

Sec. 132. The conference agreement modifies a provision in section 128 of the Senate bill dealing with grazing permits in the Jarbidge field office of the Bureau of Land Management. The House had no similar provision.

Sec. 133. The conference agreement modifies a provision in section 130 of the Senate bill restoring mining claims voided due to defective waivers of the mining maintenance fee. The House had no similar provision.

Sec. 134. The conference agreement retains a provision in section 131 of the Senate bill allowing proceeds from the University of Nevada at Las Vegas Foundation's research park leases to be used to carry out the Foundation's research mission. The House had no similar provision.

Sec. 135. The conference agreement modifies a provision in section 132 of the Senate bill extending the authority of the Secretary of the Interior to collect fees pursuant to the Surface Mining Control and Reclamation Act. The House had no similar provision.

Sec. 136. The conference agreement retains a provision in section 133 of the Senate bill authorizing the Secretary of the Interior to acquire lands for the operation and maintenance of facilities in support of transportation of visitors to Ellis, Governors, and Liberty Islands. The House had no similar provision.

Sec. 137. The conference agreement includes a new provision to redesignate the ACE Basin National Wildlife Refuge, SC, as the Ernest F. Hollings ACE Basin National Wildlife Refuge.

Sec. 138. The conference agreement includes a new provision to exempt certain coastal barrier property in South Carolina from financial assistance and flood insurance limitations under the Coastal Barriers Resources Act and the National Flood Insurance Act of 1968.

Sec. 139. The conference agreement includes a new provision resolving a boundary encroachment on lands of the Union Pacific Railroad Company in Tipton, California; requiring the Secretary of the Interior to permit continued use and occupancy of certain privately owned cabins in the Mineral King Valley in the Sequoia National Park; and authorizing the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project.

Sec. 140. The conference agreement includes a new provision to designate certain lands within the Apostle Islands National Lakeshore in the State of Wisconsin as the Gaylord A. Nelson National Wilderness.

Sec. 141. The conference agreement includes a new provision regarding special use grazing permits on the Mojave National Preserve, CA.

Sec. 142. The conference agreement includes a new provision amending Public Law 92-195 concerning the management of wild horses and burros.

Sec. 143. The conference agreement includes a new provision excluding non-native migratory bird species from application of certain prohibitions under the Migratory Bird Treaty Act.

Sec. 144. Includes a new section transferring lands from the Bureau of Land Management to the Department of Veterans Affairs for construction of a new health facility, previously announced by the Department.

Sec. 145. The conference agreement includes a new provision adjusting the boundary of the Cumberland Island Wilderness and authorizing tours of the Cumberland Island National Seashore.

Sec. 146. The conference agreement includes a new provision dealing with the 2004-2005 snowmobile season.

The conference agreement does not include a provision proposed in section 118 of the House bill authorizing a cooperative agreement with the Golden Gate National Parks Association, CA.

The conference agreement does not include a provision proposed in section 124 of the House bill prohibiting posting of clothing optional signs at Canaveral NS, FL.

The conference agreement does not include a provision proposed in section 133 of the House bill limiting the use of the National Mall for special events.

The conference agreement does not include a provision proposed in section 129 of the Senate bill amending Public Law 104-208 to modify the authorized uses of franchise fund proceeds.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

The conference agreement provides $280,278,000 for forest and rangeland research instead of $280,654,000 as proposed by the House and $279,883,000 as proposed by the Senate. The managers agree to the following changes to recommendations that were proposed by the House:

Project or activity	Conference recommendation	
	Change from House	Project total
General decrease	−$1,800,000	
Fixed costs	−1,000,000	$6,109,000
Forest inventory and analysis	4,000,000	56,714,000
Advanced housing research consortium	−300,000	1,300,000
Adelgid research NE station	0	1,500,000
Sudden oak death research	0	2,500,000
Emerald ash borer research in Ohio	−250,000	250,000
Southern pine beetle initiative	0	2,000,000
Olympic Natural Resource Center, WA	0	300,000
Western Carolina Univ. biotechnology	−988,000	0
Watershed condition research initiative	−2,247,000	4,994,000
Invasive species initiative	0	1,081,000
Joe Skeen Inst. Montana St. Univ.	350,000	350,000
Forest Products Lab salvage lumber, WI	600,000	600,000
NE States research cooperative	25,000	2,000,000
Baltimore urban watershed, MD	2,000	200,000
Fernow expt. forest hydrology, WV	230,000	230,000
Morgantown, WV pests & pathogens	6,000	500,000
Sitka, AK lab	14,000	1,130,000
Hardwood tree improvement & regen. IN	921,000	921,000
Coweeta, technology transfer, NC	4,000	300,000
Bent Cr. cumberland silviculture, NC	4,000	300,000
Joe Skeen Inst. Range. Research, NM	53,000	300,000
Adelgid and insects in east research	0	0
Coweeta hemlock wooly adelgid, NC	0	300,000

The managers also agree to the following:

1. The Forest Service should clearly display in future budget justifications the funding provided for various Congressional priorities, and display what part of the request includes funding for these items.

2. The funding for emerald ash borer research shown in the table above, $250,000, should be utilized in Ohio, and should be in addition to other funding in the budget for ongoing research on this pest at other locations.

3. The funding remaining for the watershed condition initiative should be reprogrammed for other, higher priority fundamental research efforts, not including the FIA program.

4. The previous table provided above supercedes the Senate report instruction concerning funding levels and the across the board cuts.

5. The managers support funding, to the extent practicable, for implementation of the rules and protocols for carbon accounting as part of the climate change initiative.

STATE AND PRIVATE FORESTRY

The conference agreement provides $296,626,000 for State and private forestry instead of $282,446,000 as proposed by the House and $291,169,000 as proposed by the Senate. Funding for this appropriation should follow the House recommendations unless otherwise instructed herein.

Forest Health Management.—The conference agreement provides $55,000,000 for Federal lands forest health management as proposed by the House instead of $46,012,000 as proposed by the Senate. The conference agreement includes $48,300,000 for cooperative lands forest health management instead of $48,000,000 as proposed by the House and $35,214,000 as proposed by the Senate. The change from the House recommendation is the addition of $300,000 for Vermont forest monitoring as proposed by the Senate.

The managers do not agree to the specific allocation providing funding for newly found pests or pathogens which was proposed by the Senate. The managers agree that the Forest Service should withhold a portion of forest health funding from immediate distribution so it is available later in the year to address new problems that may emerge. The managers recommend that the Administration stop proposing an emerging pest fund. The managers strongly encourage the Administration to use the Secretary's authority under Public Law 97–46 to fund the survey, evaluation, control and management of unplanned, emerging pest occurrences from funds available to the agencies or corporations of the Department of Agriculture. This approach has been used in the past for the Forest Service and has been used in previous years for emergency pest projects by the Animal and Plant Health Inspection Service.

Cooperative Fire Assistance.—The conference agreement includes $33,384,000 for State fire assistance instead of $36,384,000 as proposed by the House and $30,000,000 as proposed by the Senate. This allocation includes $5,000,000 as proposed by the House for urgent work near the San Bernardino National Forest and a general program increase of $2,000,000 above the House level. The managers do not agree to the specific allocation proposed by the House for community wildfire protection plans, but the managers do agree that this approach is of utmost importance and urge the Forest Service and the States to give this effort a very high priority.

The conference agreement includes $6,000,000 for volunteer fire assistance as proposed by the Senate instead of $5,443,000 as proposed by the House. The conference agreement also includes additional funds for State fire and volunteer fire assistance as part of the national fire plan funding within the wildland fire management account.

Forest Stewardship.—The conference agreement includes $32,775,000 for forest stewardship instead of $37,000,000 as proposed by the House and $33,000,000 as proposed by the Senate. Changes from the House recommendations include a reduction of $275,000 for Chesapeake Bay forestry for a total of $1,225,000, a reduction of $3,000,000 for community wildfire plans as proposed by the Senate, and a general decrease of $950,000 as proposed by the Senate. Although there is no specific allocation for community wildfire plans, the managers strongly support this activity and encourage the Forest Service and the States to pursue this work. The managers have provided adequate funds within the forest stewardship program to begin an update of the Highlands Regional Study in order to identify high priority areas, including important conservation areas in Pennsylvania, to help ensure the health and sustainability of these sites through management, protection and wise use. The managers note that there is no funding for a grant for the Downeast Lakes forestry partnership and that forest stewardship funds should never be used for land acquisition or acquisition of interests in lands.

Forest Legacy Program.—The conference agreement includes $57,939,000 for the forest legacy program instead of $43,119,000 as proposed by the House and $76,329,000 as proposed by the Senate. These funds are derived from the Land and Water Conservation Fund. The conference agreement includes the following distribution of funds for the forest legacy program:

State and project	*Conference*
TN Walls of Jericho	$3,500,000
AL Mobile Tensaw Delta	1,200,000
MT Blackfoot—Clearwater	3,300,000
NJ Raritan River Watershed	3,800,000
MT North Swan River Valley	3,000,000
WA Cedar Green Forest	1,600,000
WI Wolf River	2,000,000
WV Potomac River Hills	1,000,000
AL Cumberland Mountain, Miller-Maxwell	1,200,000
DE Green Horizons	1,000,000
VA Dragon Run	600,000
VI Annaly Bay/Hermitage Valley	500,000
SC Catawba-Wateree Forest	3,000,000
ME Katahdin Forest	4,500,000
NM Horse Springs Ranch	2,500,000
WI Tomahawk—Northwoods—III	2,000,000
CO Banded Peaks	1,600,000
ME Sebago Lands	500,000
MA Stock Mountain North	375,000
WA Carbon River Forest, phase 1	1,300,000
KY Knobs State Forest (Kuhn's tract)	1,200,000
CA Six Rivers to the Sea	2,300,000
IA NE Upper Bluffs	550,000
UT Pioneer Ranch	750,000
NY Tahawus	1,700,000
VT Mt. Holly Wildlife Corridor II	500,000
MN Brainerd Lakes	2,000,000
ID St. Joe Basin, phase 3	3,500,000
MA Muschopauge Brook	400,000
VA The Cove	240,000
TN Scott's Gulf	1,500,000
RI Hoxie Farm	850,000
NH Thirteen Mile Woods II	2,000,000
VT Orange County Headwaters (Meadowsend)	450,000
NH Trout Pond	1,200,000
VT Chittenden	1,220,000
FL New State Start-up	500,000
OH New State Start-up	500,000
TX New State Start-up	500,000
Use of prior year funds	−7,300,000
Forest Legacy Program Administration, Acquisition Management, and Assessment of Need Planning	4,904,000
Total, Forest Legacy	57,939,000

The conference agreement retains bill language proposed by the House requiring notification of the Committees on Appropriations when the Forest Service makes funds available for specific forest legacy projects. The managers note that funds are not provided within the forest legacy program for the Senate proposed Mirror Lake project, NH. However, within the economic action program the conference agreement includes a grant to the Hubbard Brook Foundation to help conserve this area.

Urban and Community Forestry.—The conference agreement includes $32,400,000 for the urban and community forestry program instead of $32,000,000 as proposed by the House and $33,111,000 as proposed by the Senate. Changes from the House recommendation for this activity include a decrease of $100,000 for northeast PA community forestry for a total of $500,000, and inclusion of Senate proposals of $350,000 for the Chicago wilderness program, $150,000 for the urban watershed forestry research and demonstration cooperative in Baltimore, MD, and a $411,000 general program decrease.

The conference agreement replaces instructions in both the House and the Senate committee reports concerning the urban and community forestry allocation methodology. The managers have reviewed the allocation methodology for the urban and community forestry program proposed by the Forest Service in its report to the Committees on Appropriations. The managers have been addressing this issue for several years and are displeased with the slow rate of progress at implementing a better performance based allocation method which also includes a more fair assessment of State program needs and capability. The managers understand that the timing of this appropriation makes it more difficult for the Forest Service to fully implement a performance based system in FY 2005. Therefore, the managers direct the Forest Service to provide quarterly updates to the House and Senate Committees on Appropriations regarding the establishment of a performance based allocation for the distribution of funds to the regions, and that the new allocation methodology with this modification be fully implemented in fiscal year 2006. The managers expect allocations for fiscal year 2005 to the States to remain at the levels as recommended in the agency's report.

Economic Action Programs.—The conference agreement includes $19,300,000 for the economic action programs instead of $10,000,000 as proposed by the House and $19,975,000 as proposed by the Senate. The managers have provided $500,000 for the Hinkle Creek project, OR, with the understanding that no further funding will be made available for this program. The conference agreement includes bill language concerning a $2,000,000 direct payment for the Kake land exchange, AK and a direct payment of $1,500,000 to Canton, NC for wood products wastewater repairs. The funds for the education and research consortium of western North Carolina should include the Pisgah Forest Institute, and allow expansion of the education initiative to appropriate institutions with natural resources expertise in Pennsylvania and northern California. The conference agreement includes the following distribution of funds:

Program/Project	*Conference*
Economic Recovery Program	$5,000,000
WA state rural technology initiative	600,000
KY mine reforestation	500,000
Syracuse SUNY forestry technology	600,000
Pisgah forest envir. Ed, ERC, NC	2,000,000
NC Inst. Forest Biotech. heritage trees	200,000
Allegheny NF area, PA tourism	250,000
South Lake Tahoe MTBE study, CA NV	500,000
Chugach Avalanche Center, AK	200,000
Ketchikan Wood Tech. Center, AK	750,000
Vermont Wood Products Collaborative	500,000
North Carolina St./Forest res. & wood prods.	500,000
Fuels-in-schools biomass program, MT	1,500,000
Kake Land Exchange, AK	2,000,000
Alabama rural economic action	500,000
Hinkle Creek, OR watershed study	500,000
University of Idaho, Mica Cr.	250,000
Northern Forests Partnership program, NH	200,000
Utah Rural Development Council	400,000
Hubbard Brook Foundation, Mirror Lake, NH	750,000
Canton, NC wood products wastewater repair	1,500,000
New England value added wood products, MA	100,000
Total, Economic Action Programs	$19,300,000

Forest Resource Information and Analysis.—The conference agreement includes $5,028,000 for forest resource information and analysis as proposed by the Senate instead of $9,000,000 as proposed by the House. Additional information concerning the FIA program is under the forest and rangeland research heading.

International Program.—The conference agreement includes $6,500,000 for the International program as proposed by both the House and the Senate. The managers agree with the Senate comments on forest sustainability and certification, but clarify that the Forest Service is encouraged to fund projects which promote overall environmental benefits provided by the use of credible, sustainable forest management and forest certification programs, and the Forest Service should not give a specific preference for any particular certification program.

NATIONAL FOREST SYSTEM

The conference agreement provides $1,400,260,000 for the national forest system instead of $1,399,599,000 as proposed by the House and $1,387,149,000 as proposed by the Senate.

Funds should be distributed as follows:

Land management planning	$64,057,000
Inventory and monitoring	169,659,000
Recreation, heritage & wilderness	260,969,000
Wildlife & fish habitat management	136,647,000
Grazing management	48,711,000
Forest products	277,097,000
Vegetation & watershed management	192,285,000
Minerals and geology management	56,532,000
Landownership management	93,427,000
Law enforcement operations	87,226,000
Vales Calderas National Preserve, NM	3,650,000
Centennial of Service challenge	10,000,000
Total	1,400,260,000

The following discussion describes funding changes from the House passed bill.

Land Management Planning.—This activity includes $400,000 for the senvironmental training program proposed by the Senate and the Senate proposed general decrease of $400,000.

Inventory and Monitoring.—The agreement does not include a special allocation for multi-party monitoring, although the managers do support this activity. The managers encourage various groups to participate in collaborative planning and engage in monitoring and note that fund transfers for monitoring are not limited to groups which were participants in the planning process.

Recreation, Heritage, and Wilderness Management.—The conference agreement includes a decrease of $1,375,000 below the House recommended level, which is an increase of $3,625,000 above the request and the Senate recommendation. The managers note that the current eruptive activity at Mt. St. Helens National Volcanic Monument has greatly increased the need for visitor services as well as media and science program support and emergency readiness. In addition, the managers note that May 18, 2005, will be the 25th anniversary of the catastrophic blast. The managers encourage the Forest Service to consider the use of $2,000,000 of the increased funding above the request for this activity to support activities at the Monument. The Forest Service should use emergency incident funding sources when needed during eruptive episodes to assure proper and safe management of the public.

Wildlife and Fish Habitat Management.—This activity includes the Senate proposed increase of $250,000 for the Batten Kill River, VT, and a general program decrease of $125,000.

Forest Products.—The managers agree to the Senate proposed earmark in bill language of $5,000,000 for Tongass national forest timber sales preparation. The agreement does not include a special allocation for restoration projects as proposed by the Senate, although the managers agree that this is a very important use of funds and have included an increase above the request which may be used for such purposes. The managers clarify that the required report on timber sale claims proposed by the Senate should deal with those years where the data are available. The managers agree that the forestry work on the Lincoln NF, NM should be done cooperatively with the Mescalero Apache tribe when practicable and consistent with national forest system regulations and procedures.

Vegetation and Watershed Management.—The managers include a total of $1,000,000 for Wayne NF, OH watershed recovery but do not agree with the Colville NF allocation. The agreement includes Senate proposed funding of $1,000,000 for the Tongass national forest, AK, pre-commercial thinning, $350,000 for leafy spurge eradication in North Dakota, and a general decrease of $2,500,000. No specific appropriated allocation is designated for the Lake Tahoe basin.

Law Enforcement.—This activity includes a decrease of $100,000 for Daniel Boone NF, KY, drug control.

Valles Caldera National Preserve.—The conference agreement includes the funding level and bill language as proposed by the Senate. The managers direct the Forest Service and the board of the preserve to provide the House and Senate Committees on Appropriations with an annual report depicting operations, deferred maintenance, and capital infrastructure needs over a 5-year time frame. This should be prioritized, and should explain how the individual projects relate to health and safety and to other aspects of the preserve's goals. The first report should be presented by April 30, 2005, and thereafter, reports should be included in the annual budget justifications, and the reports should include annual summaries of past accomplishments.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $1,727,008,000 for wildland fire management instead of $1,734,865,000 as proposed by the House and $1,703,897,000 as proposed by the Senate. The managers note that Title IV also includes a special allocation of $400,000,000 for urgent wildfire suppression under certain circumstances.

Wildfire Preparedness.—The agreement includes $686,000,000 for preparedness as proposed by the Senate instead of $693,627,000 as proposed by the House. The managers reiterate the direction contained in the House and Senate reports regarding the need to maintain the level of fire readiness accomplished in fiscal year 2004. The managers note that the grounding of large airtankers this past season, and the need to assure the availability of effective aviation firefighting assets in fiscal year 2005 and beyond creates additional demands on limited wildfire preparedness and suppression funding. Accordingly, in order to assure a preparedness level equal to that attained in fiscal year 2004, the managers direct the Forest Service to charge expenses to wildfire suppression for unplanned costs related to the grounding of airtankers, and for the unplanned additional costs necessary to assure sufficient aviation resources are available to maintain initial attack capability and suppress wildfires.

Wildfire Suppression Operations.—The conference agreement includes $658,000,000 for suppression operations as proposed by the House instead of $658,400,000 as proposed by the Senate. The managers have provided the full amount of the ten year average cost of wildfire suppression, an increase of $60,870,000 above the fiscal year 2004 funding level.

The managers concur with concerns expressed in the House and Senate reports regarding the need to control suppression costs. The managers are concerned that effective performance measures are not in place on an inter-agency basis to report on suppression costs. It is imperative that the Secretaries establish appropriate performance metrics promptly. This includes the integration of reporting systems, implementation of policies through the Wildland Fire Leadership Council for cost reporting, and responding to findings of the independent cost control review panel established under Public Law 108–287. The managers direct the Secretaries to submit a report no later than June 30, 2005, on performance measures planned for implementation in fiscal year 2006 to be used on an inter-agency basis. In the interim, the managers have modified language for reporting wildfire suppression costs in fiscal year 2005 as follows: (1) Average cost per fire using a statistically representative sample, stratified as follows: small (<300 acres), medium (300–20,000 acres), and large (>20,000 acres) fires not contained in initial attack; (2) cost per acre burned, using a statistically representative sample for fires not contained in initial attack stratified by small, medium, and large; and (3) the percentage of fires, using a statistically representative sample, not contained in initial attack that exceed a "stratified fire cost index." This index would take into account known fire characteristics that affect expenditures; specifically, fire intensity, size, Forest Service region and proximity to communities, using historical cost per acre as a basis. In addition, the mangers direct the Forest Service to develop and implement direction for identifying a "most cost effective" wildland fire situation analysis alternative no later than October 1, 2005, and report the percentage of fire events that adopt this alternative under the wildland fire situation analysis computer decision support system beginning in fiscal year 2006.

The managers concur with the Senate direction concerning the preparation of a strategic plan for fire and aviation resources. The managers expect that the plan will indicate the costs associated with determining the useful life of the P–2V air tanker.

Other Wildfire Operations.—The conference agreement includes $383,008,000 for other fire operation activities instead of $383,238,000 as proposed by the House and $359,497,000 as proposed by the Senate. The allocation of this funding is as follows:

Program	*Amount*
Hazardous fuels	$266,238,000
Rehabilitation & restoration	13,000,000
Research & development	22,025,000
Joint fire science	8,000,000
Forest health management—Federal	15,000,000
Forest health management—cooperative	10,000,000
State and community fire assistance	40,745,000
Volunteer fire assistance	8,000,000
Total other wildfire operations	383,008,000

The conference agreement includes $266,238,000 for hazardous fuels treatments as proposed by the House and the Senate, an increase of $32,758,000 over the fiscal year 2004 level. This allocation includes the Senate proposals of $1,000,000 for the Chugach NF, AK and $1,500,000 for the Santa Fe watershed, NM. The managers have not included a specific amount for the Lake Tahoe basin. The managers have not included a specific allocation for the Ecological Restoration Institute, AZ, but the managers understand that the Forest Service plans to work with the Institute on a variety of projects. The managers have included bill language making up to $5,000,000 of hazardous fuels funds available for making grants to promote the economical removal of biomass from national forest lands. The managers direct the Forest Service to develop this program with the clear intent to make grants that will result in increased commercial use of biomass products, and which will thereby result in reduced overall hazardous fuels program costs. The managers further direct that a report detailing the progress of this effort shall be submitted to the House and Senate Committees on Appropriations no later than six months after the enactment of this Act. Bill language proposed by the House concerning hazardous fuels contracting authorities is deleted as recommended by the Senate because these authorities are contained within a Title III general provision.

The conference agreement includes $13,000,000 for rehabilitation and restoration activities as proposed by the House. The managers direct that $2,000,000 be made available to the native plant materials program to be used in conjunction with the similar effort at the Department of the Interior under the joint guidance of the interagency plant conservation alliance.

The conference agreement includes $22,025,000 for research and development activities. Changes from the House proposal include increases of $1,300,000 for the University of Montana landscape analysis center and $200,000 for the related University of Idaho project and a $2,475,000 general program decrease.

The conference agreement includes $15,000,000 for Federal forest health activities and $10,000,000 for cooperative forest health activities as proposed by the House. These funds should be used for high priority work, as part of the national fire plan, to implement activities which restore forests and reduce wildfire danger to natural resources and communities.

The managers have included $40,745,000 for State and community fire assistance. Changes from the House recommendation include increases of $2,100,000 for the Alaska Kenai Peninsula Borough, $1,500,000 to the Municipality of Anchorage, $1,600,000 for the Matanuska-Susitna Borough, AK, $1,000,000 for the Fairbanks North Star Borough, AK, and $300,000 for the Cook Inlet tribal council, AK and a general program decrease of $5,755,000 below the House level as proposed by the Senate. Of the amount provided to the Municipality of Anchorage, $1,000,000 shall be for the Anchorage Soil and Water District for its Firewise program, to be used solely for the removal of dead and dying trees and to the maximum extent possible, local contractors should be used. Each of the amounts in this paragraph shall be distributed in the form of an advance direct lump sum payment.

Within the funds for State fire assistance, $200,000 should be provided to Lincoln County, NV. The volunteer fire assistance allocation is $8,000,000 as proposed by the House and the Senate.

CAPITAL IMPROVEMENT AND MAINTENANCE

The conference agreement provides $521,952,000 for capital improvement and maintenance instead of $522,940,000 as proposed by the House and $516,169,000 as proposed by the Senate. The conference agreement provides for the following distribution of funds:

Activity/Project	*Amount*
Facilities:	
Maintenance	$81,531,000
Capital Improvement	95,524,000
Congressional Priorities:	
Allegheny NF, PA	2,800,000
D. Boone NF, recreation improvements, KY	600,000
National Forests of North Carolina	2,500,000
Cherokee NF, TN	900,000
San Bernardino NF, CA	2,000,000
Tongass Admir. NM/Juneau RD admin site, AK	4,283,000
Monongahela NF facilities, WV	1,960,000
Chugach NF Valdez visitor center, AK	500,000
Smith County Lake, MS	500,000
Forest products lab durability test facility, WI	1,000,000
Ouachita NF visitor center and admin, OK	1,500,000
Mystic ranger station and research, additional funds, SD	1,200,000
Log transfer facilities R10, AK	1,500,000
Chugach NF Russian River interagency visitor center, AK	1,000,000
Chugach NF & AK railroad backcountry whistlestop, AK	1,600,000
Daniel Boone NF Fitchburg Furnace, KY	670,000
Subtotal Facilities	201,568,000
Roads:	
Maintenance	146,795,000
Capital Improvement	76,291,000
Congressional Priorities:	
Williams River & Spruce Knob roads, WV	1,500,000
Tongass NF, AK	5,000,000
Subtotal Road	229,586,000
Trails:	
Maintenance	39,013,000
Congressional Priorities:	
FL National Scenic Trail	500,000
Continental Divide Trail	500,000
Pacific Crest National Scenic Trail	500,000
Appalachian Trail	75,000
Nez Perce Trail	400,000
North Country Trail	75,000
Other National and Historic Trails	433,000
Capital Improvement	32,778,000
Congressional Priorities:	
FL National scenic trail	500,000
Continental Divide Trail	1,000,000
Pacific Crest trail improvements, CA OR WA	1,000,000
Subtotal Trails	76,774,000
Infrastructure Improvement:	
Fish Passage Barriers, R6 & R5	4,000,000
Deferred Maintenance	10,024,000
Subtotal Infrastructure Improvement	14,024,000
Total, Capital Improvement and Maintenance	521,952,000

The managers agree with the overall program direction for this account provided by both the House and the Senate. The funds provided for the Allegheny NF include $230,000 for the Kiasutha campground, $1,085,000 for Kinzua wolf run marina, $285,000 for the Willow Creek ATV site, $200,000 for Marienville district displays, and $1,000,000 for the Bradford administrative site. The funds included for the Daniel Boone NF are for the London Dock boat ramp and completion of the Craigs Creek campground. The North Carolina national forests funding includes $1,000,000 for the Santeetlah phase III project, $500,000 for the Cradle of Forestry roof repairs, and $1,000,000 for the Curtis Creek recreation area, Wilson Creek access project. The Cherokee NF funding includes $400,000 for Chilhowee campground improvements, $350,000 for the Ocoee Whitewater Center maintenance and interpretive upgrades, and $150,000 to complete a management plan, with public involvement, for the Ocoee and Hiawassee Corridor. The funding for the San Bernardino NF is intended for the supervisor's office. The Forest Service should contract with Cook Inlet Regional Corporation, for work on the Russian river interagency center.

The managers expect that the specific allocations provided for the National scenic and historic trails will become part of the base budgets for the forests and the regions which host these important resources so that this detailed level of Committee oversight should not be required in future years. The service should continue annual displays of funding needs and accomplishments of these trails in the budget justification.

The managers note that in several cases specific congressional priority projects involve maintenance, improvement, and construction of a combination of facilities, roads, and trails. Although such congressional priorities are reflected in a single budget line item, the managers expect the agency to comply with congressional intent for completion of the entire project and authorize the agency to move funds between budget lines within the account to complete projects as intended while accurately reflecting project costs.

LAND ACQUISITION

The conference agreement provides $61,866,000 for land acquisition instead of $15,500,000 as proposed by the House and $82,524,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Area (State)	*Amount*
Alabama National Forests, multiple NFs (AL)	$1,900,000
Arapahoe NF: Arapaho, Miller Property (CO)	1,025,000
Arapahoe NF: Beaver Brook Watershed (CO)	2,000,000
Bonneville Shoreline Trail, multiple NFs (UT)	1,800,000
Chattahoochee-Oconee NF: Georgia Mtns. Riparian Project (GA)	1,000,000
Chequamegon-Nicolet NF: Wisconsin Wild Waterways (WI)	3,200,000
Cherokee NF: Tennessee Mountains (TN)	500,000
Chippewa/Superior NF: Minnesota Wilderness (MN)	375,000
Coconino NF: Sedona/Red Rocks/Oak Creek (AZ)	1,800,000
Columbia River Gorge NSA, multiple NFs (OR/WA)	1,000,000
Custer NF: Schwend Mtn. Ranch (MT)	1,200,000
Daniel Boone NF (KY)	1,000,000
Flathead NF: Swan Valley (MT)	3,000,000
Florida NF: Florida National Scenic Trail (FL)	2,000,000
Florida NF: Suwannee Wildlife Corridor (FL)	2,000,000
Great Lakes/Great Lands, multiple NFs (MI)	1,800,000
Greater Yellowstone Area, multiple NFs (MT/ID)	3,500,000
Green Mountain NF (VT)	1,000,000
Helena & Lolo NFs: Blackfoot Challenge (MT)	10,000,000
Hoosier NF: Hoosier Unique Areas (IN)	435,000
Idaho Wild and Scenic Rivers (Indian Creek Ranch), multiple NFs (ID)	565,000
Lolo NF: Hiawatha Trail (MT)	360,000
Mark Twain NF: Ozark Mountain Streams and Rivers (MO)	500,000
Monongahela NF: Monongahela Historic Areas (WV)	270,000
Okanogan-Wenatchee NF: I-90 Corridor (WA)	3,400,000
Ouachita NF: Ozark St. Francis (AR)	1,000,000
Pacific Northwest Streams, multiple NFs (OR/WA)	1,500,000
San Bernardino NF (CA)	1,500,000
Santa Fe Protection & Watershed, multiple NFs (NM)	1,500,000
Shawnee NF: Illinois Disappearing Habitat (IL)	850,000
Sierra Nevada Inholdings, multiple NFs (CA)	1,500,000
Six Rivers NF: Goose Creek-Smith River (CA)	2,136,000
Wasatch-Cache NF: High Uintas (UT)	1,000,000
White River NF: High Elk Corridor (CO)	750,000
Use of unobligated balances	−11,000,000
Subtotal	46,366,000
Acquisition Management	13,000,000
Critical Inholdings/Wilderness Protection	1,500,000
Land Exchange Equalization Payment	1,000,000
Total	61,866,000

The managers expect the Forest Service to ensure that acquisitions associated with the Blackfoot Challenge are consistent with Federal appraisal standards. The Forest Service should not pay more than the fair market value determined by those appraisals.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

The conference agreement provides $1,069,000 for the acquisition of lands for national forests special acts as recommended by both the House and the Senate.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

The conference agreement provides an indefinite appropriation estimated to be $234,000 for the acquisition of lands to complete land exchanges as proposed by both the House and the Senate.

RANGE BETTERMENT FUND

The conference agreement provides an indefinite appropriation estimated to be $3,064,000 for the range betterment fund as proposed by both the House and the Senate.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

The conference agreement provides $65,000 for gifts, donations and bequests for forest and rangeland research as proposed by both the House and the Senate.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

The conference agreement provides $5,962,000 for management of national forest system lands for subsistence uses in Alaska as proposed by both the House and the Senate

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

The managers agree to the following changes to the House recommendations:

1. The Senate language concerning abolishing or moving a regional office is included as in previous years.

2. The House and Senate bill language is deleted which prevented funds from this Act to be used for implementing section 8002 of the Farm Security and Rural Investment Act of 2002 (the Forest Land Enhancement Program). The conference agreement cancels $20,000,000 from this activity instead of no cancellation as proposed by the House and the Senate proposed cancellation of $40,000,000.

3. The Senate proposed language concerning sale of facilities and use of receipts on the Green Mountain NF, VT is included although authority is provided for 2 years.

4. The Senate language is included limiting Older Americans Act staff treatment as Federal employees to December 31, 2005.

5. The Senate language is included concerning school payments for certain dependents of agency personnel in Puerto Rico.

6. The Senate proposal concerning sale of excess buildings on the Wasatch-Cache NF, UT is included but provided for two years.

7. A technical change to the aircraft authority is included which allows leasing of certain firefighting aircraft.

Funds in the budget request for the e-government initiatives "SAFECOM" and disaster management should be reprogrammed to cover fixed costs not funded in the budget.

The managers direct the Secretaries of Agriculture and the Interior to continue the ongoing research on the success of the Resource Advisory Councils established under the 2000 Secure Rural Schools and Community Protection Act.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

The conference agreement defers the availability of $257,000,000 in clean coal technology funds until October 1, 2005, as proposed by the Senate instead of a deferral of $237,000,000 as proposed by the House. The FutureGen program is not funded in this account, as proposed by the House, but is funded in the fossil energy research and development account.

The managers expect the Department to include a table on the FutureGen program, as outlined in the House Report 108-542, in future budget requests for fossil energy research and development account. The managers make no assumptions on the future use of deferred clean coal technology funds.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

The conference agreement provides $579,911,000 for fossil energy research and development instead of $601,875,000 as proposed by the House and $542,529,000 as proposed by the Senate. The changes described below are to the House recommended funding level.

FutureGen.—There is an increase of $18,000,000 for the FutureGen power plant initiative.

Clean Coal Power Initiative.—There is a decrease of $55,000,000 for the clean coal power initiative. The managers note that funding will need to be increased substantially in fiscal year 2006 if the program is to remain on a schedule consistent with the President's clean coal initiative.

Innovations for Existing Plants.—There is an increase of $1,300,000 for innovations for existing plants of which $800,000 is for the Research Partnership to Secure Energy for America for domestic fossil fuel research, including a thermoenergy integrated power system to achieve an advanced level of clean, economical power generation from coal, and other exploration and production technologies.

Advanced Systems.—There is a decrease of $2,000,000 for gasification systems technology and an increase of $800,000 for combustion systems to complete the Environmental Control Technology Laboratory project at Western Kentucky University, including research leading to zero emissions for combustion systems.

Fuels.—In transportation fuels and chemicals, there is an increase of $1,000,000 in the coal to liquids program to expand small footprint plant conversion technology and an increase of $3,000,000 in the solid fuels and feedstocks program to build on hydrogen from coal efforts with the University of North Dakota Energy and Environmental Research Center. There is also a general program decrease of $1,500,000 for hydrogen from coal research. In advanced fuels research, there is a decrease of $500,000 for C–1 chemistry.

Advanced Research (Coal).—In coal utilization science, there are increases of $4,000,000 for the Center for Zero Emissions Coal Research, and $1,000,000 for the Arctic Energy Office, which continues that program at last year's level.

Distributed Generation Systems/Fuel Cells.—In advanced research, there is an increase of $5,000,000 for HiTEC, and a general reduction of $3,000,000 below the House proposed level. In systems development, there is a decrease of $2,700,000. Funding provided in systems development completes the molten carbonate fuel cell/hybrid project. In vision 21 hybrids, this will be the last year of funding for the tubular solid oxide fuel cell program. In innovative concepts, there is a $5,000,000 increase to initiate a competitively awarded turbine hybrid integration program.

Natural Gas Exploration and Production.—In natural gas exploration and production, there are increases of $1,500,000 for national laboratory/industry partnerships and $4,000,000 for the Arctic Energy Office (an increase of $1,000,000 above last year's level), and decreases of $3,000,000 for advanced drilling completion and stimulation and $1,000,000 for liquefied natural gas research.

Natural Gas Infrastructure.—In natural gas infrastructure, there is an increase of $1,371,000 for delivery reliability research.

Effective Environmental Protection (Natural Gas).—In effective environmental protection, there is an increase of $1,000,000 to continue and expand research on coal bed methane, including produced water research.

Oil Technology/Exploration and Production.—In oil technology exploration and production, there is an increase of $1,500,000 for national laboratory/industry partnerships and a decrease of $500,000 for reservoir efficiency. The managers note that the Arctic Energy Office is funded at last year's level of $2,000,000.

Reservoir Life Extension.—There is a decrease of $1,000,000 for domestic resource conservation in the reservoir life extension program.

Effective Environmental Protection (Oil).—There is a decrease of $300,000 for environmental science in the effective environmental protection program.

Other Programs.—In cooperative research and development, there is an increase of $1,065,000. In environmental restoration, there is a decrease of $1,000,000.

Bill Language.—Bill language is included providing for the use of $18,000,000 for the FutureGen program as proposed by the Senate. The House included language under the clean coal technology account.

Language also is included earmarking $50,000,000 for the clean coal power initiative as proposed by the Senate instead of $105,000,000 as proposed by the House. The managers note that funding for the clean coal power initiative will need to be increased substantially in fiscal year 2006 to keep this initiative on schedule.

The managers agree to the following:

1. The table required by the House (under the clean coal technology heading) detailing the history and annual budget request for FutureGen should be included in future budget requests for fossil energy research and development.

2. Within available funds, the director of the National Energy Technology Laboratory, in cooperation with the heads of the Strategic Petroleum Reserve and the Naval Petroleum and Oil Shale Reserves, should evaluate the viability of developing oil shale reserves, with emphasis on available technologies, and on cost and environmental impacts, and report the findings to the House and Senate Committees on Appropriations no later than May 1, 2005.

3. Within the funds provided for sequestration research and development, the Department should consider oxygen fuel technology currently being tested by DOE's Albany Research Center.

4. Research efforts through the National Science Foundation industry-university cooperative research center for fuel cell research, SC, should be considered in the energy conservation account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

The conference agreement provides $18,000,000 for naval petroleum and oil shale reserves as proposed by both the House and the Senate.

ELK HILLS SCHOOL LANDS FUND

The conference agreement provides $36,000,000 to become available on October 1, 2005, for the 7th payment to the Elk Hills School Lands Fund as proposed by both the House and the Senate.

Bill Language.—Bill language is included referencing the settlement agreement of October 11, 1996, between the State of California and the Department of Energy as proposed by the House. The Senate did not reference the specific agreement.

ENERGY CONSERVATION

The conference agreement provides $649,092,000 for energy conservation instead of $656,071,000 as proposed by the House and $854,299,000 as proposed by the Senate. The House bill did not include funding for the weatherization assistance program because funding and jurisdiction for that program were transferred to the Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies in the House of Representatives. The changes described below are to the House recommended funding level.

Vehicle Technologies.—In simulation and validation, there is a decrease of $200,000. In advanced power electronics, there is a decrease of $400,000. In the advanced combustion engine program, there is a decrease of $1,000,000 for combustion and emission control, an increase of $2,300,000 for heavy truck engine research, and an increase of $2,000,000 for turbocharger research in the waste heat recovery program. In materials technology, there is a decrease of $500,000 for the Vulcan Beam Line payment as part of the high temperature materials laboratory program. In fuel technology, there is a decrease of $1,000,000 for advanced petroleum based fuels and, in the non-petroleum fuels and lubes program, there is an increase of $2,400,000 for renewable and synthetic fuels and a decrease of $700,000 for heavy truck research. There is also a decrease of $1,000,000 in the environmental impacts program.

Fuel Cell Technologies.—In distributed energy systems, there is a decrease of $500,000. In stack component research and development, there is a decrease of $1,500,000 for catalyst-specific research and an increase of $7,000,000 for other stack component research.

Weatherization and Intergovernmental Assistance.—There is a decrease of $300,000 for State energy program grants. In gateway deployment, there are decreases of $1,000,000 for Rebuild America and $1,000,000 for building codes training and technical assistance, and an increase of $250,000 for the energy star program.

Funding for the weatherization assistance program is addressed in a separate portion of this Act.

Distributed Energy Resources.—In distributed energy resources, there are decreases of $500,000 for microturbines, $200,000 for advanced materials and sensors, and $800,000 for thermally activated technology. In applications integration, there is a decrease of $500,000 for fuel flexibility in distributed generation systems, with the understanding that the balance of the funding will be used for combustion work, and an increase of $1,000,000 for the national accounts energy alliance.

Building Technologies.—In residential buildings integration, there is an increase of $1,000,000 for the Building America program and a decrease of $250,000 for residential building energy codes. In commercial buildings integration, there is a decrease of $250,000 for commercial building energy codes. In emerging technologies, there is an increase of $1,500,000 for the solid state lighting initiative and a decrease of $400,000 for space conditioning and refrigeration, and, in the building envelope program, there is a decrease of $400,000 for thermal insulation and building materials and an increase of $750,000 for windows research. In equipment and analysis, there is an increase of $750,000 for appliance standards. There is also an increase of $500,000 for oil heat research.

Industrial Technologies.—In industries of the future (specific), decreases include $1,700,000 for forest and paper products, $1,000,000 for steel, $1,000,000 for aluminum, $52,000 for metal casting, $700,000 for glass, $2,800,000 for chemicals, $700,000 for mining, and $27,000 for supporting industries. In industries of the future (crosscutting) there is a decrease of $550,000 for industrial assessment centers.

Biomass and Biorefinery Systems.—In biomass and biorefinery systems, there is a decrease of $5,000,000 for gasification programs.

Federal Energy Management Program.—There is an increase of $500,000 for the Federal Energy Management Program.

Other.—There is a decrease of $1,000,000 for cooperative programs with States. The managers expect that management of the Rebuild America program will be assumed by the State Technologies Advancement Collaborative in fiscal year 2005 and anticipate that there will be synergies between these programs.

Bill Language.—The conference agreement earmarks $44,798,000 for State energy conservation grants instead of $45,098,000 as proposed by the House and $43,798,000 as proposed by the Senate.

The managers agree to the following:

1. Within the funds provided for fuel cell technology, the Department should consider expanding the Porvair project.

2. The managers are aware of positive test results, provided to the Department, on a non-precious metal, tungsten oxide, PEM fuel cell, cathode catalyst. These results are promising from the standpoints of performance and non-degradation. The Department is strongly encouraged to fund further characterization and optimization of this cathode catalyst.

3. In distributed energy resources, the funding provided for thermally activated technology is to complete the existing residential generator absorber heat exchanger heat pump program.

4. The Rebuild America program is to be managed by the State Technologies Advancement Collaborative. The Department should move quickly to facilitate the transfer of administrative management for this program to STAC. The managers are pleased with STAC's management of the cooperative programs with the States and believe that the Rebuild America program will benefit from STAC management. The Department should examine other programs for potential STAC involvement in fiscal year 2005.

5. The new solicitation for off-highway research is not meant to eliminate funding for cooperative research and development agreements. The Department should consult with the House and Senate Committees on Appropriations on the appropriate distribution of funds between the new solicitation and CRADAs.

6. Within the funds provided for materials technology in the vehicle technologies program, research should be continued and expanded on thermoplastic composite materials and manufacturing infrastructure.

7. In the industrial materials for the future program, $1,000,000 should continue to be provided to the Metals Processing Laboratory Users Facility.

8. The managers understand that the Department will soon issue an Exceptional Circumstances Determination with regard to solid state lighting core technology research, with the purpose of facilitating favorable access to the resulting intellectual property by members of the Next Generation Lighting Industry Alliance. This access is in exchange for the active work for the Alliance in using its experience and expertise to bring a manufacturing and commercial focus to the solid state lighting project portfolio, as stipulated in the competitive solicitation by which the Alliance was selected. The managers support this arrangement and believe it will facilitate the deployment of solid state lighting technologies and accelerate reductions in electrical energy consumption.

9. The managers support the reprogramming of necessary funds to support program administration costs at the National Energy Technology Laboratory. The Committees approved a reprogramming for this purpose in 2004 and realize that further internal reprogrammings will be necessary in 2005. The Committees expect the Department to realign its budget to reflect the appropriate levels of funding for this purpose in the 2005 funding column of the fiscal year 2006 budget request. The Department should consult with the Committees prior to the budget submission.

STRATEGIC PETROLEUM RESERVE

The conference agreement provides $172,100,000 for the strategic petroleum reserve as proposed by both the House and the Senate.

NORTHEAST HOME HEATING OIL RESERVE

The conference agreement provides $5,000,000 for the northeast home heating oil reserve as proposed by both the House and the Senate.

ENERGY INFORMATION ADMINISTRATION

The conference agreement provides $85,000,000 for the energy information administration as proposed by the House instead of $84,000,000 as proposed by the Senate.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

The conference agreement retains the House bill language dealing with the use of receipts by the Department of Energy.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

INDIAN HEALTH SERVICES

The conference agreement provides $2,633,072,000 for Indian health services instead of $2,628,322,000 as proposed by the House and $2,633,624,000 as proposed by the Senate. The changes described below are to the House recommended funding level.

Hospital and Health Clinic Programs.—In hospital and clinic programs, there is a decrease of $3,750,000 for the Indian health care improvement fund and an increase of $500,000 for staffing at the King Cove, AK, clinic.

Contract Health Care.—There is an increase of $8,000,000 for contract health care.

Bill Language.—The conference agreement earmarks $487,085,000 for contract health care instead of $479,085,000 as proposed by the House and $491,085,000 as proposed by the Senate. The conference agreement modifies language, proposed by the Senate, earmarking funds for alcohol control, enforcement, prevention, treatment, sobriety and wellness, and education programs in Alaska. The modification provides $15,000,000 for these programs instead of $16,000,000 and permits the use of 15 percent of funds for administrative overhead instead of 10 percent. The House had no similar provision. The distribution of funds proposed by the Senate is modified to provide $8,000,000 to Alaska Native regional organizations, with $2,000,000 (rather than $3,000,000) to be divided among the remaining organizations as specified in item (5) in the Senate report. Item (a) in the Senate report is revised as follows: (a) $2,000,000 shall be provided as a direct lump sum payment to the State of Alaska Department of Public Safety to distribute on a timely basis to Alaska Native non-profit corporations to operate the Village Public Safety Officer Program.

The managers agree to the following:

1. The Service should reprogram the increases provided for pay cost increases so that there is an equitable distribution across all Federal and tribal programs.

2. The Recruitment of American Indians into Nursing program at the University of North Dakota is funded at last year's level, which includes the $95,000 provided in fiscal year 2003.

3. The Service should provide a report on the use of funds to date for the special alcohol and substance control, enforcement, prevention, treatment, sobriety and wellness, and education programs in Alaska. The report should be provided no later than 60 days after enactment of this Act. This progress report was due to the House and Senate Committees on Appropriations on January 15, 2004, and the managers find the Service's lack of response totally unacceptable.

4. The Alaska Federal Health Care Access Network is funded at last year's level.

INDIAN HEALTH FACILITIES

The conference agreement provides $394,048,000 for Indian health facilities instead of $405,048,000 as proposed by the House and $364,148,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Project	*Amount*
Barrow Hospital, AK	$3,000,000
Clinton, OK clinic	19,300,000
Eagle Butte, SD clinic	5,000,000
Fort Belknap, MT staff quarters	5,000,000
Joint Ventures (using existing list)	4,800,000
Mobile dental units	1,000,000
New health clinic planning and design	1,000,000
Phoenix Indian Medical Center, AZ	4,000,000
Red Mesa, AZ health center	19,382,000
Sisseton, SD health center	17,300,000
Small ambulatory facilities	5,000,000
Wagner, SD staff quarters	2,538,000
Zuni, NM staff quarters	2,525,000
Subtotal	89,845,000
Other:	
Maintenance and improvement	49,897,000
Sanitation facilities	93,158,000
Facilities and environmental health support	143,567,000
Equipment	17,581,000
Total	394,048,000

Bill Language.—The conference agreement includes language proposed by the Senate permitting the use of funds for the purchase of land for replacement of the health care facility in Barrow, Alaska. The House had no similar provision.

The conference agreement modifies language proposed by the House permitting the use of funds to purchase land for the northern and southern California youth regional treatment centers for alcohol and substance abuse. The modification specifies that such land should be purchased using prior year unobligated funds. The Senate had no similar provision.

Bill language, proposed by the Senate, authorizing the construction of a replacement health care facility in Nome, Alaska is not included but the managers note that this project should be considered in future budget requests.

The managers agree to the following:

1. The funds provided for the Barrow, AK hospital are for land acquisition and planning. The total estimated cost of the facility is $125 million.

2. The Service should finalize the site selections for the northern and southern California youth regional treatment centers for

alcohol and substance abuse and, after the sites are selected, include funds in the budget request for construction of these facilities.

3. The funds included for the Eagle Butte, SD, clinic are for site preparation.

4. The total estimated cost of the Fort Belknap, MT, staff quarters project is $8,300,000. The $5,000,000 provided for fiscal year 2005 should be used to construct staff quarters in Harlem, MT. Funding for staff quarters in Hayes, MT, should be included in the fiscal year 2006 budget request.

5. Funds for the Phoenix Indian Medical Center, AZ, are for the design of a southwest clinic and a southeast clinic.

6. The funds for new health clinic planning and design are to initiate design of the San Carlos, AZ, clinic and the Kayenta, AZ, clinic. The Service recently approved the program justification documents for these two facilities.

7. The Service should move quickly to issue a new solicitation for small ambulatory care facilities. There should be a 30-day tribal comment period prior to issuance of the final solicitation.

8. The Service has informed the Committees that the funds provided for the Sisseton, SD, clinic should be sufficient to complete this project.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

The conference agreement continues language, included in the fiscal year 2004 appropriation, as proposed by the House, prohibiting the imposition of certain staffing restrictions on the Indian Health Service.

The conference agreement modifies language proposed by the House, permitting the use of third party collections for the purchase of land for expansion of the IHS hospital in Tahlequah, OK subject to advance approval by the House and Senate Committees on Appropriations. The modification retains the original text and adds language authorizing permanent service unit status for the Tulsa and Oklahoma City pilot health programs.

OTHER RELATED AGENCIES

Office of Navajo and Hopi Indian Relocation

SALARIES AND EXPENSES

The conference agreement provides $5,000,000 for salaries and expenses of the Office of Navajo and Hopi Indian Relocation as proposed by the Senate instead of $11,000,000 as proposed by the House. The managers understand that there are large carryover balances in this program that can be used to continue the program in fiscal year 2005.

Institute of American Indian and Alaska Native Culture and Arts Development

PAYMENT TO THE INSTITUTE

The conference agreement provides $6,000,000 for payment to the institute as proposed by both the House and the Senate.

Bill Language.—The conference agreement retains Senate language that allows up to $1,000,000 of the funding to be used for the institute's learning center.

Smithsonian Institution

SALARIES AND EXPENSES

The conference agreement provides $495,925,000 for salaries and expenses of the Smithsonian Institution instead of $496,925,000 as proposed by the House and $490,125,000 as proposed by the Senate. The change to the House level is the result of a reduction to the proposed increase of $1,000,000 for program support and major scientific instrumentation.

FACILITIES CAPITAL

The conference agreement provides $127,900,000 for facilities capital instead of $122,900,000 as proposed by the House and $136,900,000 as proposed by the Senate. The change to the House level is the result of an increase of $5,000,000 for revitalization work at the National Zoological Park. The managers understand that most, if not all, of these funds will be used for the Asia Trail exhibit. Language included in the House bill allowing for the transfer of funds from the former construction and repair, restoration and alteration of facilities accounts to the facilities capital account has been removed in the assumption that all such transfers have been made and the language is no longer necessary.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

The conference agreement continues the administrative provisions included in the House bill that place restrictions on the use of funds for (1) the design of new or expanded facilties; (2) Holt House; (3) the purchase of buildings; and (4) compliance with reprogramming procedures. The House provision regarding changes to the Smithsonian's science programs has been amended by omitting reference to the Science Commission's recommendations, which were approved by the Board of Regents, and including a requirement of advance approval from the House and Senate Committees on Appropriations in agreement with current reprogramming guidelines.

National Gallery of Art

SALARIES AND EXPENSES

The conference agreement provides $93,000,000 for salaries and expenses of the National Gallery of Art as proposed by the House instead of $92,119,000 as proposed by the Senate.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

The conference agreement provides $11,100,000 for repair, restoration and renovation of buildings as proposed by the House instead of $11,000,000 as proposed by the Senate.

John F. Kennedy Center for the Performing Arts

OPERATIONS AND MAINTENANCE

The conference agreement provides $17,152,000 for operations and maintenance of the Kennedy Center as proposed by both the House and the Senate.

Based on recent recommendations from the General Accounting Office, the managers direct the Kennedy Center to annually update the comprehensive building plan as required by the John F. Kennedy Center Act Amendments of 1994 and include the prioritization of projects, individual project status, and detailed budget information for both planned and ongoing projects. The plan has not been updated since 2002.

The requirement to develop and annually update a comprehensive building plan was intended to help improve management of the Kennedy Center's capital projects, help reduce the public costs of operating and maintaining the facility, and ensure accountability for the cost and schedule of the projects.

CONSTRUCTION

The conference agreement provides $16,334,000 for construction as proposed by the Senate instead of $10,000,000 as proposed by the House.

Woodrow Wilson International Center for Scholars

SALARIES AND EXPENSES

The conference agreement provides $8,987,000 for salaries and expenses of the Woodrow Wilson International Center for Scholars as proposed by both the House and the Senate.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

GRANTS AND ADMINISTRATION

The conference agreement provides $122,972,000 for grants and administration of the National Endowment for the Arts instead of $130,972,000 as proposed by the House and $120,972,000 as proposed by the Senate. The agreement provides $2,000,000 for the new American Masterpieces initiative.

National Endowment for the Humanities

GRANTS AND ADMINSITRATION

The conference agreement provides $123,877,000 for grants and administration of the National Endowment for the Humanities, instead of $125,877,000 as proposed by the House and $119,386,000 as proposed by the Senate. The change to the House recommended level is a decrease of $2,000,000 to the We the People initiative. When combined with amounts provided within the Matching Grants account that follows, the total recommended funding level for the NEH for fiscal year 2005 is $139,999,000, an increase of $4,689,000 above the current year enacted level.

MATCHING GRANTS

The conference agreement provides $16,122,000 for matching grants as proposed by the House instead of $15,924,000 as proposed by the Senate.

Commission of Fine Arts

SALARIES AND EXPENSES

The conference agreement provides $1,793,000 for salaries and expenses of the Commission of Fine Arts as proposed by the House and the Senate.

National Capital Arts and Cultural Affairs

The conference agreement provides $7,000,000 for national capital arts and cultural affairs as proposed by the House instead of $6,000,000 as proposed by the Senate.

Advisory Council on Historic Preservation

SALARIES AND EXPENSES

The conference agreement provides $4,600,000 for salaries and expenses of the Advisory Council on Historic Preservation as proposed by both the House and the Senate.

National Capital Planning Commission

SALARIES AND EXPENSES

The conference agreement provides $8,000,000 for salaries and expenses of the National Capital Planning Commission as proposed by the Senate instead of $7,999,000 as proposed by the House.

United States Holocaust Memorial Museum

HOLOCAUST MEMORIAL MUSEUM

The conference agreement provides $41,433,000 for the Holocaust Memorial Museum as proposed by the House and the Senate.

Presidio Trust

PRESIDIO TRUST FUND

The conference agreement provides $20,000,000 for the Presidio Trust Fund as proposed by both the House and the Senate.

TITLE III—GENERAL PROVISIONS

The conference agreement retains identical provisions in sections 301–309 of both the House and Senate bills.

Sec. 310. The conference agreement retains the language proposed in section 310 of the Senate bill providing one-year authority, as in past years, for the collection and use of private funds by the National Endowment for the Arts and the National Endowment for the Humanities. The House had a similar provision in section 310 of the House bill but it extended through 2009.

Sec. 311. The conference agreement retains the one-year authority, similar to previous years, proposed in section 311 of the Senate bill directing the National Endowment for the Arts on funding distribution. The House had a similar provision in section 311 of the House bill but it extended through 2009.

The conference agreement retains identical provisions in sections 312–316 of both the House and Senate bills.

Sec. 317. The conference agreement continues the provision in section 317 of the Senate bill addressing timber sales involving Alaska western red cedar for one year as was done previously. The House had no similar provision.

Sec. 318. The conference agreement modifies language proposed in section 317 of the House bill and in section 332 of the Senate bill concerning the Forest Service reforestation fund. The conference agreement does not contain bill language stating that the four purposes of the reforestation fund are of equal priority but the Forest Service should not give overall priority to one particular purpose over the others. The managers note that the Knutson-Vandenberg Act was amended in 1976 to allow the use of timber purchaser funds for: (1) planting trees, (2) sowing with tree seeds, (3) cutting or removing undesirable trees or other growth to improve future timber growth, and (4) protecting and improving the future productivity of the renewable resources of the forest land, including sale area improvement operations maintenance and construction, reforestation, and wildlife habitat management. The managers stress that, in selecting activities to be funded using the KV fund, the Secretary shall give, to the maximum extent practicable, equal importance to all four of these purposes. The Forest Service should not withhold funding for one or another of these purposes, but rather, decisions should be made forest by forest and project by project as to what are the most important conservation efforts.

Sec. 319. The conference agreement retains a provision in section 318 of the House bill continuing a provision prohibiting the Forest Service from using projects under the recreation fee demonstration program to supplant existing concessions. The Senate had an identical provision in section 318 of the Senate bill.

Sec. 320. The conference agreement retains the language proposed in section 319 of the Senate bill, as was in previous Acts, regarding the Forest Service land management planning revision requirements. The House had a similar provision in section 319 of the House bill.

Sec. 321. The conference agreement retains a provision in section 320 of the House bill continuing a provision limiting preleasing, leasing, and related activities within the boundaries of national monuments. The Senate had an identical provision in section 320 of the Senate bill.

Sec. 322. The conference agreement retains the language proposed in section 321 of the Senate bill extending the Forest Service Conveyances Pilot Program for two more years. The House had a similar provision in section 321 of the House bill. The managers are pleased with the operation of this program by the Forest Service and request that its management continue as in the past.

Sec. 323. The conference agreement replaces a provision in sections 322 of both the House and Senate bills. The new provision makes a technical correction to the Harriet Tubman Special Resource Study Act.

Sec. 324. The conference agreement retains a provision in section 323 of the House bill continuing a provision providing the Secretary of the Interior and the Secretary of Agriculture the authority to enter into reciprocal agreements with foreign nations concerning the personal liability of firefighters. The Senate had an identical provision in section 323 of the Senate bill.

Sec. 325. The conference agreement retains a provision in section 324 of the House bill allowing the Eagle Butte Service Unit of the Indian Health Service to utilize health care funding in a more efficient manner. The Senate had an identical provision in section 324 of the Senate bill.

Sec. 326. The conference agreement retains a provision in section 325 of the House bill continuing a provision prohibiting the transfer of funds to other agencies other than as provided in this Act. The Senate had an identical provision in section 325 of the Senate bill.

Sec. 327. The conference agreement retains a provision in section 326 of the House bill carried in previous years limiting funds for oil or gas leasing or permitting on the Finger Lakes National Forest, NY. The Senate had no similar provision.

Sec. 328. The conference agreement retains the language proposed in section 326 of the Senate bill allowing the Secretary of Agriculture and the Secretary of the Interior to consider local contractors when awarding contracts for certain activities on public lands. The House had a similar provision in section 328 of the House bill.

Sec. 329. The conference agreement retains a provision in section 329 of the House bill continuing a provision which limits the use of funds for filing declarations of taking or condemnations. This provision does not apply to the Everglades National Park Protection and Environmental Act. The Senate had an identical provision in section 327 of the Senate bill.

Sec. 330. The conference agreement modifies a provision in section 328 of the Senate bill concerning judicial review of timber sales in Region 10 of the Forest Service; this authority is provided for one year. The House had no similar provision.

Sec. 331. The conference agreement retains a provision in section 330 of the House bill restricting the Forest Service use of the Recreation Fee Demonstration program to certain developed sites. The Senate had no similar provision.

Sec. 332. The conference agreement modifies the language proposed in section 331 of the House bill providing guidance on competitive sourcing activities and clarifying annual reporting requirements to specify the reporting of the full costs associated with sourcing studies and related activities. The Senate had a similar provision in section 329 of the Senate bill.

Sec. 333. The conference agreement retains a provision in section 332 of the House bill requiring overhead charges, deductions, reserves or holdbacks to be presented in annual budget justifications, with changes presented to the Appropriations Committees for approval. The Senate had an identical provision in section 330 of the Senate bill.

Sec. 334. The conference agreement modifies a provision in section 331 of the Senate bill prohibiting the transfer of funds for SAFECOM and Disaster Management projects. The House had a more restrictive provision in section 333 of the House bill.

Sec. 335. The conference agreement retains a provision in section 334 of the House bill, with a minor technical modification, authorizing the conveyance of land within the San Bernardino National Forest, CA. The Senate had no similar provision.

Sec. 336. The conference agreement retains a provision in section 335 of the House bill encouraging cooperative hazardous fuels projects with the State of Colorado and the Forest Service, and extending this authority to the Bureau of Land Management. The Senate had no similar provision.

Sec. 337. The conference agreement retains a provision in section 333 of the Senate bill allowing the State of Utah, through contracts or cooperative agreements with the Forest Service, to perform certain activities on Forest Service lands. The House had no similar provision.

Sec. 338. The conference agreement modifies a provision in section 335 of the Senate bill requiring that contact centers associated with the national recreation reservation service be located within the United States. The House had no similar provision.

Sec. 339. The conference agreement modifies a provision in section 339 of the Senate bill allowing categorical exclusions for certain Forest Service grazing allotments. The House had no similar provision.

Sec. 340. The conference agreement retains a provision in section 340 of the Senate bill amending Public Law 90-542 regarding certain hunting camps on the Salmon River. The House had no similar provision. The managers note that this provision establishes use and occupancy as of June 6, 2003, for three special use permits. The purpose of this language is to clarify the legislative intent of the Central Idaho Wilderness Act and the inclusion of the three hunting camps as an existing use. The managers understand that all future modifications to these camps will be such that the camps retain their basic characteristics and the modifications do not substantially alter the existing scope of use.

Sec. 341. The conference agreement retains a provision in section 341 of the Senate bill allowing the Eastern Nevada Landscape Coalition to enter into agreements with the Department of the Interior and the Department of Agriculture. The House had no similar provision.

Sec. 342. The conference agreement retains a provision in section 342 of the Senate bill conveying certain lands in the Tongass National Forest to the Community of Elfin Cove, Alaska. The House had no similar provision.

Sec. 343. The conference agreement modifies a provision in section 343 of the Senate bill providing a three-year (versus a permanent) extension of a prohibition on Alaska Native villages assuming administration of health services contracts, and clarifying that Eastern Aleutian Tribes, Inc. be considered an Alaska Native regional health entity for purposes of disbursement of funds. The House had no similar provision.

Sec. 344. The conference agreement modifies a provision in section 344 of the Senate bill providing for the use of previously appropriated funds for the acquisition of lands for the construction of the Seward, Alaska Interagency Center.

Sec. 345. The conference agreement includes a new provision to extend the Forest Service rights-of-way cost recovery authority originally provided in fiscal year 2000.

Sec. 346. The conference agreement includes a new provision to provide for the conveyance of the Sandpoint Federal Building and associated land in Sandpoint, Idaho.

Sec. 347. The conference agreement includes a new provision authorizing the Secretary of Agriculture to carry out a national forest land exchange in the State of Florida.

Sec. 348. The conference agreement includes a new provision designating the Grey Towers National Historic Site in the Commonwealth of Pennsylvania.

Sec. 349. The conference agreement includes a new provision to adjust the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in the State of Montana.

Sec. 350. The conference agreement includes a new provision for a $5,000,000 grant to Kendall County, Illinois.

The conference agreement does not include a provision proposed in section 327 of the House bill limiting the use of funds for the planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House.

The conference agreement does not include a provision proposed in section 334 of the Senate bill exempting certain local residents from paying fees under the Recreation Fee Demonstration program on the White Mountain National Forest.

The conference agreement does not include a provision proposed in section 336 of the Senate bill amending the Alaska National Interest Lands Conservation Act to allow for fishery management and enhancement projects in additional wilderness areas in Alaska.

The conference agreement does not include a provision proposed in section 337 of the Senate bill allowing Alaska residents with subsistence rights who are aged, infirm, or disabled to designate another individual to engage in subsistence activities for them and to reimburse such designated person.

The conference agreement does not include a provision on Missouri River water levels proposed by the Senate in section 338 of the Senate bill.

TITLE IV—SUPPLEMENTAL APPROPRIATIONS FOR URGENT WILDLAND FIRE SUPPRESSION ACTIVITIES

The conference agreement includes supplemental appropriations for the Department of the Interior and the Forest Service that provide an additional $500,000,000 in wildland fire suppression funds. This includes $100,000,000 for the Department of the Interior and $400,000,000 for the Department of Agriculture.

The conference agreement does not include the provisions included in Title IV, Chapter 1 of the House bill that provided supplemental appropriations for the Department of the Interior and the Forest Service in fiscal year 2004. These funds were included in the fiscal year 2005 Department of Defense appropriation passed earlier this year (P. L. 108–287, Title X, Chapter 3).

The purpose of this account is to provide funds so firefighting can continue during a severe fire season without the need to borrow from other land management accounts to pay for wildfire suppression. The conference agreement still contains authority for each Secretary, as appropriate, to utilize funds from other accounts under their jurisdiction, if all firefighting funds are exhausted.

The conference agreement retains language from the Senate bill providing that these funds will become available only if the funds provided in Titles I and II of this Act will be exhausted imminently and the House and Senate Committees on Appropriations and the Budget are notified. The managers understand that the urgent wildland fire suppression funding is only available because the conference agreement provides the full 10-year average cost of fire suppression in Titles I and II.

The conference agreement modifies language contained in the House bill that allows funds in this title to be transferred to other Interior and Forest Service accounts, as appropriate, to repay amounts that have been borrowed during wildland fire suppression crises.

The managers are very concerned about the high cost of fire suppression and have included a number of cost containment measures in this Act. The conference agreement modifies language included in the House bill that directs the Secretary of the Interior and the Secretary of Agriculture to submit a report that outlines the specific cost containment measures that are being implemented to contain wildland fire suppression costs. The managers expect to receive a single, joint report from both Secretaries.

The conference agreement allows unused funds from each Department's fiscal year 2004 wildland fire management appropriation to be used in subsequent years for future urgent wildfire suppression activities.

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

The conference agreement provides an additional amount of $100,000,000 for Wildland Fire Management, for urgent wildfire suppression activities as described above.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

The conference agreement includes an additional amount of $400,000,000 for Wildland Fire Management, for urgent wildfire suppression activities as described above.

The conference agreement includes language contained in the Senate bill that establishes an independent cost-control review panel for individual wildfire incidents exceeding $10,000,000 in suppression costs. The conference agreement modifies language contained in the Senate bill that directed the transfer of funds from unobligated balances in the wildland fire management account to the U.S. Treasury if the independent cost-control review panel finds that appropriate actions were not taken to control suppression costs.

TITLE IV—GENERAL PROVISIONS

The conference agreement does not include a provision proposed in section 401 of the House bill prohibiting the use of recreational fee funds for biological monitoring of species listed under the Endangered Species Act. The Department of the Interior has assured the managers that this practice will not be pursued.

The conference agreement does not include a provision proposed in section 402 of the House bill prohibiting the use of funds for the planning, design, study, or construction of forest development roads in the Tongass National Forest for the purpose of private harvest.

The conference agreement does not include a provision proposed in section 403 of the House bill directing the Department of the Interior to submit a report on public access to the Statue of Liberty.

TITLE V—ACROSS-THE-BOARD RESCISSIONS

Sec. 501. The conference agreement includes an across the board reduction of 0.594 percent. This reduction should be applied to each program, project, and activity, except for Miscellaneous Payments to Indians, which has a different application of the rescission as specified in the statutory language.

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs Enacted
TITLE I - DEPARTMENT OF THE INTERIOR				
BUREAU OF LAND MANAGEMENT				
Management of Lands and Resources				
Land Resources				
Soil, water and air management	36,038	34,238	35,238	-800
Range management	72,459	68,204	70,204	-2,255
Forestry management	8,093	9,025	9,025	+932
Riparian management	22,015	21,540	21,540	-475
Cultural resources management	15,479	15,142	15,142	-337
Wild horse and burro management	29,051	39,612	39,612	+10,561
Subtotal, Land Resources	183,135	187,761	190,761	+7,626
Wildlife and Fisheries				
Wildlife management	22,387	25,428	25,428	+3,041
Fisheries management	11,711	12,456	12,056	+345
Subtotal, Wildlife and Fisheries	34,098	37,884	37,484	+3,386
Threatened and endangered species	21,940	21,452	21,452	-488
Recreation Management				
Wilderness management	17,673	16,677	16,677	-996
Recreation resources management	44,603	43,209	44,809	+206
Subtotal, Recreation Management	62,276	59,886	61,486	-790
Energy and Minerals				
Oil and gas	88,195	85,625	88,625	+430
Coal management	9,390	8,944	9,444	+54
Other mineral resources	10,294	9,854	10,104	-190
Subtotal, Energy and Minerals	107,879	104,423	108,173	+294
Alaska minerals	2,453	2,232	4,000	+1,547
Realty and Ownership Management				
Alaska conveyance	41,920	33,068	42,568	+648
Cadastral survey	16,691	13,768	15,818	-873
Land and realty management	34,635	35,563	35,563	+928
Subtotal, Realty and Ownership Management	93,246	82,399	93,949	+703
Resource Protection and Maintenance				
Resource management planning	48,510	50,056	49,556	+1,046
Resource protection and law enforcement	16,283	15,042	17,042	+759
Hazardous materials management	16,497	16,080	16,080	-417
Subtotal, Resource Protection and Maintenance	81,290	81,178	82,678	+1,388
Transportation and Facilities Maintenance				
Operations	6,311	6,151	6,151	-160
Annual maintenance	31,846	31,045	31,045	-801
Deferred maintenance	12,349	11,036	41,772	+29,423
Infrastructure improvement	31,027	28,236	---	-31,027
Subtotal, Transportation/Facilities Maintenance	81,533	76,468	78,968	-2,565
Land and resources information systems	18,757	18,317	18,317	-440
Mining Law Administration				
Administration	32,485	32,696	32,696	+211
Offsetting fees	-32,485	-32,696	-32,696	-211
Subtotal, Mining Law Administration	---	---	---	---
Workforce and Organizational Support				
Information systems operations	18,531	19,928	19,928	+1,397
Administrative support	49,203	50,878	50,878	+1,675
Bureauwide fixed costs	69,331	73,856	73,365	+4,034
Subtotal, Workforce and Organizational Support	137,065	144,462	144,171	+7,106
Challenge cost share	16,176	21,000	7,500	-8,676
Total, Management of Lands and Resources	839,848	837,462	848,939	+9,091

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs. Enacted
Wildland Fire Management				
Preparedness	274,303	283,018	262,644	-11,659
Fire suppression operations	192,903	221,523	221,523	+28,620
Borrowing repayment (emergency appropriations)	98,416	---	---	-98,416
Supplemental appropriations (P.L. 108-287)	100,000	---	---	-100,000
Subtotal, Fire suppression operations	391,319	221,523	221,523	-169,796
Other operations				
Hazardous fuels reduction	183,896	209,282	204,282	+20,386
Burned area rehabilitation	24,198	24,276	24,276	+78
State and local fire assistance	9,877	5,000	10,000	+123
Fire facilities	---	---	12,374	+12,374
Joint fire science	---	---	8,000	+8,000
Subtotal, Other operations	217,971	238,558	258,932	+40,961
Total Wildland Fire Management	883,593	743,099	743,099	-140,494
Central Hazardous Materials Fund				
Bureau of Land Management	9,856	9,855	9,855	-1
Construction				
Construction	13,804	6,476	11,500	-2,304
Land Acquisition				
Land Acquisition				
Acquisitions	13,432	19,000	6,850	-6,582
Emergencies and hardships	988	1,500	1,500	+512
Acquisition management	3,456	3,000	3,000	-456
Land exchange equalization payment	494	500	---	-494
Total, Land Acquisition	18,370	24,000	11,350	-7,020
Oregon and California Grant Lands				
Western Oregon resources management	86,376	97,059	90,058	+3,682
Western Oregon information and resource data systems	2,175	2,181	2,181	+6
Western Oregon transportation & facilities maintenance	10,777	10,782	10,782	+5
Western Oregon construction and acquisition	293	295	295	+2
Jobs in the woods	5,736	5,741	5,741	+5
Total, Oregon and California Grant Lands	105,357	116,058	109,057	+3,700
Range Improvements				
Improvements to public lands	7,873	7,873	7,873	---
Farm Tenant Act lands	1,527	1,527	1,527	---
Administrative expenses	600	600	600	---
Total, Range Improvements	10,000	10,000	10,000	---
Service Charges, Deposits, and Forfeitures				
Rights-of-way processing	9,500	14,500	14,500	+5,000
Adopt-a-horse program	1,225	1,225	1,225	---
Repair of damaged lands	5,000	5,000	5,000	---
Cost recoverable realty cases	515	515	515	---
Timber purchaser expenses	50	50	50	---
Copy fees	3,200	3,200	3,200	---
Subtotal (gross)	19,490	24,490	24,490	+5,000
Offsetting fees	-19,490	-24,490	-24,490	-5,000
Total, Service Charges, Deposits & Forfeitures	---	---	---	---
Miscellaneous Trust Funds				
Current appropriations	12,405	12,405	12,405	---
TOTAL, BUREAU OF LAND MANAGEMENT	1,893,233	1,759,355	1,756,205	-137,028

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs Enacted
UNITED STATES FISH AND WILDLIFE SERVICE				
Resource Management				
Ecological Services				
Endangered species				
Candidate conservation	9,808	8,610	9,520	-288
Listing	12,135	17,226	15,500	+3,365
Consultation	47,146	45,450	46,450	-696
Recovery	67,907	58,154	69,154	+1,247
Subtotal, Endangered species	136,996	129,440	140,624	+3,628
Habitat conservation	87,322	96,843	94,780	+7,458
Environmental contaminants	10,672	10,740	10,740	+68
Subtotal, Ecological Services	234,990	237,023	246,144	+11,154
Refuges and Wildlife				
Refuge operations and maintenance	391,493	387,657	390,427	-1,066
Migratory bird management	32,096	36,668	35,668	+3,572
Law enforcement operations	53,696	51,345	53,260	-436
Subtotal, Refuges and Wildlife	477,285	475,670	479,355	+2,070
Fisheries				
Hatchery operations and maintenance	57,992	57,004	59,504	+1,512
Fish and wildlife management	56,330	46,794	56,684	+354
Operational shortfall	---	---	885	+885
Subtotal, Fisheries	114,322	103,798	117,073	+2,751
General Administration				
Science excellence initiative	---	2,000	---	---
Central office administration	17,062	18,128	18,128	+1,066
Regional office administration	23,494	23,164	23,164	-330
Servicewide administrative support	56,998	58,942	58,942	+1,944
National Fish and Wildlife Foundation	7,575	7,870	7,870	+295
National Conservation Training Center	16,285	15,988	17,105	+820
International affairs	8,077	8,624	9,024	+947
Caddo Lake Ramsar Center	395	---	400	+5
Subtotal, General Administration	129,886	134,496	134,633	+4,747
Total, Resource Management	956,483	950,987	977,205	+20,722
Construction				
Construction and rehabilitation				
Line item construction	48,627	11,093	42,382	-6,245
Nationwide engineering services	11,181	11,018	11,018	-163
Total, Construction	59,808	22,111	53,400	-6,408
Land Acquisition				
Fish and Wildlife Service				
Acquisitions - Federal refuge lands	29,700	29,176	22,911	-6,789
Inholdings	1,481	2,500	1,500	+19
Emergencies and hardships	988	2,000	1,000	+12
Exchanges	494	1,000	1,750	+1,256
Acquisition management	8,395	8,365	8,365	-30
Cost allocation methodology	2,033	2,000	2,000	-33
Total, Land Acquisition	43,091	45,041	37,526	-5,565
Landowner Incentive Program				
Grants to States	29,630	50,000	22,000	-7,630
Private Stewardship Grants Program				
Stewardship grants	7,408	10,000	7,000	-408
Cooperative Endangered Species Conservation Fund				
Grants to States	29,659	37,415	29,659	---
HCP land acquisition	49,384	50,000	49,384	---

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs. Enacted
Administration	2,553	2,585	2,553	---
Total, Cooperative Endangered Species Fund	81,596	90,000	81,596	---
National Wildlife Refuge Fund				
Payments in lieu of taxes	14,237	14,414	14,414	+177
North American Wetlands Conservation Fund				
Wetlands conservation	36,030	51,840	36,480	+450
Administration	1,501	2,160	1,520	+19
Total, North American Wetlands Conservation Fund	37,531	54,000	38,000	+469
Neotropical Migratory Bird Conservation Fund				
Migratory bird grants	3,951	---	4,000	+49
Multinational Species Conservation Fund				
African elephant conservation	1,383	1,350	1,400	+17
Rhinoceros and tiger conservation	1,383	1,450	1,500	+117
Asian elephant conservation	1,383	1,350	1,400	+17
Great ape conservation	1,383	1,350	1,400	+17
Marine turtles	---	---	100	+100
Neotropical migratory bird conservation	---	4,000	---	---
Total, Multinational Species Conservation Fund	5,532	9,500	5,800	+268
State and Tribal Wildlife Grants				
State and tribal wildlife grants	69,138	80,000	70,000	+862
TOTAL, U.S. FISH AND WILDLIFE SERVICE	1,308,405	1,326,053	1,310,941	+2,536
NATIONAL PARK SERVICE				
Operation of the National Park System				
Park Management				
Resource stewardship	335,306	343,467	342,967	+7,661
Visitor services	319,763	330,256	326,856	+7,093
Maintenance	559,211	586,093	573,178	+13,967
Park support	282,329	300,570	285,946	+3,617
Additional park base increase	---	---	52,654	+52,654
Subtotal, Park Management	1,496,609	1,560,386	1,581,601	+84,992
External administrative costs	112,951	125,681	125,681	+12,730
Total, Operation of the National Park System	1,609,560	1,686,067	1,707,282	+97,722
United States Park Police				
Park Police	77,888	81,204	81,204	+3,316
National Recreation and Preservation				
Recreation programs	548	551	551	+3
Natural programs	10,875	10,966	11,018	+143
Cultural programs	19,690	19,814	20,214	+524
International park affairs	1,605	1,616	1,616	+11
Environmental and compliance review	396	397	397	+1
Grant administration	1,576	1,892	1,892	+316
Heritage Partnership Programs				
Commissions and grants	14,152	2,378	14,163	+11
Newly authorized areas	---	---	500	+500
Administrative support	122	122	122	---
Subtotal, Heritage Partnership Programs	14,274	2,500	14,785	+511
Statutory or Contractual Aid				
Alaska National Parks	---	---	750	+750
Benjamin Franklin Tercentenary Commission	198	---	250	+52
Black Jack Battlefield trust	---	---	89	+89
Blue Ridge Parkway (Folk Art Center)	741	---	---	-741

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs Enacted
Brown Foundation	198	---	250	+52
Chesapeake Bay Gateway	2,469	---	2,500	+31
Dayton Aviation Heritage Commission	85	---	---	-85
Flight 93 Memorial (Sommerset)	294	---	250	-44
French and Indian War (PA)	494	---	---	-494
George Washington Memorial Bridge (Gravely Point)	---	---	100	+100
Ft. Mandan, Ft. Lincoln, & Northern Plains Foundation	---	---	625	+625
Harry S. Truman Statue	50	---	---	-50
Ice Age National Scientific Reserve	796	---	796	---
Jamestown 2007	197	---	400	+203
Johnstown Area Heritage Association	49	---	49	---
Keweenaw NHP (Main Street)	---	---	800	+800
Lake Roosevelt Forum	50	---	---	-50
Lamprey River	988	---	900	-88
Lower Eastside Tenement Museum	---	---	250	+250
Mandan Interpetive Center and Lodge project	494	---	---	-494
Martin Luther King, Jr. Center	522	---	---	-522
Mississippi Museum of Natural Science	---	---	750	+750
Mt. Ranier National Park (study)	---	---	700	+700
Natchez NHP (Forks of the Road)	---	---	150	+150
Native Hawaiian culture and arts program	731	---	750	+19
New Orleans Jazz Commission	66	---	---	-66
Oklahoma City Memorial	1,581	---	---	-1,581
Office of Arctic Studies	1,481	---	---	-1,481
Roosevelt Campobello International Park Commission	837	---	---	-837
Sewall-Belmont House	---	---	400	+400
Sleeping Rainbow Ranch, Capitol Reef NP	491	---	600	+109
Subtotal, Statutory or Contractual Aid	12,812	---	11,359	-1,453
Total, National Recreation and Preservation	61,776	37,736	61,832	+56
Urban Park and Recreation Fund				
Urban park grants	301	---	---	-301
Historic Preservation Fund				
State historic preservation offices	34,569	34,570	36,000	+1,431
Tribal grants	2,963	2,963	3,250	+287
Save America's Treasures	32,594	30,000	30,000	-2,594
Preserve America	---	10,000	---	---
National trust (endowment)	494	---	---	-494
HBCUs	2,963	---	3,500	+537
Total, Historic Preservation Fund	73,583	77,533	72,750	-833
Construction				
Emergency and unscheduled	5,432	4,000	4,000	-1,432
Housing	7,901	8,000	8,000	+99
Equipment replacement	35,023	39,100	38,344	+3,321
Planning, construction	24,179	21,220	21,220	-2,959
General management plans	13,254	13,313	13,313	+59
Line item construction and maintenance	214,295	214,183	192,421	-21,874
Construction program management	27,128	27,364	27,364	+236
Dam safety	2,667	2,700	2,700	+33
Total, Construction	329,879	329,880	307,362	-22,517
Land and Water Conservation Fund				
(Rescission of contract authority)	-30,000	-30,000	-30,000	---
Land Acquisition and State Assistance				
Assistance to States				
State conservation grants	91,360	91,360	91,000	-360
Administrative expenses	2,469	2,469	1,500	-969
Total, Assistance to States	93,829	93,829	92,500	-1,329
National Park Service				
Acquisitions	27,445	65,784	40,400	+12,955
Emergencies and hardships	1,975	4,000	2,500	+525
Acquisition management	10,370	10,511	10,511	+141

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs Enacted
Inholdings	1,975	4,000	2,500	+525
Total, National Park Service	41,765	84,295	55,911	+14,146
Total, Land Acquisition and State Assistance	135,594	178,124	148,411	+12,817
TOTAL, NATIONAL PARK SERVICE	2,258,581	2,360,544	2,348,841	+90,260
Appropriations	(2,288,581)	(2,390,544)	(2,378,841)	(+90,260)
Rescission	(-30,000)	(-30,000)	(-30,000)	---
UNITED STATES GEOLOGICAL SURVEY				
Surveys, Investigations, and Research				
Mapping, Remote Sensing, and Geographic Investigations				
Cooperative topographic mapping	80,843	71,048	72,399	-8,444
Land remote sensing	33,678	33,132	33,191	-487
Geographic analysis and monitoring	15,238	14,761	14,834	-404
Subtotal, National Mapping Program	129,759	118,941	120,424	-9,335
Geologic Hazards, Resource and Processes				
Geologic hazards assessments	75,283	73,007	77,052	+1,769
Geologic landscape and coastal assessments	78,351	75,230	77,331	-1,020
Geologic resource assessments	80,549	72,517	78,121	-2,428
Subtotal, Geologic Hazards, Resource & Processes	234,183	220,754	232,504	-1,679
Water Resources Investigations				
Hydrologic monitoring, assessments and research				
Ground water resources program	5,967	6,689	7,100	+1,133
National water quality assessment	63,285	62,506	62,559	-726
Toxic substances hydrology	14,902	12,638	14,690	-212
Hydrologic research and development	17,112	14,333	16,234	-878
National streamflow information program	14,179	14,018	14,018	-161
Hydrologic networks and analysis	29,852	29,492	29,961	+109
Subtotal, Hydrologic monitoring, assessments and research	145,297	139,675	144,562	-735
Federal-State program	63,995	63,007	63,262	-733
Water resources research institutes	6,422	---	6,500	+78
Subtotal, Water Resources Investigations	215,714	202,682	214,324	-1,390
Biological Research				
Biological research and monitoring	135,110	129,226	135,066	-44
Biological information management and delivery	24,662	24,265	24,337	-325
Cooperative research units	14,757	14,113	14,816	+59
Subtotal, Biological Research	174,529	167,604	174,219	-310
Enterprise Information				
Enterprise information security and technology	---	22,498	23,034	+23,034
Enterprise information resources	---	17,233	17,228	+17,228
Federal geographic data coordination	---	5,416	4,736	+4,736
Subtotal, Enterprise Information	---	45,147	44,998	+44,998
Science support	90,811	68,716	66,508	-24,303
Facilities	92,989	95,944	95,944	+2,955
TOTAL, UNITED STATES GEOLOGICAL SURVEY	937,985	919,788	948,921	+10,936
MINERALS MANAGEMENT SERVICE				
Royalty and Offshore Minerals Management				
OCS Lands				
Leasing and environmental program	37,037	37,462	37,462	+425
Resource evaluation	27,081	28,057	29,857	+2,776
Regulatory program	49,465	50,438	52,038	+2,573
Information management program	25,706	30,147	30,147	+4,441
Subtotal, OCS Lands	139,289	146,104	149,504	+10,215

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs. Enacted
Royalty Management				
Compliance and asset management	45,857	47,749	41,949	-3,908
Revenue and operations	33,860	34,142	34,142	+282
Indian allottee refunds	15	15	15	---
Subtotal, Royalty Management	79,732	81,906	76,106	-3,626
General Administration				
Executive direction	2,049	2,072	2,072	+23
Policy and management improvement	4,111	4,176	4,176	+65
Administrative operations	16,639	17,181	17,181	+542
General support services	21,690	23,866	23,866	+2,176
Subtotal, General Administration	44,489	47,295	47,295	+2,806
Subtotal (gross)	263,510	275,305	272,905	+9,395
Use of receipts	-100,230	-103,730	-103,730	-3,500
Total, Royalty and Offshore Minerals Management	163,280	171,575	169,175	+5,895
Oil Spill Research				
Oil spill research	7,017	7,105	7,105	+88
TOTAL, MINERALS MANAGEMENT SERVICE	170,297	178,680	176,280	+5,983
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT				
Regulation and Technology				
Environmental restoration	161	161	161	---
Environmental protection	78,484	79,953	80,953	+2,469
Technology development and transfer	12,592	13,487	13,487	+895
Financial management	485	492	492	+7
Executive direction	13,391	14,712	14,712	+1,321
Subtotal, Regulation and Technology	105,113	108,805	109,805	+4,692
Civil penalties	271	100	100	-171
Total, Regulation and Technology	105,384	108,905	109,905	+4,521
Abandoned Mine Reclamation Fund				
Environmental restoration	173,472	170,229	170,229	-3,243
Legislative proposal	---	53,000	---	---
Technology development and transfer	4,132	4,542	4,542	+410
Financial management	6,183	8,565	8,565	+2,382
Executive direction	6,804	7,527	7,527	+723
Total, Abandoned Mine Reclamation Fund	190,591	243,863	190,863	+272
TOTAL, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT	295,975	352,768	300,768	+4,793
BUREAU OF INDIAN AFFAIRS				
Operation of Indian Programs				
Tribal Budget System				
Tribal Priority Allocations				
Tribal government	387,223	391,666	394,666	+7,443
Human services	147,745	147,465	149,465	+1,720
Education	49,375	48,980	48,980	-395
Public safety and justice	1,229	1,239	1,239	+10
Community development	39,969	41,226	41,226	+1,257
Resources management	62,253	62,872	62,872	+619
Trust services	57,654	56,906	56,906	-748
General administration	25,189	25,277	25,277	+88
Subtotal, Tribal Priority Allocations	770,637	775,631	780,631	+9,994

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs. Enacted
Other Recurring Programs				
Education				
School operations				
Forward-funded	452,874	453,115	456,057	+3,183
Other school operations	69,129	69,253	69,253	+124
Subtotal, School operations	522,003	522,368	525,310	+3,307
Continuing education	48,600	43,390	53,890	+5,290
Subtotal, Education	570,603	565,758	579,200	+8,597
Resources management	43,533	34,853	42,724	-809
Subtotal, Other Recurring Programs	614,136	600,611	621,924	+7,788
Non-Recurring Programs				
Community development	2,469	---	---	-2,469
Resources management	35,988	36,584	40,626	+4,638
Trust services	37,184	36,427	36,427	-757
Subtotal, Non-Recurring Programs	75,641	73,011	77,053	+1,412
Total, Tribal Budget System	1,460,414	1,449,253	1,479,608	+19,194
BIA Operations				
Central Office Operations				
Tribal government	2,867	3,136	2,279	-588
Human services	896	899	899	+3
Community development	864	871	---	-864
Resources management	3,445	3,464	3,464	+19
Trust services	5,252	19,340	19,340	+14,088
General administration				
Education program management	2,383	2,381	2,381	-2
Education personnel services	2,107	2,135	5,946	+3,839
Other general administration	70,692	102,218	107,712	+37,020
Subtotal, General administration	75,182	106,734	116,039	+40,857
Subtotal, Central Office Operations	88,506	134,444	142,021	+53,515
Regional Office Operations				
Tribal government	1,328	1,111	1,111	-217
Human services	3,152	3,081	3,081	-71
Community development	846	789	789	-57
Resources management	5,407	5,394	5,394	-13
Trust services	24,134	24,388	24,388	+254
General administration	28,819	27,760	7,183	-21,636
Subtotal, Regional Office Operations	63,686	62,523	41,946	-21,740
Special Programs and Pooled Overhead				
Education	16,252	16,566	16,566	+314
Public safety and justice	172,495	182,600	182,600	+10,105
Community development	8,254	1,057	9,272	+1,018
Resources management	1,290	1,287	1,287	-3
General administration	81,809	81,747	81,747	-62
Subtotal, Special Programs and Pooled Overhead	280,100	283,257	291,472	+11,372
Total, BIA Operations	432,292	480,224	475,439	+43,147
Total, Operation of Indian Programs	1,892,706	1,929,477	1,955,047	+62,341
BIA SPLITS				
Natural resources	(151,916)	(144,454)	(156,367)	(+4,451)
Forward-funding	(452,874)	(453,115)	(456,057)	(+3,183)
Education	(187,846)	(182,705)	(197,016)	(+9,170)
Community development	(1,100,070)	(1,149,203)	(1,145,607)	(+45,537)
Total, BIA splits	(1,892,706)	(1,929,477)	(1,955,047)	(+62,341)

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs Enacted
Construction				
Education	284,954	229,083	267,083	-27,871
Public safety and justice	4,981	4,985	7,485	+2,504
Resources management	38,679	40,857	40,857	+2,178
General administration	2,154	2,156	2,156	+2
Construction management	6,057	6,045	6,045	-12
Total, Construction	346,825	283,126	323,626	-23,199
Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians				
White Earth Land Settlement Act (Admin)	629	625	625	-4
Hoopa-Yurok settlement fund	252	250	250	-2
Pyramid Lake water rights settlement	143	142	142	-1
Ute Indian water rights settlement	20,782	---	---	-20,782
Rocky Boy's	33	---	---	-33
Shivwits Band Settlement	123	---	---	-123
Santo Domingo Pueblo Settlement	9,884	---	---	-9,884
Colorado Ute Settlement	8,052	8,000	8,000	-52
Cherokee, Choctaw, and Chickasaw settlement	10,000	9,972	9,972	-28
Quinault Settlement	9,936	32	10,032	+96
Transfer from '03 FWS land acquisition	-4,968	---	---	+4,968
Zuni Water Settlement	---	14,000	14,000	+14,000
Cuba Lake Settlement	---	1,750	1,750	+1,750
Total, Miscellaneous Payments to Indians	54,866	34,771	44,771	-10,095
Indian Guaranteed Loan Program Account				
Indian guaranteed loan program account	6,417	6,421	6,421	+4
TOTAL, BUREAU OF INDIAN AFFAIRS	2,300,814	2,253,795	2,329,865	+29,051
DEPARTMENTAL OFFICES				
Insular Affairs				
Assistance to Territories				
Territorial Assistance				
Office of Insular Affairs	6,243	6,563	6,563	+320
Technical assistance	12,406	7,581	11,881	-525
Maintenance assistance fund	2,272	2,300	2,300	+28
Brown tree snake	2,321	2,700	2,700	+379
Insular management controls	1,472	1,491	1,491	+19
Coral reef initiative	494	500	500	+6
Insular measures and assessments	---	1,000	---	---
Subtotal, Territorial Assistance	25,208	22,115	25,435	+227
American Samoa				
Operations grants	22,816	23,100	23,100	+284
Northern Marianas				
Covenant grants	27,720	27,720	27,720	---
Total, Assistance to Territories	75,744	72,935	76,255	+511
Compact of Free Association				
Compact of Free Association - Federal services	2,700	3,941	2,999	+299
Mandatory payments - program grant assistance	2,000	2,000	2,000	---
Enewetak support	1,679	---	500	-1,179
Total, Compact of Free Association	6,379	5,941	5,499	-880
Total, Insular Affairs	82,123	78,876	81,754	-369
Departmental Management				
Departmental direction	13,457	13,546	13,546	+89
Management and coordination	28,560	29,356	28,956	+396
Hearings and appeals	7,981	8,030	8,030	+49
Central services	26,885	27,978	27,938	+1,053
Bureau of Mines workers compensation/unemployment	683	638	638	-45
Take Pride in America	494	1,000	497	+3

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs. Enacted
Financial and business management system	---	18,555	14,250	+14,250
Grant to Kendall County, Illinois	4,939	---	---	-4,939
Foreign currency account	-1,400	---	---	+1,400
General reduction	---	---	-3,000	-3,000
Subtotal, Departmental management	81,599	99,103	90,855	+9,256
By transfer from Central Hazardous Material Fund	---	---	-13,500	-13,500
Total, Departmental Management	81,599	99,103	77,355	-4,244
Working Capital Fund				
Working capital fund (cancellation)	-20,000	---	---	+20,000
Financial management system migration project	11,555	---	---	-11,555
Subtotal, Working Capital fund	-8,445	---	---	+8,445
Payments in Lieu of Taxes				
Payments to local governments	224,696	226,000	230,000	+5,304
Office of the Solicitor				
Legal services	39,419	41,865	41,492	+2,073
General administration	9,302	10,280	9,838	+536
Ethics	1,032	1,308	1,054	+22
Total, Office of the Solicitor	49,753	53,453	52,384	+2,631
Office of Inspector General				
Audit	16,188	17,049	16,499	+311
Contracted CFO Audits	3,765	---	---	-3,765
Investigations	7,977	14,270	13,720	+5,743
Program integrity	1,832	---	---	-1,832
Policy and management	8,509	---	---	-8,509
Administrative services and information management	---	8,081	7,581	+7,581
Total, Office of Inspector General	38,271	39,400	37,800	-471
Office of Special Trustee for American Indians				
Federal Trust Programs				
Program operations, support, and improvements	185,058	245,419	194,020	+8,962
Executive direction	2,247	2,247	2,247	---
Total, Federal Trust programs	187,305	247,666	196,267	+8,962
Indian Land Consolidation Program				
Indian land consolidation	21,709	70,000	35,000	+13,291
Total, Office of Special Trustee for American Indians	209,014	317,666	231,267	+22,253
Natural Resource Damage Assessment Fund				
Damage assessments	3,885	3,899	3,899	+14
Program management	1,432	1,548	1,548	+116
Restoration support	247	371	371	+124
Total, Natural Resource Damage Assessment Fund	5,564	5,818	5,818	+254
Miscellaneous appropriations (P.L. 108-199)	99	---	---	-99
TOTAL, DEPARTMENTAL OFFICES	682,674	820,318	716,378	+33,704
TOTAL, TITLE I, DEPARTMENT OF THE INTERIOR	9,847,964	9,971,299	9,888,199	+40,235
Appropriations	(9,779,548)	(10,001,299)	(9,918,199)	(+138,651)
Emergency appropriations	(98,416)	---	---	(-98,416)
Rescission	(-30,000)	(-30,000)	(-30,000)	---

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs. Enacted
TITLE II - RELATED AGENCIES				
DEPARTMENT OF AGRICULTURE				
FOREST SERVICE				
Forest and Rangeland Research				
Forest and rangeland research	266,387	280,654	280,278	+13,891
State and Private Forestry				
Forest Health Management				
Federal lands forest health management	53,829	46,012	55,000	+1,171
Cooperative lands forest health management	44,741	25,214	48,300	+3,559
Emerging pests and pathogens	---	10,000	---	---
Subtotal, Forest Health Management	98,570	81,226	103,300	+4,730
Cooperative Fire Protection				
State fire assistance	33,384	25,062	33,384	---
Volunteer fire assistance	5,037	5,043	6,000	+963
Emergency appropriations (P.L. 108-199)	24,853	---	---	-24,853
Subtotal, Cooperative Fire Protection	63,274	30,105	39,384	-23,890
Cooperative Forestry				
Forest stewardship	31,884	40,692	32,775	+891
Forest Legacy	64,134	100,019	57,939	-6,195
Urban and Community Forestry	34,864	31,961	32,400	-2,464
Economic action programs	25,606	---	19,300	-6,306
Forest resource information and analysis	4,939	5,028	5,028	+89
Subtotal, Cooperative Forestry	161,427	177,700	147,442	-13,985
International program	5,926	5,357	6,500	+574
Total, State and Private Forestry	329,197	294,388	296,626	-32,571
National Forest System				
Land management planning	69,995	59,057	64,057	-5,938
Inventory and monitoring	169,659	191,345	169,659	---
Recreation, heritage and wilderness	255,050	257,344	260,969	+5,919
Wildlife and fish habitat management	135,683	134,522	136,647	+964
Grazing management	45,899	43,422	48,711	+2,812
Forest products	265,013	274,297	277,097	+12,084
Vegetation and watershed management	193,689	194,335	192,285	-1,404
Minerals and geology management	53,399	59,532	56,532	+3,133
Landownership management	91,550	92,427	93,427	+1,877
Law enforcement operations	82,828	82,326	87,226	+4,398
Valles Caldera National Preserve	3,112	992	3,650	+538
Hazardous fuels	---	266,238	---	---
Centennial of Service challenge	---	---	10,000	+10,000
Total, National Forest System	1,365,877	1,655,837	1,400,260	+34,383
Wildland Fire Management				
Preparedness	671,621	666,227	686,000	+14,379
Fire suppression operations	597,130	685,400	658,000	+60,870
Borrowing repayment (emergency appropriations)	299,224	---	---	-299,224
Supplemental appropriations (P.L. 108-287)	400,000	---	---	-400,000
Subtotal, Fire suppression operations	1,296,354	685,400	658,000	-638,354
Other operations				
Hazardous fuels	233,480	---	266,238	+32,758
Rehabilitation	6,914	3,000	13,000	+6,086
Fire plan research and development	22,025	19,361	22,025	---
Joint fire sciences program	7,901	---	8,000	+99
Forest health management (federal lands)	14,815	7,171	15,000	+185
Forest health management (co-op lands)	9,877	5,482	10,000	+123
State fire assistance	51,063	34,245	40,745	-10,318
Volunteer fire assistance	8,138	8,000	8,000	-138
Subtotal, Other operations	354,213	77,259	383,008	+28,795

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs. Enacted
Emergency appropriations (P.L. 108-199)	24.853	---	---	-24.853
Total Wildland Fire Management	2,347.041	1,428,886	1,727,008	-620,033
Capital Improvement and Maintenance				
Facilities	214.366	191,338	201,568	-12,798
Roads	234.538	227,908	229,586	-4,952
Trails	74,718	71,791	76,774	+2,056
Infrastructure improvement	31,605	10,024	14,024	-17,581
Total, Capital Improvement and Maintenance	555,227	501,059	521,952	-33,275
Land Acquisition				
Forest Service				
Acquisitions	49.573	49,385	46,366	-3,207
Acquisition management	14,815	13,000	13,000	-1,815
Cash equalization	494	1,500	1,000	+506
Critical inholdings/wilderness protection	1,481	3.000	1,500	+19
Total, Land Acquisition	66,363	66,885	61,866	-4,497
Acquisition of lands for national forests, special acts	1,056	1,069	1,069	+13
Acquisition of lands to complete land exchanges	231	234	234	+3
Range betterment fund	2,963	3,064	3,064	+101
Gifts, donations and bequests for forest and rangeland research	90	65	65	-25
Management of national forest lands for subsistence uses	5,467	5,962	5,962	+495
TOTAL, FOREST SERVICE	4,939,899	4,238,103	4,298,384	-641,515
DEPARTMENT OF ENERGY				
Clean Coal Technology				
Deferral	-97,000	---	-257,000	-160,000
Rescission	-88,000	-237,000	---	+88,000
Total, Clean Coal Technology	-185,000	-237,000	-257,000	-72,000
Fossil Energy Research and Development				
Clean coal power initiative	169.881	50,000	50,000	-119,881
FutureGen	8.889	237,000	18,000	+9,111
Fuels and Power Systems				
Central Systems				
Innovations for existing plants	21.729	18,050	19,350	-2.379
Advanced Systems				
Integrated gasification combined cycle	50.372	34,450	46,450	-3,922
Combustion systems including hybrid	4.939	---	5,300	+361
Turbines	12.840	12,000	15,600	+2,760
Subtotal, Advanced Systems	68.151	46,450	67,350	-801
Subtotal, Central Systems	89,880	64,500	86,700	-3,180
Sequestration R&D				
Greenhouse gas control	40,297	49,000	46,000	+5,703
Fuels				
Transportation fuels and chemicals	21.927	16,000	23,800	+1,873
Solid fuels and feedstocks	5,985	---	6,000	+15
Advanced fuels research	3,308	---	2,800	-508
Subtotal, Fuels	31,220	16,000	32,600	+1,380
Advanced Research				
Coal utilization science	11,852	8,000	17,800	+5,948
Materials	11,111	8.000	11,000	-111
Technology crosscut	11,326	10,500	10,500	-826
University coal research	2,945	3,000	3,000	+55

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs Enacted
HBCUs, education and training	981	1,000	1,000	+19
Subtotal, Advanced Research	38,215	30,500	43,300	+5,085
Distributed Generation Systems - Fuel Cells				
Advanced research	9,676	---	12,376	+2,500
Systems development	10,865	---	3,000	-7,865
Vision 21-hybrids	12,840	---	5,100	-7,740
Innovative concepts	35,063	23,000	55,000	+19,937
Novel generation	2,469	---	3,000	+531
Subtotal, Distributed Generation Systems - Fuel Cells	71,113	23,000	78,476	+7,363
U.S./China Energy and Environmental Center	988	---	1,000	+12
Subtotal, Fuels and Power Systems	271,713	183,000	288,076	+16,363
Gas				
Natural Gas Technologies				
Exploration and production	22,203	17,500	24,000	+1,797
Gas hydrates	9,383	6,000	9,500	+117
Infrastructure	8,939	---	8,471	-468
Effective environmental protection	2,469	2,500	3,500	+1,031
Subtotal, Gas	42,994	26,000	45,471	+2,477
Petroleum - Oil Technology				
Exploration and production supporting research	18,450	3,000	19,000	+550
Reservoir life extension/management	6,914	5,000	6,000	-914
Effective environmental protection	9,714	7,000	9,400	-314
Subtotal, Petroleum - Oil Technology	35,078	15,000	34,400	-678
Cooperative R&D	8,395	3,000	8,400	+5
Fossil energy environmental restoration	9,595	6,000	9,600	+5
Import/export authorization	2,716	1,799	1,799	-917
Headquarters program direction	22,189	22,749	22,749	+560
Energy Technology Center program direction	69,221	69,251	69,251	+30
Clean coal program direction	14,815	14,000	14,000	-815
General plant projects	6,914	---	7,000	+86
Advanced metallurgical processes	9,876	8,000	10,000	+124
Special recruitment programs	---	---	665	+665
National Academy of Sciences program review	494	---	500	+6
Total, Fossil Energy Research and Development	672,770	635,799	579,911	-92,859
Naval Petroleum and Oil Shale Reserves				
Oil Reserves				
Production and operations	9,699	8,676	8,676	-1,023
Management	8,296	9,324	9,324	+1,028
Total, Naval Petroleum and Oil Shale Reserves	17,995	18,000	18,000	+5
Elk Hills School Lands Fund				
Elk Hills school lands fund	---	36,000	---	---
Advance appropriations from previous years	36,000	36,000	36,000	---
Advance appropriations, FY 2005	36,000	---	---	-36,000
Advance appropriations, FY 2006	---	---	36,000	+36,000
Total, Elk Hills School Lands Fund	72,000	72,000	72,000	---
Energy Conservation				
Vehicle technologies	178,003	156,656	169,756	-8,247
Fuel cell technologies	65,187	77,500	76,000	+10,813
Intergovernmental activities				
Weatherization assistance grants	227,166	---	---	-227,166
State energy program grants	43,952	40,798	44,798	+846
State energy activities	2,324	2,353	2,353	+29
Gateway deployment	35,170	29,716	35,466	+296
Total, Intergovernmental activities	308,612	72,867	82,617	-225,995
Distributed energy resources	61,023	53,080	60,980	-43
Building technologies	59,866	58,284	68,084	+8,218
Industrial technologies	93,068	58,102	76,411	-16,657

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs. Enacted
Biomass and biorefinery systems R&D	7,506	8,680	7,680	+174
Federal energy management program	19,716	17,900	18,400	-1,316
Program management	85,004	81,664	89,164	+4,160
Total, Energy Conservation	877,985	584,733	649,092	-228,893
Economic Regulation				
Office of Hearings and Appeals	1,034	---	---	-1,034
Strategic Petroleum Reserve				
Storage facilities development and operations	155,045	155,100	155,100	+55
Management	15,904	17,000	17,000	+1,096
Total, Strategic Petroleum Reserve	170,949	172,100	172,100	+1,151
Northeast Home Heating Oil Reserve				
Northeast home heating oil reserve	4,939	5,000	5,000	+61
Energy Information Administration				
National energy information system	81,100	85,000	85,000	+3,900
TOTAL, DEPARTMENT OF ENERGY	1,713,772	1,335,632	1,324,103	-389,669
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
INDIAN HEALTH SERVICE				
Indian Health Services				
Clinical Services				
IHS and tribal health delivery				
Hospital and health clinic programs	1,249,782	1,295,353	1,307,103	+57,321
Dental health program	104,513	110,255	110,255	+5,742
Mental health program	53,294	55,801	55,801	+2,507
Alcohol and substance abuse program	138,250	141,680	141,680	+3,430
Contract care	479,070	479,085	487,085	+8,015
Catastrophic health emergency fund	---	18,000	18,000	+18,000
Subtotal, Clinical Services	2,024,909	2,100,174	2,119,924	+95,015
Preventive Health				
Public health nursing	42,580	45,576	45,576	+2,996
Health education	11,793	12,633	12,633	+840
Community health representatives program	50,996	52,383	52,383	+1,387
Immunization (Alaska)	1,561	1,604	1,604	+43
Subtotal, Preventive Health	106,930	112,196	112,196	+5,266
Urban health projects	31,619	32,410	32,410	+791
Indian health professions	30,774	30,803	30,803	+29
Tribal management	2,376	2,376	2,376	---
Direct operations	60,714	61,795	62,293	+1,579
Self-governance	5,644	5,672	5,672	+28
Contract support costs	267,398	267,398	267,398	---
Medicare/Medicaid Reimbursements				
Hospital and clinic accreditation (Est. collecting)	(567,620)	(598,662)	(598,662)	(+31,042)
Total, Indian Health Services	2,530,364	2,612,824	2,633,072	+102,708
(Non-contract services)	(2,051,294)	(2,115,739)	(2,127,987)	(+76,693)
(Contract care)	(479,070)	(479,085)	(487,085)	(+8,015)
(Catastrophic health emergency fund)	---	(18,000)	(18,000)	(+18,000)
Indian Health Facilities				
Maintenance and improvement	48,897	48,897	49,897	+1,000
Sanitation facilities	93,015	103,158	93,158	+143
Construction facilities	94,555	41,745	89,845	-4,710
Facilities and environmental health support	137,803	143,567	143,567	+5,764

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs. Enacted
Equipment	17,081	17,081	17,581	+500
Total, Indian Health Facilities	391,351	354,448	394,048	+2,697
TOTAL, INDIAN HEALTH SERVICE	2,921,715	2,967,272	3,027,120	+105,405
OTHER RELATED AGENCIES				
OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION				
Salaries and expenses	13,366	11,000	5,000	-8,366
INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT				
Payment to the Institute	6,173	6,000	6,000	-173
SMITHSONIAN INSTITUTION				
Salaries and Expenses				
Museum and Research Institutes				
Anacostia Museum and Center for African American History and Culture	1,884	1,890	1,890	+6
Archives of American Art	1,826	1,832	1,832	+6
Arthur M. Sackler Gallery/Freer Gallery of Art	5,719	5,737	5,737	+18
Center for Folklife and Cultural Heritage	1,930	1,936	1,936	+6
Cooper-Hewitt, National Design Museum	3,088	3,097	3,097	+9
Hirshhorn Museum and Sculpture Garden	4,099	4,053	4,053	-46
National Air and Space Museum	21,233	16,491	16,491	-4,742
National Museum of African American History and Culture	---	5,000	4,000	+4,000
National Museum of African Art	4,510	4,234	4,234	-276
Smithsonian American Art Museum	7,644	7,668	7,668	+24
National Museum of American History	20,182	20,409	20,409	+227
National Museum of the American Indian	38,135	32,169	32,169	-5,966
National Museum of Natural History	42,785	42,490	42,490	-295
National Portrait Gallery	4,925	5,027	5,027	+102
National Zoological Park	18,492	17,824	17,824	-668
Astrophysical Observatory	21,532	21,601	21,601	+69
Center for Materials Research and Education	3,498	3,510	3,510	+12
Environmental Research Center	2,876	3,048	3,048	+172
Tropical Research Institute	11,141	11,176	11,676	+535
Subtoel, Museums and Research Institutes	215,499	209,192	208,692	-6,807
Program Support and Outreach				
Outreach	9,277	10,106	10,106	+829
Communications	1,369	1,457	1,457	+88
Institution-wide programs	6,119	6,138	6,138	+19
Office of Exhibits Central	2,626	2,635	2,635	+9
Major scientific instrumentation	4,939	4,000	4,000	-939
Museum Support Center	1,657	1,663	1,663	+6
Smithsonian Institution Archives	1,643	1,649	1,649	+6
Smithsonian Institution Libraries	8,704	8,732	8,732	+28
Subtotal, Program Support and Outreach	36,334	36,380	36,380	+46
Administration	63,890	66,616	64,916	+1,026
Facilities Services				
Facilities maintenance	40,115	39,943	39,943	-172
Facilities operations, security and support	140,074	145,994	145,994	+5,920
Subtotal, Facilities Services	180,189	185,937	185,937	+5,748
Offsetting reduction, FY 2004	-7,259	---	---	+7,259
Total, Salaries and Expenses	488,653	499,125	495,925	+7,272
Facilities Capital				
Revitalization	89,553	111,910	111,910	+22,357
Construction	9,876	8,990	7,990	-1,886

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs Enacted
Facilities planning and design	8,197	8,000	8,000	-197
Total, Facilities capital	107,626	128,900	127,900	+20,274
TOTAL, SMITHSONIAN INSTITUTION	596,279	628,025	623,825	+27,546
NATIONAL GALLERY OF ART				
Salaries and Expenses				
Care and utilization of art collections	29,837	31,947	31,947	+2,110
Operation and maintenance of buildings and grounds	20,626	22,351	22,351	+1,725
Protection of buildings, grounds and contents	18,926	19,867	19,867	+941
General administration	17,379	18,835	18,835	+1,456
Total, Salaries and Expenses	86,768	93,000	93,000	+6,232
Repair, Restoration and Renovation of Buildings				
Base program	11,457	11,100	11,100	-357
TOTAL, NATIONAL GALLERY OF ART	98,225	104,100	104,100	+5,875
JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS				
Operations and maintenance	16,356	17,152	17,152	+796
Construction	15,803	16,334	16,334	+531
TOTAL, JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS	32,159	33,486	33,486	+1,327
WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS				
Salaries and expenses	8,498	8,987	8,987	+489
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES				
National Endowment for the Arts				
Grants and Administration				
Grants				
Direct grants	46,541	47,121	46,541	---
Challenge America grants	13,038	13,200	13,038	---
National Initiative: American Masterpieces	---	9,000	2,000	+2,000
State partnerships				
State and regional	24,418	24,723	24,418	---
Underserved set-aside	6,609	6,691	6,609	---
Challenge America grants	8,691	8,800	8,691	---
National Initiative: American Masterpieces	---	6,000	---	---
Subtotal, State partnerships	39,718	46,214	39,718	---
Subtotal, Grants	99,297	115,535	101,297	+2,000
Program support	1,288	1,515	1,288	---
Administration	20,387	22,350	20,387	---
Total, Arts	120,972	139,400	122,972	+2,000
National Endowment for the Humanities				
Grants and Administration				
Grants				
Federal/State partnership	31,436	31,829	31,829	+393
Preservation and access	18,672	18,905	18,905	+233
Public programs	12,952	13,114	13,114	+162
Research programs	12,902	13,063	13,063	+161
Education programs	12,468	12,624	12,624	+156
Program development	392	397	397	+5
We The People Initiative grants	9,876	33,000	11,376	+1,500
Subtotal, Grants	98,698	122,932	101,308	+2,610

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs. Enacted
Administrative Areas				
Administration	20,688	22,946	22,569	+1,881
Total, Grants and Administration	119,386	145,878	123,877	+4,491
Matching Grants				
Treasury funds	5,616	5,686	5,686	+70
Challenge grants	10.308	10.436	10.436	+128
Total, Matching Grants	15,924	16,122	16,122	+198
Total, Humanities	135,310	162,000	139,999	+4,689
TOTAL, NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES	256,282	301,400	262,971	+6,689
COMMISSION OF FINE ARTS				
Salaries and expenses	1,405	1,793	1,793	+388
NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS				
Grants	6,914	5,000	7,000	+86
ADVISORY COUNCIL ON HISTORIC PRESERVATION				
Salaries and expenses	3,951	4,600	4,600	+649
NATIONAL CAPITAL PLANNING COMMISSION				
Salaries and expenses	7,635	8,155	8,000	+365
UNITED STATES HOLOCAUST MEMORIAL MUSEUM				
Holocaust Memorial Museum	39,505	41,433	41,433	+1,928
PRESIDIO TRUST				
Operations	20,445	20,000	20,000	-445
TOTAL, TITLE II, RELATED AGENCIES	10,666,223	9,714,986	9,776,802	-889,421
Appropriations	(10,430,293)	(9,915,986)	(9,961,802)	(-488,491)
Emergency appropriations	(348,930)	---	---	(-348,930)
Advance appropriations	(72,000)	(36,000)	(72,000)	---
Rescission	(-88,000)	(-237,000)	---	(+88,000)
Deferrals	(-97,000)	---	(-257,000)	(-160,000)
TITLE IV - EMERGENCY WILDLAND FIRE APPROPRIATIONS				
BUREAU OF LAND MANAGEMENT				
Wildland Fire Management				
Fire suppression operations	---	---	100,000	+100,000
DEPARTMENT OF AGRICULTURE				
FOREST SERVICE				
Wildland Fire Management				
Fire suppression operations	---	---	400,000	+400,000
TOTAL, TITLE IV, EMERGENCY WILDLAND FIRE	---	---	500,000	+500,000
TITLE V - GENERAL PROVISION				
Across-the-board cut (.594%) (rescission) (sec. 501)	---	---	-120,024	-120,024
GRAND TOTAL, ALL TITLES	20,514,187	19,686,285	20,044,977	-469,210

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational authority for the fiscal year 2005 recommended by the Committee of Conference, with comparisons to the fiscal year 2004 amount, the 2005 budget estimates, and the House and Senate bills for 2005 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2004	$20,514,187
Budget estimates of new (obligational) authority, fiscal year 2005	19,686,285
House bill, fiscal year 2005	20,030,125
Senate bill, fiscal year 2005	20,256,914
Conference agreement, fiscal year 2005	20,044,977
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2004	−469,210
Budget estimates of new (obligational) authority, fiscal year 2005	+358,692
House bill, fiscal year 2005	+14,852
Senate bill, fiscal year 2005	−211,937

DIVISION F—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS 2005

In implementing this agreement, the Departments and agencies should be guided by the language and instructions set forth in House Report 108–636 accompanying the bill H.R. 5006 and Senate Report 108–345 accompanying the bill, S. 2810.

In the cases where the language and instructions in either report specifically address the allocation of funds, each has been reviewed by the conferees and those that are jointly concurred in have been endorsed in this joint statement.

In the cases in which the House or the Senate have directed the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations.

The conferees note that section 518 sets forth the reprogramming requirements and limitations for the Departments and agencies funded through this Division, including the requirement to make a written request to the chairmen of the Committees 15 days prior to reprogramming, or to the announcement of intent to reprogram, funds in excess of 10 percent, or $500,000, whichever is less, between programs, projects and activities.

Finally, the conferees request that statements on the effect of this appropriation Act on the Departments and agencies funded in this Division be submitted to the Committees within 45 days of enactment of this Act. The conferees expect that these statements will provide sufficient detail to show the allocation of funds among programs, projects and activities, particularly in accounts where the final appropriation is different than that of the budget request. Furthermore, the conferees request the statements to also include the effect of the appropriation on any new activities or major initiatives discussed in the budget justifications accompanying the fiscal year 2005 budget.

The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2005, put in place by this bill, incorporates the following agreements of the managers:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

The conference agreement includes $5,361,957,000 for training and employment services, instead of $5,112,728,000 as proposed by the House and $5,377,662,000 as proposed by the Senate. Of the amount appropriated, $2,463,000,000 is an advance appropriation for fiscal year 2006, as proposed by the House and the Senate.

The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act until such time as legislation reauthorizing the Act is enacted.

For Adult Employment and Training Activities, the conferees provide $898,107,000 as proposed by the Senate, instead of $900,000,000 as proposed by the House.

For Youth Training, the conferees provide $994,242,000 as proposed by the Senate instead of $1,000,965,000 as proposed by the House.

The conference agreement includes $1,479,419,000 for the Dislocated Worker program, as proposed by both the House and the Senate. The conferees override the formula that provides that 80 percent of the funds provided will be used for State formula grants and 20 percent in a National Reserve Account. For fiscal year 2005 the conferees provide $1,196,048,000 for the State formula grants and $283,371,000 for the National Reserve Account.

The conference agreement includes bill language giving the Secretary of Labor authority to use dislocated worker national reserve funds to provide assistance to a State for statewide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas. The conferees urge the Secretary, when determining competitive awards under this authority, to give favorable consideration to the applications of assistance to States that have sustained worker dislocation in such a manner and can demonstrate the capacity to respond effectively in a coordinated fashion across multiple sectors or local areas.

The conferees concur with language in the Senate report regarding the length of time it takes for the Department to approve applications for National Emergency Grants. The conferees request that the Government Accountability Office examine the administration of this program, and make recommendations for improvement.

The conference agreement includes $54,675,000 for Native Americans as proposed by the House instead of $55,000,000 as proposed by the Senate.

The conference agreement includes $1,559,804,000 for Job Corps. Within the total, $1,443,483,000 is provided for continuing operations of the program and $116,321,000 is for renovation and construction of Job Corps centers. The conference recommendation includes an increase of $10,000,000 over the budget request to begin the process of establishing additional Job Corps centers, following up on directions contained in the conference report accompanying Public Law 108–199.

The conference recommendation includes funding to support a demonstration partnership with the Transportation Security Administration (TSA) at multiple Job Corps sites so that the Job Corps can help to fill unmet needs by providing TSA access to an expanded pool of job applicants. This funding will pay costs of both parties. The Department of Labor and the Department of Homeland Security are encouraged to develop a cooperative agreement that would help to leverage Federal resources, to provide TSA with an expanded pool of potential job applications and to utilize Job Corps facilities as appropriate to support the needs of TSA, including those of qualified private screening companies under contract to TSA.

The conferees note that Section 171 of the Workforce Investment Act requires the Secretary, every two years, to publish a plan that describes the demonstration and pilot project priorities of the Labor Department, and expects the next such plan to be completed and published by March 31, 2005.

The conferees further direct that the Department submit an operating plan that outlines the planned allocation by major project and activity (excluding Congressionally-directed projects) of fiscal year 2005 funds for pilots, demonstrations, and research. This plan should be provided to the House and Senate Appropriations Committees no later than May 31, 2005.

The conferees recognized the effectiveness of the Family Enrichment Center in Chicago, Illinois and encourages the Department of Labor to continue its partnership with Haymarket Center in order to enhance efforts to train individuals with severe employment barriers.

With respect to the projects listed below for pilots and demonstrations, the conferees encourage the Department to ensure that these projects are coordinated with local Workforce Investment Boards. The conferees also encourage the Department to ensure that project performance is adequately documented and evaluated. The conference agreement includes the following amounts for the following projects and activities:

413 Hope Mission Ministries, Philadelphia, PA for employment skills training for disadvantaged adults and ex-offenders	$100,000
Abilities Fund in Centerville, IA for a revolving loan fund for entrepreneurs with disabilities	1,000,000
Advanced Ceramics Research, Inc., for academic outreach and workforce development	1,000,000
Alaska Department of Labor and Workforce Development, Juneau, AK to fund training for gas pipeline workers	500,000
American Community Partnerships, Washington, DC, for the Working Together for Jobs-Philadelphia in conjunction with the Philadelphia Housing Authority to provide pre-apprenticeship training	200,000
American Illinois, Inc., Chicago, IL, for its Amer-I-Can program for at-risk youth and ex-offenders	50,000
Amigo de los Rios, Los Angeles, CA, for an environmental career training program for at-risk youth	100,000

Asnuntuck Community College, Enfield, CT, for improvements to Asnuntuck Community College's Manufacturing Technology Center	200,000
Automation Alley, Troy, MI for training	450,000
Aztec Fire Crew, Los Angeles, CA, for a project to train fire-fighters and emergency medical technicians	400,000
Baltimore City, MD, for the ex-offender initiative at the Mayor's Office of Employment Development	450,000
BASE, Inc., Lancaster, PA to continue assisting minorities and women in creating, retaining, and expanding microenterprises	100,000
Ben Franklin Technology Partners, Harrisburg, PA to establish a Commonwealth-wide virtual network to enable companies geographically dispersed across the state to share information, training tools, and other educational resources	100,000
BioPartners, Inc, Nassau County, NY, for life sciences and biotech workforce training at iPark, a biotech and life sciences center	255,000
Bismarck State College, Bismarck, ND, for a National Energy Technology Training and Education Project	500,000
Black Clergy of Philadelphia and Vicinity, Philadelphia, PA to train participants in integrative technology skills in the Philadelphia area in an effort to improve job skills required for the changing job market	4,000,000
Blackhawk Technical College in Janesville, WI for workforce training programs	300,000
Brooklyn Public Library, Brooklyn, NY to expand an education and job information center	500,000
Burlington Technical Center in Burlington, VT to upgrade post-graduate aviation technician training program	200,000
California University of Pennsylvania, California, PA to establish a Center for Biomedical Workforce	100,000
CAMP, Inc., Cleveland, OH, for the development of world-class training services in lean manufacturing process improvement	500,000
Capital IDEA, Austin, TX, for a workforce development and training initiative, including supportive services	320,000
Capital Workforce Partners, Hartford, CT, for the development of the Comprehensive Entrepreneurial Training Systems in New Britain, CT	100,000
Career Academy, Louisville, KY, for a workforce development program	289,000
Career Resources, Bridgeport, CT, for workforce development	100,000
Carl Sandburg College, Galesburg, for job training programs	100,000
Center for Employment Training, San Jose, CA, for an At-Risk Out-of-School Youth Demonstration Project	200,000
Center for Entrepreneurship for the New West, Bozeman, MT to train entrepreneurial students for economic development	125,000
Central California Excellence in Workforce Development for an outreach campaign for career opportunities	100,000
Central Iowa Employment & Training Consortium for a resource center for disabled and disadvantaged individuals	600,000
Central State University, Wilberforce, OH, to implement a world class modular automation training system	200,000
Centralia College, WA, for non-traditional worker training	250,000
Charity Cultural Services Center, San Francisco, CA, for its Skills for Life initiative	400,000
Chattanooga State Technical Community College, Chattanooga, TN	400,000
Cincinnati State Community College, Cincinnati, OH, for an Integrated Systems Technology training program	250,000
City of Auburn, Auburn, NY	300,000
City of Holly Springs Regional Technology Center	100,000
City of Portland, Portland, OR, for its workforce assessment, training and retraining initiative	300,000
City of Santa Ana, Santa Ana, CA, for a one-stop workforce preparation and job search center for youth	200,000
Clackamas Community College, Oregon City, OR, for its energy and resource management workforce training initiative	150,000
Collegiate Consortium for Workforce and Economic Development, Philadelphia, PA, for workforce development and training	300,000
Communities in Schools, San Fernando Valley, Inc., North Hills, CA, for its Striving for Success Jobs Initiative to provide job preparedness and placement for at-risk youth	535,000
Community College of Allegheny County, Pittsburgh, PA, for a Mobile Educational Lab to provide training in critical subject areas	50,000
Community Education Council of Elk and Cameron Counties, St. Marys, PA, for workforce training	75,000
Community Empowerment Association, Pittsburgh, PA, in collaboration with Boys and Girls Harbor, Inc., New York, NY to establish a job readiness and work force development program	100,000
Community Learning Center of Washington County, Salem, IN, for workforce development, training and employment services	150,000
Cook Inlet Tribal Council for the Alaska's People Program in Anchorage, AK	225,000
County of San Bernardino Workforce Investment Board, San Bernardino County, CA	250,000
Desert Research Institute, Reno, Nevada to create the Northern Nevada Technology Initiative to help drive the creation of a high technology workforce in Nevada	150,000
Dorcas Place, Providence, Rhode Island to expand workplace literacy program	150,000
Economic Growth Connection of Westmoreland, Greensburg, PA for workforce skills assessment, development and training initiatives	150,000
Empowerment Group, Philadelphia, PA to provide Latino and minority employers with the technical assistance needed to create jobs and set up on-the-job training programs for low-income residents	100,000
Enrichment Association of Community Healing (TEACH), Columbus, OH for training	325,000
Enterprise Center, Philadelphia, PA to recruit and train minority and underprivileged entrepreneurs	100,000
Excel Institute, Washington, DC, for workforce training in automotive technology and repair	430,000
Expertise, Inc. in Las Vegas, NV, to provide employment training assistance to low income residents	250,000

Fashion Business, Inc., Los Angeles, CA, for workforce development and training	50,000
Fay-Penn Economic Development Council, Uniontown, PA to improve manufacturing competitiveness	100,000
Florida Institute of Technology, Melbourne, FL, to continue a program to assist small businesses in competing for government contracts	900,000
Fort Worth Hispanic Chamber of Commerce, Fort Worth, TX, for an ESL Program	334,000
Fresno County Workforce Investment Board, Fresno, CA, for workforce development	400,000
Fresno County, Department of Employment and Temporary Assistance, Fresno, CA, for Rural Vocational Training Centers	225,000
Hawaii Community Foundation for the Samoan/Asian Pacific Job Training program	500,000
HIREABILITY, Philadelphia, PA to provide employment training to people with disabilities in the Philadelphia region	100,000
Hispanic / Latino Center Inc., Pittsburgh, PA to provide workplace readiness and job training to targeted Hispanic workers	50,000
Houston Area Urban League, Houston, TX, for its Communities to Work Program	300,000
Illinois State University, Normal, IL for training	500,000
Illinois Valley Community College, Oglesby, IL	400,000
Impact Services Corporation, Philadelphia, PA to support its Community Job Placement and Training Program	75,000
Indian Territory Associates, Shawnee, OK to establish an electronic knowledge repository for the employees of the Oklahoma City Air Logistics Center	50,000
Institute for Advanced Learning and Research, Danville, VA, for the Fast-Track Information Technology Workforce Preparation Program	100,000
Institute for Human Investment and Economic Growth, Ashland, OH	100,000
Institute of Furniture Manufacturing and Management, Mississippi State University, Mississippi State, MS	500,000
International Association of Jewish Vocational Services, Philadelphia, PA to provide career services and job training readiness skills to dislocated workers	150,000
Iowa Commission of Latino Affairs to create a certification process for Spanish-English interpreters and translators	243,000
Iowa Valley Community College District, Marshalltown, IA, for equipment and computer and skill training	150,000
Ivy Tech State College, Fort Wayne, IN, for workforce training and development	50,000
Jackson Health System, Miami, FL, for Miami Dade County's Center for Patient Safety	125,000
Jewish Family and Children's Service of Pittsburgh, PA to provide intensive and individualized employment assistance to immigrants that will address the unique barriers that immigrants face	100,000
Jewish Healthcare Foundation, Pittsburgh, PA for the Health Careers Futures program to train individuals for careers in patient care	100,000
Jewish Vocational Service, Los Angeles, CA, for a certified nursing assistant training and job placement initiative	200,000
Jewish Vocational Services, Inc., Boston, MA, for job training and workforce development	400,000
Kennebec Valley Community College Foundation, Fairfield, ME, to support training of skilled workers in the field of Radiology	250,000
Ken's Kids, Inc, Bronx, NY, for vocational training and placement for youth with mental retardation	50,000
Lake County, IL. for a summer youth employment program	200,000
Laramie County Community College, Cheyenne, Wyoming for implementation of a high tech manufacturing training curriculum	100,000
Lawson State Community College, Birmingham, AL, for its Alabama Center for Advanced Training Program	140,000
Louisiana National Guard, New Orleans, LA	100,000
MAGLEV, Inc., McKeesport, PA to create an associate degree training program to train individuals in Advanced Manufacturing Technology for precision fabrication	1,000,000
Maine Manufacturing Extension Partnership (Maine MEP), Rapid Mobilization of the New England Manufacturing Sources to Meet Defense Shortages and Surge Demands for Parts and Equipment	250,000
Marshall County Economic Division, Guntersville, AL, for the Marshall County Workforce Target Project	20,000
Massachusetts League of Community Health Centers, Boston, MA, in collaboration with the East Boston Neighborhood Health Centers for a workforce development initiative	250,000
Massachusetts Manufacturing Extension Partnership, Worcester, MA, for manufacturing workforce development programs	125,000
Massey Center for Business Innovation and Development, Pittsburgh, PA to provide entrepreneurial skills to Veterans	100,000
Maui Community College, Hawaii, for the Remote Rural Hawaii Job Program	1,500,000
Maui Economic Development Board in Hawaii for the Rural Computer Utilization Training Program	300,000
Maui Economic Development Board in Hawaii to continue the Maui High Technical program	300,000
Maura Clarke-Ita Ford Center, in partnership with New York City College of Technology/CUNY, Brooklyn, NY, for workforce development, job training and education programs	250,000
Mayville State University, Mayville, ND, for the Traill County Technology Center	100,000
McKean County Redevelopment Authority, Smethport, PA to create an Education Center in Port Allegheny to further adult education in rural Pennsylvania	100,000
MECA United Cerebral Palsy, Erie, PA to develop a job-training program for adults with disabilities	50,000
Medina County Office of Workforce Development, Medina, OH, for training of individuals in careers associated with Homeland Security	150,000
Melwood Horticultural Training Center, Inc., Upper Marlboro, MD, for the establishment of a document management training and placement program	200,000

Mercy Vocational High School, Philadelphia, PA to expand its Certified Nursing Assistant training program for low-income individuals in North Philadelphia	150,000
Metropolitan Career Center, Philadelphia, PA to offer workforce training to low-income, under educated individuals who lack the ability to gain employment without special assistance	100,000
Milwaukee Area Technical College in Milwaukee, WI for developing skills standards	450,000
Mineral Area College, Park Hills, MO	500,000
Minot State University, Minot, ND, for the Job Corps Executive Management Program	650,000
Mission of Love, Inc., Capitol Heights, MD, for a life skills, workforce preparation, and training initiative	150,000
Mississippi State University, Starkville, MS, Robotics and Automated Systems for Nursery Industry	500,000
Mississippi State University, Starkville, MS, Workforce Development Training Quality Assessment (CAVS)	400,000
Mississippi Valley State University, Automatic Identification Technology	400,000
Montachusett Opportunity Council, Fitchburg, MA, for a career ladder program for certified nursing assistants	200,000
MS Tech Alliance/JSU Business Incubator	500,000
Multicultural Community Family Services, Upper Darby, PA to address the job training needs of area African immigrants and refugees	50,000
National Council of La Raza in Washington, DC, to provide technical assistance on Hispanic workforce issues including capacity building, language barriers, and health care job training	500,000
National Student Partnerships, Washington, DC, for field and national office operations to expand employment and education referral and counseling services	600,000
New York Association for New Americans, New York, NY	100,000
NewCourtland Elder Services, Philadelphia, PA to provide a networking service designed to train existing employees and market nursing home jobs to local residents	150,000
North Carolina Rural Economic Development Center, Raleigh, NC, for Project New Start, to provide employment and training services for dislocated workers	400,000
Northeast Higher Education District, Chisholm, Minnesota, for the TechNorth Prep Center Network	350,000
Northeast States Association for Agricultural Stewardship, Dresden, ME to develop and host a conference on the challenges and opportunities for rural workforce development	75,000
Northwest Arctic Borough School District, Kotzebue, AK, for vocational training	250,000
Northwest Concentrated Employment Program, WI, for the Talent Profiling System	700,000
Northwest Industrial Resource Center, Inc., Erie, PA, for worker training, retraining and technology implementation programs as part of an advanced workforce development initiative	150,000
Opportunities Industrialization Centers of America, Philadelphia, PA to provide skills training in the allied healthcare profession to minorities	250,000
Our House, Inc., Decatur, GA, for the "Parent Intern" program	150,000
Patrick County Education Foundation, Stuart, VA, for a workforce development project for rural communities	100,000
Pennsylvania Industrial Resource Center, Williamsport, PA to help schools develop multi-year, multi-institution curricula that focus on skills for a manufacturing career	100,000
Pennsylvania Learning Network, Harrisburg, PA to provide workforce development and professional training	100,000
Philadelphia Veterans Multi Service Center, Philadelphia, PA for a multipurpose center for job training of veterans	550,000
Phoenix House, Providence, RI, for a Workforce Development Project	100,000
Pine Ridge Area Chamber of Commerce in Kyle, South Dakota for a Workforce Success Program	200,000
Pittsburgh Airport Area Chamber Enterprise Foundation, Moon Township, PA for a business incubator and workforce development program	75,000
Polk Community College, Lakeland, FL, for the Corporate College Program	200,000
Precision Manufacturing Institute, Meadville, PA	100,000
Prince Music Theater, Philadelphia, PA, to develop the Prince Music Theater Training Institute to provide professional training in the arts	75,000
Project ARRIBA, El Paso, TX, for a workforce training initiative	340,000
Project One, Louisville, KY, for employment program technology, salaries and material	25,000
Ramsey County Workforce Solutions, North St. Paul, MN to create software for three east metro hospitals/healthcare systems a to assist non-English proficient new Americans advance from entry-level positions to higher-level skilled healthcare careers	100,000
Regional Economic Development District Initiatives (REDDI) of South-Central PA, Harrisburg, PA to assist companies in developing targeted clusters, identifying employers' skill set requirements, and facilitating training opportunities through workforce development partners	100,000
Rend Lake College, Ina, IL, for workforce training	150,000
Rural Enterprises of Oklahoma, Inc., Durant, OK to provide entrepreneurial training	50,000
Saint Louis Community College—Florissant Valley, Saint Louis, MO, for its Integrated Systems Technology technical training initiative at the Metropolitan Education and Training Center	320,000
Schoolcraft College, Livonia, MI, for Advanced Manufacturing Applications	100,000
Second Chance Employment Services, Washington, D.C. to develop a nationwide program that helps abused and other at-risk women find employment	100,000
Second Chance, San Diego, CA, for its Prisoner Reentry Employment Program	220,000
Shelton State Community College, Tuscaloosa, AL, for workforce development, job training and job placement initiatives	410,000
Sophie Sampson Center of Hope, Society of St. Vincent de Paul South Pinellas, Inc., St. Petersburg, FL	250,000

South Bay Workforce Investment Board, Hawthorne, CA, for its Bridges to Work program	290,000
South Seattle Community College, WA, to expand apprenticeship training ..	100,000
Southeast Tennessee Development District, Chattanooga, TN	300,000
Southland Health Care Forum, South Holland, IL, for its Southland Health Careers nurse training initiative	100,000
Southwest Alaska Vocational Education Center (SAVEC), King Salmon, AK, for vocational training	500,000
Southwestern Oklahoma State University, Weatherford, OK, for Oklahoma Business Commercialization Center	320,000
Stark State College of Technology, Canton, OH	433,000
Stark State College of Technology, Canton, OH for equipment	200,000
State of Hawaii, Honolulu, HI, for a project for building the capacity of professional healthcare services	2,000,000
State University of New York, College of Environmental Science and Forestry, Syracuse, NY	100,000
Stillman College, Tuscaloosa, AL, for a One-Stop Community Resource Learning Center to provide job readiness, training, placement and supportive services	140,000
Team Taylor County, Campbellsville, KY, for Campbellsville University Technology Training Center	250,000
The Joblinks program for continuation costs	500,000
Tides Center of Western Pennsylvania, Pittsburgh, PA, for the Keys2Work program	25,000
TIGER House, Tunkhannock Area School District, Tunkhannock, PA, for vocational training for special needs students	50,000
Twenty-First Century Council—IMPACT Learning Center, Scottsboro, AL, for workforce development and training	75,000
United Mine Workers of America Career Center, Washington, PA for a technical training and occupational health safety program for mining occupations	800,000
United Mine Workers of America, Fairfax, VA, for the UMWA Career Centers	1,200,000
University of Alaska/ Southeast—Ketchikan Campus, Ketchikan, AK to provide skills assessment, training and a certification program for Ketchikan shipyard workers	150,000
University of Hawaii at Maui for the Training & Education Opportunities program	1,800,000
University of Idaho, to continue and expand the Alternative Careers for Idaho Project, to assist persons dislocated from traditional, resource-based Idaho careers	900,000
University of Northern Iowa, Cedar Falls, IA to provide immigration services to Iowa Communities	200,000
University of Wisconsin—Stout, Menomonie, WI, for manufacturing workforce development initiatives	150,000
Upper Catskill Television Network, Inc., Oneonta, NY	100,000
Valencia County Hispano Chamber of Commerce, Belen, NM, for workforce training	250,000
Valley Initiative for Development and Advancement, Weslaco, TX, for a workforce training initiative	320,000
Vermont Department of Employment and Training for a statewide career development system	450,000
Vermont HITEC, Inc of Williston, VT for the Vermont Information Technology Apprenticeship Program	325,000
Vietnam Veterans Leadership Program of Western Pennsylvania, Pittsburgh, PA, for the Jobs for Veteran's Project	750,000
Wallace Community College, Dothan, AL, for the Southeast Alabama Workforce Readiness program	150,000
Waubonsee Community College, Sugar Grove, IL to train integrated systems technologists	300,000
West Shore Community College, Scottsville, MI, for workforce investment and training for unemployed individuals	400,000
West Virginia High Technology Consortium Foundation, Fairmont, WV, for an information technology training program	500,000
Westside Industrial Retention and Expansion Network, Cleveland, OH, for a workforce training project	370,000
WHYY, Inc., Philadelphia, PA, to expand and digitize its GED Connection program to prepare individuals for the workforce	50,000
Women Work, Washington, D.C. for workforce training and development for women in the information technology sector ...	50,000
Women's Resource Assistance Program Inc., Harvey, IL, for its Career STEPS Self Sufficiency Program to prepare women for non-traditional careers	100,000
Work, Achievement, Values & Education, Inc. (WAVE), Washington, D.C. to provide job skills training to high school drop outs	75,000
Workforce Connections in La Crosse, WI for incumbent worker training	200,000
Workforce Development Council of King County, WA, to provide literacy assistance and job training for immigrants	100,000
Workforce Initiative Association, Canton, OH, for a Workforce Advancement Demonstration project	400,000
Workforce Investment Board of Herkimer, Madison and Oneida Counties, Utica, NY	175,000
Workforce Resource, Inc in Menomonie, WI for incumbent health care worker training	150,000
WorkNet Pinellas, Clearwater, FL	200,000
Wrightco Technologies, Ebensburg, PA to provide security systems installation and high-tech communications training to clients across PA	100,000
Wrightco Technologies, Inc., Claysburg, PA to support job-training program with UMWA	100,000

The conference agreement includes $50,000,000 for Responsible Reintegration of Youthful Offenders as proposed by the Senate. The House did not recommend funds for this activity. The conference agreement also provides $20,000,000 for the prisoner re-entry initiative, instead of $40,000,000 as proposed by the Senate. The House did not recommend funds for this activity. Within the amount provided for prisoner re-entry, the conferees encourage the Department to partner with organizations with a proven history of reducing recidivism by helping individuals exiting prison make the successful transition to employment.

The conference agreement includes $250,000,000 requested by the administration to carry out the Community College/Community-Based Job Training Grant initiative. Of this amount, bill language provides that $125,000,000 is to be allocated from National Emergency Grant funds available under section 132(a)(2)(A) of the Workforce Investment Act, overriding the limitation otherwise imposed under section 171(d). The Secretary is expected to initially use resources from the National Emergency Grants account for these awards that are designated for non-emergencies under sections 171(d) and 170(b) of the Workforce Investment Act. Community-Based Job Training Grant awards will also be subject to the limitations of sections 171(c)(4)(A) through 171(c)(4)(C) of the Workforce Investment Act to ensure that these grants are awarded competitively. Funds used for this initiative should strengthen partnerships between workforce investment boards, community colleges, and employers, to train workers for high growth, high demand industries in the new economy.

The conferees provide $7,000,000 for the Denali Commission for job training instead of $8,000,000 as proposed by the Senate. The House recommendation did not include funds for this activity.

State Unemployment Insurance and Employment Service Operations

The conference agreement appropriates $3,666,235,000 for State Unemployment Insurance and Employment Service Operations, instead of $3,582,848,000 as proposed the House and $3,636,235,000 as proposed by the Senate. For unemployment insurance services, the bill provides $2,695,214,000 instead of $2,701,214,000 as proposed by the House and $2,665,214,000 as proposed by the Senate. The conference agreement includes $2,684,714,000 for UI State Operations instead of $2,690,714,000 as proposed by the House and $2,654,714,000 as proposed by the Senate. The agreement includes a contingency reserve amount should the unemployment workload exceed an average weekly insured claims volume of 3,227,000 instead of 3,327,000 as proposed by the House.

For the Employment Service grants to states, the agreement includes $786,887,000 as proposed by the Senate instead of $696,000,000 as proposed by the House. This includes $23,300,000 in general funds as proposed by the House instead of $23,163,000 as proposed by the Senate and $763,587,000 from the "Employment Security Administration" account of the unemployment trust fund instead of $672,700,000 as proposed by the House and $763,724,000 as proposed by the Senate.

For Employment Service national activities the agreement includes $65,500,000 as proposed by the Senate, instead of $67,000,000 as proposed by the House.

Program Administration

The conference agreement appropriates $171,473,000 for Program Administration, instead of $168,854,000 as proposed by the House and $177,615,000 as proposed by the Senate. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

Employment Standards Administration

SALARIES AND EXPENSES

The conference agreement includes $404,345,000 for the Employment Standards Administration, salaries and expenses, instead of $402,818,000 as proposed by the House and $405,870,000 as proposed by the Senate. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

Occupational Safety and Health Administration

SALARIES AND EXPENSES

The conference agreement includes $468,109,000 for the Occupational Safety and Health Administration instead of $461,599,000 as proposed by the House and $468,645,000 as proposed by the Senate. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

The conferees concur with the House bill and report language regarding OSHA's enforcement of the Respiratory Standard as it applies to tuberculosis. The conferees advise OSHA to take no further action with regard to respiratory protection for occupational exposure to TB until such time as the CDC has completed the ongoing revisions of its TB guidelines.

The conferees concur with the Senate bill and report language that not less than $3,200,000 is to be used to extend funding for the Institutional Competency Building training grants provided that a grantee has demonstrated satisfactory performance.

Mine Safety and Health Administration

SALARIES AND EXPENSES

The conference agreement includes $281,535,000 for the Mine Safety and Health Administration instead of $275,567,000 as proposed by the House and $280,002,000 as proposed by the Senate. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

Within the total, the conference agreement includes $2,000,000 to be available for mine rescue and recovery activities on a non-contingency basis as proposed by the Senate.

The conferees expect the Mine Safety and Health Administration to keep it fully and currently informed of A-76 competitions, and that any competitions will be conducted fairly and equitably and will result in significant savings and the improvement in the quality of services to taxpayers. The Conferees urge all possible diligence to ensure that inherently governmental functions are not subject to A-76 competitions. The conference agreement includes the following amounts for the following projects and activities:

Infrastructure improvements at the Mine Academy in Beckley, West Virginia	$750,000
Wheeling Jesuit University for the National Technology Transfer Center for a coal slurry impoundment pilot project	$3,000,000

Bureau of Labor Statistics

SALARIES AND EXPENSES

Within the total for the Employment and Unemployment Statistics activity, $5,000,000 is for the Mass Layoff Statistics program as proposed in the Senate bill.

Office of Disability Employment Policy

SALARIES AND EXPENSES

The conferees commend ODEP for their efforts to enhance telework opportunities for severely disabled individuals. To build on ODEP's efforts to increase telework opportunities in the federal government, the conferees direct that $1,000,000 be transferred from ODEP to the Centers for Medicare and Medicaid Services (CMS) to build on a previous pilot between ODEP and CMS.

The conferees are pleased that CMS has piloted the performance of CMS call center work by individuals with severe disabilities working from home-based workstations. This model has the potential to be expanded within CMS and replicated outside of CMS by government agencies and others interested in following CMS's lead.

The conference agreement provides such transfer to expand and refine the existing CMS model in conjunction with National Telecommuting Institute, Inc., as well as disseminate information about this telework model to other agencies.

Departmental Management

SALARIES AND EXPENSES

The conference agreement includes $323,422,000 for Departmental Management, salaries and expenses, instead of $264,967,000 as proposed by the House bill and $357,050,000 as proposed by the Senate. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

The conference agreement includes $94,000,000 for the Bureau of International Labor Affairs (ILAB). Within the total provided, $79,000,000 is to assist developing countries with the elimination of child labor. Of this amount, $45,000,000 is for the International Labor Organization's International Programme for the Elimination of Child Labor and $34,000,000 is provided for bilateral assistance to improve access to basic education in international areas with a high rate of abusive and exploitative child labor. In addition, the conference agreement includes $2,000,000 for ILAB to build its own permanent capacity to monitor and report regularly and in-depth to the Congress on the extent to which foreign countries with trade and investment agreements with the United States respect internationally-recognized worker rights and effectively promote core labor standards. The conference agreement also includes $11,000,000 for Federal administration and other ILAB programs.

The conference agreement includes $2,000,000 for the purpose of assisting the International Labor Organization in implementing a program to confront HIV/AIDS in the workplace. The primary purpose of this program shall be to promote workplace policies which combat HIV-related stigma and discrimination, and promote prevention on the basis of tripartite partnerships among workers, employers and governments around the world.

The conferees are disturbed that the Department of Labor transferred fiscal year 2004 funds to augment activities for which funds were previously denied and to initiate new activities for which both the House and Senate Appropriations Committees denied funding. The Appropriations Committees have provided authority to reprogram and transfer funds in order to provide flexibility to the Department to address unforeseen needs and emergencies. However, the Department, instead, has used these flexibilities to circumvent funding decisions made by the Congress. Therefore, the conferees have included bill language to clarify reprogramming and transfer procedures.

Veterans Employment and Training

The conference agreement includes $224,648,000 for Veterans Employment and Training instead of $225,648,000 as proposed by the House and $226,781,000 as proposed by the Senate. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

The conference agreement includes $13,198,000 for activities under the Uniformed Services Employment and Reemployment Rights Act. The conferees intend that the additional resources over FY 2004 be used for additional investigations and educational outreach to employers about reemployment rights of uniformed service members departing from and returning to work.

Working Capital Fund

The conference agreement includes $10,000,000 for the Working Capital Fund the same as proposed by the House instead of $15,000,000 as proposed by the Senate.

General Provisions

ONE PERCENT TRANSFER AUTHORITY

The conference agreement modifies a provision proposed by the Senate limiting the authority to transfer funds between a program, project or activity and requiring a 15 day notification of any transfer.

EXECUTIVE ORDER 13126

The conference agreement includes a provision proposed by the Senate that none of the funds appropriated in this Act shall be obligated or expended for the procurement of goods produced by forced or indentured child labor. The House bill contained no similar provision.

DENALI COMMISSION

The conference agreement includes a provision proposed by the Senate that authorizes to be appropriated such sums as may be necessary to the Denali Commission to conduct job training where Denali Commission projects will be constructed. The House bill contained no similar provision.

TRANSIT SUBSIDY

The conference agreement includes a provision directing the Secretary to provide, within 45 days, to the Department of Labor employees in the National Capital Region the full transit subsidy that they are eligible to receive.

CONGRESSIONAL JUSTIFICATIONS

The conference agreement includes bill language requiring the Department of Labor to submit its fiscal year 2006 congressional budget justifications in the traditional budget structure rather than in a "performance" budget structure. The Department is directed to return to preparing the traditional congressional justifications as they were prepared prior to fiscal year 2003, with separate sections for each appropriations account, providing detailed information on the prior year, current year, and requested budget year funding and Federal staffing levels for each program, project, or activity funded within each account; a detailed narrative description of each program, project, or activity; and budget and measurement information should be submitted as a separate appendix in the budget justification material.

The conferees support the Department's effort to integrate program performance more prominently into its budget formulation and to display that information more thoroughly in the justification, but the conferees direct that technical account and program information be prominent in each agency's budget justifications similar to the Department's budget justifications prior to fiscal year 2003 so that information can be found easily and quickly. The Department is directed to delineate materials by appropriation account, providing detailed information on the prior year, current year, and requested budget year funding and Federal staffing levels for each program, project, or activity funded within each account; a narrative description of each program, project, or activity; and any proposed changes to such program, project, or activity. The Department is encouraged to continue using outcome and performance measures as the primary management tool for resource allocation and the evaluation of programs and individuals.

OVERTIME REGULATION

The conference agreement deletes without prejudice language proposed by the House and Senate stating that none of the funds provided may be used to implement or administer any changes to regulations regarding overtime compensation in effect on July 14, 2004.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The conference agreement includes $6,881,624,000 for health resources and services, of which $6,856,624,000 is provided as budget authority and $25,000,000 is made available from the Public Health Service policy evaluation set-aside, instead of $6,330,333,000 as proposed by the House and $6,966,280,000 as proposed by the Senate.

The conference agreement includes resolution of two technical bill language differences: the Social Security Act is cited once as proposed by the House rather than twice as proposed by the Senate; the citation of the Poison Control Center Act is expanded as proposed by the Senate.

The conference agreement includes bill language providing $484,629,000 for construction and renovation (including equipment) of health care and other facilities and other health-related activities. The Senate included bill language providing $371,536,000 for this purpose; no funding was provided by the House. These funds are to be used for the following projects:

A.O. Fox Memorial Hospital, Oneonta, NY for facilities and equipment	$250,000
Aberdeen Area Tribal Chairmen's Health Board in Rapid City, South Dakota for Northern Plains Healthy Start	300,000
Abington Memorial Hospital, Abington, PA	350,000
Access Center, Inc., Vienna, VA for facilities and equipment	350,000
Advanced Technology Institute, Charleston, SC for a demonstration program for delivery of diabetes diagnostic and care services through telehealth technology	275,000
Adventist HealthCare, Rockville, MD for facilities and equipment	750,000
Akron General Medical Center, Akron, OH for facilities and equipment for the Edwin Shaw Rehabilitation Hospital	250,000
Alabama Association of Area Agencies on Aging, Montgomery, AL for facilities and equipment	175,000
Alamance Regional Medical Center, Burlington, NC for facilities and equipment	125,000
Alaska Family Practice Residency Program, Anchorage, AK to support its family practice residency programs	500,000
Alaska Federal Health Care Access Network, Anchorage, AK to support activities of the Alaska Telemedicine Advisory Committee	300,000
Alaska Native Medical Center, Anchorage, AK ...	1,000,000
Alaska Psychiatric Institute, Anchorage, AK for its Telebehavioral Health Project	400,000
Albert Einstein Healthcare Network, Philadelphia, PA	1,000,000
Alice Hyde Medical Center, Malone, NY, for facilities and equipment	100,000
Alivio Medical Center, Chicago	250,000
All Children's Hospital, Inc., St. Petersburg, FL for facilities and equipment	5,000,000
Allegheny County Housing Authority, Pittsburgh, PA for facilities and equipment for its LIFE Center in Tarrentum Township, PA	675,000
Allegheny County, Pittsburgh, PA for laboratory equipment	25,000
Allegheny General Hospital, West Penn Allegheny Health System, Pittsburgh, PA	1,000,000
Allegheny Singer Research Institute, Pittsburgh, PA	1,000,000
Alle-Kiski Medical Center, Natrona Heights, PA for facilities and equipment	150,000
Allen Memorial Hospital, Moab, UT	100,000
Allied Services Foundation, Wilkes-Barre, PA for equipment	200,000
Alpha Community Ambulance Service, Inc., State College, PA, for facilities and equipment	100,000
Altarum Institute, Ann Arbor, MI for development of a Center of Excellence focusing on use of information and communications technology to improve health care quality and efficiency	390,000
American Oncologic Hospital of Fox Chase Cancer Center in Philadelphia and University of Maryland Greenbaum Cancer Center in Baltimore, for facilities and equipment for the American Russian Cancer Alliance	750,000
American Red Cross, Washington, DC, for equipment	200,000
Ana G. Mendez University System, Universidad del Este, Carolina, PR for facilities and equipment for the Caribbean Food Safety Research Center ..	200,000
Arkansas State University Mountain Home, for facilities and equipment for health sciences	350,000
Arlington Free Clinic, Arlington, VA for facilities and equipment	375,000
Arnold Palmer Hospital for Children and Women, Orlando, FL for facilities and equipment	350,000
Arrowhead Regional Medical Center, Colton, CA for facilities and equipment	725,000
Ashland County Oral Health Services, Inc., Ashland, OH, for facilities and equipment	250,000
Asian American Recovery Services, Daly City, CA for facilities and equipment for substance abuse intervention and treatment	250,000
Association of Utah Community Health, Salt Lake City, UT	800,000

Atlantic City Medical Center, City Division, Atlantic City, NJ for facilities and equipment	300,000
Atlantic Health System, Florham Park, NJ for facilities and equipment for the Morristown Memorial Hospital, Carol G. Simon Cancer Center, Morristown, NJ and the Mountainside Hospital Comprehensive Community Cancer Center, Essex County, NJ	700,000
Atlantic Health System, Florham Park, NJ for facilities and equipment for the Mountainside Hospital Comprehensive Community Cancer Center	300,000
Augsburg College, Minneapolis, MN, for its physician assistant education program	295,000
Aultman Health Foundation, Canton, OH for facilities and equipment	1,000,000
Aunt Martha's Youth Service Center, Chicago Heights, IL for facilities and equipment	275,000
Avista Adventist Hospital, Louisville, CO for the Integrated Community Oriented Physician Initiative to develop common electronic medical record and practice management systems	640,000
Baptist Health System, Inc., Birmingham, AL for facilities and equipment	200,000
Barre Family Health Center, Barre, MA for facilities and equipment	450,000
Barrio Comprehensive Family Health Care Center, San Antonio, TX for facilities and equipment for the Dr. Frank Bryant Health Center	300,000
Barry University, Miami Shores, FL, for facilities and equipment for the Institute for Community Health and Minority Medicine	1,000,000
Bartlett Regional Hospital, Juneau, AK	1,000,000
Baton Rouge General Medical Center, Baton Rouge, LA for facilities and equipment for the Radiation Oncology Center at Bluebonnet	100,000
Bay Area Medical Center Foundation, Marinette, WI, for facilities and equipment for a cancer care center	250,000
Bay Area Medical Center, Menominee, MI for facilities and equipment	200,000
Bay Clinic Community Health Center, Hawaii	250,000
Bay Clinic Community Health Center, Hawaii, for the Native Hawaiian Adolescent Health Psychology Initiative	50,000
BayCare Health System, Clearwater, FL, to develop an electronic medication and clinical services ordering system	1,000,000
Bayfront NATO, Inc., Erie, PA for construction, renovation, and equipment of a health clinic	100,000
Baylor College of Medicine, Houston, TX	250,000
Baylor Institute for Immunology Research, Dallas, TX, for facilities and equipment	100,000
Bear Lake Memorial Hospital, Montpelier, ID for facilities and equipment	100,000
Beaufort Memorial Hospital, Beaufort, SC for facilities and equipment	200,000
Bellarmine University, Louisville, KY, for facilities and equipment for a nursing school facility	300,000
Belmont University, Nashville, TN for facilities and equipment for health sciences	930,000
Beloit Memorial Hospital, Beloit, WI for facilities and equipment	300,000
Benton County, OR for facilities and equipment for health services in Monroe, OR	265,000
Berkeley County Senior Services Agency, Martinsburg, WV for facilities and equipment	18,000
Bethel College, Inc., Mishawaka, IN for facilities and equipment	100,000
Bethesda North Hospital, Montgomery, OH for facilities and equipment	150,000
Birmingham Green Adult Care Residence, Manassas, VA for facilities and equipment	200,000
Blackstone Valley Community Health Care, Pawtucket, RI for facilities and equipment	500,000
Bloomsburg Hospital, Bloomsburg, PA	250,000
Blount County Memorial Hospital, Maryville, TN for facilities and equipment for a cancer center	50,000
Bon Secours Hospital in Baltimore, MD	100,000
Bon Secours St. Francis Medical Center, Chesterfield, VA for facilities and equipment	800,000
Bonfils Blood Center Foundation, Denver, CO for facilities and equipment	290,000
Booker T. Washington Center, Erie, PA	100,000
Boston Medical Center, Boston, MA for facilities and equipment for the J. Joseph Moakley Medical Services Building	1,000,000
Boston University School of Medicine, Boston MA for facilities and equipment for research on amyloidosis and other subjects	200,000
Boys Town National Research Hospital, Omaha, NE	1,500,000
Bradford Hospital Foundation, Bradford, PA, for facilities and equipment for Bradford Regional Medical Center	100,000
Brandeis University Heller School for Social Policy and Management, Waltham, MA	1,000,000
Brazos Valley Family Medicine Center, Bryan, TX for facilities and equipment	50,000
Brevard Community College, Cocoa, FL, for facilities and equipment	200,000
Briar Cliff University, Sioux City, IA for facilities and equipment	50,000
Brockton Hospital, Brockton, MA	200,000
Brookhaven Memorial Hospital Medical Center, Patchogue, NY for facilities and equipment	150,000
Burlington County College, Pemberton, NJ, for facilities and equipment for the Burlington County College Health Center	600,000
Calhoun County Committee on Aging for facilities and equipment for Calhoun County Senior Satellite Center, Grantsville, WV	28,000
California Hospital Medical Center, Los Angeles, CA for facilities and equipment	1,370,000
California State University at Bakersfield Foundation, Bakersfield, CA, for equipment and facilities for the Valley Fever Vaccine project	180,000
Callen-Lorde Community Health Center, New York, NY for health and outreach services to teenagers and young adults	90,000
Campbellsville University, Campbellsville, KY, for facilities and equipment	250,000
Candler County Hospital, Metter, GA for facilities and equipment	55,000
Canyonlands Community Health Care, Page, AZ, for facilities and equipment at three clinics	100,000
CAP Services, Stevens Point, WI for facilities and equipment and to provide dental services	200,000
Capitol Community Health Center, Springfield, IL for facilities and equipment	300,000
Carilion Health System, Roanoke, VA for facilities and equipment for the Southwest/Southside Virginia Children's Dental Access Project	243,000
Caring Foundation, Inc., Salt Lake City, UT to improve the oral health of underserved children in Utah and Idaho	300,000
CARING, Inc., Pleasantville, NJ for facilities and equipment for a senior medical facility	50,000

Caritas Good Samaritan Medical Center, Brockton, MA	300,000
Carle Foundation Hospital, IL, and partners to establish the Midwest Breast Institute	100,000
Carnegie Mellon University, Pittsburgh, PA	1,000,000
Carter BloodCare, Bedford, TX for facilities and equipment	1,000,000
Case Western Reserve University, Cleveland, OH for facilities and equipment for a construction project involving Case Western Reserve University, University Hospitals of Cleveland and the Cleveland Clinic Foundation	4,500,000
Center for Allied Health and Nursing, Hackensack, NJ for a program to recruit and train home health aides and other health care workers to become licensed practical nurses	250,000
Center for Families and Children, Cleveland, OH for facilities and equipment	250,000
Center for Health Workforce Development, Tennessee Hospital Education and Research Foundation, Nashville, TN for programs to address shortages of nursing faculty and other health professionals	150,000
Center for Hope Hospice, Inc., Linden, NJ for facilities and equipment	90,000
Center for Hospice and Palliative Care, Buffalo, NY for facilities and equipment	300,000
Center for Integration of Medicine and Innovative Technology, Cambridge, MA for equipment	50,000
Center for the Disabled, Albany, NY, for facilities and equipment	150,000
Central Bucks Ambulance and Rescue Unit, Doylestown, PA	25,000
Central Pennsylvania Blood Bank, Hummelstown, PA for equipment	25,000
Centro de la Comunidad Unida/United Community Center in Milwaukee, WI for the Latino Geriatric Center	300,000
Chai Lifeline, New York, NY for programs for seriously ill children and their families at Camp Simcha in Glen Spey, NY	100,000
Charles Cole Memorial Hospital, Coudersport, PA to build radiation oncology wing at the Patterson Cancer Care Center	100,000
Charles R. Drew University of Medicine and Science, Los Angeles, CA, for recruitment and appointment of new clinical faculty	290,000
Charlotte Hungerford Hospital, Torrington, CT for facilities and equipment	150,000
Chemeketa Community College, Salem, OR for facilities and equipment for training of nursing and allied health students	210,000
Cherry Street Health Services, Grand Rapids, MI for facilities and equipment	140,000
Child Neurology Society, Saint Paul, MN	50,000
Children's Medical Research Institute, Oklahoma City, OK	600,000
Children's Health Fund, Clarksdale, MS	150,000
Children's Health Fund, New York, NY, for facilities and equipment for a Children's Health Project in KY	250,000
Children's Healthcare of Atlanta, Atlanta, GA for facilities and equipment at Children's at Scottish Rite	200,000
Children's Hospital and Health Center, San Diego, CA for facilities and equipment	425,000
Children's Hospital at Johnson City Medical Center, Johnson City, TN for facilities and equipment	600,000
Childrens Hospital Los Angeles, Los Angeles, CA, for facilities and equipment for the Institute for Maternal and Fetal Health	400,000
Children's Hospital Medical Center of Akron, Akron, OH for facilities and equipment	750,000
Children's Hospital of Philadelphia, Philadelphia, PA	700,000
Children's Hospital of Pittsburgh, Pittsburgh, PA	700,000
Children's Hospital of the King's Daughters, Norfolk, VA for facilities and equipment for the facility in Newport News, VA	100,000
Children's Medical Center Dallas, Dallas, TX, for facilities and equipment for a Nursing Retention and Patient Care Improvement Project	225,000
Children's Medical Center of Dayton, Dayton, OH for facilities and equipment	600,000
Children's National Medical Center, Washington, DC for facilities and equipment	500,000
Children's Specialized Hospital, Mountainside, NJ for facilities and equipment for a nursing facility in Mountainside, NJ	90,000
Children's Specialized Hospital, Mountainside, NJ for facilities and equipment for a pediatric rehabilitation hospital in New Brunswick, NJ	500,000
Chinatown Service Center, Los Angeles, CA for facilities and equipment for its dental clinic	200,000
Chippewa Cree Tribe of the Rocky Boy's Reservation, Box Elder, MT, for facilities and equipment for a health clinic	250,000
CHRISTUS Santa Rosa Health Care, San Antonio, TX	1,000,000
Chugiak Senior Citizens, Inc., Chugiak, AK for facilities and equipment	100,000
Cincinnati Children's Hospital Medical Center, Cincinnati, OH	1,000,000
City of Abilene-Taylor County Public Health District, Abilene, TX for facilities and equipment	750,000
City of Azusa, CA for facilities and equipment for the City of Azusa Health Clinic	320,000
City of Bridgeport, Bridgeport, CT, for facilities and equipment for a health and social service center	100,000
City of Clark, South Dakota for construction of a health care facility	250,000
City of Homestead, FL, for facilities and equipment for the William F. "Bill" Dickinson Senior Center	125,000
City of Madison Community Development Authority in Madison, Wisconsin to construct health facilities in the Triangle Project area	200,000
City of Martinsville, VA for facilities and equipment for a dental clinic	450,000
City of Oxford, MS for the Oxford Enterprise Center to renovate facilities for health and pharmaceutical development research and educational activities	500,000
Clark County Department of Community Services, Vancouver, WA for facilities and equipment for the Center for Community Health	400,000
Clark University, Worcester, MA	225,000
Clay County Drug Treatment Facility, Cornettsville, KY for facilities and equipment	750,000
Clearfield Hospital, Clearfield, PA, for facilities and equipment	100,000
Clearwater Valley Hospital, Orofino, ID	450,000
Cleveland Clinic Foundation, Cleveland, OH for facilities and equipment for the heart center	1,200,000

Cleveland Clinic Health System, Cleveland, Ohio, for the Euclid Hospital Emergency Department renovation and construction	400,000
Cleveland Department of Public Health, Cleveland, OH for facilities and equipment for the four city-owned health centers	280,000
Cleveland Foundation, Cleveland, OH, for facilities and equipment for NetWellness	250,000
Cold Spring Harbor Laboratory in New York	1,000,000
Colorado State University, Ft. Collins, CO for facilities and equipment	500,000
Columbia Basin College, Pasco, WA for facilities and equipment for a health sciences education center at the Richland, WA campus	500,000
Columbia Memorial Hospital, Hudson, NY, for facilities and equipment	150,000
Columbia St Mary's Hospital in Glendale, WI for the Madre Angela Dental Clinic	125,000
Columbus Children's Research Institute, Columbus, OH for facilities and equipment	1,200,000
Community Care Network, Montgomery, AL, for facilities and equipment	200,000
Community College of Allegheny County, Pittsburgh, PA for facilities and equipment for nurse training	150,000
Community College of Southern Nevada for a mobile dental outreach treatment and education program	150,000
Community Counseling Center, for the development of a trauma assistance center	100,000
Community Crisis Center, Inc., Elgin, IL for facilities and equipment	250,000
Community Dental Care Foundation, Wausau, WI for dental education and to provide dental screening and sealants for children	75,000
Community Free Clinic of Decatur-Morgan County, Inc., Decatur, AL for rural outreach	40,000
Community General Foundation, Syracuse, NY for facilities and equipment at the Community General Hospital	1,000,000
Community Health Care Services Foundation, Inc., East Greenbush, NY, for telemedicine services	50,000
Community Health Care Systems, Wrightsville, GA for facilities and equipment at its Tennille, GA health center	50,000
Community Health Center of Asbury Park, NJ for facilities and equipment	500,000
Community Health Centers in Iowa	3,000,000
Community Health Clinic, Inc., New Kensington, PA	25,000
Community Health Improvement Center, Decatur, IL for facilities and equipment	125,000
Community Health Partners, Kathlamet, WA for start-up costs for a free medical clinic	40,000
Community HealthCare Associates of the Dakotas, Bismarck, ND	200,000
Community Medical Center Healthcare System, Scranton, PA to purchase equipment	250,000
Community Medical Center, Missoula, MT	1,000,000
Community Medical Center, Scranton, PA	100,000
Community Medical Centers, Fresno, CA	100,000
Community Memorial Hospital, Staunton, IL for facilities and equipment	225,000
Conemaugh Health Systems, Johnstown, PA	250,000
Coney Island Hospital, Brooklyn, NY for facilities and equipment	250,000
Connecticut Children's Medical Center, Hartford, CT for facilities and equipment	1,000,000
Contra Costa Community College District, Diablo Valley College, Pleasant Hill, CA for a program to train medical laboratory technicians	225,000
Cooley Dickinson Hospital, Northampton, MA for facilities and equipment	300,000
Cooper University Hospital in New Jersey	200,000
Cooperative Education Service Agency No. 11, Turtle Lake, WI for dental services	350,000
Corinthian Development Corporation, Louisville, KY, for facilities and equipment	50,000
County of Clarion/Clarion University, Clarion, PA	100,000
County of Kaua'i, HI for facilities for substance abuse treatment	390,000
County of San Diego, Edgemoor Hospital, Santee, CA for facilities and equipment	420,000
County of San Mateo, CA for facilities and equipment for the San Mateo Medical Center	800,000
Creighton University, Omaha, NE, for facilities and equipment for the health science complex	500,000
Crozer-Chester Health System, Springfield, PA for facilities and equipment at the Nathan Speare Regional Burn Treatment Center at the Medical Center	500,000
Crozer-Keystone, Springfield, PA	100,000
Crusader Clinic, Rockford, IL for facilities and equipment at two sites	1,000,000
Cumberland County Hospital, Burkesville, KY for facilities and equipment	100,000
Dan River Region, Danville, VA, for Project Access	25,000
Dana-Farber Cancer Institute, Boston, MA	300,000
Deaconess Billings Diabetes Center, Billings, MT	278,000
Deaconess Hospital, Oklahoma City, OK	50,000
Decatur Memorial Hospital, Decatur, IL for facilities and equipment	200,000
Delaware Valley Community Health, Philadelphia, PA for facilities and equipment for the Maria de los Santos Community Health Center	250,000
Delta Health Alliance, Stoneville, MS for construction, renovation, and equipment	450,000
Des Moines University, Des Moines, IA	155,000
Des Moines University, Des Moines, IA for facilities and equipment for the Iowa Chronic Care Consortium	333,000
DeWitt Hospital and Nursing Home, DeWitt, AR for facilities and equipment	400,000
Down Syndrome Research and Treatment Foundation, Washington, D.C., for facilities and equipment	150,000
DuBois Regional Medical Center, DuBois, PA, for facilities and equipment	200,000
DuPage Convalescent Center, Wheaton, IL for facilities and equipment	600,000
East Bay Community Action Program, East Providence, RI for facilities and equipment for dental care, mental health and other health services	500,000
East Boston Neighborhood Health Center, East Boston, MA, for a healthcare workforce development program	225,000
East Tennessee State University James H. Quillen College of Medicine, Johnson City, TN for facilities and equipment for the East Tennessee Forensics Center	200,000
East Tennessee State University, James H. Quillen College of Medicine, Johnson City, TN, for facilities and equipment for a mobile surgical unit	100,000
East Valley Community Health Center, West Covina, CA for facilities and equipment	220,000
Eastern Connecticut Health Network, Rockville, CT	200,000

Eau Claire Cooperative Health Center, Columbia, SC for facilities, equipment and rural health care services at its Ridgeway, SC health center	400,000
Eblen Charities, Asheville, NC, for facilities and equipment	250,000
Ed Roberts Campus in Berkeley, CA	500,000
Edward R. Roybal Comprehensive Health Center, Los Angeles, CA for facilities and equipment	400,000
El Proyecto Del Barrio, Arleta, CA for facilities and equipment at its Canoga Park site	180,000
El Pueblo Health Center, Tucson, AZ for facilities and equipment	400,000
Elk Regional Health Systems, St. Marys, PA	100,000
Elliot Health System, Manchester, NH	750,000
Emanuel County Hospital Authority, Swainsboro, GA for facilities for its rural health clinic in Twin City, GA	50,000
Emergency Medicine Foundation, Dallas, TX, for Bioterrorism Preparedness Training for First Responders	50,000
Endless Mountains Health Systems, Montrose, PA, for facilities and equipment	250,000
Enterprise Valley Medical Clinic in Enterprise, UT	70,000
Ephrata Community Hospital, Ephrata, PA, for facilities and equipment	200,000
Erie County Department of Health, Erie, PA to implement the Nurse Family Partnership (NFP) Program	50,000
Erie County Medical Center, Buffalo, NY for equipment.	250,000
Evangelical Community Hospital, Lewisburg, PA, for facilities and equipment	600,000
Evans Memorial Hospital, Claxton, GA for facilities and equipment	50,000
Every Citizen Has Opportunities, Inc., Leesburg, VA for facilities and equipment	125,000
Every Woman's Place/Webster House Youth Services, Muskegon, MI for facilities and equipment	150,000
Fairfield Medical Center, Lancaster, OH, for facilities and equipment	200,000
Fairfield Memorial Hospital, Winnsboro, SC for facilities and equipment	250,000
Fairness Advocates for Intergenerational Rights (FAIR), Philadelphia, PA for health care outreach	25,000
Fairview Health System, Minneapolis, MN for equipment	515,000
Familia Unida Living With Multiple Sclerosis, Los Angeles, CA to improve support services to individuals and families affected by multiple sclerosis and other debilitating diseases	100,000
Family and Children's Counseling Centers, Louisville, KY, for facilities and equipment	100,000
Family Health Center of Marshfield, Marshfield, WI for facilities and equipment and to provide dental services	350,000
Family Health Center of Southern Oklahoma, Tishomingo, OK for facilities and equipment for dental services	105,000
Family Health Center, Columbia, MO	150,000
Family Health Centers, Inc., Louisville, KY for facilities and equipment	150,000
Faulk County Memorial Hospital, SD	75,000
Finley Health Foundation, Dubuque, IA for facilities and equipment at the diabetes center at Finley Hospital	500,000
Fish River Rural Health Center, Eagle Lake, ME for facilities and equipment	30,000
Fletcher Allen Health Care of Burlington, VT	1,100,000
Florida A&M University	800,000
Florida Cancer Research Cooperative, University of South Florida, Tampa, FL for telemedicine	500,000
Florida Emergency Medicine Foundation, Orlando, FL for facilities and equipment	125,000
Florida Hospital College of Health Sciences, Orlando, FL for facilities and equipment	125,000
Florida Memorial College, Miami, FL for health-related facilities and equipment	400,000
Fort Hudson Nursing Home, Inc., Fort Edward, NY, for facilities and equipment	50,000
Forum Health, Youngstown, OH for facilities and equipment	200,000
Fox Chase Cancer Center, Philadelphia, PA	750,000
Franklin and Marshall College, Lancaster, PA	400,000
Franklin Medical Center, Greenfield, MA for facilities and equipment	200,000
Free Clinics of Iowa in Des Moines	400,000
Fresno Community Hospital and Medical Center, Fresno, CA for facilities and equipment for an outpatient care clinic at the Community Regional Medical Center in Fresno	450,000
Frick Hospital, Greensburg, PA	250,000
Fulton County Medical Center, McConnellsburg, PA	
0,000	
G.A. Carmichael Family Health Center, Canton, MS for facilities and equipment	240,000
Gadsden State Community College, Gadsden, AL for the Alabama Institute for Nursing Education and Emergency Preparedness program at Fort McClellan, AL	400,000
Gadsden State Community College, Gadsden, AL, for facilities and equipment	200,000
Garfield County Public Hospital, Pomeroy, WA for facilities and equipment	50,000
Gateway, Aliquippa PA	100,000
Geisinger Health System, Danville, PA, for construction of the Center for Health Research and Rural Advocacy	1,000,000
Geisinger Health System, Danville, PA, for facilities and equipment for an endovascular surgical suite on the Geisinger campus in Danville	500,000
Genesee County Economic Development Center, Batavia, NY, for a telemedicine project	250,000
Georgetown University Medical Center, Lombardi Comprehensive Cancer Center, Washington, DC for Carey Lackman Slease metastatic breast cancer treatment enhancement program	200,000
Georgia Southern University, School of Nursing, Statesboro, GA, for rural nursing and nursing education outreach programs	150,000
Glens Falls Hospital, Glens Falls, NY, for facilities and equipment	250,000
Good News Doctor Foundation and the International Child Development Resources Center, Inc., Melbourne, FL for facilities and equipment	650,000
Good Samaritan Health Systems, Good Samaritan Hospital Foundation, Kearney, NE, for the Mid-Nebraska Telemedicine Network	200,000
Good Samaritan Hospital Regional Medical Center, Pottsville, PA	250,000
Good Samaritan Hospital, Cincinnati, OH	800,000
Good Samaritan Hospital, Lebanon, PA for equipment	250,000
Good Shepard Rehabilitation Home, Allentown, PA for construction, renovation and equipment	250,000
Goodall-Witcher Hospital, Clifton, TX for facilities and equipment	400,000
Government of the Virgin Islands, Department of Health, for facilities and equipment for emergency medical services	340,000

Greater Harrisburg Foundation, Harrisburg, PA to collect and examine rural health indicator information	75,000
Greater Hazelton Health Alliance, Hazelton, PA	250,000
Greater New Bedford Community Health Center, New Bedford, MA for facilities and equipment	500,000
Green River Medical Center of Emery County and Eastern Grand County, Utah to provide on-site dental services	50,000
Greenburgh Health Center, White Plains, NY for facilities and equipment	100,000
Grimes St. Joseph Health Center, Navasota, TX for facilities and equipment	200,000
Grossmont Hospital Foundation, La Mesa, CA for facilities and equipment for Grossmont Hospital, San Diego, CA	200,000
Guam Department of Public Health and Social Services, for facilities and equipment for the Northern Region Health Center	400,000
Gurwin Jewish Geriatric Center, Commack, NY for an electronic charting system	340,000
H. Lee Moffitt Cancer Center and Research Institute, Tampa, FL for facilities and equipment	2,000,000
Hackensack University Medical Center, Hackensack, NJ for implementation of a computerized oncology patient management system	340,000
Hackettstown Community Hospital, Hackettstown, NJ for facilities and equipment	145,000
Hamilton Health Center, Inc., Harrisburg, PA	100,000
Hancock County Municipal Government and Wellmont Health System, Sneedville, TN for construction, renovation, and equipment of a health clinic	500,000
HARBOR BRANCH Oceanographic Institution, Fort Pierce, FL for facilities and equipment	200,000
Harney District Hospital, Burns, OR for facilities and equipment	130,000
Harris County Hospital District, Houston, TX for facilities and equipment for the emergency room at Ben Taub General Hospital	860,000
Harris County Hospital District, Houston, TX for implementation of a telehealth program	240,000
Hauptman-Woodward Medical Research Institute, Buffalo, NY for facilities and equipment	250,000
Haywood Regional Medical Center, Clyde, NC, for facilities and equipment	250,000
Hazelton General Hospital, Hazelton, PA for facilities and equipment	320,000
Health system of the University of Pennsylvania, Philadelphia, PA	1,000,000
Healthcare Information Xchange of New York, Clifton Park, NY, for facilities and equipment	250,000
HealthNet, Inc., Indianapolis, IN for facilities and equipment for People's Community Health Center	320,000
HealthPoint Family Care, Inc., Newport, KY	500,000
Heartland Regional Medical Center, St. Joseph, MO for equipment	250,000
Hebrew Home for the Aged at Riverdale, Riverdale, NY, for facilities and equipment	260,000
Henderson State University, Arkadelphia, AR for facilities and equipment for nursing education	300,000
Henry Mayo Newhall Memorial Hospital, Valencia, CA for facilities and equipment	100,000
Hidalgo Medical Services, NM	100,000
Hillcrest Healthcare System, Tulsa, OK	100,000
Hilltown Community Health Centers, Worthington, MA for facilities and equipment at the Huntington Health Center	150,000
Hispanic American Council of Erie, Erie, PA	100,000
Holy Cross Hospital, Silver Spring, MD for facilities and equipment	320,000
Holy Name Hospital, Teaneck, NJ for facilities and equipment	450,000
Holy Names University, Oakland, CA	100,000
Holy Redeemer Health System, Huntingdon Valley, PA for construction, renovation, and equipment	250,000
Holyoke Hospital, Holyoke, MA for facilities and equipment	300,000
Hope College, Holland, MI for facilities and equipment for a science building	250,000
Hopkins County Community Clinic, Hopkins County, KY	200,000
Horn Memorial Hospital, Ida Grove, IA, for facilities and equipment	125,000
Hospice of Cabarrus County, Inc., Concord, NC for Hospice House in Kannapolis, NC	100,000
Hospice of Metropolitan Erie, Inc., Erie, PA	100,000
Hospice of Napa Valley, Napa, CA for facilities and equipment	640,000
Hospice of Northwest Ohio, Perrysburg, OH	250,000
Hospital Authority of Miller County, Colquitt, GA for facilities and equipment	150,000
Hospital for Special Surgery, NY	400,000
Houlton Regional Hospital, Houlton, ME for facilities and equipment	50,000
Housing Authority of the County of Los Angeles, CA for facilities and equipment for its Casa de la Esperanza health care program	150,000
Houston County Hospital, Crockett, TX for facilities and equipment	400,000
Howard Community College, Columbia, MD for expansion of nursing education programs	300,000
Hudson Headwaters Health Network, Glens Falls, NY, for facilities and equipment for the Warrensburg Health Center	200,000
Hudson River Community Health, NY	100,000
Humility of Mary Health Partners, Boardman, OH for facilities and equipment for Hospice of the Valley	700,000
Huntington Memorial Hospital, Pasadena, CA for facilities and equipment	350,000
Hurley Medical Center, Flint, MI for replacement of its clinical patient information system	700,000
I.M. Sulzbacher Center for the Homeless, Inc., Jacksonville, FL for facilities and equipment for a healthcare facility	500,000
ICAN/Kids Oneida, Utica, NY	50,000
Idaho Commission on Nursing and Nursing Education, Idaho Falls, ID, for the Idaho Nursing Leadership and Workforce Network	250,000
Idaho State University, Telehealth Idaho Network, to continue expanding and improving health care access	1,350,000
Illinois Primary Health Care Association, Springfield, IL for a Center for Excellence	600,000
Independence Square Foundation, Kingston, RI	200,000
Indian Health Council, Inc., Pauma Valley, CA, for facilities and equipment for the IHC Health and Wellness Campus on the Rincon Indian Reservation	500,000
Indiana Regional Medical Center, Indiana, PA	250,000
Indiana University-Purdue University Fort Wayne, Fort Wayne, IN, for facilities and equipment	150,000
Infirmary Health System, Mobile Infirmary, Mobile, AL	100,000
Inland Northwest Health Services in Spokane, WA	500,000
INOVA Health System, Falls Church, VA for facilities and equipment for the CBP Hospital, Pignon, Haiti	150,000

INOVA Health System, Falls Church, VA for facilities and equipment for the Claude Moore Health Education Center at INOVA Fairfax Hospital	1,058,000
INOVA Health System, Falls Church, VA for facilities and equipment for the George Mason University Krasnow Institute, Fairfax, VA	150,000
INTEGRIS Marshall Memorial Hospital, Madill, OK for facilities and equipment	375,000
Intermountain Health Care, Salt Lake City, UT to develop a pilot program for telemedicine interpreting services for the deaf	500,000
Iowa Caregivers Association	100,000
Iowa Department of Public Health to continue the Center for Healthcare Workforce Shortages	1,400,000
Iowa Health Foundation, Des Moines, IA for a demonstration project to improve dental care in underserved rural areas	300,000
Iowa Nebraska Primary Care Association for planning grants to Iowa communities	150,000
Isla Vista Youth Projects, Isla Vista, CA for health-related facilities and equipment	200,000
J.C. Blair Memorial Hospital, Huntingdon, PA, for facilities and equipment	250,000
Jackman Region Health Center, Jackman, ME for facilities and equipment	200,000
Jackson County, MS for facilities and equipment for the county health department	340,000
Jackson Health System, Miami, FL, for facilities and equipment for the South Florida AIDS Network	200,000
Jackson Medical Mall Foundation, Jackson, MS	1,000,000
Jackson Public School District, Jackson, MS for Healthy Children, Homes, Education, and Community (HealthCHEC) project	1,000,000
Jackson State University, Jackson, MS for the Southern Institute for Mental Health Research and Training	900,000
Jamaica Hospital, Brooklyn, NY for equipment	300,000
James B. Haggin Memorial Hospital, Harrodsburg, KY for a Picture Archiving Communications System and network	275,000
James Whitcomb Riley Hospital for Children, Indianapolis, IN, for facilities and equipment for the Riley Pediatric Burn Unit	25,000
Jameson Hospital, New Castle, PA	125,000
Jefferson Memorial Hospital, Ranson, WV for facilities and equipment	57,000
Jersey City Medical Center, Jersey City, NJ for facilities and equipment	400,000
Jersey Shore Hospital, Jersey Shore, PA, for facilities and equipment	200,000
Jewish Community Centers of Staten Island, Staten Island NY for facilities and equipment	100,000
Jewish Renaissance Medical Center, Perth Amboy, NJ for facilities and equipment	700,000
Joe DiMaggio Hospital in Hollywood, FL	200,000
John F. Kennedy Center, Erie, PA for construction of a primary health care clinic	100,000
John T. Mather Memorial Hospital, Port Jefferson, NY for facilities and equipment	200,000
Jordan Hospital, Plymouth, MA for facilities and equipment	650,000
Katahdin Valley Health Center, Southern Aroostook / Northern Penobscot Health Care Access, Patten, ME	200,000
Katherine Shaw Bethea Hospital, Dixon, IL, for facilities and equipment	750,000
Kauai Community Health Center in Hawaii	50,000
Kennedy Krieger Institute, Baltimore, MD for facilities and equipment	750,000
Kent County Memorial Hospital, Warwick, RI for facilities and equipment	400,000
Kent County Visiting Nurses Association (VNA of Care New England), Warwick, RI to increase access to home health care via telemedicine	100,000
Kern County Medical Center, Bakersfield, CA, for facilities and equipment	250,000
Kettering College of Medical Arts, Kettering, OH, for facilities and equipment	550,000
Kettering College of the Medical Arts, Dayton, Ohio for construction of new nursing/physician assistant education building.	250,000
Keystone Health Center, Chambersburg, PA	250,000
Keystone Rural Health Consortia, Inc., Emporium, PA	100,000
Kiamichi Family Medical Center, Battiest, OK for facilities and equipment	175,000
KidsPeace, Orefield, PA	100,000
Kimball Medical Center, Lakewood, NJ	100,000
Kings County Hospital Center, Brooklyn, NY for facilities and equipment	320,000
Klamath County Public Health Department, Klamath Falls, OR, to build a new Public Health Facility	75,000
Knox Community Hospital, Mt. Vernon, OH for facilities and equipment	600,000
Kosair Children's Hospital, Louisville, KY for facilities and equipment for the heart institute	300,000
Kuakini Hospital Research Facility in Hawaii	50,000
La Clinica de Familia CHC in Las Cruces, NM for its promotoras/community health workers program	125,000
La Familia Medical Center in Santa Fe, NM, to expand its community health workers/promotoras program	50,000
La Familia Medical Center, Santa Fe, NM for facilities and equipment	500,000
La Maestra Community Health Centers, San Diego, CA for facilities and equipment	566,000
Lake Erie College, Painesville, OH for facilities and equipment	300,000
Lake Land College, Mattoon, IL, for facilities and equipment for the allied health wing of the western region advanced technology center	575,000
Lamprey Health Care, Newmarket, NH for facilities and equipment	450,000
Lancaster General College of Nursing and Health Sciences, Lancaster, PA, for facilities and equipment	250,000
Landmark Medical Center, Woonsocket, RI for facilities and equipment	600,000
Langlade Memorial Hospital, Antigo, WI for a four-county dental health project	400,000
Lansing Community College, Lansing, MI, for facilities and equipment for a medical training facility	200,000
Lapeer Regional Hospital, Lapeer, MI for facilities and equipment	100,000
LaSalle Primary Care Center, Jena, LA for facilities and equipment for the center in Jonesville	200,000
Latrobe Area Hospital, Latrobe, PA	250,000
Lawrence County Memorial Hospital, Lawrenceville, IL for facilities and equipment	125,000
Lawrence General Hospital, Lawrence, MA for facilities and equipment	540,000
Lawrence Memorial Hospital, Lawrence, KS for facilities and equipment	300,000
Lawton Chiles Foundation, Tallahassee, FL, for facilities and equipment	1,000,000
Le Bonheur Children's Medical Center, Memphis, TN	1,000,000
Leake Memorial Hospital, Carthage, MS, for facilities and equipment	275,000
Lehigh Valley Hospital, Allentown, PA	700,000

Lexington 4 Life, Lexington, MO for health-related facilities and equipment	400,000
Lienhard School of Nursing, Pace University, Pleasantville, NY for programs to promote interest in nursing and other health professions careers among middle school students from diverse backgrounds	104,000
Los Angeles Southwest College, Los Angeles, CA for nursing and allied health training programs	350,000
Louisiana State University Health Sciences Center, Shreveport, LA for facilities and equipment for the Children's Center	100,000
Lourdes Health System, Lourdes Medical Center of Burlington County, Willingboro, NJ, for facilities and equipment	500,000
Low Birth Weight Development Center, Dallas, TX for programs to promote the health and development of very low-birth weight infants	100,000
Lucile Packard Children's Heart Center, Palo Alto, CA	100,000
Lucile Packard Children's Hospital, Palo Alto, CA for facilities and equipment	450,000
Lucy Curci Cancer Center at Eisenhower Medical Center, Rancho Mirage, CA for facilities and equipment	250,000
Lutheran Social Services of South Dakota	200,000
Lynn Community Health Center, Lynn, MA for facilities and equipment	500,000
Madison Center, South Bend, IN for facilities and equipment for the Geropsychology Institute	200,000
Madison Community Health Center, Madison, WI for facilities and equipment	200,000
Magee Rehabilitation Hospital, Thomas Jefferson Health System, Philadelphia, PA	250,000
Magee Women's Research Institute, Pittsburgh, PA	1,000,000
Main Line Health System, Bryn Mawr, PA for equipment	200,000
Malone College, Canton, OH for facilities and equipment	500,000
Marcum and Wallace Memorial Hospital, Irvine, KY for a Picture Archiving Communications System and network	275,000
Margaretville Memorial Hospital, Margaretville, NY, for facilities and equipment	50,000
Marianjoy Rehabilitation Hospital, Wheaton, IL for facilities and equipment	200,000
Marias Medical Center, Shelby, MT	400,000
Maricopa County, AZ for extension of its telemedicine capabilities	250,000
Maricopa County, AZ for facilities and equipment for health care and dental clinics	250,000
Marietta Memorial Hospital, Marietta OH	250,000
Marion Downs Hearing Center, Denver, CO	1,000,000
Marquette General Hospital, Marquette, MI for facilities and equipment	260,000
Marquette University, Milwaukee, WI for health related facilities and equipment	350,000
Marquette University, School of Dentistry, Milwaukee, WI for dentistry outreach program to train healthcare professionals	285,000
Marshall University for a mobile medical unit which will provide pediatric care to medically underserved children in rural areas of Wayne, Lincoln, and Cabell counties in West Virginia and for a telehealth project with Walter Reed Hospital for support of virtual colonoscopies and technology for the transfer of automated medical records in rural areas of West Virginia	2,000,000
Marshfield Clinic, Marshfield, WI for facilities and equipment for the Melvin R. Laird Center for Applied Sciences	9,000,000
Mary Bird Perkins Cancer Center, Baton Rouge, LA for facilities and equipment	100,000
Mary Imogene Bassett Hospital, Inc., Bassett Healthcare, Cooperstown, NY	250,000
Mary Lanning Memorial Hospital, Hastings, NE, for facilities and equipment	50,000
Massachusetts College of Pharmacy and Health Sciences, Boston, MA for facilities and equipment for the Manchester campus	350,000
Massachusetts College of Pharmacy and Health Sciences, Boston, MA, for telehealth programs at its Worcester campus Health Education and Resource Center	450,000
Maui Community Health Center in Hawaii	1,250,000
Maui Economic Development Board in Hawaii for the Lanai Women's Initiative	50,000
MedCentral College of Nursing, Mansfield, OH for facilities and equipment	400,000
Medical College of Georgia, Augusta, GA for facilities and equipment for a cancer research building	500,000
Medical College of Ohio at Toledo for facilities and equipment	650,000
Medical College of Wisconsin, Milwaukee, WI for facilities and equipment	2,600,000
Medical University of South Carolina Oncology Center, Charleston, SC	10,000,000
Meharry Medical College, Nashville, TN	500,000
Meigs County Community Clinic, Pomeroy, OH for facilities and equipment	240,000
Memorial Health System Foundation, Inc., Ormond Beach, FL, for facilities and equipment for a hospice to be located on the Florida Hospital Flagler campus in Palm Coast, FL	100,000
Memorial Health University Medical Center, Savannah, GA for facilities and equipment for a biomedical research building	1,000,000
Memorial Healthcare System, Hollywood, FL, facilities and equipment for the Joe DiMaggio Children's Hospital pediatric emergency department	100,000
Memorial Hermann Health System, Houston, TX for facilities and equipment for neighborhood health centers	360,000
Memorial Hermann Healthcare System, Houston, TX for facilities and equipment	2,000,000
Memorial Hospital of Rhode Island, Pawtucket, RI for facilities and equipment	700,000
Memorial Medical Center, Springfield, IL for facilities and equipment	450,000
Memphis Biotech Foundation, Memphis, TN for construction, renovation, and equipment of biomedical research buildings	2,000,000
Mercy Fitzgerald Hospital, Darby, PA	250,000
Mercy Foundation, Des Moines, IA, for the Midwest Rural Telemedicine Consortium	450,000
Mercy Health Partners, Scranton, PA	250,000
Mercy Health Partners, Toledo, OH	450,000
Mercy Hospital Cadillac, Cadillac, MI for facilities and equipment	225,000
Mercy Hospital of Philadelphia, Philadelphia, PA	250,000
Mercy Hospital, Miami, FL for facilities and equipment	150,000
Mercy Hospital, Port Huron, MI for facilities and equipment	200,000
Mercy Jeannette Hospital, Jeannette, PA	90,000
Mercy Medical Center, Canton, OH for facilities and equipment	1,000,000

Mercy Medical Center, Springfield, MA	275,000
Mercy Suburban Hospital, Norristown, PA	250,000
Meridian Health in New Jersey for the Jersey Shore Emergency Reponses Center	300,000
Meridian Health, Neptune, NJ for hospitals in Brick, NJ for facilities and equipment for the Pharmacological Institute	75,000
MetroHealth System, Cleveland, OH for facilities and equipment for the pediatric intensive care unit	650,000
Metroplex Hospital, Killeen, TX, for facilities and equipment	100,000
Metropolitan Hospital, New York, NY for facilities and equipment	400,000
Miami Children's Hospital, Miami, FL, for equipment for the Pediatric Brain Tumor and Neurological Disease Institute	250,000
Michigan State University, East Lansing, MI, for a telehospice project	100,000
Mid-America Research and Development Foundation, Columbia, MO	200,000
Middle Tennessee State University, Murfreesboro, TN	750,000
Midwestern University, Chicago College of Pharmacy, Downers Grove, IL for facilities and equipment	400,000
Midwestern University, Glendale, AZ, for a rural postgraduate educational program at Sierra Vista Regional Medical Center	400,000
Millcreek Community Hospital, Erie, PA	200,000
Millennium Center for Convergent Technologies, Commack, NY	125,000
Minnesota State Colleges and Universities, Saint Paul, Minnesota, for expansion of nursing and allied health education programs in areas that demonstrate critical occupational needs	100,000
Mission Community Hospital, Panorama City, CA for facilities and equipment for its San Fernando Valley facility	265,000
Missisquoi Valley Union High School District, Swanton, VT for facilities and equipment for school-based dental and primary health care clinics	55,000
Mississippi Band of Choctaw Indians, Choctaw, MS, Choctaw Health Center for health-related construction, renovation, and equipment	600,000
Mississippi Primary Health Care Association, Jackson, MS	705,000
Mississippi University for Women, Columbus, MS	1,000,000
Modoc Indian Health Project, Alturas, CA for facilities and equipment for the Modoc Medical Center and Surprise Valley District Hospital	250,000
Mohawk Valley Community College, Utica, NY for dental clinic facility in Rome, NY	150,000
Mon Valley YMCA, Charleroi, PA for facilities and equipment	50,000
Monongahela Valley Hospital, Monongahela, PA for facilities and equipment	800,000
Montefiore Medical Center, Bronx, NY for expansion of its Clinical Information System to community-based ambulatory care facilities	300,000
Morenci Health Care Center, Inc., Morenci, AZ, for facilities and equipment	100,000
Morris Heights Health Center, Bronx, NY for facilities and equipment	400,000
Morton Comprehensive Health Services, Tulsa, OK for facilities and equipment for the Nowata Family Health Center	300,000
Morton Plant Hospital Association, Clearwater, FL for neuroscience center	150,000
Moses Cone Health System, Greensboro, NC for facilities and equipment for the Guilford Genomic Medicine Initiative	100,000
Moses Taylor Health Care System, Scranton, PA	200,000
Motion Picture and Television Fund (MPTF), Woodland Hills, CA for a physical and occupational therapy facility	200,000
Mount Anthony Union High School District, Bennington, VT for school-based health and dental services, including dental equipment	50,000
Mount Sinai Hospital of Queens, Long Island City, NY for facilities and equipment for its Comprehensive Cancer Center	340,000
Mountain Park Health Center, Phoenix, AZ, for facilities and equipment at its Tolleson, AZ site	240,000
Mountain State University in Beckley, West Virginia, for the construction of the Allied Health Technology Tower	4,000,000
Mountainlands Community Health Center, Provo, UT	125,000
Multi Dimensional Imaging, Inc. of Newport Beach, CA	500,000
Multnomah County, OR for health care facilities and equipment	340,000
Muskegon Community Health Project, Muskegon, MI, for facilities and equipment	250,000
Nassau Community College in Garden City, NY	150,000
Nassau University Medical Center, East Meadow, NY, for facilities and equipment for the burn treatment center facility	250,000
Nathan Adelson Hospice in Henderson, NV	500,000
National Healthy Start Association, Baltimore, MD to gather and disseminate information on best practices under the Healthy Start program and provide technical assistance to Healthy Start grantees	350,000
National Jewish Medical and Research Center, Denver, CO	300,000
National Organization on Fetal Alcohol Syndrome for a demonstration program with community health centers to improve the prevention, identification, and support of individuals with fetal alcohol syndrome	840,000
Navajo Medical Division in New Mexico for the establishment of a community health worker demonstration project	150,000
Neighborhood Health Plan of Rhode Island for the Rhode Island Community-Based Medical Interpretation Network	250,000
Neumann College, Aston, PA for construction	50,000
Nevada Cancer Institute, Las Vegas, Nevada for construction of a laboratory and clinical research facility	1,000,000
New Britain General Hospital, New Britain, CT for facilities and equipment	300,000
New Hampshire Community Health Centers for rural health services	400,000
New Hampshire Community Technical College System, New Hampshire Technical Institute, Concord, NH	500,000
New Horizons Medical Center, Owenton, KY for technology improvements	300,000
New Melleray Abbey in Iowa	100,000
New Mexico Children's Health project, Las Cruces, NM	400,000
New Mexico Primary Health Care Association to fund a community health worker demonstration project statewide	250,000
New York Presbyterian Hospital, New York, NY for creation of a regional health information infrastructure	1,000,000
New York University Medical Center for construction of a vaccine lab	1,000,000

North Central Pennsylvania Regional Planning and Development Commission, Ridgeway, PA, for medical equipment ...	100,000
North Dakota State University, College of Pharmacy, Fargo, ND for a telepharmacy project	850,000
North Idaho Rural Health Consortium (NIRHC), Bonner General Hospital, Sandpoint, ID to continue providing and improving distance healthcare access in north Idaho	500,000
North Mississippi Health Services, Neonatal Intensive Care Unit at North Mississippi Medical Center Women's Hospital, Tupelo, MS for planning and renovations	200,000
North Shore—Long Island Jewish Health System, Manhassat, NY	100,000
North Valley Hospital, Whitefish, MT	300,000
NorthEast Medical Center, Concord, NC for facilities and equipment for the neonatal facility	200,000
Northeast Valley Health Corporation, San Fernando, CA for facilities and equipment for its Canoga Park Health Center	70,000
Northeast Wisconsin Technical College in Green Bay, WI for a low-income health clinic	500,000
Northeastern Ohio Universities College of Medicine, Rootstown, OH for facilities and equipment	500,000
Northeastern Oklahoma Community Health Centers, Hulbert, OK for facilities, equipment, and operational costs for dental services	270,000
Northern Arizona University, Flagstaff, AZ for the Keim Genetics Laboratory	200,000
Northern Counties Health Care, St. Johnsbury, VT for facilities and equipment for a dental clinic in Hardwick, VT	170,000
Northern Dutchess Hospital, Rhinebeck, NY, for facilities and equipment	200,000
Northern Illinois University, DeKalb, IL for facilities and equipment for the Family Health Wellness & Literacy Center	3,000,000
Northern Oklahoma College, Tonkawa, OK, for construction, renovation, and equipment of a medical nursing skills training facility	50,000
Northern State University in Aberdeen, South Dakota	250,000
Northland Regional Healthcare, Princeton, MN, for facilities and equipment	250,000
Northwest College, Kirkland, WA for facilities and equipment for the Mark and Huldah Buntain School of Nursing academic center	50,000
Northwestern Memorial Hospital, Chicago, IL for facilities and equipment for a new Prentice Women's Hospital	1,600,000
Northwestern University, Evanston, IL for facilities and equipment at the Pancoe-Evanston Northwestern Healthcare Life Sciences Pavilion	800,000
Norwalk Community College, Norwalk, CT, for construction and equipment of a center for health and science	100,000
Nova Southeastern University, Fort Lauderdale, FL, for facilities and equipment	200,000
Oakland University School of Nursing, Rochester, MI for facilities and equipment	125,000
Oakwood Health System, Dearborn, MI for facilities and equipment	200,000
O'Connor Hospital, Delhi, NY, for facilities and equipment	100,000
Odessa Memorial Healthcare Center, Odessa, WA for facilities and equipment	1,050,000
Ohio Board of Regents, Columbus, OH for facilities and equipment for the Third Frontier Network	750,000
Ohio Board of Regents, Columbus, OH to extend the Third Frontier Network to children's and community hospitals for facilities and equipment	750,000
Ohio State University Medical Center, Columbus, OH, for facilities and equipment	1,400,000
Ohio State University, Ohio Agricultural Research and Development Center, Wooster, OH for facilities and equipment	1,000,000
Oklahoma Medical Research Foundation (OMRF), Oklahoma City, OK	100,000
Oklahoma Office of Rural Health, Oklahoma City, OK for telehealth	50,000
Oklahoma State University, Rural Health Policy and Research Center, Tulsa, OK, for telemedicine program	430,000
Operation PAR, Inc., Pinellas Park, FL for facilities and equipment for a facility in PAR Village North	3,000,000
Operation PAR, Inc., Pinellas Park, FL, for facilities and equipment for a child and family guidance center in St. Petersburg, FL	2,000,000
Oregon Health Sciences University, Portland, OR	300,000
Orrville Hospital Foundation dba Dunlap Memorial Hospital, Orrville, OH for facilities and equipment	500,000
Ottumwa Regional Health Center, Ottumwa, IA	155,000
Our Health, Inc., Winchester, VA for rural outreach	250,000
Overlook Hospital Foundation, Summit, NJ for facilities and equipment for the Emergency Department	90,000
Palliative Care Center and Hospice of the North Shore, Evanston, IL for facilities and equipment	300,000
Paradise Valley Hospital, National City, CA for facilities and equipment for an emergency department facility	100,000
Pardee Hospital, Hendersonville, NC, for facilities and equipment	500,000
Park Ridge Hospital/Unity Health System, Rochester, NY, for facilities and equipment for the emergency room	300,000
Parkview Hospital of El Reno Authority, El Reno, OK	100,000
Partnership for Families, Children and Adults, Chattanooga, TN for facilities and equipment for three of its facilities	300,000
Partnership for the Children of San Luis Obispo County, Clinica de Tolosa Dentistry for Children, San Luis Obispo, CA, for facilities and equipment	50,000
Pathway Caring for Children, Canton, OH for facilities and equipment	500,000
Peach Regional Medical Center, Fort Valley, GA for facilities and equipment	35,000
Penebscot Valley Hospital, Lincoln, ME for rural health care services	250,000
Penn Medicine, University of Pennsylvania Health System, Philadelphia, PA	75,000
Pennsylvania College of Optometry, Elkins Park, PA for equipment.	100,000
Pennsylvania Hospital, Philadelphia, PA	200,000
Pennsylvania State University, Hershey, PA	1,000,000
Perry Hospital, Perry, GA for facilities and equipment	50,000
Phelps Memorial Hospital Center, Sleepy Hollow, NY for facilities and equipment	450,000
Philadelphia College of Osteopathic Medicine, Philadelphia, PA	200,000
Philadelphia College of Osteopathic Medicine, Philadelphia, PA for facilities and equipment for the Lawrenceville, GA campus	682,000

Philipsburg Hospital, Philipsburg, PA, for facilities and equipment	250,000
Phoenix House, Temple Terrace, FL	500,000
Pinnacle Health System, Harrisburg, PA	250,000
Pittsburgh Gateways Corporation, Pittsburgh, PA for construction of an in vitro diagnostics facility	100,000
Pittsburgh Mercy Health System, Pittsburgh, PA	200,000
Pittsburgh Regional Healthcare Initiative, Pittsburgh, PA	200,000
Pittsburgh's Ohio Valley General Hospital, McKees Rocks, PA for facilities and equipment	400,000
Placer County, Auburn, CA for facilities and equipment for the Children's Health Center and Emergency Facility	500,000
Plumas County, Quincy, CA for facilities and equipment for the Seniors Nutrition Program	100,000
Plumas County, Quincy, CA, for the Rural Health Services Project	100,000
Pocono Medical Center, Stroudsburg, PA	100,000
Policy Institute for Integrative Medicine, Philadelphia, PA for development and dissemination of internet-based educational materials regarding integrative medicine	140,000
Pondera Medical Center, Conrad, MT, for facilities and equipment	250,000
Porcupine Clinic in Porcupine, South Dakota	100,000
Port Huron Hospital, Port Huron, MI for facilities and equipment	200,000
Portneuf Medical Center, Pocatello, ID, for the cardiac and vascular services center	700,000
Prentiss Regional Hospital and Extended Care Facility, Prentiss, MS, for facilities and equipment	225,000
Presbyterian Medical Center, University of Pennsylvania Health System, Philadelphia, PA	250,000
Primary Care Association of Hawaii for Telehealth and Outreach programs	400,000
Primary Care Center of Mount Morris, Mt. Morris, PA	125,000
Primary Health Network, Sharon, PA	100,000
Prince George's Community College, Largo, MD for facilities and equipment for nursing and other health-related instructional programs at its Laurel College Center	200,000
Prince George's County Department of Health, Upper Marlboro, MD for facilities and equipment for a community health clinic in Suitland, MD	70,000
Prince George's County, MD for facilities and equipment for a health clinic	70,000
Proctor Hospital, Peoria, IL, for facilities and equipment	450,000
Project Access of the Dan River Region, Danville, VA for rural health	150,000
Providence Center, Inc., Millersville, MD, for facilities and equipment	240,000
Providence Health, Kansas City, KS for facilities and equipment at Providence Medical Center	400,000
Puerto Rico Department of Health, Rio Piedras, PR for a program of stipends to medical residents to improve the supply of physicians in Puerto Rico	350,000
Punxsutawney Area Hospital, Punxsutawney, PA, for facilities and equipment	100,000
Putnam Hospital Center, Carmel, NY for facilities and equipment	500,000
Queens Hospital Center, Jamaica, NY for facilities and equipment	400,000
Quinnipiac University, Hamden, CT for facilities and equipment for its graduate medical education center	400,000
Rainbow Babies and Children's Hospital, Cleveland, OH	750,000
Regional Medical Center at Lubec, Lubec, ME for facilities and equipment	45,000
Rhode Island Hospital, Providence, RI for facilities and equipment	800,000
Rhodes State College, Lima, OH, for facilities and equipment for the nursing building	250,000
Rice University, Houston, TX for facilities and equipment	1,000,000
Ridgecrest Regional Hospital, Ridgecrest, CA, for facilities and equipment	125,000
Ridges Clinic, Burnsville, MN, for facilities and equipment	500,000
Riverside County Regional Medical Center, Moreno Valley, CA for facilities and equipment for the trauma unit	250,000
Riverside Health System, Newport News, VA, for facilities and equipment for the Atlantic Coast Cancer Center Riverside	100,000
Riverside Health System, Newport News, VA, for facilities and equipment for the Riverside School of.Health Careers facility	100,000
RMSA Inc. Health Center, Reidsville, NC for facilities and equipment	200,000
Robert Wood Johnson University Hospital, New Brunswick, NJ, for facilities and equipment for the Bristol-Myers Squibb Children's Hospital	240,000
Rockcastle Hospital and Respiratory Care Center, Mt. Vernon, KY, for facilities and equipment	750,000
Rockdale County, GA for health department facilities and equipment at the J.P. Carr Human Services Complex	640,000
Rocking Horse Center, Springfield, OH for facilities and equipment	150,000
Rosalind Franklin University of Medicine and Science, North Chicago, IL for facilities and equipment	250,000
Roswell Park Cancer Institute, Buffalo, NY, for facilities and equipment	250,000
Rumford Hospital, Rumford, ME for facilities and equipment	275,000
Rural Health Collaborative of Southern Ohio, Milford, OH for rural outreach	210,000
Rural Health Corporation of Northeastern, PA	100,000
RUSH Initiative, Birmingham, AL for rural outreach	150,000
RUSH Initiative, Birmingham, AL, for Safe Harbor program	200,000
Rush University Medical Center, Chicago, IL for facilities and equipment	500,000
Rutgers University in New Jersey	1,000,000
Sac and Fox Tribe of the Mississippi in Iowa for a Tribal Health Care Clinic	1,500,000
Sacred Heart Hospital, Allentown, PA	700,000
Safe Harbor Behavioral Health, Erie, PA	25,000
Saint Charles Foundation, Port Jefferson, NY for facilities and equipment for Saint Charles Hospital	200,000
Saint Clare Hospital & Health Services, Baraboo, WI for facilities and equipment	400,000
Saint Joseph Community Center, Lorain, OH for health-related facilities and equipment	320,000
Saint Joseph Health Services of Rhode Island, North Providence, RI for a mobile dental van program	75,000
Saint Luke's Episcopal Hospital, Houston, TX for facilities and equipment	350,000
Saint Luke's Hospital, Newburgh, NY for facilities and equipment	250,000
Saint Mary Medical Center, Long Beach, CA for continuation of its minority cancer education and outreach initiative	100,000
Saint Agnes Medical Center, Philadelphia, PA	250,000
Saint Anthony's Health Care Foundation, St. Petersburg, FL for facilities and equipment	2,000,000
Saint Barnabas Health Care System	300,000

Saint Bernardine Medical Center, San Bernardino, CA for facilities and equipment	575,000
Saint Francis Hospital, Wilmington, DE for facilities and equipment	125,000
Saint Francis Medical Center, Trenton, NJ, for facilities and equipment	400,000
Saint Francis University Center of Excellence for Remote and Medically Under-Served Areas, PA	250,000
Saint John's Hospital, Springfield, IL	75,000
Saint John's Health, MI	500,000
Saint John's University, College of Pharmacy and Allied Health Professions, Jamaica, NY for facilities and equipment	340,000
Saint Joseph Health Center, St. Charles, MO for a Community Health Education Resource Center	500,000
Saint Joseph Hospital, Nashua, NH	1,000,000
Saint Joseph Hospital/PeaceHealth, Bellingham, WA to continue and expand the Pursuing Perfection Project for Whatcom County	500,000
Saint Joseph Medical Center Reading, PA	100,000
Saint Joseph's Hospital, Savannah, GA, for facilities and equipment	450,000
Saint Jude Children's Research Hospital, Memphis, TN	500,000
Saint Louis Community Health Center, Superior, WI for facilities and equipment and to provide dental services	700,000
Saint Louis University, St. Louis, MO for construction, renovation, and equipment	1,000,000
Saint Luke Community Clinic, Front Royal, VA for facilities and equipment	50,000
Saint Luke's Hospital, Allentown, PA	700,000
Saint Luke's Regional Medical Center, Boise, ID for facilities and equipment	500,000
Saint Mary's Health Center, Jefferson City, MO, for facilities and equipment	600,000
Saint Mary's Health System, Knoxville, TN for facilities and equipment for the treatment center in North Knox County	100,000
Saint Mary's Medical Center, Huntington, WV for facilities and equipment	1,000,000
Saint Patrick's Hospital and Health Sciences Center, International Heart Institute, Missoula, MT to establish a Montana Cardiology Medicine Network to provide rural telemedicine resources	700,000
Saint Peter's College, Jersey City, NJ for facilities and equipment	200,000
Saint Peter's Medical Center in New Jersey	200,000
Saint Thomas Health Services, Nashville, TN	500,000
Saint Vincent Healthcare Rocky Mountain Center, MT	250,000
Saint Vincent Healthcare, Billings, MT	500,000
Saint Vincent's Medical Center in Bridgeport, CT	250,000
San Antonio Community Hospital, Upland, CA	1,000,000
San Francisco State University, San Francisco, CA for programs to recruit high school students interested in nursing careers and to assist minority and disadvantaged students in masters and doctoral nursing programs	350,000
San Joaquin Community Hospital, Bakersfield, CA, for equipment and facilities	100,000
San Joaquin General Hospital, French Camp, CA for information technology systems for medication dispensing, administration, and management	300,000
San Luis Obispo County Community College District (Cuesta College), San Luis Obispo, CA, for facilities and equipment	127,000
Santa Clara County Valley Medical Center Foundation, San Jose, CA for a substance abuse treatment facility	340,000
Sarasota Memorial Hospital, Sarasota, FL for facilities and equipment for the North County Health Center	275,000
Saratoga Hospital, Saratoga Springs, NY, for facilities and equipment	225,000
Schenectady Family Health Services, Schenectady, NY for facilities and equipment	450,000
School of Nursing, Oregon Health Sciences University, Portland, OR for facilities and equipment	370,000
Scotland County Memorial Hospital, Memphis, MO for facilities and equipment	150,000
Scottsdale Healthcare, Scottsdale, AZ	300,000
Scottsdale Healthcare, Scottsdale, AZ for facilities and equipment for the Osborne facility	250,000
Scranton Primary Health Care Center, Scranton, PA	25,000
Scripps Health—Scripps Memorial Hospital La Jolla, San Diego, CA for facilities and equipment	250,000
SDTC-The Center for Discovery, Harris, NY, for facilities and equipment for the Carrus Institute	200,000
Seattle Indian Health Board, Seattle, WA for support of its residency training program in family medicine	300,000
Sertoma Center, Knoxville, TN for facilities and equipment	250,000
Shands Jacksonville Hospital, Jacksonville, FL for facilities and equipment	340,000
Sharon Regional Health System, Sharon, PA for construction, renovation and equipment	250,000
Shawano Area Community Foundation in Shawano, WI	75,000
Shepherd University in Shepherdstown, West Virginia, for the construction of a nursing education facility	10,000,000
Sheppard Pratt Health System, Towson, MD for facilities and equipment	400,000
Shoals Committee on Programs and Employment, Florence, AL for facilities and equipment in Russellville, AL	100,000
Sierra View District Hospital, Porterville, CA for facilities and equipment	500,000
Sierra Vista Regional Health Center, Sierra Vista, AZ for facilities and equipment	500,000
Sioux Valley Memorial Hospital, Cherokee, IA, for facilities and equipment	100,000
Soldiers and Sailors Memorial Hospital, Wellsboro, PA, for facilities and equipment	200,000
Somerset Hospital, Somerset, PA, for facilities and equipment	250,000
Somerset Medical Center, Somerville, NJ, for facilities and equipment	500,000
South Carolina Office of Rural Health, Columbia, SC for facilities and equipment	100,000
South County Hospital, Wakefield, RI for construction, renovation, and equipment	150,000
South Dakota Dental Association in Pierre, South Dakota for Target Access: Building A Dental Workforce in South Dakota	200,000
South Dakota State University College of Pharmacy in Brookings, SD	200,000
South Dakota Technology Business Center in Sioux Falls, South Dakota to construct the Graduate Education and Applied Research Center	2,350,000
South Texas Rural Health Services, Cotulla, TX for a health center in La Salle County	200,000
Southcoast Health System, New Bedford, MA for facilities and equipment for the emergency department at St. Luke's Hospital	375,000
Southdale Hospital, Edina, MN, for facilities and equipment for an electronic medical record system	200,000

Southeast Community College, Cumberland, KY, for facilities and equipment for an allied health training facility	400,000
Southeast Lancaster Health Services, Lancaster, PA	100,000
Southeast Missouri Health Network, Madrid, MO for construction, renovation, and equipment for a new building in Kennett, MO	470,000
Southeast Missouri State University, Cape Girardeau, MO, for facilities and equipment	650,000
Southern Arkansas University, Magnolia, AR for facilities and equipment for nursing education	340,000
Southern Illinois University, School of Medicine, Springfield, IL for facilities and equipment for the Cancer Institute	100,000
Southern New Hampshire Medical Center, Nashua, NH	500,000
Southwest Colorado Mental Health Center, Durango, CO for the construction of the Crossroads Mental Health Center at Mercy Medical Center	500,000
Southwest Utah Community Health Center, UT	100,000
Southwestern Michigan College, Dowagiac, MI for facilities and equipment	100,000
Spanish Catholic Center in Washington, DC	400,000
Spruce Pine Community Hospital, Spruce Pine, NC for facilities and equipment	50,000
Squirrel Hill Health Center, Jewish Healthcare Foundation, Pittsburgh, PA	100,000
St. Petersburg College, St. Petersburg, FL, for facilities and equipment for a health education building	1,485,000
Stark Metropolitan Housing Authority, Canton, OH for facilities and equipment	250,000
Stark State College of Technology, Canton, OH for facilities and equipment	400,000
State of Alaska Department of Health and Social Services, Juneau, AK for implementation of its Frontier Extended Stay Clinic Demonstration Project	250,000
State of New Mexico Human Services Department, Santa Fe, NM for telehealth services to rural New Mexico	950,000
State University of New York, Upstate Medical University, Syracuse, NY for facilities and equipment	500,000
Staten Island University Hospital, NY	200,000
Stedman-Wade Health Services, Wade, NC for facilities and equipment	390,000
Stepping Stone School for Exceptional Children, Inc., Alma, AR	50,000
Stewart-Marchman Center, Daytona Beach, FL for facilities and equipment	100,000
Sullivan County Medical Center, Laporte, PA for rural outreach	225,000
Summa Health System, Akron, OH for facilities and equipment	500,000
SUN Home Health Services, Inc., Northumberland, PA, for facilities and equipment	250,000
Sun Life Family Health Center, Inc., Casa Grande, AZ for facilities and equipment	100,000
Sunbury Community Hospital, Sunbury, PA	150,000
Susquehanna Health System, Williamsport, PA for equipment	100,000
Swedish Covenant Hospital, Chicago, IL for facilities and equipment	1,000,000
Swedish Medical Center, WA	770,000
Swift Horse Lodge in Fort Thompson, SD	350,000
Tallahassee Community College, Tallahassee, FL for facilities and equipment for healthcare training	450,000
Tattnall Community Hospital, Reidsville, GA for facilities and equipment	55,000
Taylor Telfair Regional Hospital, McRae, GA for facilities and equipment	40,000
Temple University Health System, Philadelphia, PA	1,000,000
Tennessee Christian Medical Center, Madison, TN for facilities and equipment	300,000
Tennessee Technological University School of Nursing, Cookeville, TN	500,000
Terra State Community College, Fremont, OH, for facilities and equipment for a health sciences building	250,000
Texas A & M University Health Science Center, College Station, TX for the Rural Community Health Institute	400,000
Texas Children's Hospital, Houston, TX for facilities and equipment for a heart center facility	700,000
Texas College, Tyler, TX, for facilities and equipment for the Allied Health Services Building	100,000
Texas Health Resources, Arlington, TX for facilities and equipment for Harris Methodist Fort Worth Hospital, Ft. Worth, TX and Harris Methodist Northwest Hospital, Azle, TX	450,000
Texas Heart Institute, Houston, TX for equipment	350,000
Texas Tech University Health Sciences Center at El Paso, for facilities and equipment	1,100,000
Texas Tech University Health Sciences Center, Lubbock, TX, for a cardiovascular center	250,000
The Hospital, Town of Sidney, Sidney, NY, for facilities and equipment	50,000
The Jackson Laboratory, Harbor, ME	250,000
The Shelter, Columbia, MO, for facilities and equipment for a transitional living program facility	250,000
Third Street Family Health Services, Mansfield, OH for facilities and equipment	350,000
Thomas Jefferson University Hospital, Philadelphia, PA for facilities and equipment	900,000
Thoughtful House, Austin, TX, for facilities and equipment	200,000
Thundermist Health Center, Woonsocket, RI for information technology upgrades	200,000
Tiburcio Vasquez Health Center, Union City, CA for facilities and equipment for its Hayward site	250,000
Tioga Dental Services, Wellsboro, PA	100,000
Tomball Regional Hospital, Tomball, TX, for catheterization lab	250,000
Touro University College of Osteopathic Medicine in Henderson, NV	400,000
Town of Moriah, Port Henry, NY for the Mineville Health Center, Mineville, NY for facilities and equipment	300,000
Town of Welaka Medical Center, Welaka, FL, for facilities and equipment	100,000
Translational Genomics Research Institute, Phoenix, AZ for facilities and equipment	1,200,000
Transplant Foundation, Philadelphia, PA	100,000
Triangle AIDS Network, Beaumont, TX for facilities and equipment	250,000
Tri-County Community Action Program, Tamworth, NH	650,000
Tri-County Community Dental Clinic in Appleton, WI to provide dental services for rural low-income populations	100,000
Tucson Medical Center, Tucson, AZ for facilities and equipment for the TMC Health Care hospice facility	1,000,000
Tufts University School of Medicine, Boston, MA	200,000
Twin Cities Community Hospital, Inc., Templeton, CA, for equipment	140,000
Tyrone Hospital, Tyrone, PA	500,000

UMass Memorial Health Care in Worcester, MA for a high-speed network and Picture Archiving and Communication System	400,000
Umatilla County, Pendleton, OR for construction of a public health facility	95,000
Under His Wings, Morris, IL for renovation of two facilities	50,000
Union Mission, Inc., Savannah, Georgia for facilities and equipment	100,000
Uniontown Hospital, Uniontown, PA for facilities and equipment	750,000
United Medical Center, Cheyenne, WY	300,000
University at Buffalo, State University of New York, Buffalo, NY, for facilities and equipment for the Center of Excellence in Bioinformatics	500,000
University Hospitals of Cleveland, Rainbow Babies & Children's Hospital, Cleveland, OH for facilities and equipment	1,000,000
University Medical Center of South Nevada	500,000
University of Akron, Medina County University Center, Akron, OH for facilities and equipment	1,000,000
University of Alaska/Anchorage—Anchorage, AK for its Geriatric and Disabled Care Training Program	500,000
University of Alaska/Anchorage—Anchorage, AK to continue program to recruit and retain Alaska Natives as nurses	425,000
University of Alaska/Fairbanks and University of Alaska/Anchorage—Anchorage and Fairbanks, AK to continue Alaska Natives in Psychology (ANPSYCH) program	500,000
University of Appalachia, Saint Paul, VA for facilities and equipment for a School of Pharmacy	500,000
University of Arizona, Tucson, AZ, for facilities and equipment	1,200,000
University of Arkansas for Medical Sciences, Little Rock, AR for the ANGELS program	350,000
University of California—Los Angeles, Beverly Hills, CA	100,000
University of California at Los Angeles, School of Medicine for facilities and equipment for the UCLA AIDS Institute	350,000
University of California at San Francisco Children's Hospital, for facilities and equipment for a Mothers' and Children's Birth Defects Center	500,000
University of California San Diego Medical Center, La Jolla, CA for facilities and equipment for the Institute of Molecular Medicine facility	650,000
University of California, Davis Health System, Sacramento, CA for construction of medical library and education center	700,000
University of California, Irvine Medical Center, Orange, CA for facilities and equipment for the emergency department	400,000
University of Charleston in Charleston, WV, for a School of Pharmacy facility	5,300,000
University of Chicago Hospitals and Health System, Chicago, IL for facilities and equipment for a new pediatric emergency room	550,000
University of Cincinnati Medical Center, Cincinnati, OH for facilities and equipment for the medical sciences building	400,000
University of Denver, Denver, CO	200,000
University of Florida, Health Science Center, Gainesville, FL for facilities and equipment for the animal facility	2,000,000
University of Illinois College of Medicine at Peoria, Peoria, IL for facilities and equipment for a cancer research center	200,000
University of Illinois College of Medicine, Chicago, IL for the renovation and expansion of the National Center for Rural Health Professions, Education, and Research at the University of Illinois College of Medicine, Rockford	300,000
University of Iowa, Iowa City, IA, for facilities and equipment for a public health laboratory	1,400,000
University of Kentucky Consortium for Applied Oral Health Research and Treatment, Lexington, KY	1,300,000
University of Kentucky Research Foundation, Lexington, KY, for rural outreach	750,000
University of Kentucky, Lexington, KY Neuroscience Research Institute	1,500,000
University of Louisiana at Monroe, Monroe, LA for creation of the northeast Louisiana healthline	150,000
University of Louisville, Louisville, KY for equipment related to Regenerative Medicine for the Treatment of Ischemic Heart Disease Project	2,000,000
University of Louisville, Louisville, KY for the Baxter III Research Building	10,250,000
University of Louisville, Louisville, KY, for the Center for Cancer Nursing Education and Research	300,000
University of Maryland at Baltimore to establish a nursing institute	250,000
University of Maryland School of Pharmacy, Baltimore, MD for facilities and equipment	500,000
University of Massachusetts, Amherst, MA	700,000
University of Medicine and Dentistry of New Jersey, School of Osteopathic Medicine, Stratford, NJ, for facilities and equipment for the Geriatric Research Center	75,000
University of Miami, Miami, FL for facilities and equipment for the Center for Research in Medical Education	650,000
University of Michigan Health System, Ann Arbor, MI for infectious disease laboratory facilities and equipment	600,000
University of Mississippi Medical Center, Jackson, MS for the Imaging Research Center	4,000,000
University of Mississippi, Oxford, MS, School of Pharmacy for the National Center for Natural Products Research Phase II	2,600,000
University of Nevada, Las Vegas for faculty and other costs associated with organization and start-up of School of Public Health	1,000,000
University of Nevada, Reno for the Institute for Aging	900,000
University of New Mexico, Albuquerque, NM	6,000,000
University of North Dakota School of Medicine and Health Sciences for facilities and equipment	450,000
University of North Dakota, School of Medicine, Grand Forks, ND, to continue rural health research at the Center for Rural Health and Medicine	750,000
University of Northern Colorado, Greeley, CO, for facilities and equipment at the Rocky Mountain Cancer Rehabilitation Institute	75,000
University of Northern Colorado, Greeley, CO, for the Maple Tree Project at the Rocky Mountain Cancer Rehabilitation Institute	75,000
University of Oklahoma Health Sciences Center, Oklahoma City, OK, to further develop its doctoral-level program in bioinformatics	100,000
University of Pennsylvania Institute for Translational Research, Philadelphia, PA	1,000,000

University of Pennsylvania for the Paula Kline breast cancer treatment enhancement program, Philadelphia, PA	200,000
University of Pittsburgh at Bradford, Bradford, PA, for the Center for Rural Health Practice	50,000
University of Pittsburgh Medical Center, Pittsburgh, PA	1,000,000
University of Pittsburgh Medical Center, Pittsburgh, PA for non-invasive radio wave ablation equipment	200,000
University of Pittsburgh, Pittsburgh, PA	1,000,000
University of Rochester in NY to expand the School of Nursing	400,000
University of Scranton, Scranton, PA	200,000
University of South Alabama, Mobile, AL	20,000,000
University of South Alabama, Mobile, AL for facilities and equipment for the Cancer Research Institute	300,000
University of South Alabama, Mobile, AL for the Office of Emerging Health Technologies	250,000
University of South Dakota Department of Dental Hygiene in Vermillion, SD	100,000
University of South Florida, Tampa, FL for facilities and equipment for the Center for Biological Defense Labs	2,000,000
University of Southern Maine, Portland, ME, for expansion of the USM nursing school	250,000
University of Southern Mississippi, Hattiesburg, MS to equip the alternative models for primate research laboratory	250,000
University of Tennessee at Chattanooga, Graduate School of Computational Engineering and UT SimCenter at Chattanooga, Chattanooga, TN	400,000
University of Tennessee Health Science Center, Memphis, TN to support the Delta Health Partnership (Delta Regional Authority and Delta Health Alliance) project	750,000
University of Tennessee Medical Center, Knoxville, TN	250,000
University of Texas Health Center at Tyler, Tyler, TX for facilities and equipment for the Texas Lung Injury Institute	500,000
University of Texas Health Center at Tyler, Tyler, TX, for facilities and equipment for an asthma mobile van	400,000
University of Texas Health Science Center San Antonio, San Antonio, TX for equipment	250,000
University of Texas Health Science Center, Houston, TX for the facilities and equipment for the Alliance of NanoHealth	1,000,000
University of Texas MD Anderson Cancer Center, Houston, TX for equipment	500,000
University of Texas Medical Branch, Galveston, TX for facilities and equipment for infectious disease research	750,000
University of Texas Medical Branch, Galveston, TX for the Texas Telehealth Resource Center	350,000
University of Texas Southwestern Medical Center and University of Texas at Dallas for facilities and equipment for their joint program on sickle cell disease	400,000
University of Texas Southwestern Medical Center at Dallas, TX, for facilities and equipment at the Metroplex Medical Imaging Center, Dallas, TX	200,000
University of the Pacific School of Dentistry, San Francisco, CA for facilities and equipment	200,000
University of Washington, School of Medicine, Seattle, WA for Wyoming state participation in the WWAMI regional pilot program to help address the shortage of health professionals in the rural WWAMI region	50,000
University of Washington, School of Medicine, Seattle, WA, for WWAMI rural training project	340,000
University of Washington, Seattle, WA for construction of a life sciences building	1,500,000
University of Washington, Seattle, WA, for facilities and equipment for a muscular dystrophy research center building	50,000
University of Wisconsin—Milwaukee, College of Nursing, for a school nursing demonstration project in the Milwaukee Public Schools	450,000
Utah Navajo Health System, Montezuma Creek, UT for facilities and equipment	500,000
Valdosta State University, Valdosta, GA for facilities and equipment for a health sciences facility	400,000
Valley Hospital, Ridgewood, NJ for facilities and equipment for an electronic intensive care unit	70,000
Van Andel Research Institute, Grand Rapids, MI, for facilities and equipment for the Multiple Myeloma Laboratory	360,000
Vanderbilt University Medical Center Department of Pediatrics, Nashville, TN for the Nurses for Newborns of Tennessee program	250,000
Vassar Brothers Medical Center, Poughkeepsie, NY for facilities and equipment	250,000
Virginia College of Osteopathic Medicine, Blacksburg, VA for rural health outreach	150,000
Virginia Commonwealth University, Richmond, VA for facilities and equipment for Massey Cancer Center	1,000,000
Visiting Nurse Association Care Watch Program, Cleveland, Ohio, to purchase equipment	300,000
Visiting Nurse Association Healthcare Partners of Ohio, East Cleveland, OH for facilities and equipment	275,000
Visiting Nurse Association of Fox Valley, Aurora, IL for facilities and equipment	550,000
Visiting Nurse Association of Northern New Jersey, Morristown, NJ for facilities and equipment	500,000
Visiting Nurse Association of Somerset Hills, Bernardsville, NJ for facilities and equipment	500,000
Visiting Nurses Association of Greater Philadelphia, Philadelphia, PA	150,000
Vitality Center Community Service Agency in Elko, NV	50,000
Voorhees College- Denmark, SC	100,000
Waianae Coast Community Health Center, Hawaii, for leadership training	50,000
WakeMed, Raleigh, NC for construction and equipment for health care information technology	100,000
WakeMed, Raleigh, NC for programs to recruit and train health care professionals	350,000
Walsh University, North Canton, OH, for facilities and equipment	500,000
Warren County Chamber of Business and Industry, Warren, PA to purchase equipment at the Warren General Hospital	100,000
Washington County, NC for facilities and equipment for the Washington County Hospital	300,000
Washington County, OR for a primary care clinic	100,000
Washington Hospital Center, Washington, DC for facilities and equipment	1,290,000
Washoe Medical Foundation in Reno, NV	500,000
Waterbury Hospital Health Center, Waterbury, CT for facilities and equipment	100,000
Wayne Community Health Centers, Inc., Wayne County, Utah	50,000

Wayne County Department of Public Health, Detroit, MI for its Maternal and Child Outreach, Coordination and Advocacy Program to reduce infant mortality and low-weight or pre-term births	600,000
Wayne Memorial Hospital, Honesdale, PA	200,000
Weber State University, Ogden, UT	600,000
Wells River Action Program, Wells River, VT to provide free or low-cost healthcare to medically underserved people in rural Vermont	85,000
Welsh Mountain Medical & Dental Center, New Holland, PA	50,000
Wesley College, Dover, DE for facilities and equipment for the nursing program	175,000
West Hawaii Community Health Center on the Big Island of Hawaii	50,000
West Los Angeles College, Culver City, CA for the Allied Health Workforce Enhancement Project	240,000
West Point Community Hospital, West Point, MS for facilities and equipment	775,000
West Shore Advanced Life Support Services, Inc., Camp Hill, PA, for facilities and equipment	100,000
West Virginia University for a clinical teaching center at the Charleston Area Medical Center	5,000,000
West Virginia University for the construction of a Biomedical Science Research Center	20,000,000
West Virginia Wesleyan College for the construction of an expansion of the Christopher Health Science Center	4,000,000
WestCare Health System, Sylva, NC, for facilities and equipment	600,000
Western Pennsylvania Hospital, Pittsburgh, PA	250,000
Westmoreland Regional Hospital, Greensburg, PA for facilities and equipment	200,000
Westside Healthcare District, Taft, CA, for facilities and equipment	200,000
Whidden Memorial Hospital, Everett, MA for facilities and equipment	400,000
White Memorial Medical Center, Los Angeles, CA for facilities and equipment	1,500,000
White Plains Hospital Center, White Plains, NY for a project in cooperation with the White Plains School District to encourage and assist students, particularly underrepresented minorities, to pursue careers in nursing	350,000
Whiteside County Health Department, Rock Falls, IL for facilities and equipment	450,000
Whitney M. Young, Jr. Health Center, Albany, NY for facilities and equipment	340,000
Wills Eye Hospital, Philadelphia, PA	1,000,000
Winneshiek County Memorial Hospital, Decorah, IA for facilities and equipment	100,000
Wirt County Health Services Association, Inc., Elizabeth, WV for facilities and equipment for a community health center in Ravenswood, WV	100,000
Wishard Hospital in Indianapolis, IN	250,000
Wistar Institute, Philadelphia, PA	100,000
Women and Infants Hospital, Providence, RI for facilities and equipment	100,000
Women's Medical Hospital, Philadelphia, PA for construction, renovation and equipment	250,000
Wooster Community Hospital, Wooster, OH for facilities and equipment	1,000,000
Wright State University, Miami Valley College of Nursing and Health, Dayton, OH for the Nursing Institute of West Central Ohio	100,000
Wyoming Valley Health Care System, Wilkes-Barre, PA	100,000
Wyoming Valley Health Care System, Wilkes-Barre, PA for construction, renovation, and equipment	150,000
Yakima Valley Farmworkers Clinic, Portland, OR to purchase equipment for the Rosewood Family Health Clinic	100,000
Yakima Valley Memorial Hospital, WA	500,000
Yale University School of Medicine, New Haven, CT for facilities and equipment for an ovarian cancer prevention and early detection program	400,000
Yancey County, Burnsville, NC, for facilities and equipment for the Yancey County children and family services medical campus	1,000,000
Yavapai Regional Medical Center, Prescott, AZ, for facilities and equipment	100,000
Yeled V'Yalda Early Childhood Center, Inc., Brooklyn, NY for facilities and equipment for a medical center and therapeutic recreation center	100,000
Yeshiva University, Albert Einstein College of Medicine, New York, NY for facilities and equipment	200,000
YMCA of Central Stark County, Canton, OH for facilities and equipment	1,000,000
YMCA of Western Stark County, Navarre, OH for facilities and equipment	1,000,000
York Health Corporation, York, PA	25,000
Zucker Hillside Hospital, Glen Oaks, NY for facilities and equipment	385,000

The conference agreement includes bill language identifying $39,499,000 for the rural hospital flexibility grants program, as provided by the Senate. The House bill provided $32,500,000. Within the total provided, $14,499,000 is for the Small Rural Hospital Improvement Grant program.

The conference agreement includes bill language identifying $249,000 for facilities renovation at the Gillis Long Hansen's Disease Center as proposed by the Senate rather than $250,000 as proposed by the House.

The conferees have included bill language proposed by the Senate identifying $31,000,000 for existing community health centers for economic stabilization and to offset the rising cost of current services. The House report included a similar directive.

The conference agreement includes bill language identifying $100,000 for malpractice insurance for volunteer physicians who practice at free clinics instead of $4,821,000 as proposed by the Senate. The House did not provide funding for this program. The conferees understand that claims against the Federal malpractice insurance are not likely to appear until at least fiscal year 2006, but want to signal the intent to continue the program.

The conference agreement includes bill language providing $9,941,000 to remain available until expended for the National Cord Blood Stem Cell Bank Program. The House did not provide funding for this program.

The conference agreement includes bill language identifying $288,283,000 for family planning instead of $278,283,000 as proposed by the House and $308,283,000 as proposed by the Senate.

The conference agreement includes bill language identifying $793,872,000 for State AIDS Drug Assistance Programs instead of $783,872,000 as proposed by the Senate and $803,872,000 as proposed by the House.

The conference agreement includes bill language designating $119,158,000 of the funds provided for the maternal and child health block grant for special projects of regional and national significance (SPRANS), as provided by the House. The Senate bill provided $122,530,000 for this purpose. It is intended that $4,000,000 of the SPRANS amount will be used to continue the sickle cell newborn screening program and its locally based outreach and counseling efforts. In addition, $5,000,000 of the SPRANS amount will be used to continue the oral health demonstration programs and activities in the States. The conference agreement also includes within the SPRANS set-aside $1,600,000 to continue mental health programs and activities in the States, $3,000,000 to continue the epilepsy demonstration, and $2,000,000 to continue newborn and child screening for heritable disorders.

The conference agreement includes $200,000 for grants to establish a demonstration program and a National Coordinating Center to develop systemic mechanisms for the prevention and treatment of sickle cell disease as authorized in Section 712 of Public Law 108-357. The Sickle Cell Demonstration Program is designed to improve and expand patient and provider education and the continuity and coordination of service delivery for individuals with sickle cell disease through grants to eligible entities as provided for in the legislation. The conferees encourage HRSA to work with patient and provider organizations to develop these programs and prepare a program plan for fiscal year 2006 within six months of enactment.

The conference agreement includes bill language providing $40,000,000 to the Denali Commission as a direct lump payment pursuant to P.L. 106–113, of which $10,000,000 is for a psychiatric treatment facility in Bethel, Alaska, $10,000,000 is for residential and supportive housing for elders, $2,500,000 is for medical and dental equipment for rural clinics, and $5,000,000 is for upgrade and construction of shelters for victims of domestic violence and child abuse. The Senate provided $41,794,000 for the Denali Commission. The House did not include funding for the Commission. These funds support construction and renovation of health clinics, hospitals and social service facilities in rural Alaska as authorized by Public Law 106–113. Provision of the funding will help remote communities in Alaska develop critically needed health and social service infrastructure for which no other funding sources are available. The conferees expect the Denali Commission to continue its support of joint venture projects to replace the aging hospitals in Nome and Barrow.

The conference agreement provides $14,000,000 for Native Hawaiian health care activities within the consolidated health centers program instead of $15,000,000 as provided by the Senate. The House did not identify specific funding for Native Hawaiian activities.

The conferees continue to support the technical assistance provided to community health centers through the current state and national cooperative agreements, in order to sustain the continued expansion of the health centers program.

The conferees urge HRSA to give preference for funding to section 330 applications submitted within States that have made recent and significant investments to develop new health center sites and services.

The conference agreement provides $87,078,000 for National Health Service Corps recruitment. Although this level is a reduction compared to fiscal year 2004, it is not expected to trigger a decrease in the number of scholarships and loan repayments that can be supported. The recently enacted American Jobs Creation Act of 2004 exempts NHSC loan repayments from taxation as income. This legislative change will permit HRSA to make approximately forty percent more awards under the loan repayment program at any given funding level than in fiscal year 2004 because HRSA will no longer have to reimburse loan recipients for the tax payment. The conference agreement includes $2,000,000 for the demonstration program which allows chiropractors to participate in the NHSC loan forgiveness program.

The conferees do not approve the President's request to use Healthy Community Access program funds for health care networks or for chronic disease management activities.

Within the total for Ryan White AIDS programs, no less than the amount provided in fiscal year 2004 is included for AIDS activities that are targeted to address the growing HIV/AIDS epidemic and its disproportionate impact upon communities of color, including African Americans, Latinos, Native Americans, Asian Americans, Native Hawaiians, and Pacific Islanders.

The conference agreement includes $9,000,000 for rural and community access to emergency devices. Of this amount, $8,000,000 is for the rural program under section 413 of the Public Health Service Act and $1,000,000 is for the community access demonstration under section 313 of the Act.

The conferees are concerned about reports that grant reviewers for the health careers opportunity program (H-COP) have not recognized the guidance in House and Senate appropriations report language over the past several years. That report language consistently urged HRSA to give priority consideration for H–COP grants to historically minority health professions schools. Yet, several proposals for initial or competitive renewal grants from these institutions were not funded in the 2003–2004 grant cycle; the reviewer comments did not seem to acknowledge important elements of the applications demonstrating the accomplishments of these schools. The conferees direct the Government Accountability Office to study the H–COP grant review process over the past two years to determine if the grant reviewers correctly interpreted and scored the applications from historically minority health professions schools. The review should include the appropriateness of the criteria used to score the application and the degree to which they reflected appropriations report language guidance. The report should be delivered to the House and Senate Appropriations Committees by June 1, 2005.

The conferees encourage HRSA to provide funding for baccalaureate-prepared registered nurses to obtain advanced nursing education (master's degrees) in psychiatric mental health nursing. The conferees further encourage HRSA to provide funding for post-masters certification training in psychiatric mental health nursing for masters-prepared nurses already trained in other specialties.

The conferees recognize the problem of a growing shortage of nursing faculty and that potential nursing students are being turned away from nursing schools because faculty are not available. For example, a lack of qualified faculty is a principal reason for not admitting more students into some Tennessee nursing programs, and Tennessee is one of six states expected to have a critical shortage of nursing faculty within the next five years. The conferees support efforts to address the nursing school faculty shortage through the development of strategic partnerships between health care providers and educational institutions.

The conferees concur in the House report language allocating funding within allied health at the fiscal year 2004 level for graduate psychology education and geropsychology. The conferees also concur in House report language allocating the same funding as in fiscal year 2004 for geriatric education centers, geriatric training, and geriatric academic career awards. The conferees concur in Senate report language allocating funding at least at the fiscal year 2004 level for the pediatric dental program and providing continued funding for the chiropractic-medical school demonstration grant program.

The conferees continue to be concerned about the health care needs of those in the Mississippi River Delta region. The conferees provide $5,200,000 for rural health outreach to continue the ongoing initiative in eight States. These grants provide funding and technical assistance to help underserved rural communities identify and better address their health care needs and to help small rural hospitals improve their financial and operational performance. The conferees further recommend that HRSA consult with the Delta Regional Authority and the Delta Health Alliance, given their ongoing relationships with communities in the Delta.

The conferees concur in language in the Senate report identifying $3,000,000 within traumatic brain injury funding for protection and advocacy services. The House report did not have similar language.

The conferees concur in language included in the Senate report regarding the distribution of family planning grants. The House report did not include similar language.

The conference agreement includes $148,533,000 for program management as provided by the Senate instead of $151,317,000 as provided by the House. The conferees expect HRSA to use no more than one percent of the funds allocated for projects for agency administrative expenses.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

The conference agreement includes $4,533,911,000 for disease control, research, and training at the Centers for Disease Control and Prevention (CDC), instead of $4,228,778,000 as proposed by the House and $4,538,592,000 as proposed by the Senate. In addition, $265,100,000 is made available under section 241 of the Public Health Service Act. The House bill proposed that $249,100,000 and the Senate bill proposed that $269,100,000 be derived from section 241 authority.

The conference agreement adopts the revised account structure proposed by the Senate. The new structure includes both account changes that result from the CDC Director's Futures Initiative and revisions made by the Senate regarding the treatment of CDC overhead, personnel, and business expenses. Accordingly, all House bill numbers referenced below are adjusted for comparability.

The conference agreement includes bill language earmarking $272,000,000 for equipment, construction, and renovation of facilities, including the new data center and recovery site to ensure availability of critical systems and data supporting CDC's homeland security and public health emergency responsibilities, instead of $81,500,000 as proposed by the House and $294,500,000 as proposed by the Senate. Within this total, $250,000,000 is for continuation of CDC's program to upgrade and replace facilities in Atlanta and $22,000,000 is to continue construction and purchase equipment for the replacement of CDC's infectious disease laboratory in Fort Collins, Colorado. The conferees support the implementation of CDC's Buildings and Facilities Master Plan and are pleased with the progress made to date.

The conference agreement includes bill language carried in prior years to allow the CDC to enter into a single contract or related contracts for the full scope of development and construction of facilities as proposed by both the House and the Senate. The conference agreement also includes bill language to allow funds appropriated to the CDC to be used to enter into a long-term ground lease for construction on non-Federal land, in order to replace their laboratory in the Fort Collins, Colorado area as proposed by both the House and Senate.

The conference agreement includes bill language to earmark $124,882,000 for international HIV/AIDS, instead of $142,808,000 as proposed by the House and $118,842,000 as proposed by the Senate. The conference agreement reflects the result of the CDC account restructuring and not a difference in the international HIV/AIDS program operation level.

The conference agreement includes bill language similar to that proposed by the Senate designating that the following amounts shall be available under section 241 (Public Health Service Act evaluation set-aside) for the specified activities:

$109,021,000 National Center for Health Statistics Surveys;

$12,794,000 National Immunization Surveys;

$24,751,000 Information Systems Standards Development and Architecture and Applications-based Research Used at Local Public Health Levels;

$87,071,000 Research Tools and Approaches within the National Occupational Research Agenda;

$31,000,000 Public Health Research; and

$463,000 Health Marketing evaluations.

The conference agreement does not include language proposed by the Senate providing authority to the Director to direct up to 1 percent of the amount made available for any program, project, or activity in this Act to the Centers for Disease Control and Prevention to programs, projects, and activities the Director may so designate. The conferees instead encourage the Director to utilize available reprogramming authority to assist in the implementation of the Futures Initiative.

The conference agreement includes modified bill language proposed by the Senate to permit the Director to use up to $10,000 provided under this heading for representational expenses. The Senate bill included similar authority as a general provision. The House bill had no similar provision.

INFECTIOUS DISEASES

The conference agreement includes $1,666,455,000 for Infectious Diseases, instead of $1,660,599,000 as proposed by the House and $1,675,800,000 as proposed by the Senate. In addition, $12,794,000 is available to carry out National Immunization Surveys to be derived from section 241 evaluation set-aside funds.

Infectious Disease Control

Within the total for Infectious Diseases, the conference agreement includes $227,521,000 for infectious disease control activities instead of $224,288,000 as proposed by the House and $232,731,000 as proposed by the Senate.

Within the total provided, $1,291,000 above fiscal year 2004 is provided for areas of highest scientific and programmatic priority for preparing and responding to present and emerging infectious disease threats.

Within the total provided, $3,500,000 above fiscal year 2004 is to augment CDC's resources for supporting States in developing and implementing effective surveillance, prevention, and mosquito control to effectively combat West Nile Virus and support research on the biology of the disease.

Within the total provided, $1,000,000 above fiscal year 2004 is to expand and improve surveillance, research, and prevention activities on prion disease. The conferees intend the CDC allocate a portion of the increase provided to expand the work of the National Prion Disease Pathology Surveillance Center and to augment state and local disease surveillance activities.

HIV/AIDS, STD and TB Prevention

Within the total for Infectious Diseases the conference agreement includes $968,938,000 for HIV/AIDS, STD and TB prevention instead of $970,590,000 as proposed by the House and $967,075,000 as proposed by the Senate.

Included is $667,938,000 for domestic HIV/AIDS activities; $161,000,000 for STD activities; and $140,000,000 for TB activities.

Within the total for HIV/AIDS, the conferees intend that the activities that are targeted to address the growing HIV/AIDS epidemic and its disparate impact on communities of color, including African Americans, Latinos, Native Americans, Asian Americans, Native Hawaiians, and Pacific Islanders be supported at not less than $97,818,000, the fiscal year 2004 level. The conferees intend that CDC follow the report accompanying the Labor, HHS and Education and Related Agencies Appropriations Act, 2002 regarding the disbursement of these funds, including continuing support for the Directly Funded Minority Community Based Organization Program.

The conference agreement provides an increase of $2,420,000 to expand the infertility prevention program to provide screening and testing technologies for STDs and HIV, as well as other women's health services that are provided by recipients of these funds.

The conferees concur with language in the Senate report encouraging CDC to maximize the percentage of TB control funds made available on a per case basis while ensuring that no state receives less funding than it received in fiscal year 2004.

Immunization

Within the total for Infectious Diseases, the conference agreement includes a discretionary program level total of $469,995,000 for immunization, instead of $465,721,000 as proposed by the House and $475,995,000 as proposed by the Senate. In addition, $12,794,000 is for national immunization surveys to be derived from section 241 evaluation set-aside funds, the same as proposed by the Senate and the House.

In addition, the Vaccines for Children (VFC) program funded through the Medicaid program includes $1,208,296,000 in vaccine purchases and distribution support in fiscal year 2005, for a total immunization program level of $1,678,291,000.

Included in the amount provided is $414,796,000 for the section 317 program, and $67,993,000 for immunization program operations, including $5,000,000 to continue and expand the Surveillance, Preparedness, Awareness, and Response System.

HEALTH PROMOTION

The conference agreement includes $1,032,802,000 for Health Promotion, instead of $993,802,000 as proposed by the House and $988,090,000 as proposed by the Senate.

Chronic Disease Prevention, Health Promotion, and Genomics

Within the amount for Health Promotion, the conference agreement includes $907,159,000 for chronic disease prevention and health promotion instead of $873,936,000 as proposed by the House and $864,195,000 as proposed by the Senate. Programs within this account are funded at the following amounts:

$45,000,000 for Heart Disease and Stroke, $3,372,000 over fiscal year 2004;

$312,357,000 for Cancer Prevention and Control, $18,532,000 over fiscal year 2004;

$64,000,000 for Diabetes activities, $4,043,000 over fiscal year 2004;

$22,680,000 for Arthritis and Other Chronic Diseases, $658,000 over fiscal year 2004;

$105,239,000 for Tobacco activities, an increase of $15,000,000 to sustain the same program level as fiscal year 2004;

$42,289,000 for Nutrition/Physical Activity, $3,000,000 over fiscal year 2004;

$21,820,000 for Community Health Promotion, $1,200,000 over fiscal year 2004;

$57,232,000 for School Health, the same as fiscal year 2004;

$45,121,000 for Safe Motherhood/Infant Health, the same as fiscal year 2004;

$11,300,000 Oral Health, $657,000 over fiscal year 2004;

$59,298,000 for the Childhood Obesity Prevention Program, Verb;

$29,944,000 for Prevention Centers, $5,000,000 over fiscal year 2004; and

$47,000,000 for the Steps to a Healthier U.S., $5,739,000 over fiscal year 2004.

In addition, the agreement includes the following amounts for the initiatives below as outlined in the Senate report:

$1,600,000 for Alzheimer's Disease activities;

$750,000 for Inflammatory Bowel Disease activities;

$700,000 for Interstitial Cystitis activities; and

$1,500,000 for Pioneering Healthy Communities.

Within the amount provided for Cancer Prevention and Control the following is provided above the fiscal year 2004 level:

$9,000,000 for the Breast and Cervical Cancer Screening Program;

$2,476,000 for Cancer Registries;

$1,000,000 for Colorectal Cancer;

$4,855,000 for Comprehensive Cancer;

$100,000 for Ovarian Cancer;

$100,000 for Prostate Cancer;

$100,000 for Skin Cancer, and

$900,000 for cancer survivorship as outlined in the Senate report.

The conference agreement also includes $4,625,000 for the Geraldine Ferraro Cancer Education Program.

The conferees are agreed that the ratio of funds spent on activities authorized as part of the Breast and Cervical Cancer Screening Program should continue in the manner consistent with the ratio applicable in fiscal year 2004.

Within the amounts available for Arthritis and Other Chronic Diseases, the agreement provides an increase over fiscal year 2004 of $405,000 for the expansion of State-based arthritis programs and collaborations with the relevant voluntary health organizations and of $253,000 to enhance epilepsy efforts, in partnership with a national non-profit organization that works on behalf of children and adults affected by seizures. In addition, $950,000 is available within Arthritis and Other Chronic Diseases to continue support for the National Lupus Patient Registry.

Within amounts provided for Community Health Promotion: $7,707,000 is available to support and expand the Behavioral Risk Factor Surveillance Systems, as outlined in the Senate report; $6,037,000 is for health promotion; $3,586,000 ($250,000 above fiscal year 2004) is provided for continuing and expanding a model project that is testing and evaluating the efficacy of glaucoma screening using mobile units; $2,516,000 ($250,000 above fiscal year 2004) is for the national vision screening and education program; and $1,974,000 is for the Mind-Body Medical Institute in Boston, Massachusetts to continue practice-based assessments, identification, and study of promising and heavily-used mind/body practices.

The conferees applaud the CDC's commitment to continuing partnership with the Dr. James West Health Clinic in Chicago, IL in order to measure the effectiveness of integrating a chronic disease management model within a substance abuse treatment program.

Within the increase of $5,000,000 provided for Prevention Research Centers, the conferees intend that CDC ensure that all centers funded in fiscal year 2004 will continue to receive funding in fiscal year 2005.

The conferees commend CDC on its efforts to promote physical activity among children. In addition to regular physical activity, sound nutrition and healthy eating are important components of good health. The conferees encourage CDC to examine its current activities focused on children and develop options for expanding work related to promoting better nutrition and healthy eating among children. The conferees request that the CDC be prepared to report its findings during the fiscal year 2006 budget hearings.

Birth Defects

Within the amount available for Health Promotion, the conference agreement includes $125,643,000 for birth defects, developmental disabilities, disability and health instead of $119,866,000 as proposed by the House and $123,895,000 as proposed by the Senate.

Within the total, the following amounts are provided for the specified activities above the comparable amount for fiscal year 2004:

$1,758,000 to expand autism surveillance and education activities;

$250,000 to expand activities related to Fetal Alcohol Syndrome;

$250,000 to expand activities related to Folic Acid;

$657,000 to expand the National Spina Bifida program, including $200,000 to create a National Spina Bifida Clearinghouse and Resource Center;

$500,000 to expand the CDC's public health education and research partnership with the Tourette Syndrome Association;

$1,500,000 to expand surveillance and epidemiological efforts of Duchenne and Becker muscular dystrophy, including $500,000 to begin a coordinated education and outreach initiative through the Parent Project Muscular Dystrophy;

$1,394,000 to expand support for the Special Olympics Healthy Athletes Initiative;

$819,000 to continue and expand programs that translate clinical rehabilitation programs, including $500,000 to increase demonstration programs with the Christopher Reeve Paralysis Foundation;

$1,000,000 to expand the work of the Centers for Birth Defects Research and Prevention and the National Foundation for Facial Reconstruction related to craniofacial malformation;

$99,000 to expand the activities related to thalassemia blood safety surveillance; and

$170,000 to expand the work of the Attention Deficit Resource Centers.

In addition, the agreement includes the following amounts for the new initiatives below as outlined in either the House or Senate reports:

$1,000,000 to expand and support studies related to Down Syndrome;

$900,000 to expand activities related to Fragile X;

$900,000 to support the development of pilot projects to expand existing birth defect surveillance systems to include fetal death data at the Iowa Department of Health and the Metropolitan Atlanta Congenital defects Program; and

$550,000 to establish a public health outreach and surveillance program for Diamond Blackfan anemia.

HEALTH INFORMATION AND SERVICE

The conference agreement includes $95,247,000 for Health Information and Service, instead of $96,523,000 as proposed by the House and $96,449,000 as proposed by the Senate. In addition, $134,235,000, to be derived from section 241 evaluation set aside funds, is included to carry out National Center for Health Statistics surveys, Public Health Informatics evaluations, and health marketing evaluations.

Within the amount provided, the conference agreement includes $109,021,000 for the National Center for Health Statistics.

ENVIRONMENTAL HEALTH AND INJURY PREVENTION

The conference agreement includes $288,168,000 for Environmental Health and Injury Prevention activities, instead of $287,327,000 as proposed by the House and $290,126,000 as proposed by the Senate.

Environmental Health

Within the funds available for Environmental Health and Injury Prevention, the conference agreement includes $148,747,000 for environmental health instead of $148,859,000 as proposed by the House and $148,958,000 as proposed by the Senate.

Within the total:

$27,800,000 is for the environmental health laboratory, $690,000 above fiscal year 2004;

$51,461,000 is for environmental health activities (including an increase over fiscal year 2004 of $500,000 for both the Environmental and Health Outcome Tracking Network and the physician education and public awareness program for primary immune deficiency disease as implemented by the Jeffrey Modell Foundation);

$32,700,000 is for asthma, $599,000 over fiscal year 2004; and

$36,786,000 is for childhood lead poisoning, the same as fiscal year 2004.

Injury Control

Within the funds provided for Environmental Health and Injury Prevention, the conference agreement includes $139,421,000 for injury control, instead of $138,468,000 as proposed by the House and $141,168,000 as proposed by the Senate.

Within the total provided:

$104,021,000 is for intentional injury prevention activities, including increases above fiscal year 2004 of: $342,000 to extend implementation of the National Violent Death Reporting System, $466,000 to expand child maltreatment prevention activities, $1,000,000 to expand rape prevention and education activities, including funding for the National Resource Center on Sexual Assault at the statutory maximum, and $479,000 to increase support for other intentional injury programs; and

$35,400,000 is for unintentional injury prevention activities, including an increase over fiscal year 2004 of $515,000 for the Traumatic Brain Injury prevention program. In addition, sufficient funds are included to continue support for all existing Injury Control Research Centers.

OCCUPATIONAL SAFETY AND HEALTH

The conference agreement provides a total program level of $287,745,000 for occupational safety and health, instead of $280,186,000 as proposed by the House and $294,587,000 as proposed by the Senate. Within that amount, $87,071,000 is available to carry out research tools and approaches activities within the National Occupational Research Agenda (NORA) to be derived from section 241 evaluation set-aside funds.

The conferees concur in the directives in the Senate report regarding the NIOSH reporting relationship with the Director of CDC, their operating procedures, and organizational structure.

Within the total provided:

$1,500,000 above the fiscal year 2004 level is for the Education and Research Centers to expand research activities in support of implementation of NORA;

$1,400,000 above the fiscal year 2004 level is for the National Personal Protective Technologies Laboratory;

$4,258,000 above the fiscal year 2004 level is for the NIOSH in-house mining research program; and

$2,000,000 above the fiscal year 2004 level is for the National Occupational Research Agenda (NORA).

The conferees recognize the important role of the sixteen Education and Research Centers in providing research training for occupational health and safety professionals and do not believe that funds should be diverted from training activities to support other research.

GLOBAL HEALTH

The conference agreement provides $296,380,000 for Global Health activities, instead of $302,051,000 as proposed by the House and $305,239,000 as proposed by the Senate.

Within the total:

$124,882,000 is for Global HIV/AIDS, the same comparable amount as fiscal year 2004;

$138,300,000 is for Global Immunization, including an increase over fiscal year 2004 of $262,000 for Polio Eradication and $135,000 for other global immunization activities; and

$21,609,000 is for Global Disease Detection, an increase of $10,000,000 over fiscal year 2004.

The conferees encourage the Director to review the proposals submitted in response to CDC's program announcement regarding the Rapid Expansion of Antiretroviral Therapy Programs for HIV-Infected Persons in Selected Countries in Africa and the Caribbean under the President's Emergency Plan for AIDS Relief and consider giving priority to those applications deemed meritorious, but which did not receive funding in fiscal year 2004, when awarding funds in fiscal year 2005.

PUBLIC HEALTH RESEARCH

The conference agreement includes $31,000,000, to be derived from section 241 evaluation set-aside funds, for Public Health Research, instead of $29,583,000 as proposed by the House and $35,000,000 as proposed by the Senate.

The conferees intend that funds within public health research be made available to cover fiscal year 2005 continuation costs associated with the extramural prevention research program.

PUBLIC HEALTH IMPROVEMENT AND LEADERSHIP

The conference agreement includes $269,145,000 for Public Health Improvement and Leadership instead of $199,775,000 as proposed by the House and $261,858,000 as proposed by the Senate.

Within the total, $8,000,000 is included for a Director's Discretionary Fund to support activities deemed by the Director as having high scientific and programmatic priority and to respond to emergency public health requirements. The conferees concur with language in the Senate report regarding the Director's authority to reallocate management savings to the Director's Discretionary Fund upon notification of the Committees on Appropriations in the House and Senate.

The conference agreement includes $180,114,000 for Leadership and Management, instead of $179,682,000 as proposed by the House and $179,977,000 as proposed by the Senate.

The conference agreement includes $1,000,000 for the Institute of Medicine to conduct a study that includes recommendations regarding appropriate nutritional standards for the availability, sale, content, and consumption of food at school, with particular attention given to foods offered in competition with federally-reimbursed meals and snacks.

The conference agreement includes $500,000 to continue the Comprehensive Assessment of Rural Health in Iowa (CARHI), in conjunction with the Iowa Department of Public Health.

The conference agreement includes the following amounts for the following projects and activities in fiscal year 2005:

Access Community Health Network, Chicago, IL for programs related to prevention and control of chronic diseases	$500,000
Advocate Health Care, Oak Brook, IL for an initiative to reduce asthma morbidity and mortality among at-risk populations in the Chicago area	175,000
Alaska Lung Association, Anchorage, AK with the Asthma and Allergy Foundation of Alaska and the Alaska Native Health Board for programs to prevent lung diseases stemming from tobacco	500,000
Alivio Medical Center, Chicago, IL, for services related to prevention and control of chronic diseases	300,000
All Children's Hospital, Inc., St. Petersburg, FL, for an Obesity Education Project	300,000
Alliance of AIDS Services-Carolina, Raleigh, NC for a peer-led secondary prevention program targeting people living with HIV	100,000
Alliance of Pennsylvania Councils, Camp Hill, PA for a weight management program	200,000
Alpha Community Ambulance Services, Inc., State College, PA for bioterrorism preparedness	100,000
Alzheimer's Association of the Delaware Valley, Philadelphia, PA to increase community awareness of Alzheimer's	100,000
American Cancer Society—Southwest Region, Pittsburgh, PA for a living with cancer program	25,000
American Trauma Society, Upper Marlboro, MD, for a Survey Project on Communicating with Trauma Victims and their Families	550,000
American Vitiligo Research Foundation (AVRF), for education and awareness programs	100,000
American-Italian Cancer Foundation, New York, NY for mobile breast cancer screening (including upgrades to a mammography van)	100,000
Baltimore City Health Department, Baltimore, MD for HIV/STD prevention programs	340,000
Battelle, Inc., Columbus, OH, to assess the Pennsylvania agriculture industry readiness against agriculture terrorism and develop a prevention and response plan in coordination with Penn State University	100,000
Bayview Hunters Point Health and Environmental Resource Center, San Francisco, CA for education and outreach programs regarding asthma and cancer	150,000
Benedictine University, Lisle, IL, for a Public Safety Education Initiative for DuPage and Kendall Counties, IL	2,000,000
Benton County Jail, Benton County, AR, for a UV Germicidal Disinfection Unit	50,000
Bergen Community Regional Blood Center, Paramus, NJ, for a demonstration program	70,000
Beth Israel Medical Center, New York, NY for rape prevention and intervention services at its Rape Crisis Intervention Center	200,000
Black Hills State University for the West River Task Force on Fetal Alcohol Syndrome	300,000
Boys and Girls Clubs of San Dieguieto, San Diego, CA, for a Health Lifestyle Program	100,000
Bucks County EMA, Ivyland, PA to upgrade equipment and provide training for bioterrorism preparedness	100,000
Butler County Community College, Butler, PA for bioterrorism preparedness training	25,000
California State University, Fullerton, College of Human Development and Community Service, for programs aimed at preventing obesity and promoting health for children	400,000
Cascade AIDS, Portland, OR, to implement the Working Choices Project	50,000
Center for Integration of Medicine and Innovative Technology, Cambridge, MA for a Facility Airborne Biological Toxin Alarm System	500,000
Center for International Rehabilitation for the Disability Rights Monitor	500,000
Center for Mind Body Medicine, Washington, D.C., to train health and mental health professionals in treating war and terrorism related trauma in the U.S. and abroad	100,000
Center for Nonproliferation Studies, Monterey, CA, for maintenance and expansion of the Monterey WMB Terrorism Database	750,000
Center in the Park, Philadelphia, PA for health education, screening, wellness programs and other services to reduce the burden of chronic disease among senior citizens	150,000
Chattahoochee Valley Community College, Phenix City, AL, for first responder training	100,000
Chattanooga Health and Performance Institute, University of Tennessee at Chattanooga, Chattanooga, TN	400,000
Citizens Against Toxic Exposure in Pensacola, Florida to continue outreach efforts	100,000
City of Charlotte, NC, for Charlotte ALERT bioterrorism surveillance activities	250,000
City of Waterloo, Iowa, for expansion of Fire PALS, a school-based injury prevention program	450,000
Clarion University, Clarion, PA to create the Pennsylvania Smoking Cessation and Prevention Campaign	250,000
Cleveland State University for training first responders	500,000
College of New Rochelle, New Rochelle, NY for development and dissemination of preventive health educational materials	200,000
Commission on Economic Opportunity, Wilkes-Barre, PA to support the Weinberg Northeast Regional Nutrition Program for nutrition education	25,000
Community College Foundation, Sacramento, CA, for the ePassport foster child health and education data tracking program	500,000
Community Health Centers in Hawaii for the Childhood Rural Asthma Project	150,000
Community Health Partnership, San Jose, CA for breast cancer screening and referral services to low-income, medically underserved women	300,000
CommunityHealth in Chicago, IL for continuation of health-related programs	100,000
Comprehensive Cancer Center of the Ohio State University, Columbus, OH, for the Center for Health Disparities	150,000
Dan River Cardiovascular Health Initiative Program, Danville, VA	25,000
Delaware County Emergency Services, PA for a bioterrorism preparedness program	25,000
Delta Health Alliance, Stoneville, MS for continuation of multi-partner effort to address health disparities in the Delta	2,000,000
Department of Obstetrics and Gynecology, Drexel University College of Medicine, Philadelphia, PA, for prenatal care	300,000

District of Columbia Department of Health, for monitoring of residents' exposure to lead, including blood testing and environmental assessments	200,000
Domestic Violence Coalition, Harrisburg, PA for a domestic violence database	300,000
East Los Angeles Community Union (TELACU) Education Foundation, Los Angeles, CA, to address healthcare epidemic by implementing a bilingual outreach program	100,000
Eastern Maine Healthcare, Bangor, ME, for chronic disease management at the Institute for Medical Improvement (IMI)	300,000
Eastside Healthcare of Chicago Heights Foundation, Chicago Heights, IL for implementation of an asthma outreach program in schools	125,000
Emory University, Atlanta, GA for the Southeastern Center for Emerging Biologic Threats	100,000
Food Allergy & Anaphylaxis Network, Fairfax, VA to raise public awareness of food allergies	250,000
Food for Fuel, Washington, DC to implement their F3 nutritional education program	100,000
Friends of the Congressional Glaucoma Caucus Foundation, Lake Success, NY for eye screening in Southwest Texas	500,000
Georgia Rural Water Association, Barnesville, GA, for the National Fluoridation Training Institute	75,000
Giant Steps Illinois, Inc., Burr Ridge, IL, to support and expand the Autism Center of Excellence	100,000
Gilda's Club South Jersey, Atlantic City, NJ, to expand outreach programs	50,000
Golden Gate National Parks Conservancy, San Francisco, CA	150,000
Haitian American Association Against Cancer, Miami, FL for cancer education, outreach, screening and related programs	240,000
Health Care Improvement Foundation, Philadelphia, PA for a public health/bioterrorism disaster communications project	100,000
Health Choice Network, Miami, FL for the Jessie Trice Cancer prevention project	350,000
Health Improvement Collaborative of Greater Cincinnati, Cincinnati, OH, for a On The Move Initiative	100,000
Health Services Partnership of Dorchester, MA for outreach, education and prevention services related to conditions such as obesity, diabetes, heart disease and cancer	450,000
Home Safety Council, Washington, DC, for a national injury prevention education program targeting youth	50,000
Hult Health Education Center, Peoria, IL	75,000
Illinois State University, Normal, IL, for a Physical Education Obesity Prevention and Lifestyle Enhancement (PEOPLE) program	125,000
Inner Harmony Foundation and Wellness Center, Clark Summit, PA for a community health program	250,000
International Species Information System, Eagan, MN	500,000
Iowa Department of Public Health to initiate the Harkin Wellness Grant program	3,000,000
Iowa Games to continue the Lighten Up Iowa program	200,000
Iowa Health Foundation to continue a pilot program on chronic disease management	400,000
Iowa State University, Ames, IA for the Center for the Study of Violence to identify factors that contribute to the development of violence-prone individuals	155,000
Iron Disorders Institute, Hershey, PA to establish a joint Center for the Study of BioMetals in Health and Disease with special emphasis on iron-related disorders	250,000
Jaisohn Center, Philadelphia, PA for diabetes management and other health programs	100,000
James Whitcomb Riley Hospital for Children, Indianapolis, IN, for continuation of autism programs at the Christian Sarkine Autism Treatment Center	200,000
John B. Amos Cancer Center, Columbus Regional Healthcare System, Columbus, GA, for cancer education and early detection programs	250,000
Kansas City Free Health Clinic, Kansas City, MO to establish a chronic disease management program	125,000
Kansas State University, Manhattan, KS, for the Youth Obesity Prevention Initiative	250,000
Karmanos Cancer Institute, Detroit, MI, for cancer prevention and research	1,000,000
Kids Kicking Cancer, Birmingham, MI	500,000
Kids Kicking Cancer, Birmingham, MI, to initiate the "Kids Kicking Cancer" program in Pennsylvania	25,000
Kirkwood Community College, Cedar Rapids, IA for the National Mass Fatalities Institute	100,000
La Rabida Children's Hospital, Chicago, IL for diabetes programs for children and families	150,000
Lance Armstrong Foundation, Austin, TX in collaboration with the Abramson Cancer Center at the University of Pennsylvania, Philadelphia, PA for the Living Well After Cancer program	100,000
Lance Armstrong Foundation, Austin, TX, for a Lance Armstrong Foundation Survivorship Center	100,000
Lehigh Carbon Community College, Schnecksville, PA for a bioterrorism preparedness program	25,000
L'Garde, Inc., Tustin, CA for bioterrorism technology development	400,000
Livingston Parish Government, Denham Springs, LA, for a Healthy People 2010 Project	100,000
Marin County Health and Human Services Department, San Rafael, CA for research and analysis related to breast cancer incidence and mortality in the county	440,000
Marion County, OR to develop Disease Prevention and Education Programs	50,000
Medical Center Blount, Oneonta, AL, for an immunization program	20,000
Medical Institute for Sexual Health (MISH), Austin, TX, for the development of curricula for medical students and primary care residents related to sexual health	200,000
Memorial Hermann Baptist Hospitals of Southeast Texas, Julie and Ben Rogers Cancer Center, Beaumont, TX to expand cancer screening services	400,000
MIRA, Bloomfield Hills, MI	50,000
Montgomery County Department of Public Safety, Eagleville, PA for a bioterrorism preparedness program	50,000
National Center for Early Defibrillation, Pittsburgh, PA for educational outreach	25,000
National Childhood Cancer Foundation, Bethesda, MD, to provide information and assistance to families impacted by childhood cancer	1,500,000
National Children's Cancer Society, St. Louis, MO for the Beyond the Cure cancer survivorship program	1,000,000

National Foundation for Trauma Care, Irvine, CA to conduct a study on the impact a terrorist attack would have on trauma centers	150,000
National Nursing Centers Consortium, Philadelphia, PA for the Lead Safe Babies program	75,000
National Student Assistance Association, Washington, DC to study the efficacy of Student Assistance Programs in providing a mechanism to connect students in need of mental health and substance abuse services in coordination with the University of Pittsburgh	100,000
Nevada Cancer Institute to create the Lance Armstrong Foundation Cancer Survivorship Center	250,000
New England Coalition on Health Promotion and Disease Prevention, Providence, RI, for the New England obesity initiative diagnostic study	50,000
New York Methodist Hospital, Brooklyn, NY for its Patient Follow-up Coordinator Program to reduce barriers to compliance with treatment among cardiac patients from medically underserved populations	150,000
New York University for the advancement of the design and function of cochlear implants	200,000
North Shore AIDS Health Project, Gloucester, MA for programs related to prevention and control of hepatitis	150,000
Northeast Regional Cancer Institute, Scranton, PA for cancer screening evaluation	100,000
Ophelia Project, Erie, PA, to develop an educational curriculum, in collaboration with Pennsylvania State University, to address issues of anorexia and bulimia facing adolescent girls	50,000
Oral Vaccine Institute in Las Vegas, Nevada for the development of innovative vaccine delivery alternatives	900,000
Orange County Council of Government, Santa Ana, CA, for a Healthy Waterways Initiative	200,000
Orange County Fire Authority, Orange, CA, for a public safety and education center	150,000
Partnership for Food Safety Education, Washington, DC, for the FightBAC campaign	200,000
Pegasus Research Foundation, Little Rock, AR for a bioterrorism and disaster communications project in Minnesota	100,000
Pennsylvania Breast Cancer Coalition, Ephrata, PA to expand and enhance their breast cancer guide book	50,000
Pennsylvania Chapter of the American College of Emergency Physicians, Harrisburg, PA to study the roles of emergency physicians as safety net providers	200,000
Pennsylvania Homecare Association, Lemoyne, PA to launch a pilot project in the state of PA to demonstrate how homecare resources can be used for disease management of chronically ill patients	150,000
Philadelphia Department of Public Health, Philadelphia, PA for a health alert network	150,000
Pittsburgh Life Science Greenhouse, Pittsburgh, PA for clinical trial planning	200,000
Pittsburgh Public Schools, Pittsburgh, PA with the Pittsburgh School of Dentistry to develop a pilot oral health project	50,000
Pocono Health Communities Alliance, Stroudsburg, PA to provide a health and human service information and referral program	100,000
Positive Effect Outreach Ministry, Philadelphia, PA to implement a HIV outreach and screening program	100,000
Pregnancy Crisis Center, Wichita, KS, for facilities and equipment	80,000
Prevent Blindness North Carolina, Raleigh, NC for vision screening for preschool children	225,000
Prince George's County Department of Health, Upper Marlboro, MD for diabetes prevention and education programs targeted to reducing diabetes-related health disparities	330,000
Provena Mercy Center, Aurora, IL, for diabetes education and prevention	750,000
Public Health Research Institute, Newark, NJ to implement Phase III Deployment of an electronic surveillance and alert system to produce real-time local and regional data	100,000
S.A.F.E. Inc., Wilkes-Barre, PA for autism outreach	250,000
SafeMinds, Cranford, NJ	200,000
Saint Joseph's University, Philadelphia, PA for their anti-obesity program.	700,000
Saint Louis Children's Hospital, St. Louis, MO to establish a patient database to investigate the natural history of children with tuberous sclerosis complex	100,000
San Antonio Metropolitan Health District, San Antonio, TX for a health assessment of exposure to environmental contaminants at and near the former Kelly Air Force Base	320,000
Save a Life Foundation (SALF), Schiller Park, IL to expand SALF's for first aid training	500,000
Schneider's Children Hospital, New Hyde Park, NY for comprehensive Diamond Blackfan Anemia awareness and surveillance	250,000
Self Reliance Foundation, Washington, DC for the Hispanic national health communications initiative	500,000
Silent Spring Institute, Newton, MA for studies of the impact of environmental pollutants on breast cancer and women's health	350,000
Sister to Sister—Everyone Has a Heart Foundation to increase women's' awareness of heart disease, Washington, DC	550,000
Sixteenth Street Community Health Center in Milwaukee, WI to expand the Community-Based Asthma Institute	350,000
Slippery Rock University, Slippery Rock, PA, for the Center on Disability and Health to promote and encourage regular physical activity	125,000
South Central Family Health Center, Los Angeles, CA for women's health outreach, education, and screening services	150,000
Southeastern Center for Emerging Biologic Threats, Atlanta, GA	568,000
Southern AIDS Commission, Inc., Greenville, MS to provide HIV/AIDS education, prevention, and treatment programs and services	105,000
Spelman College, Atlanta, GA for its Health and Wellness Initiative for college-age women	450,000
Spinal Muscular Atrophy Foundation, New York, NY for SMA education and awareness for patients and health professionals	500,000
State Information Technology Consortium, Herndon, VA to create a web-based Center for Reducing Medical Errors	300,000

State of Alaska Department of Health and Social Services, Juneau, AK for an Injury Prevention Program	250,000
State of Alaska Department of Health and Social Services, Juneau, AK for an Obesity Prevention and Control program	500,000
State of Alaska Department of Health and Social Services, Juneau, AK for tuberculosis detection and control	500,000
Stephen F. Austin State University, Nacogdoches, TX for anti-viral compound identification	600,000
Stone Soup Group, Anchorage, AK for services to disabled children and their families, focusing on FAS/FAE children	100,000
Susan P. Byrnes Health Education Center, Inc., York, PA to address the National Obesity Epidemic among school children	70,000
Swope Health Services, Kansas City, MO for a Pediatric Screening and Intervention Project	1,000,000
Tangipahoa Parish Mosquito Abatement District #1, Hammond, LA	100,000
Telacu Education Foundation, CA, for a bilingual outreach program on diabetes	700,000
Texas A&M University Texas Engineering Extension Service (TEEX), College Station, TX to develop a bioterrorism preparedness program	250,000
The Cooper Institute, Dallas, TX to expand the Texas on the Move services	100,000
Tioga County Partnership for Community Health, Wellsboro, PA for their anti-obesity community based after school health promotion program	100,000
Toledo Children's Hospital, Toledo, OH for health promotion and risk prevention programs targeted to teenagers	50,000
University of Alaska Statewide Office, Fairbanks, AK to continue to develop and implement its statewide health agenda	1,000,000
University of Connecticut, Storrs, CT to develop and implement strategies to reduce deaths, complications and hospitalizations resulting from respiratory illness among older adults	350,000
University of Findlay, Findlay, OH, for facilities and equipment for the Center for Terrorism Preparedness	500,000
University of Hawaii for the Public Health Program	100,000
University of Kentucky, Lexington, KY for the Medication Use Decision Support Center for a program to improve medication-related outcomes	1,000,000
University of Louisville, Louisville, KY Chronic Disease Management Education Program in Cancer	300,000
University of Louisville, Louisville, KY for the Cancer Agripharmaceutical Institute	450,000
University of Louisville, Louisville, KY for the Computational Biology Project in Oral Health	500,000
University of Miami School of Medicine, Miami, FL, for culturally sensitive training on disasters in the Hispanic community	600,000
University of North Carolina at Chapel Hill, Chapel Hill, NC with East Carolina University, Greenville, NC for the Program in Racial Disparities in Cardiovascular Disease	500,000
University of North Carolina at Chapel Hill, for analysis of genomic data on racial disparities in cardiovascular disease	225,000
University of North Dakota Energy and Environmental Research Center for research into the health impact of pesticides	500,000
University of North Texas Health Science Center at Fort Worth, TX, for diabetes prevention and control	800,000
University of Northern Iowa for the National Program for Playground Safety	300,000
University of Northern Iowa, Cedar Falls, IA to support youth fitness and obesity efforts in rural preschool children	235,000
University of Notre Dame, Notre Dame, IN, for research in areas of acute care, disability, and rehabilitation at the Notre Dame Center for Orthopedic Research and Engineering	350,000
University of Oklahoma Health Sciences Center, Oklahoma City, OK, to establish a developmental center for injury prevention research	100,000
University of Pittsburgh Medical Center, Pittsburgh, PA for bioterrorism preparedness	100,000
University of Pittsburgh Medical Center, Pittsburgh, PA for the Pennsylvania Cancer Control Consortium and UPMC Cancer Pavilion, to develop a clinical research and clinical trials network	200,000
University of Texas Health Science Center at San Antonio, San Antonio, TX, for Asthma Demonstration Project	1,750,000
University of Texas Houston Health Science Center, School of Public Health, Brownsville, TX for studies regarding the health of the Hispanic population in the Lower Rio Grande Valley	500,000
University of Texas, Austin, Texas for the BioChem initiative	50,000
University of Texas, M.D. Anderson Cancer Center, Houston, TX for a comprehensive cancer control program to address the needs of minority and medically underserved populations	500,000
University of West Florida for the Partnership for Environmental Research and Community Health	200,000
University of Wisconsin-Extension in Madison, WI for the Parent Education to Prevent Childhood Obesity program	150,000
USA Stars Cultural Exchange and Diversity Training: Alcohol and Obesity Education Through Sport with Oklahoma Judo, OK	125,000
Vermont Oxford Network of Burlington, VT to expand neonatal health care quality and safety initiatives	275,000
Visiting Nurse Associations of America, Boston, MA for a home health care best practices clearinghouse	200,000
Vitiligo Support International, Inc., Encino, CA, for education and awareness programs	200,000
Washington Hospital, Washington, PA to implement their Health and Wellness Program	25,000
Wayne County Department of Public Health, Detroit, MI, for a Maternal Child Outreach, Coordination and Advocacy Program	100,000
West Jefferson Medical Center, Marrero, LA	150,000
West Side Ecumenical Ministry, Cleveland, OH for a youth health and wellness project addressing the problem of teenage obesity	140,000
Wholistic Family Agape Ministries Institute, Alexandria, VA for HIV/AIDS education and prevention and related programs	75,000

Yale New Haven Health System, to establish a specialty center for public health preparedness ...	450,000
YMCA of Bradford County, Towanda, PA, for fitness equipment	25,000

PREVENTIVE HEALTH SERVICES BLOCK GRANT

The conference agreement includes $131,814,000 for the Preventive Health Services Block Grant, the same as proposed by the Senate. The House bill included $108,516,000 for the block grant.

BUSINESS SERVICES SUPPORT

The conference agreement includes $281,226,000 for Business Services Support, instead of $286,013,000 as proposed by the House and $282,226,000 as proposed by the Senate. The agreement does not include an additional $33,953,000, to be derived from section 241 evaluation set-aside funds, as proposed by the House.

The conferees concur with language in the Senate report regarding the Director's authority to reallocate savings that result from efficiencies gained in business services support to the Director's Discretionary Fund upon notification of the Committees on Appropriations in the House and Senate.

The conferees request that the Director submit a report to the House and Senate Committees on Appropriations within 60 days of enactment showing, for fiscal years 2004 and 2005, the actual or planned division of funding between intramural and extramural programs for each budget activity and sub-activity. For those activities where funding is provided to state and local health departments through general cooperative agreements (such as many chronic disease programs, or tuberculosis or STD control), the report should also show the division of extramural funding between these cooperative agreements and other extramural programs.

The conferees also request that CDC include no less detail than provided in past years in the Justification of Estimates for the Appropriations Committees accompanying the budget for fiscal year 2006, including the functional tables for each budget activity, the mechanism table by activity, and the crosswalks of funding between programs and CDC organizations.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

The conference agreement includes $4,865,525,000 for the National Cancer Institute instead of $4,870,025,000 as proposed by the House and $4,894,900,000 as proposed by the Senate.

NATIONAL HEART, LUNG AND BLOOD INSTITUTE

The conference agreement includes $2,965,453,000 for the National Heart, Lung and Blood Institute instead of $2,963,953,000 as proposed by the House and $2,985,900,000 as proposed by the Senate.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

The conference agreement includes $395,080,000 for the National Institute of Dental and Craniofacial Research instead of $394,080,000 as proposed by the House and $399,200,000 as proposed by the Senate.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

The conference agreement includes $1,727,696,000 for the National Institute of Diabetes and Digestive and Kidney Diseases instead of $1,726,196,000 as proposed by the House and $1,739,100,000 as proposed by the Senate. An amount of $150,000,000 is also available to the Institute through a permanent appropriation for juvenile diabetes.

The conferees understand that study of Diamond Blackfan Anemia (DBA), may lead to important strides in research important to NIDDK, especially relating to red cell formation, gene therapy, mechanisms of iron overload and the development of treatment options for patients with iron overload. The conferees strongly encourage NIDDK to develop grant opportunities to support DBA research in these areas and to collaborate with NHLBI to develop appropriate research initiatives for DBA.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

The conference agreement includes $1,552,123,000 for the National Institute of Neurological Disorders and Stroke instead of $1,545,623,000 as proposed by the House and $1,569,100,000 as proposed by the Senate.

The conferees support an effort currently underway at NIH to identify FDA-approved drugs with potential for treating amyotrophic lateral sclerosis (ALS), Huntington's disease, and other neurodegenerative diseases. The conferees applaud the collaboration between the NINDS and private organizations on this drug screening project, and encourage NINDS to work with voluntary associations to expand the high throughput drug screening consortium sponsored by NINDS to include screens for compounds that ameliorate cellular changes in Duchenne muscular dystrophy.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $4,440,007,000 for the National Institute of Allergy and Infectious Diseases as proposed by the House instead of $4,456,300,000 as proposed by the Senate.

The conference agreement includes bill language permitting the transfer of $100,000,000 to International Assistance Programs, Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis as proposed by the House instead of $149,115,000 as proposed by the Senate.

The conferees are concerned about the high prevalence of food allergies, among children in particular, with up to eight percent affected. The conferees recognize that 30,000 individuals require emergency room treatment for food allergies each year, that 100 to 200 individuals die each year from allergic reactions to food, and that there is currently no cure for food allergies. For this reason, NIAID is encouraged to invest in research into the causes of food allergies and its potential treatments.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

The conference agreement includes $1,959,810,000 for the National Institute of General Medical Sciences as proposed by the House instead of $1,975,500,000 as proposed by the Senate.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

The conference agreement includes $1,280,915,000 for the National Institute of Child Health and Human Development as proposed by the House instead of $1,288,900,000 as proposed by the Senate.

The conferees commend NICHD for its leadership of the agencies and groups that have joined together to develop the National Children's Study. This group has made excellent progress in planning and preparing for the full implementation of the Study. Some projections indicate that the annual reductions in health care costs that are likely to be made possible by the Study's results will be significantly larger than the total funding levels that will be required to conduct it. To assist in planning for the future needs of the study, the conferees request that, within 120 days of the final enactment of this appropriation, NICHD provide the most recent projections of the total and annual costs of the study.

NATIONAL EYE INSTITUTE

The conference agreement includes $674,578,000 for the National Eye Institute instead of $671,578,000 as proposed by the House and $680,300,000 as proposed by the Senate.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

The conference agreement includes $650,027,000 for the National Institute of Environmental Health Sciences as proposed by the House instead of $655,100,000 as proposed by the Senate.

NATIONAL INSTITUTE ON AGING

The conference agreement includes $1,060,666,000 for the National Institute on Aging instead of $1,055,666,000 as proposed by the House and $1,094,500,000 as proposed by the Senate.

Of the nearly 35 million Americans age 65 and older, an estimated seven million suffer from a depressive illness or depressive symptoms. Depressive symptoms tend to be persistent and to interfere significantly with an individual's ability to function. The conferees encourage NIA to expand research into treatment of mental illnesses in the elderly. The conferees further recommend that NIA expand its collaboration with NIMH as well as NINR on Alzheimer's disease to include research related to identifying effective treatments for elderly persons who suffer from depression.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

The conference agreement includes $515,378,000 for the National Institute of Arthritis and Musculoskeletal and Skin Diseases as proposed by the House instead of $520,900,000 as proposed by the Senate.

The conferees encourage NIAMS to coordinate with other Institutes to enhance research relevant to scoliosis and to identify bio-mechanical causes and genetic markers, develop prenatal and childhood detection testing and strategies to prevent the deformity.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

The conference agreement includes $397,507,000 for the National Institute on Deafness and Other Communication Disorders instead of $393,507,000 as proposed by the House and $399,000,000 as proposed by the Senate.

NATIONAL INSTITUTE OF NURSING RESEARCH

The conference agreement includes $139,198,000 for the National Institute of Nursing Research as proposed by the House instead of $140,200,000 as proposed by the Senate.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

The conference agreement includes $441,911,000 for the National Institute on Alcohol Abuse and Alcoholism as proposed by the House instead of $444,900,000 as proposed by the Senate.

NATIONAL INSTITUTE ON DRUG ABUSE

The conference agreement includes $1,014,760,000 for the National Institute on

Drug Abuse instead of $1,012,760,000 as proposed by the House and $1,026,200,000 as proposed by the Senate. The agreement does not include $6,300,000 in program evaluation funding as proposed by the House. The Senate bill did not include any program evaluation funding.

NATIONAL INSTITUTE OF MENTAL HEALTH

The conference agreement includes $1,423,609,000 for the National Institute of Mental Health instead of $1,420,609,000 as proposed by the House and $1,436,800,000 as proposed by the Senate.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

The conference agreement includes $492,670,000 for the National Human Genome Research Institute as proposed by the House instead of $496,400,000 as proposed by the Senate.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

The conference agreement includes $300,647,000 for the National Institute of Biomedical Imaging and Bioengineering instead of $297,647,000 as proposed by the House and $300,800,000 as proposed by the Senate.

NATIONAL CENTER FOR RESEARCH RESOURCES

The conference agreement includes $1,124,141,000 for the National Center for Research Resources instead of $1,094,141,000 as proposed by the House and $1,213,400,000 as proposed by the Senate.

The conference agreement includes bill language to earmark $30,000,000 for extramural facilities construction grants instead of $119,220,000 as proposed the Senate. The House did not provide funding for extramural facilities construction.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

The conference agreement includes $123,116,000 for the National Center for Complementary and Alternative Medicine instead of $121,116,000 as proposed by the House and $121,900,000 as proposed by the Senate.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

The conference agreement includes $197,780,000 for the National Center on Minority Health and Health Disparities instead of $196,780,000 as proposed by the House and $197,900,000 as proposed by the Senate.

JOHN E. FOGARTY INTERNATIONAL CENTER

The conference agreement includes $67,182,000 for the John E. Fogarty International Center as proposed by the House instead of $67,600,000 as proposed by the Senate.

NATIONAL LIBRARY OF MEDICINE

The conference agreement provides $317,947,000 for the National Library of Medicine instead of $316,947,000 as provided by the House and $316,900,000 as provided by the Senate. In addition, $8,200,000 is provided from section 241 authority as proposed by both the House and Senate.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $361,145,000 for the Office of the Director instead of $359,645,000 as proposed by the House and $364,100,000 as proposed by the Senate.

The conference agreement includes bill language providing up to $10,000,000 to be used for the flexible research authority as described in section 217 of the bill as proposed by the Senate instead of $7,500,000 as proposed by the House.

The conference agreement includes a modification to House bill language that grants specific permission to NIH to fund a portion of the Roadmap Initiative through a uniform charge against the budgets of all Institutes and Centers. The conferees have deleted a specific dollar limit on such funding, in order to provide NIH with flexibility to adjust that amount in response to changing cost estimates and scientific needs. However, the agreement requires the Director to notify the Appropriations Committees before exceeding the original NIH Roadmap estimate of $176,800,000. The conferees have also added language to clarify that these provisions are not intended to limit the ability of Institutes and Centers to fund research related to the Roadmap Initiative out of their own budgets through their normal priority setting and scientific review processes.

The conferees concur with the direction contained in the House report for NIH to notify the Appropriations Committees on a quarterly basis if the contributions from Institutes and Centers or allocation of funding by Roadmap initiative changes from what is presented in the congressional justification.

The conference agreement includes bill language indicating that $10,000 of the funds provided may be used for official reception and representation expenses if specifically approved by the Director. The Senate bill contained similar language as a general provision. The House bill did not contain similar language.

The conferees concur with the concerns expressed in the Senate report about the disappointing precedent contained in the Administration request that would have used average cost assumptions inconsistent with NIH's own Cost Management Plan. To the extent that resources allow, the conferees believe that NIH should follow its Cost Management Plan principles, which will help NIH continue to maintain the purchasing power of the research in which it invests.

The conferees concur in the House report language indicating that the administration proposal to multi-year fund some or all NIH grants is not approved. The Senate did not have a similar provision.

The conferees are aware of the draft NIH policy on increasing public access to NIH-funded research. Under this policy, NIH would request investigators to voluntarily submit electronically the final, peer reviewed author's copy of their scientific manuscripts; six months after the publisher's date of publication, NIH would make this copy publicly available through PubMed Central. The policy is intended to help ensure the permanent preservation of NIH-funded research and make it more readily accessible to scientists, physicians, and the public. The conferees note that the comment period for the draft policy ended November 16th; NIH is directed to give full and fair consideration to all comments before publishing its final policy. The conferees request NIH to provide the estimated costs of implementing this policy each year in its annual Justification of Estimates to the House and Senate Appropriations Committees. In addition, the conferees direct NIH to continue to work with the publishers of scientific journals to maintain the integrity of the peer review system.

The conferees are aware that recent advances in multidisciplinary research combining biomaterials, cell biology, computer modeling, micro-machining and nanotechnology have made it possible to produce fully functioning replacement kidneys and liver tissue. The multidisciplinary tissue engineering research efforts have resulted in positive results to date in the development of a compact, wearable continuous kidney dialysis system that will greatly improve the lives of patients. The conferees encourage the Director of NIH to pursue research initiatives on the development of tissue-engineered compact, wearable, continuous kidney dialysis and liver support systems.

The conferees encourage NIAID, other Institutes within NIH and other appropriate Federal agencies to provide support for the study of Eosinophilia Myalgia Syndrome (EMS) and other immune mediated diseases that manifest symptoms like those of EMS. These systemic illnesses require new approaches, such as systems biology, to understand root causes of disease onset, to assess treatment options and to understand clinical and epidemiological aspects. EMS and EMS-like diseases have afflicted thousands, remain incurable, and continue to be difficult to diagnose.

The conferees are aware that NIH has recently completed a Trans-NIH Liver Disease Research Action Plan and urge that steps be taken to insure that its implementation begins in fiscal year 2006. The conferees further request a report by March 1, 2005 to discuss the timeline and priorities for implementing the full plan.

The conferees acknowledge the positive conclusions of the evidence-based review recently completed by the Office of Dietary Supplements on the potential benefits of omega-3 fatty acids in significantly lowering the risks of cardiovascular disease, especially coronary heart disease. The conferees urge NIH to undertake the design and planning of the recommended clinical trials needed to provide conclusive evidence regarding the potential of omega-3 fatty acids in reducing cardiovascular morbidity and mortality in the general U.S. population.

BUILDINGS AND FACILITIES

The conference agreement includes $111,177,000 for buildings and facilities instead of $99,500,000 as proposed by the House and $114,500,000 as proposed by the Senate.

The conference agreement includes bill language granting full scope authority for the contracting of construction of the first and second phases of the John E. Porter Neurosciences Building as proposed by the Senate. The House did not have a similar provision. The agreement provides $14,700,000 to continue construction of the building. The Senate report provided $15,000,000 for this purpose.

The conferees wish to recognize and honor former Congressman Joseph Daniel Early for his contribution to the National Institutes of Health. Mr. Early served in Congress from 1975 to 1993, and served on the House Labor, Health, and Human Services Appropriations Subcommittee. During his time on the Subcommittee, he tirelessly advocated on behalf of the NIH, and the importance of medical research. Even before this Subcommittee undertook bold efforts such as the recent doubling of NIH funding, Mr. Early was on the forefront of recognizing the critical role of the federal government in supporting medical research, and the significance of the work of the NIH. His efforts have undoubtably improved the health of many Americans. The conferees strongly urge the NIH to honor Mr. Early's contribution to the NIH by designating one of the two outdoor courtyards in the Mark O. Hatfield Clinical Research Center as the "Joseph D. Early Plaza (or Courtyard)". The conferees hope that such a space will include a stone marker, plaque, or sculpture that would prominently pay tribute to Mr. Early's contributions to the NIH.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

The conference agreement includes $3,418,664,000 for substance abuse and mental health services, of which $3,295,361,000 is provided through budget authority and $123,303,000 is provided through the evaluation set-aside. The House bill had proposed $3,391,663,000 for SAMHSA, of which $121,303,000 was from the evaluation set-aside and the Senate proposed $3,484,729,000, of which $123,303,000 was from the evaluation set-aside. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

Within the total provided, the conference agreement includes funding at no less than the fiscal year 2004 level for activities throughout SAMHSA that are targeted to address the growing HIV/AIDS epidemic and its disparate impact on communities of color, including African Americans, Latinos, Native Americans, Asian Americans, Native Hawaiians, and Pacific Islanders.

The conference agreement includes bill language identifying $23,107,000 for projects in the amounts specified in the statement of the managers on the conference report.

CENTER FOR MENTAL HEALTH SERVICES

The conference agreement includes $276,646,000 for programs of regional and national significance instead of $257,420,000 as proposed by the House and $303,128,000 as proposed by the Senate.

The conference agreement provides $20,000,000 for the State incentive grants for transformation as proposed by the House rather than $43,782,000 as proposed by the Senate. These competitive grants will support the development of comprehensive State mental health plans and improve the mental health services infrastructure.

Within the total provided, the conference agreement provides $95,000,000 for counseling services for school-aged youth as proposed by the Senate. In addition, $3,000,000 is provided to support the national suicide prevention resource center and continued support is also provided for the suicide prevention hotline program at $3,070,000 as proposed by the Senate.

The conference agreement includes $7,000,000 for grants and cooperative agreements to develop early intervention and prevention strategies, training and technical assistance to address the growing problem of youth suicide.

The conference agreement provides $2,000,000, rather than $4,500,000 as proposed by the Senate, to make grants to local educational systems or non-profit entities in conjunction with local educational systems to further test the use and identify evidence-based practices for facilitating treatment for teenagers suffering from mental, emotional or behavioral disorders. The House did not propose funding for these grants.

The conference agreement provides $2,000,000 to continue the current level of funding for the consumer and consumer-supported national technical assistance centers as proposed by the Senate. The conferees direct the center for mental health services to support multi-year grants to fund five such national technical assistance centers.

The conference agreement provides $5,000,000 for the elderly treatment and outreach program as proposed by the Senate rather than $4,970,000 as proposed by the House.

As proposed by the Senate, the conference agreement provides $7,000,000 for the jail diversion program instead of $6,959,000 as proposed by the House.

The conference agreement includes $4,000,000 for the minority fellowship program rather than $5,320,000 as proposed by the House.

The conferees include the following amounts for the following projects and activities in fiscal year 2005:

AgriWellness, Inc. in Harlan, IA to support the Sowing the Seeds of Hope rural mental health project	50,000
Allegheny County, Pittsburgh, PA for adolescent mental health services	100,000
Arc of Lackawanna County, Scranton, PA for mental health services	100,000
Center for Multicultural Human Services, Falls Church, VA for mental health and related services to at-risk immigrant and refugee families	100,000
Children's Aid and Family Services, Paramus, NJ to develop and implement a Clinical Excellence Institute to provide training for children's services staff	150,000
Citizens Acting Together Can Help, Inc. (CATCH), Philadelphia, PA for mental health services	75,000
City of Denver, CO Department of Health and Human Services for mental health services to homeless and at-risk youth	250,000
Community Counseling Center, Portland, ME for services for adults and children who have experienced emotional trauma	300,000
DeKalb Crisis Center, Decatur, GA for mobile mental health outreach, assessment and intervention services	150,000
El Monte Police Department, El Monte, CA, for youth violence prevention	200,000
Family Communications, Inc. in Pittsburgh, PA for the Managing Anger, Promoting Safety (MAPS) project with a focus on childcare settings in underserved communities in Mississippi	100,000
Family Communications, Pittsburgh, PA for an antiviolence program entitled the National Project Managing Anger, Promoting Safety	100,000
Family Support Systems Unlimited, Inc., Bronx, NY for mental health services	200,000
Holy Family Institute, Pittsburgh, PA to expand mental health services	100,000
Horizon Health Care in Howard, South Dakota for mental health services at the Community Health Center in Martin, South Dakota	150,000
Horizon House, Philadelphia, PA for mental health and substance abuse treatment services	75,000
Illinois Collaboration on Youth/Youth Network Council, Chicago, IL to increase access to mental health services for young people involved in the juvenile justice system	1,200,000
Jewish Association for Residential Care, Farmington Hills, MI—mental health support services and long-term case management for adults with developmental disabilities	425,000
Keifer Mercy Health Center, Springfield, OH to provide Multisystemic Therapy in a school/home-based environment for high-risk youth	200,000
Lane County, OR for mental health services for youth	225,000
Mattie Rhodes Center, Kansas City, MO for mental health, family counseling and related services	250,000
Mental Health Association of Tarrant County, Fort Worth, TX—School Mental Health Education Program	200,000
Middlecreek Area Community Center, Beaver Springs, PA for adolescent mental health programs	75,000
National Center for Children Exposed to Violence, Yale University Child Study Center, New Haven, CT for training, technical assistance, consultation and other services relating to the effects of violence on children	500,000
Noah's Ark—A Safe Place, Inc., for mental and emotional counseling for young men in several Pennsylvania counties	150,000
Northwestern Human Services, Lafayette Hill, PA to implement their "Building Bridges for Girls" Residential Program"	150,000
Ohel Children's Home and Family Services, Brooklyn, NY for adult mental health services	300,000
Ohio Department of Mental Health, Columbus, OH—Ohio Mental Health Network for School Success	250,000

Oklahoma Department of Mental Health and Substance Abuse Services, Oklahoma City for implementation of a cross-training initiative for mental health, substance abuse and domestic violence professionals	200,000
Oregon Partnership, Portland, OR to implement the Oregon Youth Suicide Prevention Program	100,000
Pacific Clinics, Arcadia, CA for mental health and suicide prevention programs for Latina youth ..	500,000
Pennsylvania Psychological Association, Harrisburg, PA for a mental health/primary care collaborative care project directed by the Geisinger Health System	25,000
Potter County Human Services, Roulette, PA to continue and enhance Yellow Ribbon youth suicide prevention efforts begun in 2003 and continued in 2004, in the rural community	100,000
Saint Boniface Neighborhood Outreach Program, Inc., Louisville, KY, for Phases II and III of a prisoner re-entry program	100,000
San Diego Lesbian, Gay, Bisexual and Transgender Community Center, San Diego, CA for mental health services	80,000
San Francisco Department of Public Health, San Francisco, CA for mental health and substance abuse services for homeless persons in supportive housing	1,500,000
Screening for Mental Health, Inc., Loveland, OH for the SOS High School Suicide Prevention Program	100,000
Senior Community Centers, San Diego, CA for mental health and related services in their supportive housing program	100,000
State of Alaska Department of Health and Social Services, Division of Behavioral Health, Juneau, AK for the Targeted Gatekeeper Suicide Prevention Training and Public Education Program	250,000
Tanana Chiefs Conference, in partnership with Fairbanks Native Association and the University of Alaska/Fairbanks, to treat behavioral health problems of children throughout Interior Alaska	750,000
Task Force on Family Violence of Milwaukee, Inc in Milwaukee, WI to provide mental health services for children who have experienced or witnessed domestic violence	70,000
United Way of Anchorage, AK for its 211 Project to develop an integrated system of resources for people with substance abuse, mental illness and homelessness	600,000
University of South Florida, Louis de la Parte Florida Mental Health Institute, Tampa, FL to close the knowledge/practice gap in mental health and substance abuse programs	500,000
Ventura County Probation Agency, Ventura, CA for the Emotionally Challenged Juvenile Offender Intervention Program	300,000
Wisconsin Department of Agriculture, Trade and Consumer Protection in Madison, WI for the Sowing the Seeds of Hope rural mental health project	50,000
YWCA of Carlisle, Carlisle, PA to provide sexual assault counseling	25,000

. The conference agreement includes $436,070,000 for the mental health block grant, which includes $21,803,000 from the evaluation set-aside, the same numbers as proposed by both the House and the Senate.

The conference agreement includes $34,620,000 for the protection and advocacy for individuals with mental illness program as proposed by the Senate instead of $36,000,000 as proposed by the House. The conferees intend that technical assistance be provided through a competitive multiyear grant with a national nonprofit organization that has the demonstrated capacity to carry out these activities. The conferees intend that the technical assistance be responsive to requests from the protection and advocacy network, based on the identified needs of individuals with mental illness and do not intend that technical assistance funds be used for administrative responsibilities of the agency administering the programs.

CENTER FOR SUBSTANCE ABUSE TREATMENT

The conference agreement includes $425,946,000 for programs of regional and national significance, which includes $4,300,000 from the evaluation set-aside, instead of $419,219,000 as proposed by the House and $424,017,000 as proposed by the Senate. Both the House and Senate bills included the evaluation set-aside at $4,300,000.

Within funds provided, $100,000,000 is for the access to recovery program as proposed by both the House and the Senate. The conferees expect that addictive disorder clinical treatment providers participating in the access to recovery program, as well as their respective staff, shall meet the certification, accreditation, and/or licensing standards recognized in their respective States.

The conference agreement provides $10,000,000 for treatment programs for pregnant, postpartum and residential women and their children as proposed by the Senate. Within these funds, no less than last year's level shall be used for the residential treatment program for pregnant and postpartum women, authorized under section 508 of the Public Health Service Act.

The conferees include the following amounts for the following projects and activities in fiscal year 2005:

Akeela, Inc., in Anchorage, AK to continue its Re-Entry Program for newly released prisoners with substance abuse problems	$200,000
Augsburg College, Minneapolis, MN for the StepUP Program to assist students in recovery from chemical dependency	200,000
Baltimore City, MD for drug treatment services	250,000
City of Jackson, TN for substance abuse prevention and treatment services	240,000
City of Wrangell in Wrangell, AK for its Avenues Program to provide comprehensive substance abuse treatment	100,000
Community Rehabilitation Center, Jacksonville, FL for services for people with co-occurring mental health and substance abuse disorders	300,000
Cook Inlet Council on Alcohol and Drug Abuse in Kenai, Alaska for treatment of women and children with substance abuse problems on the Kenai Peninsula	200,000
Cullman Area Mental Health, Cullman, AL, for a substance abuse program	20,000
Doe Fund, Inc., Philadelphia, PA to provide substance abuse treatment services	100,000
Fairbanks Memorial Hospital, Alaska for the Fairbanks Community Initiative for Chronic Inebriates	500,000
Fairbanks Native Association in Fairbanks, AK for treatment programs at the Ralph Perdue Center	500,000
Fenway Community Health Center, Boston, MA, to provide services to low-income HIV and AIDS patients	150,000
Fighting Back Partnership, Vallejo, CA for an intervention, treatment and aftercare program for students identified with drug and alcohol use	250,000
Florida Certification Board, Tallahassee, FL—Florida Center for Prevention Workforce Development	400,000
Gavin Foundation, South Boston, MA for substance abuse treatment services at its Cushing House facility for adolescents	300,000
Hitchcock Center for Women, Cleveland, OH for substance abuse treatment and related services	100,000

Jefferson County Medical Society Outreach Program, Inc., (The Healing Place) Louisville, KY—Women's Recovery Program	200,000
Mental Health Systems, Inc., Family Recovery Center, Oceanside, CA, to enhance and expand substance abuse treatment services for women at-risk for HIV	50,000
Mountain Lakes Behavioral Healthcare, Guntersville, AL for co-occurring disorder treatment	20,000
ODAAT, Inc., Philadelphia, PA to expand mental and behavioral health services to disadvantaged drug addicted populations	200,000
Ramsey County, MN, for the All Children Excel Program	667,000
Saint Barnabus on the Lake Drug and Alcohol Rehab Center, Erie, PA to implement a faith-based drug and alcohol rehabilitation program for males 18 and older.	25,000
Salvation Army of Anchorage to support detox programs at the Clitheroe Center in Anchorage, AK	500,000
SBH Community Services, Brooklyn, NY, for an Addictive Behavior/Family Preservation Program	100,000
South Dakota Division of Alcohol and Drug Abuse, Pierre, SD for treatment services for methamphetamine addiction and co-occurring mental health and substance abuse disorders	700,000
Teen Challenge of Rehrersburg, PA to establish a transitional rehabilitation program for recovering drug and alcohol addicts	100,000
WestCare Kentucky, Inc., Pikesville, KY for a comprehensive substance abuse treatment service system pending receipt of state licensure	750,000
Wyoming Substance Abuse Treatment and Recovery Center, Sheridan, WY to expand residential treatment services	1,100,000

The conference agreement includes $1,789,235,000 for the substance abuse prevention and treatment block grant, of which $1,710,035,000 is budget authority and $79,200,000 is provided through evaluation set-aside. These are the same numbers as proposed by the House. The Senate bill had proposed $1,832,235,000 with the same evaluation set-aside.

CENTER FOR SUBSTANCE ABUSE PREVENTION

The conference agreement includes $200,428,000 for programs of regional and national significance instead of $200,000,000 as proposed by the House and $198,940,000 as proposed by the Senate.

Included in the conference agreement is $10,000,000 for fetal alcohol syndrome/fetal alcohol effect (FAS/FAE) prevention and treatment programs, with an emphasis on teenage mothers instead of $11,000,000 as proposed by the Senate.

The conferees expect States receiving funding under the strategic prevention framework State incentive grant to give priority in the use of the 20 percent prevention set-aside in the substance abuse prevention and treatment block grant to funding the specific priorities in the comprehensive community strategies developed by the communities in their States.

The conferees include the following amounts for the following projects and activities in fiscal year 2005:

ALERT Partnership, Allentown, PA for a substance abuse prevention program	$25,000
Alliance for Consumer Education (ACE), in cooperation with the Pennsylvania School Counselors Association, to provide parents and counselors with prevention information about inhalant abuse	100,000
Boys and Girls Club of Erie, Erie, PA to implement the SMART Moves prevention program	50,000
C.B. Johnson Campaign for a Drug Free Westside, Chicago, IL for substance abuse prevention and treatment services	340,000
Centre County, PA, to implement, in coordination with Clinton County, educational programming targeting the prevention of drug use by students	200,000
Clinton County Communities That Care, Lock Haven, PA for a prevention program to identify and reduce risk factors leading to juvenile delinquency	100,000
CODAC Behavioral Healthcare, Cranston, RI to reduce substance abuse and violence with troubled students	100,000
Community Health Center on the Big Island of Hawaii for Youth Anti-Drug Program	250,000
Community Prevention Partnership of Berks County, Reading, PA to implement the Grandparents Raising Resilient Youth program	25,000
Community Services for Children, Allentown, PA for a substance abuse prevention program	100,000
Corporate Alliance for Drug Education, Bala Cynwyd, PA for an elementary school-based prevention program to teach children to reject substance abuse and violence while helping them to identify positive alternatives to harmful situations	250,000
Drug Free Pennsylvania, Harrisburg, PA to implement a drug-free workplace training program	50,000
Institute for Research, Education & Training in Addictions (IRETA), Pittsburgh, PA to implement substance abuse prevention programs	200,000
Institute for the Study and Practice of Nonviolence, Providence, RI for the Streetworkers Program to reduce youth substance abuse and violence	100,000
Life Haven, Inc., New Haven, CT for services to promote resilience for homeless and other at-risk children	200,000
NAIVE Program, Langhorne, PA, to provide drug prevention programs for students and teachers	25,000
Ohio Association of Alcoholism and Drug Abuse Counselors, Worthington, OH—expansion of the Ohio Alcohol and Other Drug Workforce Resource Center	100,000
South Boston Community Health Center, South Boston, MA for substance abuse prevention services	340,000
Strength Incorporated, Wilkinsburg, PA, for a drug and alcohol prevention program that provides individuals with life skills	100,000
Sunshine Center, Port Jefferson Station, NY for substance abuse and violence prevention services for children and families	100,000
Susan P. Byrnes Health Education Center, Inc., York, PA, for a tobacco education program in schools and community organizations	230,000
University of South Dakota School of Medicine Center for Disabilities in Sioux Falls, South Dakota to continue the work of the Consortium on Fetal Alcohol Syndrome	350,000
Warren County Department of Human Services, Warren, PA for outreach and training for substance abuse prevention programs	25,000
Youth in Action, Providence, RI for a teen substance abuse reduction program	50,000

PROGRAM MANAGEMENT

The conference agreement includes $94,455,000 for program management, of which $18,000,000 is provided through the evaluation set-aside, the same as proposed by the Senate. The House bill had proposed $92,455,000 with a $16,000,000 evaluation set-aside.

Within the total, $2,000,000 is included, as proposed by the Senate, to establish surveillance measures to address the mental and behavioral health needs of the population of the United States. The House did not include funding for this program.

Agency for Healthcare Research and Quality

HEALTHCARE RESEARCH AND QUALITY

The conference agreement includes $318,695,000 as proposed by the Senate instead of $303,695,000 as proposed by the House. The agreement makes these funds available through the policy evaluation set-aside, as proposed by both House and Senate.

The conferees provide $15,000,000 within this total for clinical effectiveness research as proposed by the Senate. The House did not have a similar provision.

The conferees are aware of the use of home health monitoring devices that guide patients and their physicians in managing chronic diseases, thereby avoiding rehospitalization and emergency room visits. The conferees encourage AHRQ to study the effectiveness of programs using these devices with patients suffering from chronic illnesses, compare monitored patients with non-monitored patients taking into account the number of hospitalizations, and quantify any overall cost reductions resulting from these programs.

Centers for Medicare and Medicaid Services

PROGRAM MANAGEMENT

The conference agreement includes $2,696,402,000 for program management instead of $2,746,253,000 as proposed by the House and $2,756,644,000 as proposed by the Senate. An additional appropriation of $720,000,000 has been provided for the Medicare Integrity Program through the Health Insurance Portability and Accountability Act of 1996. The conference agreement does not include language included in the House bill that would have reduced Program Management by a total of $12,500,000.

The conference agreement includes $78,119,000 for research, demonstration, and evaluation instead of $68,400,000 as proposed by the House and $77,791,000 as proposed by the Senate. Within the total provided, the conference agreement provides $40,000,000 for Real Choice Systems Change Grants to States.

The conferees are pleased with the demonstration project at participating sites licensed by the Program for Reversing Heart Disease and encourage its continuation. The conferees further urge CMS to continue the demonstration project being conducted at the Mind Body Institute of Boston, Massachusetts. The conferees urge CMS to continue its research activities targeted towards ensuring culturally sensitive health care for American Samoans.

The agreement includes bill language for the following projects and activities for fiscal year 2005:

Advocate Metro Outreach Initiative, Oak Brook, to implement an initiative to provide comprehensive health education and services to the deaf and hard-of-hearing community	$100,000
African American Interdenominational Ministries, Inc., Philadelphia, PA to implement an insurance outreach program	150,000
AIDS Healthcare Foundation, Los Angeles, CA for a demonstration of residential and outpatient treatment facilities	1,900,000
Bronx-Lebanon Hospital Center, Bronx, NY for a comprehensive adolescent and young adult health program to demonstrate means of improving health care and preventive services for underserved inner city teenagers and young adults	450,000
Children's Institute for Palliative Care, Children's Hospitals and Clinics, Minneapolis, MN for a pediatric palliative care demonstration program	300,000
City of Detroit, MI for a project to improve access to primary care and preventive health services for low-income and uninsured persons	600,000
Community Catalyst, Inc., Boston, MA, for the expansion of a benefits management program	100,000
Cook County Bureau of Health Services in Chicago, IL for the Antibiotic Resistance Program	150,000
Donald R. Watkins Memorial Foundation, Houston, TX, for a comprehensive HIV/AIDS treatment and research demonstration program	340,000
Focus on Therapeutic Outcomes, Inc., Knoxville, TN	100,000
Hamot Medical Center, Erie, PA and the Ohio Health System, Columbus, OH to implement a demonstration project on the Medicare Advantage program	250,000
HealthRight, Inc., Philadelphia, PA for their Care Access Program	25,000
Inglis Foundation, Philadelphia, PA for healthcare and social services for low-income adults with severe physical disabilities in an effort to promote independent living	75,000
Medical Care for Children Partnership, Fairfax, VA for access to specialty health care for children who have serious medical needs	50,000
Memphis Biotech Foundation in Memphis, Tennessee to develop a biologistics network in Mississippi and Tennessee	500,000
Muskegon Community Health Project, Muskegon, MI for the Access Health Program	225,000
Our House of Portland, Portland, OR, to develop a Care Program for people living with AIDS	30,000
Pace Vermont, Burlington, VT, for the Rural Program for All-inclusive Care for the Elderly	750,000
Patient Advocate Foundation, Newport News, Virginia, to assist the PAF in serving patients experiencing difficulty accessing quality health care services	150,000
Puerto Rico's Governor's Office of Elderly Affairs for the Medication Error Prevention Pilot Program	450,000
San Francisco Department of Public Health, San Francisco, CA for a demonstration project to improve HIV/AIDS treatment and prevention services	1,500,000
Santa Clara County, CA for outreach and enrollment assistance activities of the Children's Health Initiative	300,000
Susquehanna Health System, Williamsport, PA for stabilizing workforce for patient care	500,000
Swope Health Services, Kansas City, MO to supplement recurring healthcare costs for underemployed, uninsured, and income-qualified patients in Wyandotte and Johnson Counties, KS	500,000
Temple University, Crime and Justice Research Center, Philadelphia, PA for DNA backlog and utilization	100,000
University of Maine, Partnership for Early Childhood Health & Services	250,000

The conference agreement includes $1,746,879,000 for Medicare operations instead of $1,796,879,000 as proposed by the Senate and $1,793,879,000 as proposed by the House. The conference agreement does not include the $155,000,000 reduction to Medicare operations included in general provision 217 of the House bill.

The conference agreement includes bill language identifying not less than $79,000,000 for processing Medicare appeals. The House and Senate bills had similar language, which also provided for a transfer of $50,000,000 to the Social Security Administration for processing appeals. The conference agreement provides the funding for SSA through the General Departmental Management account.

The conference agreement includes bill language proposed by the Senate making up to an additional $18,000,000 available to CMS for Medicare claims processing if unit costs of claims exceed particular thresholds. The House bill did not contain similar language.

The conference agreement provides $3,000,000 within Medicare operations to support Benefit Improvement and Protection Act of 2000 (BIPA) section 522 activities, as proposed by the Senate. The House proposed that these activities be supported through Federal administration.

The conferees concur with language in the Senate report regarding funding for the State health insurance counseling program. The House report did not have similar language.

The conference agreement provides $586,182,000 for Federal administration instead of $589,182,000 as proposed by the House and $587,182,000 as proposed by the Senate.

The conference agreement includes bill language making funds available for the

Healthy Start, Grow Smart program. The Senate had proposed similar bill language; the House report contained similar language.

The conference agreement does not provide $1,000,000 for an Institute of Medicine study of the Medicare 75 percent rule as proposed by the Senate. The House did not have a similar provision.

The conferees are aware that the funding provided by section 508 of the Medicare Modernization Act was inadequate to fully fund all of the hospitals that qualified for reclassification under this section. The conferees are concerned that inadequate funding under this provision has adversely affected patient access to care. Therefore, the conferees request that CMS submit a report with the following information: the number of hospitals that qualified for funding under section 508; the number of hospitals that qualified but received no funding under this provision; and a cost estimate, by year, of the amount needed to fully fund these hospitals over the next three years. The conferees request that this report be submitted to the Senate and House Appropriations Committees no later than 90 days after enactment of this Act.

The conferees are concerned that phase-in of Medicare Part D may result in significant increases in out-of-pocket costs to Medicare enrollees with HIV/AIDS who now rely on Medicaid for their prescription medications, as well as to the state AIDS Drug Assistance Programs (ADAP). The inability of enrollees with chronic and costly medical conditions such as HIV/AIDS to pay such increased expenses and the inability for the ADAPs to meet increased costs may harm the public health. The conferees request CMS to report within 160 days the potential impact to dual-eligibles as well as to outline measures it will take to protect the public health.

The conferees are aware of changes being developed by CMS to alter the Medicare coverage policy for power mobility devices and strongly encourage CMS to use its resources to develop a coverage policy firmly based on a functional standard of nonambulatory. The conferees support controlling fraud and abuse through requiring the proper substantiation of medical need without narrowing the definition of "nonambulatory" to exclude beneficiaries who have a medical need for it. The conferees have heard from beneficiaries organizations' that the "in the home" rule often denies beneficiaries access to medically necessary wheelchairs they need to move about their home, community and in some instances, to return to work. The conferees would like CMS' views on what steps can be taken to modify this rule in a manner that enhances the independence of beneficiaries with disabilities of all ages, while being cost effective and providing for effective safeguards against fraud and abuse. Finally, the conferees believe that the medically necessary application of this benefit can save Medicare money through avoiding expensive institutional care or hospitalization resulting from falls by the growing elderly population and beneficiaries with disabilities under age 65.

The conferees recognize the Hawaii Health Systems Corporation's success in responding to the healthcare needs of the State of Hawaii. The conferees encourage CMS to recognize the special consideration a unique island state requires when calculating population density requirements.

The conferees encourage CMS to exclude blood clotting factors from the definition of "competitively biddable drugs and biologicals" in section 1847A(a)(2)(A) of the Social Security Act. Individuals with hemophilia and other bleeding disorders are dependent upon lifesaving blood clotting factors and need unfettered access to sustain life.

The conferees encourage CMS to provide technical assistance to the Commonwealth of Puerto Rico to help it to compete successfully for Real Choice Systems Change grants.

To build on the Department of Labor Office of Disability Employment Policy's (ODEP) efforts to increase telework opportunities in the federal government, the conferees direct that $1,000,000 be transferred from ODEP to the Centers for Medicare and Medicaid Services (CMS) to build on a previous pilot between ODEP and CMS.

The conferees are pleased that CMS has piloted the performance of CMS call center work by individuals with severe disabilities working from home-based workstations. This model has the potential to be expanded within CMS and replicated outside of CMS by government agencies and others interested in following CMS's lead.

The conference agreement provides such transfer to expand and refine the existing CMS model in conjunction with National Telecommuting Institute, Inc., as well as disseminate information about this telework model to other agencies.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

The conference agreement provides $2,873,802,000 for payments to States for child support enforcement and family support programs, the same as both the House and Senate.

LOW-INCOME HOME ENERGY ASSISTANCE

The conference agreement provides $2,200,000,000 for low-income home energy assistance rather than $2,249,000,000 as proposed by the House and $2,000,500,000 as proposed by the Senate. Of the amount provided $1,900,000,000 is provided for formula grants to States. The House bill had proposed $1,911,000,000 for State formula grants and the Senate bill proposed $1,901,090,000. Within the funds available, $27,500,000 is included for the leveraging incentive fund as proposed by the Senate.

The conference agreement includes $300,000,000 for the emergency fund to meet the additional home energy assistance needs arising from a natural disaster or other emergency pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108–287. The House bill proposed $100,000,000 and the Senate bill proposed $99,410,000 for the contingent emergency fund, but neither bill designated funds as an emergency.

The conference agreement does not include funding for the Department of Energy's weatherization assistance program in this title. The House bill proposed $238,000,000 for this program while the Senate bill included funding for this program in the Interior and Related Agencies Appropriations bill. Funding for this program is provided in Division J.

REFUGEE AND ENTRANT ASSISTANCE

The conference agreement includes $488,336,000 for the refugee and entrant assistance programs rather than $491,336,000 as proposed by the House and $477,239,000 as proposed by the Senate. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

The conference agreement provides $166,218,000 for social services, the same level as proposed in the House bill. The Senate had proposed $155,121,000 for this program. Within the funds provided, the conference agreement includes $19,000,000 as outlined in the House report. The conferees intend that funds provided above the request for social services shall be used for refugee school impact grants and for additional assistance in resettling and meeting the needs of the Hmong and Somali Bantu refugees expected to arrive during 2004 and 2005. The conferees also urge the Office of Refugee Resettlement to continue supporting discretionary grant activities, such as the individual development accounts, community service employment, and elderly refugee programs, to the extent they have been successful in integrating refugees into society and promoting their self sufficiency.

The conference agreement provides $54,229,000 for the unaccompanied minors program, the same level as proposed by both the House and Senate. The conferees intend that the funds provided by this appropriation be used, in part, to increase the number of field coordinators in the program and to ensure increased capacity at the field level for the assessment of placements and family reunification and to continue improvements in the provision of healthcare, including mental health care, to children in the program.

The conference agreement provides $10,000,000 for the victims of torture program as proposed by the Senate. The House bill had included $13,000,000 for this program.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

The conference agreement includes $2,099,729,000 for the child care and development block grant, the same level as both the House and Senate bills. Included in the bill is $10,000,000 within the total funds provided, for child care research, demonstration, and evaluation activities as proposed by the Senate. The House bill had included $9,864,000 for these activities.

SOCIAL SERVICES BLOCK GRANT

The conference agreement provides $1,700,000,000 for the social services block grant, the same level as proposed in both the House and Senate bills. The conference agreement provides 10 percent transfer authority from the temporary assistance for needy families program (TANF) to the social services block grant as proposed by the Senate. The House bill had proposed 4.5 percent transferability.

CHILDREN AND FAMILIES SERVICES PROGRAMS

The conference agreement includes $9,080,353,000 for children and families services programs, of which $10,500,000 is provided through the evaluation set-aside. The House bill proposed $8,996,145,000 for these programs with $10,482,000 from the evaluation set-aside and the Senate proposed $9,104,646,000 with $10,500,000 from the evaluation set-aside. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

Head Start

The conference agreement includes $6,898,580,000 for Head Start as proposed by the House instead of $6,935,452,000 as proposed by the Senate. The agreement includes $1,400,000,000 in advance funding, the same level as proposed by both the House and Senate.

The conference agreement also includes, as a general provision, a limitation against the use of funds for Head Start to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II, as proposed by the House.

Consolidated Runaway and Homeless Youth Program

The conference agreement includes $89,447,000 for the consolidated runaway and homeless youth program, the same level as proposed by the House, rather than $95,000,000 as proposed by the Senate.

Prevention Grants to Reduce Abuse of Runaway Youth

The conference agreement includes $15,302,000 for prevention grants to reduce abuse of runaway youth as proposed by the House. The Senate bill had proposed $15,802,000 for these grants.

Child Abuse State Grants and Discretionary Activities

The conference agreement includes $27,500,000 for child abuse State grants as proposed by the Senate instead of $28,484,000 as proposed by the House.

The conference agreement includes $31,912,000 for child abuse discretionary programs instead of $26,266,000 as proposed by the House and $34,386,000 as proposed by the Senate. Within the funds provided for child abuse discretionary activities, the agreement includes the following items:

AGAPE of Central Alabama, Inc., Montgomery, AL, to recruit and train families to foster at-risk children and to expand education and intervention services to pregnant women in crisis	$25,000
Alameda County Social Services Agency, Oakland, CA for the Another Road to Safety early intervention and prevention program	650,000
Catholic Community Services of Juneau, AK to continue operations at its Family Resource Center for child abuse prevention and treatment ...	400,000
Children's Home & Aid Society of Illinois, Chicago, IL—Child Abuse Prevention Project	171,000
Children's Hospital Foundation, Columbus, OH for the Center for Child and Family Advocacy	400,000
Children's Resource Center, Harrisburg, PA for training, education and services related to child abuse prevention and treatment	100,000
Columbus Children's Hospital Center for Child and Family Advocacy, Columbus, OH, for expansion and research	450,000
Crisis Shelter of Lawrence County, New Castle, PA for anti-domestic violence program	100,000
Domestic Violence HELP, Pittsburgh, PA, to undertake a study of the prevalence and incidence of domestic violence in select clinic populations in Western PA	100,000
Family Violence Prevention Fund, San Francisco, CA for family violence prevention programs for children, youth and young families through its International Center to End Violence ..	500,000
Forrest County and Youth Court, Hattiesburg, MS to improve child welfare outcomes for infants and toddlers	100,000
James Whitcomb Riley Hospital for Children, Indianapolis, IN, for the Child Abuse Program	25,000
Jefferson County Colorado, Golden, CO to re-engineer its child welfare system	200,000
Lake Erie Research Institute, Inc., (LERI) Girard, PA for their Child Abuse Prevention program	25,000
Missouri Bootheel Regional Consortium, Inc., Sikeston, MO, for the Fatherhood First project	400,000
Northern Virginia Family Service, Oakton, VA, for the Healthy Families Fairfax program	75,000
State of Alaska Department of Health and Social Services, Office of Children's Services to continue its Healthy Families Alaska home visitation program	1,750,000
Stop It Now!, Philadelphia, PA to expand their public education campaign on child abuse	25,000
Synergy Services, Inc., Parkville, MO, to expand treatment for children suffering from Attachment Disorders caused by neglect, child abuse, post traumatic stress disorder and secondary trauma associated with domestic violence, household disruption, and distant parenting	100,000
YMCA Youth and Family Services, San Diego, CA, to provide safe shelter and supportive services to young homeless women	50,000

Abandoned Infants Assistance

The conference agreement provides $12,052,000 for the abandoned infants assistance program, the same level as proposed by the Senate. The House bill had proposed $12,086,000 for this program.

Adoption Awareness

The conference agreement includes $12,906,000 for the adoption awareness program as proposed by both the House and the Senate. Within the funds provided, $9,906,000 is for the infant adoption awareness training program and $3,000,000 is for the special needs adoption campaign.

Compassion Capital Fund

The conference agreement includes $55,000,000 for the compassion capital fund as proposed by the House, instead of $47,702,000 as proposed by the Senate.

Social Services and Income Maintenance Research

The conference agreement includes $32,229,000 for social services and income maintenance research, of which $6,000,000 is provided through the evaluation set-aside. The House proposed $5,982,000 for this program entirely funded through the evaluation set-aside and the Senate proposed $19,168,000, of which $6,000,000 was from the evaluation set-aside.

The conferees note that efforts undertaken through the State information technology consortium have led to greatly improved systems communications and compliance in both the TANF and child support enforcement (CSE) programs. For TANF, the conferees have provided $2,000,000 to permit States to utilize uniquely designed web-based technology to improve benefit delivery and fulfill new Federal reporting requirements. For CSE, the conferees have provided $3,000,000 to continue the consortium's efforts to improve data exchange between CSE and the courts in ways that will significantly reduce the time lag between court orders and enforcement/collections activities.

The conferees also provide sufficient funding for the following:

A+ for Abstinence, Waynesboro, PA for abstinence education and related services	45,000
AIDSCARE, Inc., Chicago, IL for social services and related programs at its facilities for people living with AIDS	250,000
Americana Community Center, Inc., Louisville, KY, for community involvement training	19,000
Andrus Children's Center, Yonkers, NY for the Yonkers Early Childhood Initiative	50,000
Anna Maria College, Paxton, MA, for program development at the Molly Bish Center for the Protection of Children and the Elderly	100,000
Annandale Christian Community for Action, Annandale, VA—Child Development Center	50,000
Arrowhead Economic Opportunity Agency, Inc., Virginia, MN for the Family to Family community-based mentoring program to assist low-income families	600,000
Atlanta Interfaith AIDS Network, Atlanta, GA for the Common Ground day program for adults living with HIV/AIDS	40,000
Best Friends and Best Men Program at the Indian River School District, Sebastian, FL	50,000
Birth Choice Pregnancy Centers, Mission Viejo, CA to support counseling and medical services at three pregnancy centers in Orange County, CA	150,000
Breakaway Ministries, Gadsden, AL, for the Silver Ring Thing Program for abstinence education and related services	80,000

Catholic Social Services, The Bridge, Wilkes Barre, PA for abstinence education and related services	46,000
Cesar Chavez Center, Davenport, IA to assist the Hispanic community in accessing social services and community resources	100,000
Child and Family Network Centers, Alexandria, VA—First Step Program	250,000
Children's Home Society of Idaho, Boise, ID—Idaho Children's Home	200,000
Children's Rights Council, Inc., Hyattsville, MD, for Safe Haven Access sites in Stark County, Ohio	75,000
ChildServ, Chicago, IL—Family Service Center in Lake County	500,000
Christian Family Ministries, Inc., Joliet, IL—Lamb's Fold Women's Center	50,000
City Connect Detroit, Detroit, MI for the Detroit Data Partnership, for data collection and integration and development of data sharing partnerships to support design, implementation and measurement of social and economic development programs	200,000
City of Chester, Bureau of Health, SABER Project, Chester, PA for abstinence education and related services	105,000
Coalition to End Family Violence, Oxnard, CA for family violence prevention and treatment and other social services for youth and families	200,000
Community Empowerment Association, Pittsburgh, PA to provide community re-entry programs	100,000
Community Options, Inc., Princeton, NJ, for the Dr. York Development Project	90,000
Community Services of Stark County, Inc., Canton, OH—"Stark STRONG" (Stark Standing Together Reaching Ohio's New Generation's)	300,000
Concerned Citizens Community Creation Center, Pittsburgh, PA for education, counseling, crisis intervention and other services for at-risk families	240,000
Connecticut Council of Family Service Agencies, Wethersfield, CT for the Empowering People for Success welfare-to-work initiative	400,000
Covenant House Alaska to expand services to runaway and homeless youth in the Anchorage, AK area	300,000
Covenant House Pennsylvania, Philadelphia, PA to provide support services to homeless and runaway youth	25,000
Daily Bread, Melbourne, FL to provide nutritional, mental health and counseling referral services to the working homeless population	50,000
Darkness to Light in Charleston, SC to develop an online training and certification program to prevent child sexual abuse	450,000
Diakon Lutheran Social Ministries, Mechanicsburg, PA for abstinence education and related services	136,000
Diakon Lutheran Social Ministries, Topton, PA for abstinence education and related services	95,000
East Harlem Building for the Community, Inc., New York, NY for its Women's Network to provide counseling, referrals and other services related to domestic violence	100,000
Eckerd Youth Alternatives, Clearwater, FL, for Transition to Independence—An Expansion of a Foster Care Pilot Demonstration project serving youth aging out of the foster care system	1,000,000
EDGE Outreach, Louisville, KY, for community outreach programs at The Mission House	30,000
Family First Support Center, Waukegan, IL—Educational Assessment Program	200,000
Food for Life, Glenside, PA to implement a pilot project to monitor children of prisoners and parolees in PA	200,000
Fred Leroy Health and Wellness Center, Omaha, Nebraska, to provide health services to Native Americans in the Northern Ponca Service Unit	250,000
Friends Association, West Chester, PA, to support adoption and foster child services	50,000
Generations of Hope, Rantoul, IL—to replicate the program which is a unique community setting enriching the lives of foster children and the elderly by entwining their daily lives	125,000
George Washington Carver Community Center, Project A.C.E., Norristown, PA for abstinence education and related services	86,000
Girl Scout Totem Council in Seattle, WA, to expand the Fostering A Future program	100,000
Good News Doctor Foundation and the International Child Development Resources Center, Inc., Melbourne, FL to provide care and to develop best practices for children suffering from autism	150,000
Greater Calvary Community Development Corporation, Erie, PA for abstinence education and related services	50,000
Greater Philadelphia Urban Affairs Coalition, Philadelphia, PA, to provide housing and mortgage assistance, as part of an initiative to stabilize a community	1,000,000
Growth & Development Services, Inc, New York, NY, for support services to at-risk families in Hispanic neighborhoods	50,000
Guidance Center, project RAPPORT, Ridgeway, PA for abstinence education and related services	74,000
Harbor House of Louisville, Inc., Louisville, KY, for a Training and Development Center for individuals with developmental disabilities	50,000
Heart Beat, Millerstown, PA for abstinence education and related services	51,000
Helping Hands Unlimited, Brooklyn, NY for a transitional supportive housing program for women	300,000
HERO Family Resource Center, Greensboro, AL to reduce and prevent teenage pregnancies through the "Bright Beginnings" program	50,000
Hispanic Counseling Center, Hempstead, NY for domestic violence prevention and intervention programs	140,000
Horizons for Homeless Children, Boston, MA, for mentoring, educational, and social development programs	125,000
Iowa Mentor Center, Sioux City, IA, for programmatic functions and equipment	30,000
Keystone Central School District, Central Mountain Middle School East, Mill Hall, PA for abstinence education and related services	79,000
Keystone Economic Development Corporation, Johnstown, PA for abstinence education and related services	88,000
L.V.C.P.T.P., St Luke's Health Network, CHOICE program, Bethlehem, PA for abstinence education and related services	92,000

Lackawanna Trail School District, Factoryville, PA for abstinence education and related services	74,000
Lady B Ranch, Apple Valley, CA, for a Therapeutic Horseback Riding Program	150,000
LaSalle University, Philadelphia PA for abstinence education and related services	112,000
Life House, Duluth, MN for transitional and supportive housing facilities for youth that are homeless, have mental health or substance abuse problems or are otherwise in need of such services	200,000
Mary's Family, Orlean, VA	75,000
Mercy Hospital of Pittsburgh, Pittsburgh, PA for abstinence education and related services	111,000
Monterey County Probation Department, Salinas, CA for a gang prevention and intervention program	1,300,000
National Energy Assistance Directors Association, Washington, DC for studies regarding low-income home energy assistance	200,000
Neighborhood United Against Drugs, Philadelphia, PA for abstinence education and related services	136,000
Network for Family Life Education, Piscataway, NJ for the Teen-to-Teen Education Project to encourage teens to make responsible choices about sexual health	300,000
New Brighton School District, New Brighton, PA for abstinence education and related services	23,000
Nexus Diversified Community Services in Minneapolis, MN to treat developmentally delayed adolescent males	1,000,000
Nueva Esperanza, Philadelphia, PA for abstinence education and related services	72,000
Ohel Children's Home and Family Services, Brooklyn, NY for school-based programs to prevent substance abuse, violence, child abuse and related problems	340,000
Ohio Educational Television Stations (OETS), Toledo, OH for the Ohio Cares project	200,000
Operation Warm, Chadds Ford, PA—Pennsylvania Youth Coat Distribution Project	125,000
Orange County, Orlando, FL. for Harbor House to provide services to victims of abusive relationships	150,000
Parents Anonymous, Claremont, CA to establish, operate, publicize and maintain a national parent helpline, toll free, 24 hours a day, 7 days a week, for parents throughout the US	32,000
Partners for Healthier Tomorrows, Ephrata, PA for abstinence education and related services	50,000
Partners in Family and Community Development, Athens, PA for abstinence education and related services	72,000
Perseus House, Inc., Erie, PA for abstinence education and related services	50,000
Potter County Court of Common Pleas, Coudersport, PA to implement the Youth/Community project to break the cyclical effect of the dysfunctional family	100,000
Potter County Human Services, Roulette, PA for abstinence education and related services	50,000
Providence House, Shreveport, LA—Child Development Center	166,000
Puerto Rico Administration for Children and Families, San Juan, PR for implementation of automated information systems for child welfare and other programs	600,000
Rape and Victim Assistance Center of Schuylkill County, Pottsville, PA for abstinence education and related services	71,000
Real Alternatives, Harrisburg, PA, for counseling and pregnancy support services	150,000
Real Commitment, Gettysburg, PA for abstinence education and related services	82,000
Resources for Human Development, Inc., Philadelphia, PA to support an outreach project organizing groups focusing on social services to low-income families	25,000
School District of Lancaster, Project IMPACT, Lancaster, PA for abstinence education and related services	101,000
School District of Philadelphia, Philadelphia, PA for abstinence education and related services	102,000
Shaw Jewish Community Center of Akron, OH	200,000
Shepherd's Maternity House Inc., East Stroudsburg, PA for abstinence education and related services	50,000
Silver Ring Thing South Carolina, Columbia, SC to establish an innovative abstinence education program	100,000
Silver Ring Thing, Sewickley, PA for abstinence education	75,000
Sisters of Charity Foundation of Canton, OH—Quality Child Care Initiative	100,000
T.O.P.S. FOR YOU, Inc., Brooklyn, NY for services to children and families at the Garrity Post Daycare Center	400,000
To Our Children's Future with Health, Inc., Philadelphia, PA for abstinence education and related services	109,000
Tri County Women's Network, New Carlisle, OH for programs serving pregnant women in crisis who choose to keep their babies learn to become self-sufficient	150,000
Tuscarora Intermediate Unit, McVeytown, PA for abstinence education and related services	84,000
Uhlich Children's Advantage Network, Chicago, IL for programs at its Family Resource Center in Riverdale to increase self-sufficiency, improve parenting skills and reduce family violence among teenage and young adult parents	150,000
United Christian Ministries Inc., Osceola, PA for social services focusing on homeless families	75,000
Urban Family Council, Philadelphia, PA for abstinence education and related services	126,000
Victim Resource Center Inc., Franklin, PA for abstinence education and related services	41,000
Visitation Home, Inc., Yardville, NJ, to support services for developmentally disabled residents	100,000
Volunteers of America/Alaska in Anchorage, AK, in cooperation with the State of Alaska Dept. of Health and Human Services, for a respite camp for children being raised by grandparents in Alaska	200,000
Warren Coalition, Front Royal, VA—Family Care Connections	150,000
Washington Hospital Teen Outreach, Academy for Adolescent Health, Washington, PA for abstinence education and related services	136,000
West Central Wisconsin Community Action Agency, Glenwood City, WI for the Western Wisconsin JumpStart Replication Project to assist TANF households in purchasing reliable automobiles to help them secure and maintain employment	300,000

Women's Care Center of Erie County, Inc. to support prenatal medical services to an at-risk population	100,000
Women's Care Center of Erie County, Inc., Abstinence Advantage Program, Erie, PA for abstinence education and related services	136,000
Women's Haven of Tarrant County, Inc., Fort Worth, TX—services at an emergency domestic violence shelter and for a 24-hour emergency hotline	55,000
YMCA of Metropolitan Fort Worth-McDonald Community Branch, Fort Worth, TX—Together Reaching Unity Concerning Everyone (TRUCE) program	175,000
York County Human Life Services, Inc. York, PA for abstinence education and related services	50,000
Youth Crisis Center, Jacksonville, FL, for family and youth counseling	100,000
YWCA of Bucks County, Trevose, PA to promote strong families, positive youth development and safe communities	50,000
ZERO TO THREE, Washington, DC, for the development of multidisciplinary Court Teams to raise awareness and increase knowledge and skills regarding the needs of maltreated infants and toddlers and their families involved in the child welfare system to include a program in Fort Bend County, Texas	1,000,000

Developmental Disabilities

Within developmental disabilities programs, the conference agreement includes $38,416,000 for protection and advocacy services as proposed by the House instead of $40,000,000 as proposed by the Senate. The conferees intend that technical assistance be provided through a competitive multiyear grant with a national nonprofit organization that has the demonstrated capacity to carry out these activities. The conferees intend that the technical assistance be responsive to requests from the protection and advocacy network, based on the identified needs of individuals with disabilities and do not intend that technical assistance funds be used for administrative responsibilities of the agency administering the programs.

The conference agreement includes $15,000,000 for voting access for individuals with disabilities as proposed by the House rather than $14,912,000 as proposed by the Senate. Within the funds provided, $5,000,000 shall be for State protection and advocacy systems, the same level as proposed by the House rather than $4,912,000 as proposed by the Senate.

The conference agreement also includes $11,642,000 for projects of national significance as proposed by both the House and the Senate. Within the funds for special projects, $4,000,000 is available to expand the activities of the Family Support Program.

For university centers for excellence in developmental disabilities, the conference agreement includes $31,803,000 as proposed by the Senate instead of $26,803,000 as proposed by the House. The level provides funding for existing centers at the authorized level and will support a new grant competition permitting new centers to join the network.

Native American Programs

The conference agreement includes $45,157,000 for Native American programs as proposed by the Senate, instead of $45,155,000 as proposed by the House.

Community Services

The conference agreement includes $641,935,000 for the community services block grant rather than $627,500,000 as proposed by the House and $650,000,000 as proposed by the Senate. The conferees direct the Secretary to prepare a 3-year strategic plan for the office of community services use of training and technical assistance funds in the fiscal years 2005–2008, as requested by the House, and should be provided to the House and Senate Committees on Appropriations by no later than June 15, 2005.

The conference agreement includes $33,000,000 for economic development instead of $32,492,000 as proposed by the House and $38,000,000 as proposed by the Senate. The conferees expect this appropriation to be used for the principal purpose of the program, which is making grants to experienced community development corporations working in low-income urban and rural communities.

Within the total for community economic development, $5,481,000 is provided for the job opportunities for low-income individuals program authorized by the Family Support Act. The conferees direct that of the funds allocated for the job opportunities for low-income individuals program, not more than $500,000 be set-aside for program support and technical assistance as proposed by the House. The Senate did not include a similar restriction.

The conference agreement includes $7,300,000 for rural community facilities instead of $7,184,000 as proposed by the House and $7,500,000 as proposed by the Senate.

The conference agreement provides $18,000,000 for the National youth sports program as proposed by the House. The Senate did not propose funding for this program.

The conference agreement includes $7,238,000 for community food and nutrition as proposed by the Senate. The House did not propose funding for this program.

Violent Crime Reduction Programs

For the domestic violence hotline, the conference agreement includes $3,250,000 rather than $3,000,000 as proposed by the House and $3,500,000 as proposed by the Senate.

For family violence prevention and services and battered women's shelters, the conference agreement includes $126,648,000 instead of $125,648,000 as proposed by the House and $128,000,000 as proposed by the Senate.

Early Learning Fund

For the early learning fund, the conference agreement includes $36,000,000 as proposed by the Senate. The House did not include funding for this program.

Independent Living Training Vouchers

The conference agreement includes $47,000,000 for independent living training vouchers instead of $50,000,000 as proposed by the House and $44,734,000 as proposed by the Senate.

Community-based Abstinence Education

The conference agreement includes $104,500,000 for community-based abstinence education as proposed by the Senate instead of $109,546,000 as proposed by the House. The conference agreement includes $4,500,000 in program evaluation funds for the abstinence education program and $100,000,000 in budget authority. The conferees concur with language included in the House report regarding technical assistance and capacity-building support to grantees. The Senate report did not include similar language.

Within the total for community-based abstinence education, up to $10,000,000 may be used to carry out a national abstinence education campaign as proposed by the House. The Senate proposed $2,500,000 for the campaign within the Office of the Secretary. Prior to advertising the availability of funds for any grant or contract for the national abstinence education campaign, the conferees request that the Department of Health and Human Services brief the House and Senate Committees on Appropriations regarding the planned use of these funds.

Center for Faith-based and Community Initiatives

The conference agreement provides $1,386,000 for the center for faith-based and community initiatives as proposed by the Senate rather than $1,400,000 as proposed by the House.

Program Direction

The conference agreement includes $187,050,000 for program direction instead of $190,206,000 as proposed by both the House and the Senate.

PROMOTING SAFE AND STABLE FAMILIES

The conference agreement includes $99,383,000 for the discretionary grant program of promoting safe and stable families as proposed by the Senate rather than $105,000,000 as proposed by the House.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

The conference agreement includes $1,404,634,000 for aging services programs instead of $1,403,479,000 as proposed by the House and $1,395,117,000 as proposed by the Senate. Within the total, $5,500,000 is available for medication management, screening, and education activities as proposed by the House in bill language and by the Senate in report language. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

The conference agreement includes $21,790,000 for preventive health rather than $21,919,000 as proposed by both the House and the Senate.

The conference agreement includes $19,444,000 for activities for the protection of vulnerable older Americans instead of $18,559,000 as proposed by the House and $20,474,000 as proposed by the Senate. Within the funds provided $14,276,000 is provided for the ombudsman services program.

The conference agreement includes $724,497,000 for nutrition programs rather than $730,178,000 as proposed by the House and $718,814,000 as proposed by the Senate. Within the total, $390,397,000 is provided for congregate meals rather than $392,148,000 as proposed by the House and $388,646,000 as proposed by the Senate, $184,301,000 is provided for home delivered meals rather than $187,616,000 as proposed by the House and $180,985,000 as proposed by the Senate, and $149,799,000 is provided for the nutrition services incentives program rather than $150,414,000 as proposed by the House and $149,183,000 as proposed by the Senate.

The conference agreement includes $11,883,000 for Alzheimer's disease demonstrations instead of $11,500,000 as proposed by the

House and $12,883,000 as proposed by the Senate.

The conference agreement includes $43,640,000 for program innovations instead of $37,943,000 as proposed by the House and $37,647,000 as proposed by the Senate. The conferees continue to support funding at no less than last year's level for national programs scheduled to be refunded in fiscal year 2005 that address a variety of issues, including elder abuse, native American issues and legal services.

Within the funding provided, the conference agreement includes $3,000,000 for social research into Alzheimer's disease care options, best practices and other Alzheimer's research priorities that include research into cause, cure and care, as well as respite care, assisted living, the impact of intervention by social service agencies on victims, and related needs. The agreement recommends this research utilize and give discretion to area agencies on aging and their non-profit divisions in municipalities with aged populations (over the age of 60) of over 1,000,000, with preference given to the largest population. The conferees also recommend that unique partnerships to affect this research be considered for the selected area agency on aging.

Given the enormous demands on Alzheimer's family caregivers, the conferees have included $1,000,000 to support an Alzheimer's family contact center for round-the-clock help to Alzheimer's families in crisis.

The conference agreement includes the following amounts for the following projects and activities in fiscal year 2005:

Alzheimer's Association—North Central Texas Chapter, Fort Worth, TX	$100,000
Boise State University, Boise, ID, for the Center for the Study of Aging	400,000
Carolinas Center for Hospice and End of Life Care, Cary NC for development of a national data collection system on the needs of end-of-life and terminally ill patients	100,000
City of Rancho Cucamonga, CA, for a Senior Health, Nutrition and Transportation Program	150,000
College Misericordia, Dallas, PA	100,000
Commission on Jewish Eldercare Services, Jewish Federation of Metropolitan Detroit, Bloomfield Hills, MI for a naturally occurring retirement community demonstration	500,000
Comprehensive Housing Assistance, Inc in Baltimore, MD, for a Naturally Occurring Retirement Communities (NORC) demonstration	712,000
CyberSeniors, Inc., Detroit, MI—Experience Senior Power Program	300,000
Faith in Action of Central Stark County, Inc., Louisville, OH	50,000
Family Caregiver Alliance, San Francisco, CA for a National Resource Center on Family Caregiving	250,000
Forsyth County Senior Services, Winston-Salem, NC to improve capacity of senior support services through civic, church and volunteer efforts	500,000
Foundation on Aging, Merriam, KS for design and execution of programs to improve community-based care for older adults	150,000
Greater Miami Jewish Federation, Inc., Miami, FL, for its "Aging in Place" Initiative	100,000
Haddington Multi Services for Older Adults, Philadelphia, PA for demonstration programs involving education, counseling, and services to help seniors with chronic illnesses or disabilities continue living in their homes	100,000
Iowa Department of Elder Affairs to establish the Office of Substitute Decision Maker	400,000
Jefferson Area Board for Aging, Charlottesville, VA, for a study of the long-term care environment for those being cared for and their caregivers	100,000
Jefferson Regional Medical Center, Pittsburgh, PA for senior services	100,000
Jewish Association for Services for the Aged, New York, NY for a naturally occurring retirement community demonstration in Co-Op City in the Bronx	250,000
Jewish Community Federation of Cleveland, Cleveland, OH for a Naturally Occurring Retirement Community resource center	50,000
Jewish Family & Child Service, Portland, OR, for a Naturally Occurring Retirement Communities (NORC) demonstration project	30,000
Jewish Family and Children's Service of Greater Mercer County, Princeton, NJ—NORC "Aging in Place" Initiative	125,000
Jewish Family and Children's Service of Greater Philadelphia, Philadelphia, PA for a Naturally Occurring Retirement Communities (NORC) demonstration program	300,000
Jewish Family and Children's Service of Minneapolis, Minnetonka, MN—NORC "Aging in Place" Initiative	100,000
Jewish Family and Children's Service, Sarasota, FL, for a Naturally Occurring Retirement Communities "Aging in Place" initiative	75,000
Jewish Family Service of Albuquerque, NM to support a Naturally Occurring Retirement Communities (NORC) demonstration project	500,000
Jewish Family Service of Buffalo and Erie County New York, Buffalo, NY—NORC project	50,000
Jewish Family Service of Rochester, Inc., Rochester, NY—NORC project	50,000
Jewish Family Service of Sacramento, CA for a naturally occurring retirement community demonstration	200,000
Jewish Family Service of Salt Lake City, Utah for a Naturally Occurring Retirement Communities (NORC) demonstration project	300,000
Jewish Family Service of San Diego, CA—Naturally Occurring Retirement Community "Aging in Place" demonstration	150,000
Jewish Family Service, Cincinnati, OH—Naturally Occurring Retirement Communities Aging in Place initiative	100,000
Jewish Family Service, Clifton, NJ for a naturally occurring retirement community demonstration initiative	200,000
Jewish Family Services of Los Angeles, CA for a Naturally Occurring Retirement Communities (NORC) demonstration	500,000
Jewish Federation of Central New Jersey, Scotch Plains, NJ, for a Naturally Occurring Retirement Communities (NORC) demonstration	200,000
Jewish Federation of Des Moines, IA for a naturally occurring retirement community demonstration	300,000
Jewish Federation of Greater Atlanta, GA, for a Naturally Occurring Retirement Communities (NORC) demonstration project	100,000
Jewish Federation of Greater Washington, Rockville, MD for a Naturally Occurring Retirement Communities demonstration project	1,000,000
Jewish Federation of Las Vegas, NV, for a NORC program	250,000
Jewish Federation of Los Angeles, California, for a Naturally Occurring Retirement Communities (NORC) demonstration project	150,000
Jewish Federation of Metropolitan Chicago, Chicago, IL for continued implementation of its Naturally Occurring Retirement Communities demonstration program	150,000

Jewish Federation of Southern New Jersey, Cherry Hill, NJ—Naturally Occurring Retirement Communities "Aging in Place" Initiative	400,000
Jewish Federation of St. Louis, Missouri for a Naturally Occurring Retirement Communities (NORC) demonstration project	225,000
Leon Mathieu Senior Center, Pawtucket, RI for the HOME ALONE program of services to help elders maintain themselves in the community as long as possible	25,000
Madlyn and Leonard Abramson Center for Jewish Life, North Wales, PA to expand their family caregiver programs	75,000
Medford Senior Center, Medford, OR—Senior Advocacy Program	25,000
Mount Airy Bethesda, Inc., Philadelphia, PA to provide a computer-focused program for senior citizens	300,000
PACE CNY, North Syracuse, NY—third PACE Center	450,000
Rebuilding Together, Inc., Washington, DC for education, training, technical assistance and other services related to its national program to reduce the risk of injury to seniors through home modifications	400,000
Saint Luke Lutheran Community, North Canton, OH—Nursing Home Quality Improvement Project	250,000
SCC Senior Adult Center, Brooklyn, NY for a demonstration project involving support services for frail elderly living alone	300,000
Shenandoah Area Agency on Aging, Inc., Front Royal, VA	50,000
Southcare, Inc., Glenside, PA for nutrition counseling and elderly services	25,000
State University System of Florida, Type I Policy and Exchange Center on Aging, Tampa, FL—Preparing for an Aging America Project	1,000,000
United Jewish Federation of Greater Pittsburgh, Pittsburgh, PA for a Naturally Occurring Retirement Communities (NORC) demonstration project	100,000
University of Indianapolis, Indianapolis, IN for expansion of programs and services offered by the Center for Aging and Community	320,000
University of Missouri, Columbia for development and evaluation of technology to support independence of seniors	1,000,000
University of Wisconsin-Milwaukee in Milwaukee, WI to establish training and research programs on dementia	300,000
Utah Department of Human Services for computer training that will allow seniors to live independently and remain engaged with their community	30,000
Vermont Department of Aging and Independent Living, Waterbury, VT for a demonstration project involving rural multi-purpose senior centers	280,000
Visiting Nurse Association Healthcare Partners of Ohio, Cleveland, OH—Healthy Town	250,000
Wasilla Area Seniors, Inc., Wasilla, AK for programs at Knik Manor	300,000
Wexner Heritage Village, Columbus, OH—NORC "Aging in Place" initiative	50,000
Wisconsin Alzheimer's Association Chapter Network in Madison, WI to provide Certified Dementia Care Specialist training	400,000

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

The conference agreement includes $371,975,000 for general departmental management instead of $349,298,000 as proposed by the House and $376,704,000 as proposed by the Senate, along with $55,851,000 from Medicare trust funds. In addition, $21,552,000 in program evaluation funding is provided.

The conference agreement does not include language reducing funding for the account by a total of $31,000,000, which was contained in the House bill.

The conference agreement includes bill language providing $13,120,000 for abstinence service demonstration grants as proposed by the House instead of $16,891,000 as proposed by the Senate.

The conference agreement does not include bill language earmarking $25,000,000 for a new health care information technology program as proposed by the House.

The conference agreement does not include bill language identifying $2,500,000 for a national abstinence education campaign as proposed by the Senate. The conferees provide that up to $10,000,000 of the funds provided for abstinence education within the Administration for Children and Families may be used for such an education campaign.

The conference agreement includes bill language providing $6,000,000 for assistance to maternal and child health clinics in Afghanistan as proposed by the Senate instead of $5,000,000 as proposed by the House.

The conference agreement includes bill language proposed by the Senate limiting the funding available to the HHS Office of the Assistant Secretary for Legislation to no more than $2,754,000. The House did not have a similar provision.

The conference agreement includes bill language providing $50,000,000 from the Medicare trust funds to be transferred to the Social Security Administration for processing Medicare appeals. The House and Senate bills had provided this funding within the CMS program management account.

The conference agreement includes bill language directing that specific information requests from the chairmen and ranking members of the Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, be transmitted to the Committees on Appropriations in a prompt professional manner and within the time frame specified in the request. The bill language further directs that scientific information requested by the Committees on Appropriations and prepared by government researchers and scientists be transmitted to the Committees on Appropriations, uncensored and without delay. The Senate report included similar language. The House did not include such a provision in either bill or report language.

The conferees include the amounts within the Office of the Secretary for the following projects and activities in fiscal year 2005 listed below:

A technology internet based weight loss demonstration program for 1,000 federal employees at the Department of Health and Human Services headquarters, with use of the latest technology, including a private automated weigh station to track participants' progress; daily email support on nutrition and exercise; and education and detailed instruction on exercise techniques, meal ideas and motivational success stories	$35,000
Advertising Council, Inc., New York, NY, for an adult oriented public service campaign focusing on underage drinking	250,000
Children's Hospital & Regional Medical Center in Seattle, WA, to establish to the Center for Pediatric Bioethics	340,000
Community Transportation Association of America for TA to human services transportation providers on ADA requirements	1,000,000
Delaware Health Information Network, Dover, DE	700,000
Erie County Department of Health, Buffalo, NY for the Western NY Regional Health Information Infrastructure	300,000
Florida Institute of Technology, Melbourne, FL for the Center for Information Assurance	400,000
Foundation for eHealth Initiative, Washington, DC	4,000,000

Palmer College on Chiropractice, Consortial Center for Chiropractic Research in Davenport, Iowa, and the Policy Institute for Integrative Medicine in Philadelphia, PA for a best practices initiative on lower back pain	200,000

The conferees include the amounts for the following Office of Minority Health projects and activities in fiscal year 2005 listed below:

California State University, Long Beach, for professional training, research and health initiatives at the NCLR Center for Latino Community Health, Leadership Training and Evaluation	$500,000
Esther's Pantry of the Metropolitan Community Church of Portland, OR to provide food and supplies for people living with AIDS	30,000
Hispanic Health Initiatives, Inc in Central Florida for an educational program on Type-2 Diabetes	100,000
Hospices of the National Capital Region, Hospice of Northern Virginia, Fairfax, VA	300,000
Huston-Tillotson College, Austin, Texas, for the Huston-Tillotson College Systems of Care Wraparound Initiative for underserved children	250,000
Nazareth Hospital, Philadelphia, PA to establish stroke treatment and prevention programs for African American seniors	250,000
Our Lady of the Lake, Baton Rouge, LA for the South LA Community Health Alliance	100,000
Padres Contra El Cancer, Glendale, CA for patient education and family support services for Latino children with cancer and their families	150,000
Phoebe Putney Memorial Hospital, Albany, Georgia to expand the School Nurse Program in school-based health clinics serving minority populations	100,000
Pregnancy Crisis Center, Wichita, KS, for development of a STD integrity program	420,000
Saint Francis Hospital, Wilmington, DE, to expand health outreach programs to minority and underserved communities	250,000
South Fork Community Health Initiative, East Hampton, NY for programs to improve health services and access to care for minority and underserved persons	100,000
Town of Herndon, Herndon VA, for Neighborhood Resource Center	50,000
University of Medicine and Dentistry of New Jersey, School of Public Health, Piscataway, NJ for research, education and community outreach activities of the Institute for the Elimination of Health Disparities in Newark	650,000
University of Pittsburgh Medical Center, Braddock, PA to develop and implement a health care delivery model that will provide services to a historically underserved population	100,000
University of South Carolina Arnold School of Public Health, Columbia, SC, for the Institute for Partnerships to Eliminate Health Disparities	275,000
University of Texas Southwestern Medical Center, Dallas, TX (in cooperation with UT Dallas) for a program to recruit minority students into biomedical research (including outreach, mentoring and/or scholarships and fellowships)	150,000

The conference agreement includes $1,000,000 to continue the embryo adoption awareness campaign, as proposed by the Senate. The House report did not include a similar provision.

The conference agreement includes $3,000,000 to establish a Citizens' Health Care Working Group as authorized in the Medicare Modernization Act. The Senate proposed $3,000,000 for this activity; the House report did not contain a similar provision.

The conference agreement includes $500,000 for a study by the Institute of Medicine regarding the training of physicians for public health careers, as proposed by the Senate. The House report did not contain a similar provision.

The conference agreement includes $1,000,000 to establish an interagency committee to examine major regulations governing the health care industry to simplify them to reduce cost. The House report provided $2,000,000 through policy evaluation funds for this activity. The Senate report did not contain a similar provision.

The conferees are concerned about the absence of mechanisms to ensure the delivery of necessary psychosocial care to individuals with cancer and their family members. The conference agreement provides $1,000,000 for the Secretary, working in collaboration with the Institute of Medicine and relevant government agencies and non-profit entities, to study the delivery of psychosocial services to cancer patients and their families in the community setting. Specifically, the report should include an analysis of: (1) the capacity of the current mental health and oncology provider system to deliver such care and the anticipated resources required nationwide; (2) available training programs for professionals providing psychosocial and mental health services; and (3) existing barriers to access to such care. The Secretary is encouraged to issue recommendations to address these issues.

The conferees support the efforts of HHS to provide for a stronger and more consistent approach to the review process for drug and most therapeutic biologics used to diagnose, treat, and prevent cancer. Unprecedented progress in fields such as nanotechnology, proteomics, and genomics hold the promise of vast improvements in our ability to prevent cancer, diagnose it an earlier stage, and treat it more effectively through targeted therapies. The conferees encourage and support the efforts of HHS agencies, including NCI and FDA, to keep pace with scientific discovery in these areas, particularly as they apply to the prevention and early detection of cancer.

The conferees intend that, of the funding provided to the Office of Minority Health, no less than the fiscal year 2004 funding level be allocated to a culturally competent and linguistically appropriate public health response to the HIV/AIDS epidemic.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $40,323,000 for the Office of Inspector General as proposed by both the House and the Senate. The conference agreement concurs with House bill language pertaining to the hire of passenger motor vehicles for investigations. The Senate did not include this language.

POLICY RESEARCH

The conference agreement provides $20,750,000 for policy research from program evaluation funding, which is the same as the amount proposed in the House bill. The Senate proposed $28,750,000 for this activity through program evaluation funding.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The conference agreement includes $2,308,287,000 for the Public Health and Social Services Emergency Fund (PHSSEF) to enhance Federal, State, and local preparedness to counter potential biological, disease, chemical, and radiological threats to civilian populations, instead of $2,352,247,000 as proposed by the House and $2,330,058,000 as proposed by the Senate.

The conference agreement continues bill language, applicable during fiscal year 2004, exempting from any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services both civilian and Commissioned Officers detailed to States, municipalities or other organizations under authority of Section 214 of the Public Health Service Act for purposes related to homeland security during their period detail or assignment.

The conference deletes bill language proposed by the House relating to the transfer of Strategic National Stockpile assets, unexpended balances, and liabilities from the Department of Homeland Security to the Department of Health and Human Services. This language is no longer necessary because similar provisions already have been enacted into law.

Within the amount provided: $1,173,300,000 is for the Centers for Disease Control and Prevention; $400,000,000 is for the Strategic National Stockpile; $523,149,000 is for the Health Resources and Services Administration; $47,400,000 is for the National Institutes of Health; and $64,438,000 is for the Office of the Secretary.

Within the amounts available to the Centers for Disease Control and Prevention (CDC): $934,300,000 is for State and Local Preparedness, including $871,900,000 to be provided to State and local health departments through grants and cooperative agreements; $142,200,000 is for Upgrading CDC Capacity; $80,000,000 is to support and expand biosurveillance activities; and $16,800,000 is for the research program on anthrax vaccine.

The conferees concur with language in the Senate report regarding the provision of funding for the Health Alert Network at not less than the fiscal year 2004 level.

The conference agreement includes sufficient funds to continue to discover, develop, and transition anti-infective agents to combat emerging diseases from within amounts available for Upgrading CDC Capacity.

Within the funds available to the Health Resources and Services Administration (HRSA) is $495,405,000 for Hospital Preparedness and $27,744,000 to provide incentives for curricular reform in health professions schools and the delivery of continuing education to those already in practice.

The conferees are aware of concerns that no single organization is equipped to respond to the diverse needs of citizens in the wake of a terrorist incident. The conferees encourage the Secretary to work with organizations with experience in working with national-level entities in disaster situations to develop a technical assistance, social response model that can be incorporated into the process of emergency management and pre-disaster planning in communities.

The conferees applaud CDC's commitment to continue the implementation and evaluation of the Lehigh Valley, PA Bioterrorism Response Pilot.

In addition to the funds for terrorism preparedness and response, the conference agreement includes $100,000,000 for activities to ensure year-round production capacity of influenza vaccine, instead of $60,000,000 as proposed by the House and $75,000,000 as proposed by the Senate.

The conference agreement includes bill language proposed by the Senate to permit pandemic preparedness funding to be used to purchase influenza vaccine.

General Provisions

HEAD START SALARIES

The conference agreement includes a general provision that prohibits the use of funds for Head Start to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II, as proposed by the House. The Senate bill did not contain a similar provision.

EVALUATION TAP AUTHORITY

The conference agreement includes a provision to allow for a 2.4 percent evaluation tap pursuant to section 241 of the Public Health Service Act. This tap is to be applied to programs authorized under the Public Health Service Act. The House bill contained a provision to allow for a 2.3 percent evaluation tap and the Senate bill allowed for a 2.5 percent evaluation tap.

ONE PERCENT TRANSFER AUTHORITY

The conference agreement modifies language proposed by the Senate providing the Secretary of HHS with the authority to transfer up to 1 percent of discretionary funds between a program, project, or activity, but no such program, project or activity shall be increased by more than 3 percent by any such transfer. Additionally, a program, project or activity may be increased up to an additional 2 percent subject to written approval of the House and Senate Appropriations Committees.

REFUGEE STATUS OF CERTAIN PERSECUTED GROUPS

The conference agreement includes a provision proposed by the Senate to extend the refugee status for persecuted religious groups. The House bill contained no similar provision. The conferees intend to fully protect religious minority refugee applicants from Iran, including the current caseload of Iranian Christians, Jews, Bahai, Mandeans and Zoroastrians. Therefore, the Administration should implement the provisions of section 213 of the conference report with respect to new applications, as well as to review previously denied applications for refugee applicants who have remained outside of Iran without a viable solution after being denied refugee status.

COUNCIL ON GRADUATE MEDICAL EDUCATION

The conference agreement includes a general provision proposed by the Senate allowing for the continued operation of the Council on Graduate Medical Education. The House bill contained no similar provision.

CANCER HOSPITAL CONSTRUCTION LOANS

The conference agreement does not include a general provision proposed by both the House and Senate that rescinded funds appropriated by section 1897(g) of the Social Security Act.

CMS PROGRAM MANAGEMENT

The conference agreement does not include a general provision proposed by the House reducing the amounts provided to CMS program management. The Senate bill contained no similar provision.

CDC MANAGEMENT/IT SAVINGS

The conference agreement does not include a general provision proposed by the House reducing the amounts provided to CDC for management and information technology. The Senate bill contained no similar provision.

75% RULE

The conference agreement includes a general provision that none of the funds appropriated in this Act may be expended by the Secretary of HHS to change the designation of a hospital that was certified by the Secretary as an in-patient rehab facility on or before June 30, 2004 until after a GAO report is issued. This is the same as language in the House bill. The Senate bill prohibited the expenditure of funds, but did not require a GAO report.

CMS OFFICE OF THE ACTUARY

The conference agreement does not include a general provision proposed by the House that none of the funds appropriated in this title may be used to impede the exchange of information between the Office of the Actuary of CMS and Congress. The Senate did not propose a similar provision.

NATIONAL FOUNDATIONS FOR CDC AND NIH

The conference agreement deletes without prejudice a general provision proposed by the Senate that provides official reception and representation expenses to the National Foundations for CDC and NIH. The House did not propose a similar provision. Funding for this purpose is included in each agency's relevant account.

SUMMER HEALTH CAREER INTRODUCTORY PROGRAMS

The conference agreement does not include a general provision proposed by the Senate authorizing a new summer health career introductory program for middle and high school students. The House bill contained no similar provision.

HHS OIG OVERSIGHT ACTIVITIES

The conference agreement includes a general provision transferring $25,000,000, rather than $35,000,000 as proposed by the Senate, to the Office of the Inspector General of HHS from amounts previously appropriated under the Medicare Modernization Act for activities relating to oversight of programs. The House bill contained no similar provision.

HEALTH PROFESSIONS STUDENT LOAN RESCISSION

The conference agreement includes a general provision, which rescinds unobligated balances associated with the health professions student loan program authorized in subpart II, federally-supported student loan funds, of title VII of the Public Health Service Act.

NURSING STUDENT LOAN RESCISSION

The conference agreement includes a general provision, which rescinds unobligated balances associated with the nursing student loan program authorized by Section 835 of the Public Health Service Act.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND RESCISSION

The conference agreement includes a general provision, which rescinds unobligated balances, excluding amounts necessary for the costs of potential defaults, associated with the medical facilities guarantee and loan fund within the Health Resources and Services Administration.

SMALLPOX VACCINE INJURY COMPENSATION RESCISSION

The conference agreement includes a general provision, which rescinds $20,000,000 in unobligated balances from amounts appropriated in P.L. 108–11 under the heading "Public Health and Social Services Emergency Fund", the smallpox compensation program. The conferees understand that the remaining unobligated balances in the program will be sufficient to cover claims anticipated with at least 200,000 more smallpox vaccinations.

C.W. BILL YOUNG CENTER FOR BIODEFENSE AND EMERGING INFECTIOUS DISEASES

The conference agreement includes a general provision naming the Center for Biodefense and Emerging Infectious Diseases (Building 33) at the National Institutes of Health, the C.W. Bill Young Center for Biodefense and Emerging Infectious Diseases.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

The conference agreement includes $14,963,683,000 for Education for the Disadvantaged instead of $15,515,735,000 as proposed by the House and $15,500,684,000 as proposed by the Senate.

For Grants to Local Educational Agencies (LEAs) the agreement provides $12,842,309,000 instead of $13,342,309,000 as proposed by the House and $13,457,607,000 as proposed by the Senate. The conference agreement includes $7,037,592,000 for basic grants and $1,365,031,000 for concentration grants. The agreement also includes $2,219,843,000 for targeted grants, and $2,219,843,000 for education finance incentive grants. Concentration grants, targeted grants, and incentive grants are all provided on an advance-funded basis.

The House proposed $7,037,592,000 for basic grants, $1,365,031,000 for concentration grants, $2,469,843,000 for targeted grants and $2,469,843,000 for education finance incentive grants. The Senate bill proposed $7,104,447,000 for basic grants, $1,365,031,000 for concentration grants, $2,231,954,000 for targeted grants, and $2,756,175,000 for education finance incentive grants.

The conference agreement includes language proposed by the Senate allowing $1,000,000 of title I evaluation funding to be used to provide technical assistance to States and school districts regarding the title I program. The conference agreement does not include language proposed by the Senate for a supplemental appropriation to

States that received less in fiscal year 2004 than they received in fiscal year 2003.

The conferees believe that states should utilize their four percent school improvement set-aside funds, estimated at $514,000,000 in fiscal year 2005, to support implementation of comprehensive school reform (CSR) models with demonstrated success. The conferees are aware that recent evaluations of the CSR program conducted by the Department of Education show that schools utilizing comprehensive school reforms are more likely to offer professional development for all teachers and to engage in research-based reform. The conferees strongly urge States to examine methods for distributing school improvement funds that will result in awards of sufficient size and scope to support the initial costs of comprehensive school reforms and to limit funding to programs that include each of the reform components described in section 1606(a) of the No Child Left Behind Act of 2001 and have the capacity to improve the academic achievement of all students in core academic subjects within participating schools. The conferees urge states to express a clear competitive preference for CSR programs that have been shown through scientifically based research to be effective, and that are supported by organizations capable of assisting multiple schools and districts.

The conference agreement includes $226,910,000 for the Even Start program as proposed by the House. The Senate did not propose funding for this program.

The conference agreement also includes $1,050,000,000 for Reading First State Grants instead of $1,125,000,000 as proposed by the House and $1,062,000,000 as proposed by the Senate. It also includes $105,000,000 for Early Reading First instead of $132,000,000 as proposed by the House and $110,000,000 as proposed by the Senate.

The conference agreement includes $25,000,000 for Striving Readers as proposed by the Senate instead of $100,000,000 as proposed by the House. Striving Readers will make competitive grants to develop, implement, evaluate and bring to scale reading interventions for middle- or high-school students who are reading significantly below grade level, prioritizing services to those schools and districts with one or more high or middle schools that include a significant number of students reading below grade level. The conferees recognize that both middle and high schools have significant needs, and direct the Secretary to ensure that awards are balanced between these two grade spans, and are of sufficient size and scope to allow for meaningful change that improves student achievement. In addition, the conferees direct the Institute of Education Sciences to work with the Secretary to create a competitive preference system whereby schools would receive priority for awards by agreeing to participate in randomized research studies. One potential system would entail funding schools in pairs, where at random one school would receive a new program immediately and the other would receive it a year later, thereby creating conditions conducive to randomized controlled studies.

The conference agreement also includes $19,842,000 for Literacy through School Libraries as proposed by the House instead of $22,842,000 as proposed by the Senate.

The conference agreement includes $50,000,000 for the neglected and delinquent program instead of $48,395,000 as proposed by the House and $52,000,000 as proposed by the Senate.

The conference agreement does not include $100,000,000 for a new local school improvement program proposed by the Senate.

The conference agreement includes $207,000,000 for comprehensive school reform instead of $80,000,000 as proposed by the House and $233,613,000 as proposed by the Senate. The conferees intend that $7,050,000 be made available for quality initiatives as authorized in section 1608 of ESEA. The conferees also request that the Department submit a letter report no later than May 30, 2005 that identifies those states that have not complied with the statutory requirement for an annual evaluation of the implementation of comprehensive school reforms and describes the steps the Department will take to ensure that such evaluations are meaningful, rigorous and timely.

The conference agreement also includes $18,888,000 for the migrant education high school equivalency program as proposed by the Senate instead of $22,545,000 as proposed by the House.

IMPACT AID

The conference agreement includes $1,253,893,000 for the Impact Aid programs instead of $1,250,893,000 as proposed by the House and $1,229,527,000 as proposed by the Senate. Within this amount, $1,083,687,000 is provided for basic support payments as proposed by the House instead of $1,063,687,000 as proposed by the Senate and $63,000,000 is provided for payments for Federal property as proposed by the House instead of $61,634,000 as proposed by the Senate. The conference agreement includes language proposed by the House regarding eligibility for school districts that enroll children whose parents have died or been deployed on active duty. The conference agreement includes $48,936,000 for construction programs instead of $45,936,000 as proposed by both the House and the Senate. The agreement also includes the following:

Fairbanks North Star Borough, Fairbanks, AK, for relocation of the district's kitchen facilities	$2,000,000
White River School District 47-1, Mellette County, SD	1,000,000

SCHOOL IMPROVEMENT PROGRAMS

The conference agreement includes $5,664,977,000 for School Improvement Programs instead of $5,661,401,000 as proposed by the House and $5,730,632,000 as proposed by the Senate. The agreement provides $4,229,977,000 in fiscal year 2005 and $1,435,000,000 in fiscal year 2006 funding for this account.

The conference agreement includes $2,940,126,000 for State grants for improving teacher quality instead of $2,950,000,000 as proposed by the House and $2,975,126,000 as proposed by the Senate.

The conference agreement includes $180,000,000 for math and science partnerships instead of $269,115,000 as proposed by the House and $200,000,000 as proposed by the Senate. In light of the tremendous overlap in math and science goals and objectives between the math and science partnership program and the Advanced Placement (AP) initiatives, grantees are encouraged to incorporate AP training into their proposals. As in the math and science program, the AP professional development initiative focuses on increasing teachers' math and science content understanding to help them meet the highly qualified criteria required under the Elementary and Secondary Education Act as amended by the No Child Left Behind Act of 2001. The AP professional development initiative supports teachers' content development so that all students, regardless of whether or not they take AP, will receive rigorous, challenging math and science instruction. The AP math and science initiative has the primary objective of increasing the number of AP opportunities, AP participation rates, and post-secondary acceptance and success rates for disadvantaged students.

The conference agreement includes $200,000,000 for the education block grant instead of $20,000,000 as proposed by the House. The Senate did not propose funding for this activity. The agreement also includes $500,000,000 for education technology state grants instead of $600,000,000 as proposed by the House and $691,841,000 as proposed by the Senate. The agreement also includes $999,070,000 for the 21st Century Community Learning Centers program as proposed by the House instead of $1,007,000,000 as proposed by the Senate. The agreement also includes $415,000,000 for State assessments instead of $410,000,000 as proposed by the House and $420,000,000 as proposed by the Senate. The agreement also includes language proposed by the House stating that the amount made available in the fiscal year 2004 bill for state assessments shall not be less than $390,000,000. The agreement also includes language proposed by the House stating that notwithstanding any across-the-board reductions, the amount available for state assessments in fiscal year 2005 shall not be less than $400,000,000.

The conference agreement includes $11,111,000 for the Javits gifted and talented program as proposed by the House instead of $12,111,000 as proposed by the Senate. The agreement also includes $18,000,000 for the foreign language assistance program instead of $19,000,000 as proposed by the Senate. The House did not propose funding for this program. The conference agreement also includes $63,000,000 for education for homeless children instead of $70,000,000 as proposed by the House and $62,000,000 as proposed by the Senate.

The conference agreement includes $34,500,000 for the Education of Native Hawaiians instead of $36,000,000 as proposed by the Senate and $33,302,000 as proposed by the House. The agreement also includes language notwithstanding any other provision of law to allow funds under this program to be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school run by the Department of Education of the State of Hawaii that serves a predominantly Native Hawaiian student body as proposed by the Senate. The conferees direct that no less than $1,000,000 shall be made available for early childhood activities, no less than $1,000,000 shall be made available to the Hawaii Department of Education for school construction/renovation activities, and $600,000 shall be made available for the University of Hawaii law school's Native Hawaiian legal center.

The conference agreement includes $34,500,000 for the Alaska Native Educational Equity program instead of $36,000,000 as proposed by the Senate and $33,302,000 as proposed by the House. The agreement also includes language notwithstanding any other provision of law to allow funds under this program to be used for construction, as proposed by the Senate, and directing the Department in use of these funds in specific locations in Alaska.

The conference agreement includes $172,000,000 for rural education programs, instead of $167,831,000 as proposed by the House and $175,000,000 as proposed by the Senate.

The conference agreement also includes $18,330,000 for supplemental education grants to the Federated States of Micronesia (FSM) and the Republic of the Marshall Islands (RMI), in accordance with the Compact of Free Association Amendments Act of 2003, as proposed by the House instead of $17,214,000 as proposed by the Senate. The agreement also includes language allowing up to five percent of the grants to be reserved by the FSM and RMI to provide technical assistance, oversight and consultancy services and to allow the Departments of Labor, HHS and Education to be reimbursed for these services. The conference agreement does not include a provision relating to eligibility for individuals in the Republic of Palau as proposed by the Senate.

INNOVATION AND IMPROVEMENT

The conference agreement includes $1,101,454,000 for programs in the Innovation and Improvement account, instead of $669,936,000 as proposed by the House and $1,144,346,000 as proposed by the Senate.

The conference agreement includes $20,500,000 for the National Writing Project instead of $17,894,000 as proposed by the House and $24,000,000 as proposed by the Senate.

The conference agreement includes $120,000,000 for the Teaching of Traditional American History as proposed by the Senate. The House did not propose funding for this activity. The conferees direct the Department to continue its current policy of awarding 3-year grants.

The conference agreement includes $15,000,000 for school leadership as proposed by the House instead of $16,000,000 as proposed by the Senate. The conference agreement includes $17,000,000 for advanced credentialing activities as proposed by the Senate instead of $18,391,000 as proposed by the House.

The conference agreement includes $37,279,000 for credit enhancement for charter schools as proposed by the Senate instead of $50,000,000 as proposed by the House.

Fund for the Improvement of Education (FIE)

The conference agreement includes $417,418,000 for the Fund for the Improvement of Education.

Within the total for FIE, the conference agreement includes funding for the following activities in the following amounts:

Reading is Fundamental ...	$25,500,000
Star Schools ...	21,000,000
Ready to Teach ...	14,406,000
Exchanges with Historic Whaling and Trading Partners ...	8,700,000
Arts in Education ...	35,920,000
Parental Assistance Information Centers ...	42,224,000
Excellence in Economics Education Act ...	1,500,000
Women's Educational Equity ...	2,980,000
Teacher Quality initiatives	9,500,000
CSR clearinghouse ...	1,500,000
Facilities clearinghouse ...	700,000
Foundations for Learning grants ...	1,000,000
Mental Health Integration in Schools ...	5,000,000
Peer Review ...	25,000

For Arts in Education, the conferees intend that within this total, $7,500,000 is for Very Special Arts, $6,420,000 is for the John F. Kennedy Center for the Performing Arts. In addition, $8,000,000 is for model professional development programs for music, drama, dance and visual arts educators and $500,000 is for evaluation activities, as outlined by the Senate. The remaining $13,500,000 is available to continue model arts programs, including a new grant competition.

The conferees expect that the Office of Safe and Drug-Free Schools will administer the mental health integration grants program.

While the conferees applaud the Department's efforts to help students learn foreign languages, they remain concerned that the Department, using data provided by the e-Language Learning System (eLLS), is developing web-based learning products that could be used in direct competition with the private sector. The conferees understand that, based on the President's budget request, the Department had no plans to continue this project in fiscal year 2005. However, the conference agreement includes funds for the Star Schools program, which has been the source of funds for this activity. Therefore, the conferees direct the Department not to fund any grant that will compete directly with the private sector and further direct the Department to report to the Committees on Appropriations of the House and Senate on the activities undertaken with federal funds by the e-Language Learning System and their impact on the private sector. The conferees expect to receive this report no later than April 15, 2005. The conferees further direct the Department to notify the House and Senate Appropriations Committees 15 days prior to any Department expenditures regarding the eLLS project.

The conferees direct the Department to implement the Act consistent with their intent, as reflected above, and request an implementation plan to be submitted to the House and Senate Committees on Appropriations within 30 days of enactment of the Department of Education Appropriations Act, 2005. To the extent that the Department wishes to reprogram funds in order to address other activities or alter the allocation of funds for activities listed in the chart above, the conferees expect the Department to follow the guidance provided in this statement of the managers.

The conferees concur that the Secretary shall notify States that schools that will not receive continuing comprehensive school reform awards with fiscal year 2005 funds shall receive priority for targeted grants and/or technical assistance under section 1003(a) of ESEA.

Within the total for FIE, the following amounts are also provided:

Reach Out and Read ...	$10,000,000
Abaertern Academy, Bozeman, MT to support distance learning ...	500,000
Abbotsford School District, WI, for after school programs ...	250,000
Abilene Christian University, Abilene, TX for reading instruction to children from local school districts ...	100,000
Academy of Fine Arts, Lynchburg, VA for programming, exhibits, and outreach ...	50,000
Academy of Urban School Leadership, Chicago, IL, for the Chicago Academy and Chicago Academy High School, including resident stipends ...	600,000
Access Living, Chicago, for continuation of educational and education access programs for youth with disabilities ...	500,000
AFI Silver Theatre and Cultural Center to expand the Screen Education Program in Maryland ...	100,000
AFSA Education Foundation, Washington DC for MoneySKILL ...	200,000
Afterschool Alliance, Flint, MI, to develop and disseminate model practices and provide technical assistance for after school programs ...	150,000
Akron Zoological Park, Akron, OH for educational programs ...	200,000
Alabama School of Math and Science, Mobile, AL for a computer lab ...	100,000
Alabama School of Mathematics and Science, Mobile, AL for curriculum development and training ...	40,000
Alabama Sports Hall of Fame, Birmingham, AL to expand student outreach programs and promote good sportsmanship	35,000
Alachua County, Gainesville, FL, for an at-risk youth development initiative ...	100,000
Alaska Educational Services in Anchorage, AK for its Youth Summer Challenge Program ...	475,000
Alaska Hospitality Alliance Education Foundation, Anchorage, AK for high school hospitality industry training programs ...	100,000
Alaska Humanities Forum, Anchorage, AK to produce and deliver an Alaskan history curriculum and to train teachers throughout Alaska in its use ...	600,000
Alaska Online Consortium in Delta Junction, AK for middle school writing math courses for online delivery across Alaska ...	300,000
Alaska SeaLife Center in Seward, AK for a Marine Ecosystems Education Program ...	250,000
Albuquerque Public Schools, Albuquerque, NM to improve the teaching of math and science ...	750,000
Alhambra Unified School District, Alhambra, CA, for after-school and other academic programs at Mark Keppel High School	40,000
All Kinds of Minds Schools Attuned Teacher Training, Chapel Hill, NC for teacher training ...	1,000,000
All Kinds of Minds, Chapel Hill, NC for the Schools Attuned Teacher Training Program in North Texas ...	250,000

Allegheny County Housing Authority, Pittsburgh, PA, for an after school program	100,000
Allens Lane Art Center, Philadelphia, PA, for scholarships for low-income children to participate in summer camp and art classes	50,000
Allentown Art Museum, Allentown, PA, for arts education	75,000
American Film Institute, Los Angeles, CA, for its Screen Education program	1,250,000
American Foundation for Negro Affairs (AFNA) National Education and Research Fund, Philadelphia, PA, to raise the achievement level of minority students and increase minority access to higher education	650,000
American Red Cross, Bronx Service Center, Bronx, NY, for mentoring and after school programs	50,000
American Society of Educators, Philadelphia, PA, for teacher and administrator professional development	50,000
American Theater Arts for Youth, Inc., Philadelphia, PA, for an arts in education program	75,000
American Theater Arts for Youth, Philadelphia, PA for Mississippi Arts in Education	150,000
Americana Community Center, Inc., Louisville, KY, for after school programs	53,000
AMISTAD America, Inc., New Haven, CT, for education materials, education programs, and teacher professional development	500,000
An Achievable Dream, Newport News, VA for a research and training center, including teacher stipend scholarships	100,000
Anchorage School District in Anchorage, AK to implement the PLATO Learning program	200,000
Anchorage's Promise of Anchorage, AK to implement America's Promise child mentoring and support program in Anchorage	100,000
Anita M. Stone Jewish Community Center, Flossmoor, IL, for a computer technology initiative for youth	100,000
Annette Strauss Institute, Austin, TX, for a civics education project	85,000
Annis Water Resources Institute, Grand Valley State University, Allendale, MI, for a hands-on, investigative science experience	250,000
Anoka Technical College, Anoka, MN, for a Secondary Technical Education Program	250,000
Appleton Area School District, Appleton, WI for English Language instruction	12,000
Arden Theatre Company, Philadelphia, PA, to expand education programs	50,000
Arkansas State University, State University, AR, in collaboration with the University of Memphis, and the University of Mississippi, for the Delta Bridge Education project to provide professional development for teachers	750,000
Armstrong School District, Ford City, PA, for an interactive instructional system	50,000
ART of Leadership Foundation, Birmingham, MI for mentoring programs	100,000
Arthur Ashe Youth Tennis and Education, Philadelphia, PA for educational enrichment programs	100,000
Arts and Education In Concert, Centreville, VA, for arts education	100,000
ArtsAlliance of Jackson and Hinds County, MS, for an arts based after school and summer outreach program	100,000
Ashland City Schools, Ashland, OH for professional development	200,000
Athens Area High School, Athens, PA, for a health and technology career program	50,000
Athens City Schools Foundation, Athens, AL, for the third grade violin music education program	10,000
Auburn University at Montgomery, Montgomery, AL, for the Alabama Urban and Rural Student Citizenship and History Education Outreach Program for history education	50,000
Ballet Theater Foundation, Inc., New York, NY, for the Make a Ballet program at the Waterside School, Stamford, CT	100,000
Baltimore City Board of School Commissioners, Baltimore, MD, for teacher recruitment, retention and professional development initiatives	240,000
Baltimore City Public School System, MD, to restock public school libraries	200,000
Banana Factory, Bethlehem, PA, for an arts and technology after school program	25,000
Bass Lake School District, CA, for music and art education programs	75,000
Batelle for Kids, Columbus, OH for a multi-state effort to evaluate and learn the most effective ways for accelerating student academic growth	1,000,000
Beaver County, PA, to implement educational programming for K–12 students, including safe and appropriate use of the Internet	200,000
Bellefaire Jewish Children's Bureau, Cleveland, OH for the Monarch School	500,000
Bethany Education and Human Services Programs, Inc., Clearwater, FL for after school programs	250,000
Bethesda Children's Home, Meadville, PA, for vocational education and prevention based services	50,000
Big Brothers Big Sisters of Bucks County, Jamison, PA, for mentoring programs	25,000
Big Brothers Big Sisters of San Luis Obispo County, San Luis Obispo, CA, for mentoring at-risk youth	80,000
Big Brothers Big Sisters, Columbia, SC, for community-based and school-based mentoring programs	200,000
Big Brothers/Big Sisters of Anchorage, Fairbanks and Southeast AK, in partnership with AK Department of Education, the Boys and Girls Club and Cook Inlet Tribal Council for a comprehensive mentoring program for at-risk children	300,000
Boston History Collaborative, Boston, MA, for youth educational programs	50,000
Boys & Girls Club of the Cheyenne River Sioux Tribe	200,000
Boys & Girls Club of the Grand River Area	150,000
Boys & Girls Club of Whittier, Whittier, CA, for after school programs	150,000
Boys & Girls Clubs of America, Atlanta, GA, for an education technology initiative for at-risk youth	500,000
Boys and Girls Club of Greater Kansas City, Kansas City, MO for Project Learn	1,000,000
Boys and Girls Club of the Northern Shenandoah Valley, Winchester, VA for after school programs	72,000
Boys and Girls Clubs, Springfield, for educational programs targeted toward at-risk students in partnership with the Springfield Public Schools	150,000
BRIDGES USA, Inc., Memphis, TN, to develop and implement a middle school intervention program	490,000

Brigham Young University of Provo, UT for the Comprehensive Literacy Program to improve the literacy performance of low achieving students	600,000
Brooklyn Academy of Music, Brooklyn, NY, for K-12 education programs	490,000
Broome County Early Childhood Coalition, Binghamton, NY, for its Building Brighter Futures for Broome early childhood training and mentoring program	100,000
Business Council, Inc., Stockton, CA, for its San Joaquin Reads Program	650,000
CableLife Community Enrichment Corporation, Louisville, KY, for educational programs	30,000
California Institute of the Arts, Valencia, CA, for equipment for the Community Arts Partnership digital arts project for middle and high school students	150,000
California Professional Firefighters Foundation, Sacramento, CA, for development of an emergency preparedness curriculum and training materials for K-12 schools	850,000
Calumet Park School District 132, Calumet Park, IL, for staff development and instructional programs, including summer school	100,000
Camp Fire USA of Alaska for an after school program in Anchorage, AK	100,000
Canaan Community Development Corporation, Louisville, KY, for after school programs	25,000
Carnegie Hall, New York, NY, for the Isaac Stern Education Legacy project	1,450,000
Carnegie Science Center, Pittsburgh, PA for education programs for teachers and students as part of the Pittsburgh International Science and Technology Festival	50,000
Carnegie Science Center, Pittsburgh, PA, to develop a Final Frontier exhibit	75,000
Carson City Public School District, Carson City, NV for an English Instruction Program	419,000
Center for Advancing Partnerships in Education (CAPE), Allentown, PA, for distance learning programs and technology upgrades	200,000
Center for Houston's Future, in collaboration with the Greater Houston Collaborative for Children, Houston, TX for improving the quality of early education programs through the Preschool for ALL program	200,000
Center for Jewish History, New York, NY, for education programming on Jewish history and technology upgrades	100,000
Central Alabama Community College, Alexander City, AL for scholarships	150,000
Central Pennsylvania Institute of Science and Technology, Pleasant Gap, FPA, for curriculum development	100,000
CESA 9, WI, for after school programs	1,000,000
Challenger Learning Center for Science and Technology, Woodstock, IL for an education program	200,000
Challenges, Choices and Images Literacy and Technology Learning Center, Aurora, CO for educational programs	75,000
Champions of Caring, Villanova, PA, to develop and disseminate the Journey of a Champion curriculum focusing on character education	25,000
Charter School Development Corporation in Las Vegas, NV to focus on technology and college preparation	1,000,000
Charter School Institute, Philadelphia, PA for the Shipyard Industrial Charter High School	200,000
Chesapeake Bay Foundation, Annapolis, MD in cooperation with the Living Classrooms Foundation, Baltimore MD, for educational programming	250,000
Chicago Academy in Illinois in cooperation with the Chicago Public Schools for a teacher training initiative	200,000
Chicago Public Schools, Chicago, IL, for after school programs	225,000
Chicago Public Schools, Chicago, IL, for its career academies enhancement project	340,000
Chicago Public Schools, Chicago, IL, for its Child-Parent Center Program	600,000
Children's Chorus of Maryland, Inc., Towson, MD, for a music education initiative in Prince George's County, Maryland	100,000
Children's Coalition, Inc., West Palm Beach, FL, for equipment and technology to enable at-risk youth to participate in the Veteran's History Project	160,000
Children's Home and Aid Society of Illinois, Chicago, IL, for development of one or more community schools, including case management, academic, enrichment and support services	125,000
Children's Land Alliance Supporting Schools (CLASS), American Fork, UT for continued research	300,000
Children's Literacy Initiative, Philadelphia, PA, to improve the reading readiness and early literacy of children in high-poverty communities by providing professional development to teachers and principals	150,000
Children's Museum at LaHabra, CA, for a Hands On English Program	120,000
Chippewa Falls School District, WI, for after school programs	300,000
Cincinnati Zoo and Botanical Garden, Cincinnati, Ohio, for educational programs	250,000
Citrus County School Board, Inverness, FL, for staff development and training	60,000
City College of New York, New York City, NY, for the Nuestra Herencia family literacy program	100,000
City of Bell Gardens, Bell Gardens, CA, for computers and software to serve low-income youth	35,000
City of Brea, CA, for after school programs	123,000
City of Dallas, Dallas, TX, for after school programs	525,000
City of East Palo Alto, CA, for after-school activities for at-risk youth	100,000
City of Fairfield, Fairfield, CA, for after school programs	600,000
City of Lynwood, Lynwood, CA, for after school programs	165,000
City of Macon, Macon, GA, to support after school programs at area elementary schools	100,000
City of Oak Ridge, Oak Ridge, TN for integrating math, science and technology disciplines at Oak Ridge High School	200,000
City of Orlando Science Center in Orlando, FL for exhibits and education on the hydrogen economy	100,000
City of Palmdale, Palmdale, CA, for after school programs	100,000
City of Pomona, Pomona, CA, in conjunction with the Pomona Unified School District, for after school and weekend academic enrichment programs	140,000
City of Portsmouth, Portsmouth, VA, for after school programs	115,000
City of Providence, Providence, RI, for the family literacy campaign, Providence Reads!	100,000
City of San Diego, CA for the 6 to 6 Extended Day Program	100,000

City of St. Charles, MO for the St. Charles Foundry Arts Center in support of arts education	780,000
City of Stockton, Stockton, CA, for after school programs	328,000
City School District of New Rochelle, New Rochelle, NY, for after school and summer school programs, faculty professional development, and parent education workshops	425,000
City Schools of Decatur, Decatur, GA, to implement the International Baccalaureate Program in selected schools	14,000
City Year New Hampshire, Stratham, NH to expand out-of-school programs for at-risk kids	250,000
Clarion County Career Center, Shippenville, PA for curriculum development	100,000
Clark County Public Education Foundation, NV, for the Global Learning Village	150,000
Clark County School District, Las Vegas, NV, for equipment	500,000
Clark County School District, Las Vegas, NV, for its Alternative Drop Out Prevention Program	390,000
Clark County School District, Las Vegas, NV, to implement the Advancement Via Individual Determination (AVID) Program at selected school sites	200,000
Clark County School District, NV, for a dropout prevention program	200,000
Clark County School District, NV, for curriculum development on the study of mariachi music	25,000
Clarke County Public Schools, Berryville, VA for foreign language programs in D.G. Cooley Elementary School in Berryville, Berryville Primary School in Berryville, and Boyce Elementary School in Boyce, VA	100,000
Clarkstown Central School District, New City, NY, for a multimedia center, technology and curricula	125,000
Clayton School District, WI, for after school programs	200,000
Clemson University, Clemson, South Carolina, for Call Me Mister program	250,000
Cleveland Botanical Garden, Cleveland, OH for the One to One Thousand project	150,000
Cleveland Institute of Music, Cleveland, OH, for distance education	350,000
Cleveland Metroparks Zoo, Cleveland, OH for educational programs	250,000
Cleveland Museum of Art, Cleveland, OH for education through the arts	650,000
Cleveland Play House, Cleveland, OH for educational programs	200,000
Clovis Unified School District, CA, for Career-Focused Instructional Lab Models	100,000
COA Youth and Family Centers in Milwaukee, WI for the Home Instruction for Parents of Preschool Youngsters (HIPPY) program	200,000
Coahoma Community College Workforce Development Center, Clarksdale, MS for the STEP-UP Program	100,000
Cobbs Creek Environmental Education Center, Inc., Philadelphia, PA, to support environmental education programs for high school students	100,000
College Summit, Inc., Washington DC for expansion of pilot sites	1,000,000
Colorado Charter Schools Institute, Denver, CO for educational programs	100,000
Columbus Public Schools, Columbus, OH, for the Attaining Achievement through Technology project	150,000
Communities in Schools—Bell-Coryell Counties, Inc., Killeen, TX, for education services for at-risk youth	300,000
Communities in Schools Dallas, Inc., Dallas, TX, for case management, academic and social services for at-risk students	475,000
Communities in Schools of East Texas, Inc., Marshall, TX, for services for at-risk students	475,000
Communities in Schools of Northeast Texas, Pflugerville, TX, for services for at-risk students	325,000
Communities in Schools of San Antonio, San Antonio, TX, to implement its Stay-in-School program in Bexar County, TX	300,000
Communities in Schools of Virginia, Richmond, VA, to help students achieve academic success, particularly those at risk of school failure	100,000
Communities in Schools, Alexandria, VA, for national program activities to coordinate community resources to help youth stay in school	1,200,000
Community Arts Program, Chester, PA for arts education	100,000
Community College of Baltimore County, Baltimore, MD, for its Closing the Gap college preparation and retention initiative for minority students, including student scholarships	320,000
Community Consolidated School District 168, Sauk Village, IL, for education services for at-risk students	100,000
Community Economic Empowerment Corporation, Louisville, KY, for a childcare development center	60,000
Community Foundation of Louisville, Louisville, KY for educational programs	60,000
Community Music School of Collegeville, Trappe, PA for music education	100,000
Community of Caring, Salt Lake City, UT, to support a National Office, in partnership with the University of Utah, and to provide staff and program support	500,000
Community Service Society of New York, NY, for the Experience Corps Project, including volunteer stipends, to provide literacy and educational services to students	300,000
Compassion Coalition, Utica, NY for after school programs	75,000
Congreso De Latinos Unidos, Philadelphia, PA for education programs for adjudicated adolescents ages 13–18	100,000
Connecticut Humanities Council, Middletown, CT, to implement the Motheread/Fatheread family literacy program	100,000
Connecticut International Baccalaureate Academy, East Hartford, CT, for a Spanish Studies Program and a Library of International Studies	400,000
Cooperative Education Service Agency 8, Gillett, WI, for staff development, training and technology	75,000
Cornell School District, WI, for after school programs	250,000
Corridor Community Charter School, Bennett, CO for educational programs	100,000
COSI (Ohio Center of Science and Industry), Columbus, OH, for professional development	100,000
Council for America's First Freedom, Richmond, VA, to expand its educational programs	100,000
Cray Youth and Family Services, New Castle, PA, for mentoring initiatives and program support for disadvantaged youth	25,000
Creative Visions in Des Moines, IA for outreach to at-risk youth	100,000

Crispus Attucks Association, Inc., York, PA for education programs for high-risk, low-income youth	100,000
Crispus Attucks YouthBuild Charter School, York, PA, for a school readiness initiative	50,000
Crispus Attucks YouthBuild Charter School, York, PA, for training and stipends	50,000
Cumberland School District, WI, for after school programs	200,000
Cuyahoga County Board of County Commissioners, Cleveland, OH for an early childhood initiative	400,000
Daytop Village of New Jersey, Mendham, NJ for educational programs	500,000
Delaware Valley Historical Aircraft Association, Willow Grove, PA, for education programs	75,000
Delta Regional Partnership, Rosedale, MS for the Delta Education Partnership Online Assessment and Interactive Accountability Instructional Program to improve student achievement	200,000
Delta-School Craft Intermediate School District in Escanaba, MI for educational programs in the global economy	500,000
Denison Independent School District, Denison, TX, for a Help One Student to Succeed (HOSTS) Reading Centered School Program	300,000
Denton Independent School District, Denton, TX for English language program	250,000
Denver Public Schools Foundation, Denver, CO for Lights On After School programs	250,000
DePaul School, Louisville, KY, for computer equipment	50,000
Des Moines Community School District and Urban Dreams, Des Moines, IA, to continue a demonstration on full service community schools	300,000
Des Moines Community School District to expand pre-kindergarten programs	250,000
Detroit Lakes Community Center, Detroit, MN, for K–12 education programs	300,000
Diamond Bar Center, Diamond Bar, CA, for Children's Programs	257,000
Dinwiddie County Public School, Dinwiddie, VA, for equipment	150,000
Director's Council of Des Moines, IA, to coordinate youth services	250,000
Discovery Center of Science and Technology, Bethlehem, PA, for educational programs and exhibits that will demonstrate best practices for teaching science	100,000
DoubleTake Community Service Corporation, Somerville, MA, for documentary curriculum development for public school students	100,000
Dougherty County Public Schools, Albany, GA, for a parent-teacher communications system	225,000
Eastchester Union Free School District, Eastchester, NY, for after school programs and technology	200,000
Edinboro University, Edinboro, PA, for a Student Achievement Gap Study	125,000
EdSolutions, Inc., Nashville, TN, for an After School Learning Program Pilot	500,000
Education Leaders Council, Washington, D.C., to expand the Following the Leaders project in Iowa	3,000,000
Education Leaders Council, Washington, DC, for the Following the Leaders project	5,000,000
Education Leaders Council, Washington, DC, for the Following the Leaders project in the State of Tennessee	500,000
Education Leaders Council, Washington, DC, for the Following the Leaders project program in Alaska	1,000,000
Education Service Center, Region 12, Hillsboro, TX, for a GEAR UP college preparedness program	500,000
Endeavor Academy in Titusville, FL for math and science initiatives	100,000
Envision Schools, San Francisco, CA, for the City Arts and Technology High School	250,000
Ephrata Performing Arts Center, Ephrata, PA, to develop a music and arts education summer school program	25,000
Erie Art Museum, Erie, PA, for curriculum development and educational outreach	75,000
Erie Civic Theatre Association, Erie, PA, for outreach and education programs for school students at the Erie Playhouse	25,000
Erie Philharmonic, Erie, PA, for music education	25,000
ESF, Inc., Bryn Mawr, PA, for the after school and summer school programs	50,000
Everybody Wins, NY, NY, for childhood literacy programs	1,000,000
Exploratorium, San Francisco, CA, for an initiative to integrate science, mathematics and technology education into after school programs	250,000
Fairbanks North Star Borough School District in Fairbanks, AK for the PLATO Learning system	100,000
Fairbanks North Star Borough School District, Fairbanks, AK, for the 4 R (Reading, Reasoning, Relationships and Relevance) Children's program	200,000
Fairfax County Public Schools, Fairfax VA, for the Emergency Medical Services Academy	50,000
Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Franklin Sherman Elementary School and Chesterbrook Elementary School in McLean, Virginia	200,000
Fairfax County Public Schools, Fairfax, VA for the Enterprise School	80,000
Fairfax County Public Schools, Fairfax, VA, for a Waterford Early Reading Project	100,000
Fairfax County Public Schools, VA, for the Advancement Via Individual Determination Program at Glasgow Middle School and Stuart High School	75,000
Fairmont School District #89, Lockport, IL for technology, equipment and textbooks	150,000
Family Communications, Inc., Pittsburgh, PA, to develop the Girls and Math Science Pittsburgh Partnership	100,000
Family Life Center, Inc., Louisville, KY, for the St. Stephen's Academy	40,000
Father Maloney's Boy's Haven, Louisville, KY, for an education program for children with special needs	50,000
Fayetteville Technical Community College, Fayetteville, North Carolina, for technology-training program for teachers	250,000
Fight to Learn After School Program, Philadelphia, PA, for after school programs	50,000
First Book, Washington, DC to provide books to disadvantaged children in Mississippi	100,000
First Gethsemane Center for Family Development, Louisville, KY, for education programs	40,000
Florida 4–H Foundation, Gainesville, FL, for youth/adult partnerships to strengthen civic engagement	100,000

Florida Learning Alliance, Inc., Tallahassee, FL, for a Collaborate with Florida Virtual School Project	250,000
Florida Orchestra, Inc., Tampa, FL, for an educational program	250,000
Florida State University, Tallahassee, Florida, for a Florida reading, math and science initiative	1,000,000
Flossmoor School District 161, Chicago Heights, IL, to implement its Supporting Students with Appropriate Interventions program for junior high school students	100,000
Education Leaders Council, Washington, DC, for for the following the leaders project in Clay County, WV and Roane County, WV school districts	72,000
Education Leaders Council, Washington, DC, for the following the leaders project to provide education and related services in schools in northern Rhode Island	100,000
Folwell Neighborhood Association, Minneapolis, MN, for the City Kids Co-op Program	475,000
Fontana Teen Center, Fontana, CA, for after school programs	320,000
Forest Area High School, Tionesta, PA, for curriculum development	100,000
Fort Worth Independent School District, Fort Worth, TX, for an English literacy initiative	100,000
Foundation for the Improvement of Mathematics and Science Education, San Diego, CA, to implement the Blueprint for Student Success Project in San Diego City Schools	450,000
Franklin Park Conservatory, Columbus, OH, for an In-Service Training Program	99,000
Frederick County Public Schools, Virginia for Chinese language programs in James Wood High School in Winchester, Sherando High School in Stephens City, and Millbrook High School in Winchester, VA	25,000
Freedoms Foundation at Valley Forge, Valley Forge, PA, for entrepreneurship education programs as part of the Free Enterprise Institute	100,000
French and Indian War 250, Inc., Pittsburgh, PA, for educational programming and activities associated with commemorating the French and Indian War	100,000
Fresno Metropolitan Museum, CA, for the Mobile Science Project	100,000
From the Top, Boston, MA for music education activities in Elgin, IL	100,000
Futures For Children, Albuquerque, NM to expand educational services for Native American children	1,000,000
Galena School District in Galena, AK to support operation of its boarding school for low performing Native students from remote villages across Western Alaska	500,000
Gateway Cities Partnership, Inc., Paramount, CA, for the Math, Engineering, Science Achievement (MESA) enrichment program	50,000
Georgia Project, Inc., Dalton, GA, for initiatives to assist English language learners, including teacher recruitment and professional development activities	300,000
Gerda and Kurt Klein Foundation, Narbeth, PA, for character education, tolerance education and community service programs for high school students	50,000
Gila County Schools, Globe, AZ for educational programming	500,000
Gilman School District, WI, for after school programs	200,000
Girl Scouts of Rhode Island, Inc., Providence, RI, for a character education and after school initiative for at-risk girls	200,000
Girl Scouts of the USA, Washington DC for Fair Play	150,000
Girls Today, Women Tomorrow, Los Angeles, CA, for after school programs	200,000
Give Every Child A Chance, Manteca, CA, for educational enrichment services	300,000
Glendale School District, Flinton, PA, for technology	50,000
Go For Broke Educational Foundation, Gardena, CA, for curricula, materials, and teacher training to support instruction about segregated military units in World War II	100,000
GRAMMY Foundation, Santa Monica, CA for education programs	150,000
Grantsburg School District, WI, for after school programs	250,000
Great Lakes Museum of Science Environment & Technology, Cleveland, OH, for science education programs	550,000
Great Projects Film Company, Inc., Washington, DC, to produce "Educating America," a documentary about the challenges facing our public schools	50,000
Greater Columbus Learning Center, Columbus, MS for literacy services	75,000
Greater Philadelphia Urban Affairs Coalition, Philadelphia, PA, for its Junior Journalism Project	50,000
Greater Sacramento Urban League, Sacramento, CA, for a dropout prevention program	167,000
Greenpoint Monitor Museum, Brooklyn, NY, to implement its "Road Show" in New York City schools, and for related activities	50,000
Groton Public School System, Groton, CT, for a learning center, teacher training and after school programming	100,000
Gulf County School Board, Port St. Joe, FL, for health and physical education equipment	100,000
Harford County Board of Education, Aberdeen, MD, for the Math & Science Academy at Aberdeen High School	320,000
Harrod's Creek Community Development, Inc., Louisville, KY, for education programs	25,000
Haskins Laboratories, New Haven, CT, for the Haskins Early Reading Success Project for a mentor model of teacher professional development in reading instruction	250,000
Hastings-on-Hudson School District, Hastings-on-Hudson, NY, for teacher professional development	30,000
Health Care Medical Technology, Pierre, SD, to develop interactive Internet-based health education software for K–12 students	335,000
Heartbeats to the City, Inc., Canton, OH for after school programs	150,000
Heartland Regional Community Foundation, St. Joseph, Missouri, for technology, equipment and curriculum development for the emPower Plant program	400,000
Helen Keller Worldwide, NY, for the ChildSight Vision Screening Program and to provide eyeglasses to children whose educational performance may be hindered because of poor vision	1,000,000
Helping Energize and Rebuild Ourselves, Inc. (H.E.R.O.), Philadelphia, PA, for its after school program and community computer center	100,000

Heritage Health Foundation Inc., Braddock, PA for early care and after school programs	100,000
Hesperia Unified School District, Hesperia, CA, for an after school program for middle school students	100,000
HighTechHigh-Los Angeles, Van Nuys, CA, for its technology education program	390,000
Hillsborough Community College, Tampa, FL, for its Information Technology, Instructional Technology, Innovative Teaching (IT3) Program to develop and implement a technology training program for K-12 teachers	340,000
Hispanic Committee of Virginia, Falls Church, VA for education programs	100,000
Hollidaysburg Area School District, Hollidaysburg, PA, for an interactive instructional system	50,000
Homeless Children's Education Fund, Pittsburgh, PA, for technology and to develop educational programming for homeless children	25,000
Homewood School District 153, Homewood, IL, for diversity training, and after school and mentoring initiatives	100,000
Horton's Kids, Inc., Washington, D.C., for education support and program expenses	80,000
Houston Independent School District, Houston, TX, to establish multi-purpose early childhood education centers	770,000
Houtzdale Regional Police, Houtzdale, PA, to support improved student achievement through drug prevention activities	25,000
Hudson River Performing Arts Center in Weehawke, NJ for educational outreach programs	16,000
Humphreys County Library System, Belzoni, MS for access and collections improvements	150,000
Huntingdon College, Montgomery, AL, for training K-12 teachers in the use of education technology	250,000
I CAN LEARN Education Systems, New Orleans, LA, to implement its standards-based mathematics program in one or more school districts	500,000
I CAN LEARN, New Orleans, LA	3,000,000
I CAN LEARN, New Orleans, LA to install and implement its pre-algebra and algebra educational software system in at least six additional schools in the Mississippi Delta	2,000,000
I Know I Can, Columbus, OH, for early college awareness programs	350,000
Illinois Mathematics and Science Academy, Aurora, Illinois, for the 21st Century Information Fluency Program	500,000
Illinois State Board of Education, Springfield, IL. for Elgin U 46 for professional growth opportunities	350,000
Illinois State Board of Education, Springfield, Illinois for Aurora East Unit School District #131 for career and technical studies	150,000
Illinois State Board of Education, Springfield, Illinois for Community Unit School District #300 for school improvement	150,000
IN TUNE Foundation, Santa Monica, CA, for its Kids in Tune character education, music and arts education programs	500,000
Independence School District, Independence, MO, for before- and after-school programs	350,000
Inner Harmony Foundation, Scranton, PA for curriculum development	100,000
Institute for Education and the Arts, Washington, DC, to extend the Institute's K-12 education program	200,000
Institute for Educational Leadership, Washington, DC, for a Coalition for Community Schools project to facilitate the creation of community schools	300,000
Institute for Student Achievement, Lake Success, NY, for educational programs for at-risk students	1,000,000
Institute for Student Achievement, Lake Success, NY, for educational programs for at-risk students at Annandale and Falls Church High Schools in Virginia	150,000
Institute for Student Achievement, Lake Success, NY, for school reform activities, at Ossining High School, NY, in partnership with Columbia University	350,000
Institute for Student Achievement, Lake Success, NY, for school reform activities, including teacher stipends, at Park East High School in Manhattan	100,000
Institute for Student Achievement, Lake Success, NY, to implement school reform activities in certain school districts in New York	900,000
Institute of Heart Math, Boulder Creek, CO for a teacher retention and student dropout prevention program	750,000
Intermediate Unit #17, Williamsport, PA, for technological infrastructure to support school districts and enhance their access to information technology	100,000
International Center for the Preservation of Wild Animals, Cumberland, OH, for an educational program	625,000
International House of Philadelphia, Philadelphia, PA, to provide standards-based educational programs to prepare high school students for careers in engineering, science, and math	50,000
International Music Products Association, Carlsbad, California, for music education	125,000
Invent Iowa to encourage kids to invent and hold fairs to display those inventions	100,000
Iowa Association of School Boards, Des Moines, IA for the Lighthouse for School Reform project	650,000
Iowa Department of Education to continue and expand a demonstration program for additional bilingual and English as a Second Language training	1,100,000
Iowa Department of Education to continue the Harkin grant program	15,000,000
iPraxis, Philadelphia, PA to develop and conduct educational programs and workshops to inform teachers and students of opportunities in scientific fields	50,000
Jacob's Pillow, Lee, MA, for performing arts educational programs	100,000
James Madison University, Harrisonburg, VA for the National Center for Rural Science and Mathematics Education	300,000
Jamestown 2007 Commission, Jamestown, VA, for curriculum development associated with the 400th Anniversary of the settling of Jamestown	100,000
JASON Foundation for Education, Needham Heights, MA, for STEP-UP in Ohio	300,000
Jasper Area Family Services Center, Jasper, AL, for technology and education programs	25,000
Jazz at Lincoln Center, New York, NY, for jazz education programs	400,000

Jersey Shore High School, Jersey Shore, PA, for curriculum development	100,000
Jewish Community Centers of Philadelphia—Klein Branch, Philadelphia, PA, for an early childhood development program, which may include scholarships for students	50,000
Joplin R-VII Public Schools, Joplin, MO for Success Builders At Risk program	162,000
Joy2Learn Foundation, Palos Verdes Estates, CA, to create and disseminate curricula integrating the arts, and for professional development	120,000
Junior Achievement, Colorado Springs, CO, to develop JA Enterprise Village	2,500,000
Kanawha County Board of Education, Clendenin, WV for the Herbert Hoover High School Technology Project	135,000
Kensington Area Ministries, Philadelphia, PA, to support after school programs at Iglesia Del Barrio	50,000
Kids Voting USA, Tempe, AZ, for voter participation programs through its national and affiliate offices	250,000
Kids with A Promise—The Bowery Mission, Bushkill, PA	100,000
KIPP Foundation, San Francisco, CA for KIPP schools in Oklahoma City, including subgrants	50,000
KIPP Foundation, San Francisco, CA for leadership training and extended learning time at KIPP schools, including subgrants	3,000,000
KIPP Foundation, San Francisco, CA to subgrant to KIPP schools in the State of Tennessee to support student programs	150,000
KIPP Foundation, San Francisco, CA, for curriculum development and teacher training for California schools, including subgrants	200,000
KIPP Foundation, San Francisco, CA, to subgrant to KIPP Philadelphia Charter School for educational programs	25,000
KnowledgeWorks, Cincinnati, OH for P–16 Education in Ohio	200,000
KnowledgeWorks, Cincinnati, OH for the Ohio High School Transformation Initiative	1,000,000
Kutztown University, Kutztown, PA, to develop education programs to enhance the academic skills and foster the interest of area high school students in higher education	50,000
La Salle University, Philadelphia, PA, for the University Science and Technology Center to support math and science instruction for teachers	100,000
Labor and Industry for Education, Hewlett, NY, for after school and prevention programs for at-risk youth	500,000
Ladysmith-Hawkins School District, WI, for after school programs	250,000
LAMP Life Center Ministries, Inc., Louisville, KY for educational programs	15,000
Lancaster County Career & Technology Foundation, Mount Joy, PA, to develop curriculum and training programs for early childhood educators	50,000
Lanett City Schools, Lanett City, AL, for a JROTC program	50,000
Laramie County School District One, Cheyenne, WY, for a English as a Second Language Pilot Project	185,000
LA's Best in Los Angeles, CA, for the After-School Enrichment Program	400,000
Learning Collaborative, Indianapolis, IN, for the Smart Desktop Initiative	500,000
Learning Point Associates/North Central Regional Education Laboratory, Naperville, IL for No Child Left Behind implementation technical assistance	150,000
Lemay Child & Family Center, St. Louis, MO, for early childhood education and family literacy programs	180,000
Leonardo Center for Art in cooperation with the Salt Lake City Corporation for arts education	300,000
Lesley University in Cambridge, MA for a pilot teacher training program in Nevada	100,000
Line Mountain School District, Trevorton, PA, to develop a pilot project designed to offer specialized curriculum and vocational training related to careers in volunteer firefighting	50,000
Literacy, Education and Ability Program, Memphis, TN to support educational services	250,000
Little Earth Resident's Association, Minneapolis, MN, for a learning and technology center	75,000
Livingston Parish School District, Livingston, LA for equipment	100,000
Loess Hills Area Education Agency in Iowa for a demonstration in early childhood education	750,000
Logan City School District, Logan, UT, for support of the Early Reading Assistance Project	200,000
Loneman School in Oglala, South Dakota for a Lakota language preservation program	150,000
Long Beach Unified School District, CA, for High School reform	100,000
Louisiana Tech University, Ruston, LA for Project LIFE teacher training	150,000
Louisiana Youth Seminar in New Orleans, LA for training high school leaders	150,000
Lucille Beserra Roybal Youth and Family Center, Los Angeles, CA, for computers and technology	75,000
Lycoming Career and Technology Center, Williamsport, PA for an information technology program	40,000
Madison Local School District, Madison, OH, for equipment	75,000
Maine Alliance for Arts Education, Augusta, ME to supports arts education	100,000
Mamaroneck Union Free School District, Mamaroneck, NY, for a summer academy for elementary and middle school students	50,000
Manchester Youth Development Center, Pittsburgh, PA, to provide mentoring and after school programs for at-risk youth	75,000
Mann Center for the Performing Arts, Philadelphia, PA to support arts education	100,000
Maricopa County Regional School District, Phoenix, AZ, for educational services at the Thomas J. Pappas Schools in Phoenix and Tempe, AZ	250,000
Marketplace for Kids in Mandan, ND for an entrepreneurial education program	200,000
Marshfield School District, WI, for distance education and equipment	125,000
Maryland State Department of Education, Baltimore, MD, to develop, implement and evaluate Internet-enhanced instruction	250,000
Marywood University, Scranton, PA, for technology and curriculum development for the Center for Assistive Technology laboratories to provide training to K–12 educators on teaching practices	200,000
Maspeth Townhall, Queens, NY, for after school programs	100,000

Matteson Elementary School District 162, Matteson, IL, for the Matteson Fellowship Program for academically talented students, including equipment and technology	100,000
Maui Economic Development Board in Hawaii for the Girls Into Science Program	300,000
McKelvey Foundation, New Wilmington, PA, to support McKelvey entrepreneurial college scholarships for rural, low-income Pennsylvania high school graduates	300,000
Mellen School District, WI, for after school programs	200,000
MENTOR/National Mentoring Partnership, Alexandria, VA, to develop the Pennsylvania Mentoring Partnership and expand mentoring services in Philadelphia	25,000
Mercer School District, WI, for after school programs	250,000
Meredith-Dunn Learning Disabilities Center, Inc., Louisville, KY for a counselor	20,000
Mesorah Heritage Foundation, Brooklyn, NY, for translation of classic texts and development of an English literature curriculum	750,000
Messiah College, Grantham, PA, to support initiatives to improve educational opportunities for children in grades K–12	100,000
Miami University, Oxford, OH, for preservation of the McGuffey Readers collection	150,000
Miami-Dade County Public Schools, FL, for a teacher training program on literacy	250,000
MicroSociety, Inc., Philadelphia, PA, to further develop and disseminate a whole school model of reform	100,000
Military Heritage Foundation, Carlisle Barracks, PA, for the United Sates Army Heritage and Education Center for education materials and programs on military and social history	175,000
Milken Family Foundation, Santa Monica, CA, for the Teacher Advancement Program	2,000,000
Milton S. Eisenhower Foundation, Washington, DC, for its full-service community schools initiative in Maryland	250,000
Milton S. Eisenhower Foundation, Washington, DC, to replicate the full-service community school program in Pennsylvania	200,000
Milwaukee Public Schools, Milwaukee, WI, for before- and after-school programs	1,200,000
Minnesota Humanities Commission, St. Paul, MN for an English literacy initiative	100,000
Mira Loma High School, Sacramento, CA, for the International Baccalaureate program	83,000
Mississippi Museum of Art, Jackson, MS, for Hardy Middle School After School Program	500,000
Mississippi State University, Starkville, MS, Center for Economic Education and Financial Literacy for teacher training in economics instruction	100,000
Missoula Public School District, Missoula, MT to establish a technology and standards based learning program in the Missoula Public School District	500,000
Montana State University, Billings, MT for training of site-bound rural paraeducators in Montana, South Dakota and Wyoming	1,500,000
Montgomery Area School District, Montgomery, PA for curriculum development	100,000
Moore College of Art and Design, Philadelphia, PA for equipment and scholarships for the Young Artists Workshop	50,000
MORE HEALTH, Inc., Tampa, FL, for a nutrition program	90,000
Motown Center, Detroit, MI, to develop and implement curricula, music education, and after school programs	400,000
Mountain Arts Center, Prestonsburg, KY for expansion of its Music and Arts Development Program	100,000
Muntu Dance Theatre of Chicago, Chicago, IL, for arts education programs	300,000
Murfreesboro City Schools, Murfreesboro, TN, for an early childhood education pilot program	100,000
Murray City School District, Murray, UT, for after school and summer academic and enrichment programs	200,000
Murray State University, Murray, KY for a Center for Teacher Excellence in Science and Mathematics	300,000
National Association of Music Education (MENC), Reston, VA, to develop and disseminate information on model music education programs	50,000
National Aviary, Pittsburgh, PA for technology for the Flite-Zone immersive classroom and expansion of nature education programs	100,000
National Aviation Hall of Fame, Dayton, OH, for Project Sky Reach	200,000
National Baseball Hall of Fame and Museum, Cooperstown, NY for educational outreach using baseball to teach students through distance learning technology	450,000
National Center for Electronically Mediated Learning, Inc., Woodbridge, CT, for the P.E.B.B.L.E.S. Project	400,000
National Center for Family Literacy, Louisville, KY, for education outreach efforts	85,000
National Center for Fathering, Inc., Kansas City, MO to improve student achievement through a school-based safety program	425,000
National Character Education Foundation, PA to conduct outreach programs in character education in PA schools	100,000
National Charter Schools Institute, Mt. Pleasant, MI to expand the Virtual Training Center and Clearinghouse	200,000
National Foundation for Teaching Entrepreneurship Pennsylvania, Pittsburgh, PA, to provide financial literacy and entrepreneurship education to low-income and minority youth and to train educators in Pennsylvania	100,000
National History Day for a history competition in Iowa	100,000
National Italian American Foundation, Inc., Washington, DC, for teacher training and to expand cultural programs	50,000
National Liberty Museum, Philadelphia, PA for a teacher training program to assist educators in addressing violence in schools	500,000
National Native American Professional Development Center Foundation, Sheridan, Wyoming to establish a center to train teachers serving Native American students in an early literacy learning and math framework	100,000
National Student/Parent Mock Election, Tucson, AZ, for its voter education program	225,000
National Urban Technology Center, New York, NY, for the Youth Leadership Academy character education curriculum in Pennsylvania	50,000

Natural Resource Education Center at Moosehead, Inc., Greenville, Maine, for education programs, which may include the purchase of equipment and technology	250,000
Navajo County Schools, Holdbrook, AZ, for educational programming	500,000
Naval Undersea Museum Foundation, Keyport, WA, for its Science Education Alliance program to enhance science instruction in local school districts	240,000
Neighborhood Centers Association, Pittsburgh, PA, for support of after school and mentoring programs, including technology upgrades	50,000
Nevada Humanities, Reno, NV to create the first and only comprehensive reference work on Nevada	350,000
New Auburn School District, WI, for after school programs	200,000
New Futures, Burien, WA, for education and family literacy programs	320,000
New London Public Schools, New London, CT, for the development and implementation of preparatory academies and teacher training	100,000
New Mexico State University for the Southern New Mexico Science, Engineering, Mathematics and Aerospace Academy	15,000
New School University, New York, NY, for a pilot program to provide supplementary services and support for at-risk, low-income high school students	250,000
New York University Child Study Center, New York, NY, for a ParentCorps project	350,000
New Zion Community Foundation, Inc., Louisville, KY, for education programs	49,000
Nome Public Schools for the Northwestern Alaska Career and Technical Center to provide variety of vocational training courses to high school students in Nome, Alaska and the Bering Straits region	500,000
North Carolina Central University, Durham, NC, for academic enrichment and mentoring activities for at-risk students	125,000
North Carolina Electronics and Information Technologies Association Education Foundation, Inc., Raleigh, NC, for a technology demonstration project in the 2nd Congressional District	250,000
North Carolina Electronics and Information Technologies Association Education Foundation, Inc., Raleigh, NC, for a technology demonstration project in the 7th Congressional District	250,000
North Carolina Electronics and Information Technologies Association Education Foundation, Inc., Raleigh, NC, for the school technology demonstration	500,000
North Central Regional Education Laboratory, Naperville, IL for technical assistance activities	250,000
North Country Education Services Agency, Gorham, New Hampshire for educational opportunities through the North Country Gear Up College Prep Initiative	300,000
North East Trees, Los Angeles, CA, for its Youth Environmental Career Training Program, including student support	185,000
North Rockland Central School District, Garnerville, NY, for technology and teacher training to improve student science and literacy skills	60,000
North Slope Borough School District, AK for an Early Childhood Education Program for children in North Slope Borough villages	300,000
Northeastern Pennsylvania Educational Television Association (WVIA), Pittston, PA, to integrate the Between the Lions program into the classroom to improve the English language and literacy skills of Spanish-speaking youth	50,000
Northern Hills Family YMCA in Lead, South Dakota for after-school programs	100,000
Northern Lakes Network Consortium, Brainerd, MN to create the Northern Lakes Network Consortium Online Assessment and Interactive Accountability Instructional Program	100,000
Nuweetooun School at Tomaquag Museum, Exeter, RI to improve education for Native American children	50,000
Nye County School District, Pahrump, NV, for computers	81,000
Oakland Unified School District, Oakland, CA, for the purchase, implementation, and maintenance of a district-wide student information system	320,000
Oakwood School, Annandale, VA, to provide special education services to children with learning disabilities	50,000
Office of Superintendent of Public Instruction, Olympia, WA, to support the student engagement project	175,000
Ogden City School District, Ogden, UT, for After School Remedial and Summer Bridge Program	300,000
Ohio Board of Regents, Columbus, OH for the Third Frontier Network—Science Education	750,000
Ohio Department of Education, Columbus, OH for Education Ohio	750,000
Oklahoma State Department of Education, Oklahoma City, Oklahoma, to sustain and expand their handheld computer program	200,000
Old Fort No. 4 Associates, Charlestown, New Hampshire for an education outreach program, focusing on early American history and early New Hampshire history	200,000
Omaha Home for Boys, Omaha, NE, for a before- and after-school program to improve the quality of education for at risk youth	250,000
One World Now!, Seattle, WA, for after school programs and student scholarships for study in foreign countries	250,000
Ontario School District, Ontario, OR for English language instruction	130,000
Opera Company of Philadelphia, Philadelphia, PA for the Sounds of Learning arts education program	100,000
Orange County Fire Authority, Orange, CA, for K-12 fire safety and emergency preparedness education programs	40,000
Orrville Area Boys and Girls Club, Orrville, OH for computer technology	15,000
Osseo Area Schools—Independent School District 279, Maple Grove, MN, for an online assessment and interactive instructional program	200,000
Ossining Union Free School District, Ossining, NY, for academic, enrichment and technology services for middle school students	100,000
Pacific Islands Center for Educational Development in American Samoa for educational programs	400,000
Parents as Teachers National Center, St. Louis, MO to better reach and serve families with limited English proficiency	1,600,000

Parents Inc., Anchorage, AK for a mentoring and youth program	600,000
Park Falls School District, WI, for educational services	200,000
Patrick County Education Foundation, Stuart, VA, for a college access initiative, including GED assistance for individuals who have dropped out of high school	140,000
Pelham Union Free School District, Pelham, NY, for its "Every Child Can Read" project, including technology	51,000
Pendleton County Board of Education, Franklin, WV, for a Distance Learning Initiative	18,000
Penn State Public Broadcasting, University Park, PA, to develop and disseminate print and multi-media teacher training materials	50,000
Pennsylvania Academy of Music, Lancaster, PA, to develop and conduct a performance-based, classical music education program	50,000
Pennsylvania Association of Latino Organizations, Inc., Harrisburg, PA, to assist Latino organizations in Pennsylvania in developing educational and training resources to enhance education skills and address dropout rates	50,000
Pennsylvania Ballet Association, Philadelphia, PA, for outreach and education programs	100,000
Pennsylvania Educational Leadership Foundation, Summerdale, PA, to implement comprehensive school-to-career program in Pennsylvania schools	50,000
Pennsylvania State System of Higher Education, Harrisburg, PA, to develop a model program to assist teachers in integrating technology into the classroom	150,000
Pennsylvania Veterans Museum, Media, PA, for exhibit development and educational materials	75,000
Performing Arts and Education Association of Southwest Iowa, Red Oak, IA	50,000
Philadelphia Foundation, Philadelphia, PA, for a Sports and Entertainment Career Expo to expose high school students to career opportunities in the sports industry	50,000
Philadelphia Health Management Corporation, Philadelphia, PA, in collaboration with the National Center for Learning Disabilities, to conduct early childhood literacy training and program development activities as part of the Get Ready to Read! Initiative	100,000
Philadelphia Martin Luther King, Jr. Association for Nonviolence Inc., Philadelphia, PA, for the College for Teens program	250,000
Philadelphia Orchestra, Philadelphia, PA, for educational programs	200,000
Philadelphia Safe and Sound, Philadelphia, PA, to offer comprehensive youth development activities, including after-school programming, as part of a full community school approach	100,000
Philadelphia Theatre Company, Philadelphia, PA, for education and outreach programs which will foster artists-in-school partnerships	75,000
Philadelphia Zoo, Philadelphia, PA, for the Zoo Home School Education programs and the Zoo Apprentice programs	250,000
Phipps Conservatory and Botanical Gardens, Pittsburgh, PA, to provide educational programs for students visiting the gardens	100,000
Piedmont Community Foundation, Middleburg, VA for after school programs	50,000
Pinnellas County School District, Largo, FL, for a pilot project for online assessment and interactive accountability instructional program	500,000
Pittsburgh Ballet Theatre, Pittsburgh, PA, for an arts education and outreach program	25,000
Pittsburgh Life Science Greenhouse, Pittsburgh, PA, to develop an educational curriculum to encourage students to pursue careers in life sciences industry	50,000
Pittsburgh Parks Conservancy, Pittsburgh, PA, for education programs and curriculum development	100,000
Pittsburgh School District, Pittsburgh, PA, for a Reserve Teacher Corps initiative	100,000
Pittsburgh Symphony Orchestra, Pittsburgh, PA, for support of music education and outreach programs	100,000
Pittsburgh Voyager, Pittsburgh, PA, for math and science education	75,000
Playhouse Square Foundation, Cleveland, OH for educational programs	400,000
Plymouth Community Renewal Center, Louisville, KY, for education programs	30,000
Pocono Environmental Education Center, Dingmans Ferry, PA, for summer literacy and environmental education programs	50,000
Pointe Coupee Parish School System, New Roads, LA for technology and computer infrastructure	200,000
Polk County School Board, Bartow, FL, for a Leap Track Assessment and Instruction System for Grades K-5	60,000
Polynesian Voyaging Society in Honolulu, Hawaii for educational programming	50,000
Port Chester—Rye Union Free School District, Port Chester, NY, for extended day, teacher professional development, parent education, and other services to implement full service community schools, including the Open Door Clinic	425,000
Portland United Methodist Center, Louisville, KY, for academic support programs	50,000
Powell Gardens, Kingsville, MO to teach elementary and secondary students about water conservation and plant science through educational programs	250,000
Presbyterian Community Center, Louisville, KY, for youth development education	50,000
Prince William County Public Schools, Manassas, VA, for Bilingual Literacy Extended Kindergarten Program	150,000
Prince William County Public Schools, Manassas, VA, for Middle School Reading and Math Remediation Program	150,000
Project 2000, Washington, DC, for after school programs to provide academic and mentoring services to inner city youth	125,000
Project GRAD-USA Inc., Houston, TX, for continued support and expansion of the program focusing on school reform	20,000,000
Project HOME, Philadelphia, PA, for an after school program	150,000
Project Rainbow, Philadelphia, PA, to provide early childhood services and after-school programs	250,000

Proyecto Pastoral, Los Angeles, CA, for computers, furnishings and programmatic support for a pre-school center	75,000
Public/Private Ventures, Philadelphia, PA, for training and technical assistance to support the Youth Education for Tomorrow after school, literacy model	50,000
Puget Sound Center Foundation, WA, for programs in science, technology, engineering and math among girls and other underrepresented groups	200,000
QUILL Productions, Inc., Aston, PA, to develop and disseminate programs to enhance the teaching of American history	25,000
Quindaro Development Corp., Kansas City, KS, for a computer learning center and related services	150,000
Randolph County Board of Education, Cuthbert, GA, for its READS initiative	25,000
Reading Instruction, Chicago, for the Chicago Public Schools' Chicago Reading Initiative, a research-based instruction to improve reading achievement levels in major urban areas	200,000
Reading is Fundamental, Washington, DC to establish a program in Alaska	50,000
ReadNet Foundation, New York, NY, for curriculum development	275,000
Recognizing Achievement and Rewarding Excellence (RARE) Foundation, Troy, MI for a character education program	175,000
Regional Office of Education, Loves Parks, IL, for a Web Wise Kids project	250,000
Re-Inventing Schools Coalition of Anchorage, AK to expand its Alaska Quality Schools Model	500,000
Research for Better Schools, Philadelphia, PA, to provide research-based technical assistance to school districts	50,000
Rio Rancho Public Schools, Rio Rancho, NM for math and science teacher training	400,000
Riverside County Office of Education, Riverside, CA, for the Riverside County Achievement Team Plus Program	200,000
Rodale Institute, Kutztown, PA for development and support of a health and environmental education Web site for children	100,000
Rose Hill Public School District, Rose Hill, KS for technology	300,000
Roseville City School District, Roseville, CA, for an English Instruction Program	200,000
Rosmond Gifford Zoo, Syracuse, NY for an educational program	200,000
Rye Neck Union Free School District, Mamaroneck, NY, for extended day and summer education services for English language learners, and for family literacy services	28,000
Sabine Parish School Board, Many, LA, for a Bridging the Gap in Public Education Project	167,000
Saint Louis Park School District, Saint Louis Park, MN, for the 9th Grade Asset Builders Program at Saint Louis Park High School	150,000
Saint Anthony Community Outreach Center, Inc., Louisville, KY, for program expansion	25,000
Saint Elizabeth's Foundation to develop, implement, and promote a middle school adoption awareness curriculum for use by health-social studies teachers and other youth educators	100,000
Saint Joseph's University, Philadelphia, PA, to develop a Public Education Partnership to provide professional development for area principals and teachers	100,000
Saint Martin Center Inc., Erie, PA, for before and after school programs	25,000
Saint Mary's Center, Louisville, KY, for educational programs	40,000
Salt Lake Community College, Salt Lake City, UT, for an English language software system	200,000
San Bernardino City Unified School District, San Bernardino, CA for vocational training and work opportunities program	350,000
San Bernardino County Superintendent of Schools, San Bernardino, CA, for an English Language Learners Initiative	500,000
San Bernardino County Superintendent of Schools, San Bernardino, CA, for school-to-careers initiatives, including The Alliance and Virtual Hi-Tech High	320,000
Santa Barbara Center for the Performing Arts, California, for arts education programs	60,000
Santa Barbara County Education Office, Santa Barbara, CA, for Sobriety High School	100,000
Save the Children, Washington, D.C. to support the Mississippi River Delta sub office for after school programs for low-income children in rural Mississippi	100,000
Save the Children, Westport, CT, for the Accelerated Reading program for low-income children in Arkansas	350,000
Save the Children, Westport, CT, to implement the Accelerated Reader program for low-income children in South Carolina	450,000
School Board of Broward County, Fort Lauderdale, FL, for the Broward Virtual University online teacher professional development initiative	100,000
School District of Palm Beach County, FL, West Palm Beach, FL, for a Family Literacy Project	480,000
School District of Palm Beach County, West Palm Beach, FL, for its New Teacher Mentor Program	400,000
Scotland County School District, Laurinburg, North Carolina, to implement a HOSTS Reading Centered School Program	50,000
Search to Involve Philipino Americans, Los Angeles, CA, for after school programs, including technology	75,000
Settlement Music School, Philadelphia, PA, to support arts education	100,000
Shawnee Gardens Tenants Association, Inc., Louisville, KY, for education programs	25,000
Shelby County Schools, Memphis, TN, for its Project Start Smart early childhood education initiative	150,000
Shell Lake School District, WI, for after school programs	200,000
Shiloh Community Renewal Center, Louisville, KY, for after school programs	60,000
Sioux City Community School District in Sioux City, IA to continue and expand the implementation of testing software in Iowa	500,000
Smith Memorial Playgrounds and Playhouse, Philadelphia, PA, to develop and expand after school programs with a focus on literacy skills	25,000
Sophia Academy, Providence, RI to support educational programs for girls from socio-economically disadvantaged backgrounds	150,000

South Dakota Department of Education, Office of Career and Technical Education, Pierre, SD, for the Health Occupations for Today and Tomorrow project	65,000
Southern Illinois University—Carbondale, College of Education and Human Services, Carbondale, IL, for the Saluki Kids' Academy	300,000
Southern Tioga School District, Blossburg, PA for curriculum development	100,000
Southwest/West Central Services Cooperative, Marshall, MN, for a youth mentoring and business education program	340,000
Space Education Initiatives, Green Bay, WI for the Wisconsin Space Science Initiative	163,000
Spooner School District, WI, for after school programs	200,000
Springfield Regional Arts Council, Springfield, MO, for arts education	1,400,000
Springfield School District #186, Springfield, IL, for a middle school history experience	95,000
Springfield School District 19, Springfield, OR, for its Schools Plus Initiative	200,000
SquashSmarts, Philadelphia, PA, to provide academic tutoring and mentoring of underserved, urban middle school students as part of an after school program	50,000
St. Petersburg College, St. Petersburg, Florida, to establish the Center for Teaching Transformation	350,000
Stan Hywet Hall and Gardens, Akron, OH, for educational development and curriculum programming	100,000
Stark County Educational Service Center, Canton, OH for an elementary math and science program	250,000
Starr Commonwealth, Van Wert, OH, for the No Disposable Kids (NDK) program	200,000
State of Alaska Department of Education and Early Development for the Alaska Community Pre School Project	500,000
State of Alaska Department of Education and Early Development project to meet standards of No Child Left Behind through teacher mentoring and retention strategies	1,500,000
State of Alaska Department of Education and Early Development to continue funding for its Right Start extended-day kindergarten program	1,000,000
State University of New York at Cortland, Cortland, NY for recruitment of students to science teaching	150,000
State University of New York-Oswego, Syracuse, NY for the Roads from Seneca Falls project	215,000
Success for All Foundation, Inc., Baltimore, MD, for a fully aligned system for district and state education reform in Indiana	1,400,000
Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest, Speers and Elijabar	30,000
Summerbridge Louisville, Inc., Louisville, KY, for education programs	25,000
SURE Foundation, Washington, DC for computers and educational materials	175,000
Swope Community Builders, Kansas City, MO for education programs serving students in the Brush Creek Strategy Area	125,000
Syracuse Symphony Orchestra, Syracuse, NY for educational programs	200,000
Talladega County Schools, Talladega, AL, for equipment	100,000
Tarrytown Union Free School District, Sleepy Hollow, NY, for after school programs and family literacy activities	250,000
Teach for America to expand into Clark County, NV	250,000
Teach for America, New York, NY for continued expansion	1,000,000
Technical Expositions and Conferences, Inc., Columbia, SC for Camp Success	100,000
Teen Center of Wilton, Inc., Wilton, CT, for after-school programs	100,000
Temple University, Philadelphia, PA, to develop programs to address student achievement in math and literacy	200,000
Texas Tech University, Lubbock, TX, for expanding opportunities in math and science education at the Hill Country Campus	100,000
The Story Project, Culver City, CA, to support after school literacy programs for junior high and high school students	250,000
THINK Together, Santa Ana, California, for after school programs	400,000
Thomas J. Pappas Elementary School, Phoenix, AZ, for Project TEAMS	250,000
Thornton Fractional Township High School District 215, Calumet City, IL, to develop an alternative school for chronic truants	100,000
Thorp School District, WI, for after school programs	250,000
TIDES Center in Seattle, WA, for One World Now!, a project to expand language programs in after school programs	200,000
Tiger Woods Foundation, Los Alamitos, CA, to offer programs to at-risk youth	100,000
Titusville YMCA, Titusville, PA, for technology and equipment	100,000
To provide assistance to low-performing schools, $18,000,000 shall be for a grant to the Commonwealth of Pennsylvania Department of Education to provide assistance, through subgrants, to low-performing school districts. The Commonwealth initiative is intended to improve the management and operations of the school districts; assist with curriculum development; provide after-school, summer and weekend programs; offer teacher and principal professional development and promote the acquisition and effective use of instructional technology and equipment.	18,000,000
Today Foundation, Dallas, TX, for the Imagination Station literacy program to deliver reading curriculum over the Internet using animation	50,000
Toledo Public Schools, Toledo, OH, for its Construction Career Academy	275,000
Toledo Zoo, Toledo, OH for Thinking Works	50,000
Tredegar National Civil War Museum Foundation, Richmond, VA, for a web-based educational program	200,000
Troy Area School District, Troy, PA, for technology	150,000
Turlock School Districts, Turlock, CA, for English instruction	100,000
U.S. Dream Academy, Columbia, MD to improve student achievement and help bridge the digital divide for disadvantaged children	100,000
U.S. Virgin Islands, Department of Education, St. Thomas, VI, for Beacon after-school community learning centers	300,000
Union Parish School District, Farmerville, LA for the PLATO Learning Project	400,000
United Way of Southeastern Pennsylvania, Philadelphia, PA, for the West Philadelphia Digital Inclusion Project	100,000
Unity School District, WI, for after school programs	500,000

University of Alaska/Fairbanks in Fairbanks, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED)	1,250,000
University of Arkansas, Fayetteville, Arkansas, for the National Office for Rural Measurement and Evaluation System	150,000
University of Idaho, Moscow, ID, for the Gateway to Calculus Program, a statewide, WWW-based outreach program for pre-college-calculus students	700,000
University of Iowa Belin Blank Center for Gifted Education to continue the AP Online Academy	1,450,000
University of Louisville, Louisville, KY, for the Center for Research-Based Educational Improvement and Assessment	700,000
University of Maine at Farmington, Farmington, ME, to support professional development for new and current teachers, which may include the acquisition of technology and equipment	250,000
University of Northern Colorado, Greeley, CO for an evaluation of teaching programs	50,000
University of Northern Iowa to continue the 2+2 teacher education demonstration program	500,000
University of Pennsylvania, Philadelphia, PA, to develop educational programming and provide professional development for the West Philadelphia Partnership for Community Schools	200,000
University of Southern Mississippi, Hattiesburg, MS, for the Frances A. Karnes Center for Gifted Studies to support summer gifted and leadership programs and research	175,000
University of Tennessee, Martin, TN, for its Reelfoot Lake Science Center	400,000
University of Wisconsin-Eau Claire in Eau Claire, WI for expansion of the Jumpstart program for early childhood education	100,000
University of Wisconsin-Platteville in Platteville, WI for an online alternative teacher certification program	100,000
Urban League of Metropolitan Denver, Denver, CO, for after school and summer school programs	350,000
Urban League of Morris County, Morristown, NJ, for a youth and family literacy program	200,000
Urban Youth Action, Inc., Pittsburgh, PA, to develop and expand its Youth Development program that provides pre-employment training for high school students	75,000
USD #331 Kingman/Norwich, Kingman, KS for computers at Kingman High School, Kingman Elementary School and Norwich School	300,000
USD 470 Public Schools, Arkansas City, KS for Project XCELL	300,000
Utah State Office of Education to improve reading in rural schools	650,000
Utah State Office of Education, Salt Lake City, UT to improve qualifications for teachers who teach multiple subjects in rural areas	400,000
Venango County AVTS, Oil City, PA, for curriculum development	300,000
Vermont State Colleges of Waterbury, VT for a dual enrollment program for academically at-risk secondary school students	500,000
Vernon Parish School Board, Leesville, LA, for Network Switch Upgrade	167,000
Village of Richton Park, Richton Park, IL, for after school programs	100,000
Virginia Commonwealth University, Richmond, VA, for the Great Cities' Universities Urban Educators Corps Partnership Initiative	350,000
Virginia Community College Systems, Richmond, VA to address severe healthcare workforce shortages in these colleges' service areas	150,000
Voluntary Interdistrict Choice Corporation, St. Louis, MO, for a public school choice program	320,000
Wake Education Partnership, Raleigh, NC, for school leadership and teacher professional development initiatives	225,000
Walnut Grove School District R-IV, Walnut Grove, MO for computer and school equipment	12,000
Warren County Career Center, Warren, PA, for curriculum development	100,000
Washington Education Foundation to replicate mentoring/scholarship programs for low-income students	500,000
Washington National Opera, Washington, DC, for a music education program in Maryland	150,000
Washoe County School District in Nevada for an English Instructional program	250,000
Washoe County School District, NV, for an online assessment and accountability instructional program	250,000
Waubonsee Community College, Sugar Grove, IL, to implement an English language instructional program	300,000
Wayne Art Center, Wayne, PA, for arts education, including teacher training and workshops for students	50,000
Wellsboro Area School District, Wellsboro, PA, for curriculum development	100,000
West Oak Lane Charter School, Philadelphia, PA, for equipment and technology upgrades	75,000
West Virginia High Technology Foundation, Fairmont, WV, for development of a technology-based teacher professional development model	550,000
Westchester Philharmonic, White Plains, NY, for music education programs	100,000
Western Kentucky University, Bowling Green, KY, for education, training, and enrichment, which may include work-related skills training and postsecondary education services, for primary and secondary students, their caregivers, and non-traditional students, including adults	1,500,000
Western Kentucky University, Bowling Green, KY, for the E-Train Initiative	500,000
White Plains Housing Authority, White Plains, NY, for after school and weekend tutorial programs	40,000
Whole Backstage, Inc, Guntersville, AL, for the Children's Theater Education Center	25,000
Winfield Public School District, Winfield, KS for educational programs	300,000
Wittenberg University, Springfield, Ohio, for the Springfield Alliance for Minority Teacher Recruitment and Preparation Program	100,000
Wordsworth Academy, Fort Washington, PA, for the York Alternative Education Program	100,000
World Impact, Los Angeles, CA, for programming to educate and mentor at-risk youth at its Harmony Heart Camp in Jermyn, PA	100,000
WQED Multimedia Pittsburgh, Pittsburgh, PA, to develop educational programming for adolescents focusing on career literacy	50,000
WQLN Educational Services, Erie, PA, to develop on-line educational resources	50,000

WVSA arts connection, Washington, DC, for education and training initiatives for youth with disabilities and special needs	100,000
Wyatt Community and Family Life Center, Chicago, IL, for after school enrichment activities, including its Historic Perspectives of Living Legends in the African American Community: 1912–Present initiative	100,000
Yakima School District, Yakima, WA, for an English Education Software Program	250,000
Yancey County Schools, Burnsville, NC, for equipment and materials	50,000
YMCA of Carlisle, Carlisle, PA, for professional development for teachers on character education	50,000
YMCA of Central Kentucky, Lexington, KY, for its Black Achievers Program	350,000
YMCA of Easton, Easton, PA, for after school programming for K–12 students	50,000
YMCA of Harrisburg, Harrisburg, PA, to provide mentoring services for minority youth	50,000
YMCA of McKeesport, McKeesport, PA, to support the Teen LEAD program serving at-risk, inner city teens	50,000
YMCA of Pennsylvania, Harrisburg, PA, for its Youth in Government program	50,000
YMCA of Pittsburgh, Pittsburgh, PA, for technology upgrades and to develop and implement a Technology Literacy Initiative to train K–12 teachers and students in the use of computers	50,000
YMCA of York and York County, York, PA, to develop and implement a Path for Teens leadership and community program	50,000
Yonkers Public Schools, Yonkers, NY, for after school and Saturday academic and enrichment activities, literacy services, music and arts education, and parent involvement activities	1,000,000
Young Black Men's Association, Warren, OH, for its Community Service Recording Studio project	50,000
Youngstown Symphony Society, Inc., Youngstown, OH for educational programs	150,000
Youngstown/Warren Regional Chamber, Warren, OH, for its Mahoning Valley Educational Initiative	590,000
Youth Alive, Inc., Louisville, KY, for tutoring, homework assistance and mentoring	40,000
Youth Sports and Recreation Commission, Detroit, MI, for youth education and training services	100,000
YouthFriends Michigan, Traverse City, MI, for a school based mentoring program	100,000
Zero to 5 Foundation, East Los Angeles, CA, for a pre-school education project in Boyle Heights in east Los Angeles	150,000

Other programs

The conference agreement includes $23,500,000 for the Ready to Learn program instead of $22,864,000 as proposed by the House and $24,000,000 as proposed by the Senate. The conferees continue to strongly support the educational and outreach objectives of the Ready to Learn Television program. The conferees are especially pleased that television programs such as Dragon Tales and Between the Lions developed with funding from Ready to Learn have been recognized with national parent and television production awards. The conferees reiterate the unique mission of Ready to Learn, which is to use the television medium to help prepare pre-school age children for school. The television programs that must fulfill this mission are to be specifically designed for this purpose, with the highest attention to production quality and validity of research-based educational objectives, content, and materials. Therefore, the conferees expect that the grant competition administered for a new award under this program will emphasize the importance of investing Ready to Learn resources in those programs that have proven to fulfill this mission, acquiring new programs with scrutiny, and distinguishing Ready to Learn programs from content easily available on commercial and cable television.

The conference agreement includes $4,970,000 for dropout prevention programs instead of $10,000,000 as proposed by the Senate. The House did not propose funding for this program.

The conference agreement includes $30,000,000 for advanced placement fees as proposed by the House instead of $33,534,000 as proposed by the Senate. The conferees intend that the first priority of the program is to awards grants to States to subsidize test fees for low-income students who are enrolled in an Advanced Placement class and plan to take an Advanced Placement test. The balance of the funds are allocated for Advanced Placement Incentive Program grants, which are competitive grants to states, school districts and national nonprofit educational agencies for programs that expand access for low-income individuals to Advanced Placement programs. Eligible activities include teacher training and participation in online Advanced Placement courses, among other related purposes.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

The conference agreement includes $867,713,000 for programs in the safe schools and citizenship education account, instead of $801,369,000 as proposed by the House and $902,008,000 as proposed by the Senate.

The conference agreement includes $153,767,000 for national programs as proposed by the House instead of $156,219,000 as proposed by the Senate. The conference agreement includes funding for the following activities:

School Safety Initiatives	$30,000,000
Planning/Needs Assessment/Data for State Grants	9,548,000
Safe Schools/Healthy Students	90,000,000
Drug Testing Initiative	10,000,000
Postsecondary Ed Drug and Violence Prevention	5,000,000
Impact Evaluation	2,000,000
Information and materials	1,250,000
Data collection and analysis	2,000,000
Other joint projects with Federal agencies	1,000,000
Other program improvement activities	1,819,000
National Recognition Program	850,000
National Clearinghouse for School Facilities	300,000

The conferees direct the Department to implement the Act consistent with their intent, as reflected in the table above, and request an implementation plan to be submitted to the House and Senate Committee on Appropriations within 30 days of enactment of the Department of Education Appropriations Act, 2005. To the extent that the Department wishes to reprogram funds in order to address other activities or alter the allocation of funds for activities listed in the chart above, the conferees expect the Department to follow the guidance provided in this statement of the managers.

The conference agreement includes bill language requiring the Department to spend $850,000 for the National Recognition Awards program under the guidelines described in section 120(f) of Public Law 105–244.

The conference agreement includes $33,000,000 for grants to reduce alcohol abuse instead of $35,000,000 as proposed by the Senate. The House did not propose funding for this activity.

The conference agreement includes $49,705,000 for mentoring programs as proposed by the House instead of $65,000,000 as proposed by the Senate. The agreement also includes $24,691,000 for character education as proposed by the Senate instead of $24,961,000 as proposed by the House. The conference agreement includes $35,000,000 for elementary and secondary school counseling instead of $33,799,000 as proposed by the House and $36,000,000 as proposed by the Senate.

The conference agreement includes $74,000,000 for physical education programs instead of $69,587,000 as proposed by the House and $75,000,000 as proposed by the Senate. This amount includes $2,000,000 to support the Special Olympics National Games as proposed by the Senate. In addition, within the amounts appropriated, the conferees expect that a portion of the funds will be set aside to be awarded in new grants and projects for fiscal year 2005.

The conference agreement includes $29,642,000 for the Civic Education program to support both the We the People programs and the Cooperative Education Exchange, instead of $28,642,000 as proposed by the House and $30,642,000 as proposed by the Senate. The conferees intend that $17,350,000 will be provided to the nonprofit Center for Civic Education to support the We the People programs. Within the total for the We the People program, the conferees intend that $3,050,000 be reserved to continue the comprehensive program to improve public knowledge, understanding, and support of American democratic institutions which is a cooperative project among the Center for Civic Education, the Center on Congress at

Indiana University, and the Trust for Representative Democracy at the National Conference of State Legislatures, and that $1,525,000 be used for continuation of the school violence prevention demonstration program, including $500,000 for the Native American initiative.

The conference agreement also includes $12,292,000 for the Cooperative Education Exchange program. Within this amount, the conferees intend that $4,600,000 is for the Center for Civic Education and $4,600,000 for the National Council on Economic Education, while the remaining $3,092,000 should be used to continue the existing grants funded under the authorizing statute for civics and government education, and for economic education.

The agreement also includes $27,000,000 for State Grants for Incarcerated Youth instead of $28,000,000 as proposed by the Senate. The House did not provide funding for this activity.

English Language Acquisition

The conference agreement includes $681,215,000 for English Language Acquisition programs as proposed by the House instead of $700,000,000 as proposed by the Senate.

Special Education

The conference agreement includes $11,767,748,000 for Special Education instead of $12,176,101,000 as proposed by the House and $12,328,391,000 as proposed by the Senate. The agreement provides $6,354,748,000 in fiscal year 2005 and $5,413,000,000 in fiscal year 2006 funding for this account.

Included in these funds is $10,675,147,000 for Grants to States part B instead of $11,068,106,000 as proposed by the House and $11,228,981,000 as proposed by the Senate.

The conference agreement includes $387,699,000 for preschool grants as proposed by the House instead of $390,000,000 as proposed by the Senate. The agreement also includes $444,363,000 for grants for infants and families as proposed by the Senate instead of $466,581,000 as proposed by the House.

The conference agreement includes $52,819,000 for technical assistance as proposed by the House instead of $54,000,000 as proposed by the Senate. The agreement includes $91,357,000 for personnel preparation as proposed by the House instead of $93,357,000 as proposed by the Senate. The agreement includes $26,173,000 for parent information centers as proposed by the House instead of $27,500,000 as proposed by the Senate. The agreement also includes $39,129,000 for technology and media services as proposed by the Senate instead of $32,305,000 as proposed by the House.

The agreement also includes $1,500,000 for Public Telecommunications Information and Training Dissemination as proposed by the Senate. The House did not contain funds for this activity.

Rehabilitation Services and Disability Research

The conference agreement includes $3,076,112,000 for Rehabilitation Services and Disability Research instead of $3,054,587,000 as proposed by the House and $3,077,328,000 as proposed by the Senate.

The conference agreement includes $1,000,000 to continue an award to the American Academy of Orthotists and Prosthetists (AAOP) for activities that further the purposes of the grant received by the Academy for the period beginning October 1, 2003.

The conference agreement includes $11,997,000 for client assistance grants as proposed by the House instead of $13,000,000 as proposed by the Senate. The agreement includes $25,814,000 for demonstration and training programs instead of $18,784,000 as proposed by the House and $24,286,000 as proposed by the Senate. Within the amounts provided for vocational rehabilitation demonstration and training programs, the conference agreement includes funding for the following activities:

Alabama Institute for Deaf and Blind, Talladega, AL, for an interpreter training program	$100,000
Alaska Statewide Independent Living Council, Inc. to continue and expand its Personal Care Attendant Program and to expand outreach efforts to the disabled living in rural Alaska	300,000
American Hearing Impaired Hockey Association, Chicago, IL, for program expansion and recruitment	130,000
Angels' Place, Southfield, MI, for an Abundant Life Services Program	100,000
Center of Vocational Alternatives, Columbus, OH, for support of a computer training center	150,000
Challenge Alaska, Anchorage, AK for a comprehensive recreation program benefiting people and families with disabilities of all ages	200,000
Enable America, Inc., Tampa, Florida, for civic/citizenship demonstration project for disabled adults	1,000,000
Kenai Peninsula Independent Living Center, AK, for its Total Recreation and Independent Living Services Project	150,000
National Federation of the Blind, Baltimore, MD, for blind device testing, development, and dissemination	1,000,000
National Sports Center for the Disabled, Denver, CO, to expand adaptive sports program for therapeutic recreation	75,000
Ohio Alliance of Community Centers for the Deaf, Worthington, OH for development of a model program	250,000
Peregrine Corporation, South Portland, ME, for STRIVE U, a postsecondary educational program for young adults with developmental disabilities	190,000
Pride Industries, Roseville, California, for training for persons with disabilities	250,000
Rainbow Connection for a program of therapeutic horseback riding for the disabled in the Mat-Su Valley region of Alaska	325,000
Southeast Alaska Independent Living, Juneau, AK to continue a joint recreation and employment project with the Tlingit and Haida Tribe of Alaska in Southeast Alaska	200,000
University of Iowa College of Law—Rehabilitation Research and Training Center on Employment Policy for People with Disabilities	750,000
University of South Florida, St. Petersburg, FL, for research	260,000
University of South Florida, Tampa, FL, for a demonstration program in orthotics/prosthetics	1,000,000
City of Anchorage, AK for support of the Veterans Wheelchair Games in Alaska	300,000
Vocational Guidance Services, Cleveland, OH to improve educational opportunities and employment outcomes, which may include the purchase of equipment	300,000

The conference agreement includes $2,321,000 for migrant and seasonal farmworkers as proposed by the House instead of $2,500,000 as proposed by the Senate. The agreement includes $2,564,000 for recreational programs as proposed by the House instead of $2,750,000 as proposed by the Senate. The agreement includes $16,790,000 for protection and advocacy as proposed by the House instead of $18,000,000 as proposed by the Senate. The conferees intend that technical assistance for this activity be provided through a competitive multiyear grant with a small business or a national nonprofit organization that has the demonstrated capacity to carry out these activities. The conferees intend that the technical assistance be based on the identified needs of individuals with disabilities and do not intend that technical assistance funds be used for administrative responsibilities of the organization administering the programs.

The conference agreement includes $21,799,000 for projects with industry as proposed by the House instead of $22,000,000 as proposed by the Senate. The agreement includes $37,680,000 for supported employment as proposed by the House instead of $38,000,000 as proposed by the Senate.

The conference agreement includes $23,000,000 for independent living state grants as proposed by the Senate instead of $25,000,000 as proposed by the House. The agreement also includes $76,000,000 for Independent Living Centers instead of $75,000,000 as proposed by both the House and Senate. The agreement also includes $33,495,000 for services for older blind individuals instead of $35,000,000 as proposed by the House and $31,811,000 as proposed by the Senate. The agreement also includes $8,666,000 for the Helen Keller National Center as proposed by the House instead of $9,000,000 as proposed by the Senate.

The conference agreement includes $108,652,000 for the National Institute on Disability and Rehabilitation Research instead of $106,652,000 as proposed by the House and $109,152,000 as proposed by the Senate. Within the conference agreement, the conferees have included an additional $2,000,000 to support NIDRR's spinal cord injury model systems program. These funds, in addition to the $7,200,000 available within the budget request, will support $8,000,000 in new awards in fiscal year 2005 and $1,200,000 for continuation grants. The conferees intend that the additional funds should be used to support investments that could facilitate multi-center research on therapies, interventions and the use of technology, and encourage NIDRR to continue its collaboration with other federal agencies in order to leverage Federal investments in this area.

The conferees are aware of field evidence and growing recognition that participation in sports by people with disabilities is a predictor of successful employment outcomes. The conferees urge the National Institute on Disability and Rehabilitation Research to conduct a study to validate the impact of adapted sports participation on employment outcomes for adults with physical disabilities and report the results of this study to Congress no later than May 31, 2005. The study shall identify the population of people with physical disabilities who have participated in organized adapted sports programs; analyze the academic achievements, post secondary education attainment, and rate of employment among people with physical disabilities who participated in organized adapted sports programs compared with those who did not; and evaluate the impact of adapted sports participation on the mental, physical, and social well-being of the person with a disability and on the family.

The conference agreement includes $30,000,000 for assistive technology instead of $15,000,000 as proposed by the House and $31,495,000 as proposed by the Senate. The conference agreement does not include language proposed by the Senate relating to the allocation of assistive technology funds. This language is no longer needed since the Assistive Technology Act was recently reauthorized.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

GALLAUDET UNIVERSITY

The conference agreement includes $105,400,000 for Gallaudet University as proposed by the Senate instead of $104,000,000 as proposed by the House.

VOCATIONAL AND ADULT EDUCATION

The conference agreement includes $2,027,166,000 for Vocational and Adult Education instead of $2,025,456,000 as proposed by the House and $2,102,086,000 as proposed by the Senate. The agreement provides $1,236,166,000 in fiscal year 2005 and $791,000,000 in fiscal year 2006 funding for this account.

The conference agreement includes $1,203,963,000 for Vocational Education basic State grants instead of $1,215,008,000 as proposed by the House and $1,194,295,000 as proposed by the Senate.

The conference agreement includes $4,939,000 for the tech-prep education demonstration authorized under section 207 of the Perkins Act as proposed by the Senate. The agreement also includes $9,382,000 to continue the occupational and employment information program as proposed by the Senate. The House did not include funding for these activities.

The conference agreement includes $574,266,000 for adult education state grants as proposed by the Senate instead of $574,372,000 as proposed by the House.

The conference agreement also includes $95,238,000 for the smaller learning communities program instead of $101,698,000 as proposed by the House and $173,967,000 as proposed by the Senate. The conferees concur in the directions in House report 108-636. The conferees intend that the smaller learning communities program competition in calendar year 2005 include an increase in the size and scope of implementation grants, allow for 5-year implementation awards, and permit schools that have previously received implementation grants to receive additional assistance if needed to complete effective interventions in smaller learning communities. The conferees are concerned that the Department is using the 5 percent set-aside funds to support its broad high school reform agenda rather than providing direct technical assistance to schools receiving smaller learning awards. The conferees believe that a greater share of the 5 percent set-aside funds should be used to support direct technical assistance to grantees through providers with expertise in designing and implementing smaller learning communities.

The conference agreement includes $5,000,000 for community technology centers instead of $11,000,000 as proposed by the Senate. The House did not propose funding for this activity.

STUDENT FINANCIAL ASSISTANCE

The conference agreement includes $14,380,795,000 for Student Financial Assistance instead of $14,755,794,000 as proposed by the House and $14,859,694,000 as proposed by the Senate.

The agreement provides a program level of $12,464,715,000 for Pell Grants instead of $12,830,000,000 as proposed by both the House and the Senate. The conference agreement also includes $785,000,000 for the supplemental educational opportunity grant program instead of $794,455,000 as proposed by the House and $799,850,000 as proposed by the Senate. The agreement includes $998,243,000 for Federal work study as proposed by the Senate instead of $998,502,000 as proposed by the House. The agreement does not include funding in fiscal year 2005 for Perkins capital contributions as proposed by the House. The Senate included $98,764,000 for this program.

STUDENT AID ADMINISTRATION

The conference agreement includes $120,247,000 for student aid administration as proposed by the House instead of $121,000,000 as proposed by the Senate.

HIGHER EDUCATION

The conference agreement includes $2,134,269,000 for Higher Education instead of $1,976,056,000 as proposed by the House and $2,148,458,000 as proposed by the Senate.

Aid for Institutional Development

The conference agreement includes $80,986,000 for strengthening institutions as proposed by the House instead of $85,000,000 as proposed by the Senate. The conference agreement includes $95,873,000 for Hispanic Serving Institutions as proposed by the House instead of $100,000,000 as proposed by the Senate. The conference agreement also includes $12,000,000 for Alaska and Native Hawaiian Institutions instead of $13,000,000 as proposed by the Senate and $10,935,000 as proposed by the House.

The conference agreement includes $24,000,000 for strengthening tribal colleges and universities, instead of $23,753,000 as proposed by the House and $25,000,000 as proposed by the Senate. The conferees agree that funds are to be used to support continuation of existing basic grants and new planning or implementation grant awards. The remaining funds shall be available for grants for renovation and construction of facilities, including repair and expansion.

The conference agreement includes $7,500,000 for Tribally Controlled Postsecondary Vocational Institutions instead of $7,185,000 as proposed by the House and $8,000,000 as proposed by the Senate. The agreement also includes language proposed by the Senate notwithstanding any other provision of law or any regulation that the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to the tribally controlled postsecondary vocational and technical institutions program.

International Education and Foreign Language Studies

The conference agreement includes $93,211,000 for the domestic activities of the international education and foreign language studies programs as proposed by the House instead of $89,211,000 as proposed by the Senate. Within the conference agreement, $1,500,000 is included for a study by the National Research Council as described in House Report 108–636.

Fund for the Improvement of Postsecondary Education

The conference agreement includes $163,915,000 for the Fund for the Improvement of Postsecondary Education instead of $32,011,000 as proposed by the House and $157,700,000 as proposed by the Senate. Within the amounts provided for the Fund for the Improvement of Postsecondary Education, the conference agreement includes funding for the following:

AIB College of Business, Des Moines, IA, for scholarships in captioning and court reporting	$500,000
Alabama A&M University Research Institute, Normal, AL, for programmatic activities and research	600,000
Alaska Christian College, Soldotna, AK for student scholarships, recruitment and salaries	435,000
Alaska Pacific University in Anchorage, AK to continue support of its Rural Alaska Native Adult Distance Education Program	300,000
Albany State University, Albany, GA, in partnership with Darton College, for an initiative to increase the success of minority males and nontraditional students in postsecondary education, including student scholarships	350,000
Alcorn State University, Alcorn State, MS, in partnership with Mississippi State University, for the The National Institute for Rural Community Colleges	750,000
Allegheny College, Meadville, PA, for civic education activities	50,000
American Academy of Liberal Education, Washington, DC, to develop a national model for the study of American democracy at colleges and universities	100,000

American Prosthodontic Society Foundation, Osceola, PA for scholarships and program costs related to prosthetic dentistry and clinical prosthodontics	150,000
American Samoa Community College, Pago Pago, AS, for its Trades, Industries and Technology Program	640,000
Anderson University, Anderson, IN, for educational programming related to the Flagship Enterprise Center	250,000
Artspace Projects, Inc, Minneapolis, MN for the Artspace Projects Distance Education Initiative, which may include the acquisition of technology	100,000
Association of Jesuit Colleges and Universities, Washington, DC, for its Center for Online Bioethics Education	250,000
Augsburg College, Minneapolis, MN, for a postbaccaulareate program for underrepresented students, including student stipends	240,000
Ball State University, Muncie, IN, for Digital Middletown	250,000
Baylor University, Health and Education Wellness Department, Waco, TX, for GEAR UP Waco, a college preparedness program	500,000
Belin-Blank Center at the University of Iowa, Iowa City, IA for the Big 10 school initiative to improve minority student access to Advanced Placement courses	145,000
Bennett College, Greensboro, NC, for technology, equipment, curricula, and library collections	320,000
Berea College, Berea, KY for support of science education programs, which may include the acquisition of technology and equipment	500,000
Berea College, Louisville, KY, for an educational partnership initiative including scholarships	50,000
Bethel College, McKenzie, TN to improve science facilities and to purchase equipment	100,000
Bethune Cookman College, Daytona Beach, FL to expand services at the Continuing Education Center at St. John	100,000
Bevill State Community College, Sumiton, Alabama, for English as a Second Language (ESL) Laboratories	300,000
Bloomfield College, Bloomfield, NJ, for an initiative to recruit and retain minority students in nursing and allied health professions	140,000
Boston College, MA, to equip a science facility	750,000
Bowie State University, Bowie, MD, for a project to attract, prepare and retain African American and other minority males in the teaching profession, including student support	350,000
Brookdale Community College, Lincroft, NJ, for technology	75,000
Bucknell University, Lewisburg, PA, for campus-wide technology infrastructure upgrades, including wireless technology	420,000
C*R*E*A*T*E for Mississippi, Tupelo Mississippi Public Schools for statewide teacher network to model successful, replicable technology application and utilization in classrooms	300,000
Cabrini College, Radnor, PA, for equipment and educational programming for the Center for Science, Education and Technology	200,000
Caldwell College, Caldwell, New Jersey, for Center for Excellence in Teaching Initiative	50,000
Caldwell County Education Consortium, Hudson, NC for The Teaching Center	112,000
California Institute of Arts, Valencia, CA, for technology and training	200,000
California State University Channel Islands, Camarillo, CA, for a baccalaureate degree program in nursing	200,000
California State University, Bakersfield Department of Nursing, Bakersfield, CA, for nurse training equipment	180,000
California State University, Chico, CA for equipment	500,000
California State University, Hayward, CA, for professional development, equipment and technology for distance education programs	425,000
California State University, Long Beach, CA, for its Technology Enhanced Literacy Project	250,000
California State University, San Marcos, CA, to establish a nursing program	400,000
Calumet College of St. Joseph, Whiting, IN, for a Public Safety Support Center Program	1,300,000
Carlow College, Pittsburgh, PA for program and administrative support, which may include acquisition of technology	100,000
Cazenovia College, Cazenovia, NY, to provide equipment for Art & Design building	100,000
Centenary College, Hackettstown, NJ, to expand IT infrastructure	105,000
Center for Community Transformation, Chicago, IL, to support faculty, student fellowships, and ongoing secular educational activities in community leadership transformation	100,000
Central Florida Community College, Lecanto, FL, for a nursing program	250,000
Central Florida Community College, Ocala, FL, for curriculum development and technology	150,000
Central Michigan University, Mt. Pleasant, MI, for education and training programs	100,000
Central Piedmont Community College, Charlotte, NC, for a Geospatial Technology Training Center	500,000
Centralia College, Centralia, WA, for nursing laboratory equipment, setup and training, and for library resources and technology	200,000
Charleston Southern University, Charleston, SC, for technology and equipment	250,000
Cheyney University, Cheyney, PA for planetarium upgrades	100,000
Chicago State University, Chicago, IL, for the School of Pharmacy	225,000
Christopher Newport University, Newport News, VA to support international studies	200,000
City of Oelwein, IA to plan for a new higher education facility and programs	100,000
Clarion University, Clarion, PA for the CONNECT NWPA Clarion U/North West Regional Commission Collaborative Educational Technology Initiative	100,000
Clark State Community College, Springfield, OH, for equipment	300,000
Clatsop Community College, Astoria, OR, for equipment and technology for its Technology for Student Access Initiative	320,000
Cleary University, Ann Arbor, MI, for equipment and technology for the Washtenaw campus	210,000
Cleary University, Howell, MI, for technology	200,000
Cleveland Institute of Art, Cleveland, OH for expansion of programs	250,000
Cleveland Scholarship Programs, Inc., Cleveland, OH, for student scholarships	400,000

Clinton School of Public Service at the University of Arkansas, for endowment scholarships and curriculum development	1,000,000
College of Lake County, Grayslake, IL, to develop and implement English Second Language instructional classes	250,000
College of New Jersey, Ewing, NJ, for the Bonner Center for Civic and Community Engagement	340,000
College of Southern Idaho, to implement the Partnership to Build Capacity for Latino Access and Leadership Project	250,000
College of Southern Idaho, Twin Falls, ID, to implement an Enhanced Paraprofessional Training program	200,000
College of St. Elizabeth, Morristown, NJ, for a teacher training program for math and science	100,000
Columbus Healthcare Workforce Center, Columbus, OH, for nurse training	450,000
Community College of Allegheny County, Pittsburgh, PA for technical education	500,000
Community College of Allegheny County, Pittsburgh, PA, to develop a Health Career Education Institute	100,000
Community College of Beaver County, Beaver Falls, PA, for educational programs, including the acquisition of technology ..	100,000
Community College of Rhode Island (CCRI), Warwick, RI, for Learning and Literacy Centers	265,000
Concurrent Technologies Corporation, Largo, FL for the community college/vocational industry cluster hubs project	1,000,000
Connecticut State University System, Hartford, CT, for a project to enhance teacher workforce diversity, recruitment and retention	750,000
Culver-Stockton College, Canton, MO, for equipment and technology	100,000
Cumberland College, Williamsburg, KY for equipment and curriculum development for its science programs and facilities ..	500,000
Cuyahoga Community College, Cleveland, OH for equipment and programming for the Centers for Nursing and Health Careers	425,000
Dakota State University in Madison, South Dakota for the Information Assurance Program	250,000
Darton College, Albany, GA, for the rural technology network	650,000
Dean College, Franklin, MA, to improve services for students with disabilities, including technology, curricula and assessment activities	150,000
Defiance College, Defiance, OH, for curriculum development and equipment for forensic science program	250,000
Del Mar College, Corpus Christi, TX, for faculty and equipment for nursing, dental and allied health programs	340,000
Delaware County Community College, Media, PA, for technological infrastructure and to support career counseling at the Small Business Resource and Development Center	50,000
Delta College, University Center, MI, for equipment and technology for its technical trades and manufacturing complex	200,000
Delta State University, Cleveland, MS for the Delta Education Initiative .:............................	1,000,000
Des Moines Area Community College, Ankeny, IA, for a Career Academy Consortium Project	400,000
Des Moines Area Community College, IA, for a Comprehensive Deaf Services Center	400,000
Des Moines Higher Education Collaborative for wiring and curriculum development at the John and Mary Pappajohn Higher Education Center	650,000
DeSales University, Center Valley, PA, for computer wiring and technology upgrades related to training K-12 teachers and students	200,000
Dillard University, New Orleans, LA, for equipment for its Consolidated Sciences Institute	200,000
Dowling College, Oakdale, NY, for development of a certificate program in integrated emergency management	300,000
Duquesne University, Pittsburgh, PA, for equipment and wiring for a supercomputing facility	100,000
Dutchess Community College, Poughkeepsie, NY, for the upgrade of the college computer network	50,000
EARTH University Foundation, Atlanta, GA for student scholarships	500,000
East Stroudsburg University, East Stroudsburg, PA, for technological infrastructure related to the Center for Research and Economic Development	200,000
Eastern Oregon University to train rural community nurses	250,000
Eastern University, St. Davids, PA, for equipment, professional development and outreach to develop the Nueva Esperanza Center for Higher Education as a branch of the university	100,000
Eckerd College, St. Petersburg, FL, for the Leadership Training Program ...	500,000
Eckerd College, St. Petersburg, FL, to upgrade educational computing and technology	1,000,000
Edison Community College, Punta Gorda, FL, to expand nursing programs	100,000
Edmonds Community College in Lynnwood, WA, to expand the Mathematics Across the Curriculum Project	100,000
Emerson College, Boston, MA for the completion of the Tufte Performance and Production Center ...	560,000
Emmanuel College, Boston, MA, for educational equipment and program development	200,000
Emporia State University, Emporia, KS for technology	250,000
Esperanza USA, Philadelphia, PA, for education programs and to prepare individuals for post-secondary education	75,000
Everett Community College, Everett, WA, to plan, develop and implement one or more Early College High Schools, in conjunction with Whatcom Community College and Skagit Valley College	600,000
Fairleigh Dickinson University, Madison, NJ, for equipment, technology, and personnel for its Global Virtual Faculty distance education initiative	150,000
Federation of American Scientists for Digital Promise, Washington, DC, for creating a Digital Opportunity Investment Trust (DO IT) project	500,000
Federation of Independent Illinois Colleges and Universities, Springfield, IL, for the Illinois Century Network	75,000
Florida Campus Compact, Tallahassee, FL, to enhance service learning on college campuses throughout Florida	450,000
Folsom Lake College, Folsom, CA, for computers, program development and teacher stipends	150,000
Fort Hays State University, Hays, KS for distance learning	250,000
Fort Lewis College, Durango, CO, for the Institute of Southwest Studies	100,000

Gateway Community College, New Haven, CT, for equipment for a skilled nursing laboratory	100,000
George Meany Center for Labor Studies—the National Labor College for curriculum development	900,000
Georgetown College, Georgetown, KY, for its Center for Commerce, Language & Culture	200,000
Georgia College and State University, Milledgeville, GA, Paul Coverdell Institute and Archives	100,000
Georgian Court University, Lakewood, NJ, for distance learning	225,000
Governors State University, University Park, IL, for the College of Education's Family Development Center	150,000
Greater Philadelphia Bioinformatics Alliance, Philadelphia, PA to implement training, research and dissemination efforts to form a national and international center of excellence in bioinformatics	25,000
Grossmont-Cuyamaca Community College District, El Cajon, CA, for equipment and student assistance	95,000
Grossmont-Cuyamaca Community College District, El Cajon, CA, for science equipment	99,000
Harcum College, Bryn Mawr, PA to develop curriculum and acquire technology	200,000
Harrisburg University of Science and Technology, Harrisburg, PA for curriculum development, laboratory equipment and technology and personnel	1,000,000
Haskell Indian Nations University, Lawrence, KS, for equipment and technology for mathematics, science, and engineering laboratories	700,000
Heartland Community College, Normal, IL, for computer equipment	63,000
Hepatitis B Foundation, Doylestown, PA for education programs to prepare post-secondary students for careers in biomedical research, public health and biotechnology	150,000
Hickory Metropolitan Higher Education Center, Hickory, NC for expanded programming	112,000
Highline Community College, Des Moines, WA, for its Marine Science and Technology Center	320,000
Hillsborough Community College, Tampa, FL, for a veterinary technician education program	200,000
Hofstra University, Hempsted, NY, to produce and offer distance-education on rehabilitation and independent living for persons who are deaf	500,000
Idaho State University, Pocatello, ID, for a masters degree program in Dental Hygiene	500,000
Idaho State University, Pocatello, ID, for the Virtual Idaho Museum of Natural History	250,000
Ihanktonwan Community College in Marty, South Dakota for curriculum and institutional development	150,000
Ilisagvik College in Barrow, AK for infrastructure improvements in Barrow, AK and North Slope villages to improve access to distance education courses provided by the college	250,000
Illinois Institute of Independent Colleges and Universities, Springfield, IL, for Project Connect	600,000
Illinois State University, Normal, IL for the Joe Warner Teaching Nursing Home Project	62,000
Immaculata University, Immaculata, PA, for technology, equipment, and professional development to enhance nursing education programs	100,000
Indiana University of Pennsylvania, Indiana, PA, for the Computing Services Center to train K–12 teachers and for the National Institute for Corrections Education to provide professional development for corrections education teachers	50,000
Indiana University, Bloomington, IN, to develop a bachelor of science program in biotechnology, including equipment	400,000
Innovation Works, Pittsburgh, PA, to enhance research and development in collaboration with local institutions of higher education and regional manufacturers	100,000
Iowa Central Community College, Fort Dodge, IA, for the Dental Hygienist Program	500,000
Iowa Lakes Community College to create a Wind Energy and Turbine Technology education program	500,000
Iowa Student Aid Commission to continue a program of loan forgiveness for teachers	500,000
Iowa Valley Community College to expand educational outreach in the Hispanic community	500,000
Isothermal Community College, Spindale, NC, for operation of a Material Testing Laboratory	85,000
Ivy Tech State College, Bloomington, IN, for development of an associates degree program in biotechnology and student scholarships	550,000
IWF Leadership Foundation, Washington DC, for a scholarship fund	500,000
Jackson State University, Jackson, MS for the Project Urban Mississippi: Teachers, Technology, and Research	500,000
Jacksonville State University, Jacksonville, AL, for the Viper Doppler Radar Training System	60,000
Johnson C. Smith University, Charlotte, NC, for a technology education and training initiative	320,000
Jones County Junior College, Ellisville, MS, for equipment for an advanced technology center	300,000
Kansas State University, Manhattan, KS for curriculum development	1,000,000
Kansas State University, National Institute for Academic Alliances, Manhattan, KS, for enhancing academic programs	250,000
Kent State University, Kent, OH for equipment and curriculum for the Northeastern Ohio Consortium for Biopreparedness	750,000
Kentucky Community and Technical College System, Lexington, KY for curriculum development and acquisition of technology for the Center for Excellence in Automotive Manufacturing	500,000
Kishwaukee College, Malta, IL, for a new computer system	250,000
La Sierra University, Riverside, CA, for science and computer equipment software	100,000
Lackawanna College, Scranton, PA, to develop a communication arts program through technology acquisition and program development	200,000
Lake Erie College of Osteopathic Medicine, Erie, PA for a program in pharmacy	155,000
Langston University, Langston, OK for a Thurgood Marshall Scholarship endowment	100,000
Laredo Community College, Laredo, TX for equipment and materials	250,000
Lawrence Technological University, Southfield, MI, for equipment	225,000
Lenoir Community College, Kinston, NC, for a training program in captioning and Communication Access Realtime Translation (CART), including student scholarships	240,000

Lewis and Clark Community College, Godfrey, IL, for its National Great Rivers Research and Education Center	540,000
Lewis-Clark State College, Lewiston, ID to continue and expand the American Indian Students in the Leadership of Education Program	450,000
Lincoln University, Lincoln University, PA for support of science education laboratories and programs, which may include the acquisition of equipment and technology	100,000
Lock Haven University, Lock Haven, PA for professional development partnerships and related services	900,000
Lorain Community College, Elyria, OH to support the Learning Technology Center	300,000
Los Angeles Valley College, Valley Glen, CA, for its Fast-Track Nursing Career Program	200,000
Louisiana State University in Baton Rouge, LA, for the John Breaux Political Papers and Research Collection Project	300,000
Lourdes College, Sylvania, OH, for science equipment, technology and instructional resources, and for the Lourdes College Planetarium	325,000
Loyola University, New Orleans, for the Lindy Boggs National Center on Community Literacy	350,000
Luther College, Decorah, IA, for the Valders Hall of Science Project	250,000
Luzerne County Community College, Nanticoke, PA, for a training program in realtime court reporting and captioning, which may include student scholarships	370,000
Maine Metal Products Association, Westbrook, ME, to establish a National Institute of Metalworking Skills Management Center	250,000
Manatee Community College, Bradenton, FL, for Teaching for 21st Century Student Success demonstration program	75,000
Maricopa County Community College District, Phoenix, AZ, for the Hispanic Bilingual Nursing Fellows Program and for educational programs to train court reporters	200,000
Maricopa County Community College District, Tempe, AZ, for its Bilingual Nursing Fellows Program	250,000
Marquette University, Milwaukee, WI, for service learning and community outreach programs at The Les Aspin Center for Government in Washington, D.C.	200,000
Martin Methodist College, Pulaski, TN, for library materials, technology and personnel for a baccalaureate nursing program	300,000
Mary Mason Community Foundation, Philadelphia, PA, for a college assistance program, including student scholarships	100,000
Marymount University, Arlington, VA, for scholarships for students seeking a dual certification in special and elementary education	100,000
Maryville College, Maryville, TN for the Center for Effective Communities	150,000
McNeese State University, Lake Charles, LA, for the Southwest Louisiana Academy for Innovative Teaching and Learning, including student scholarships	600,000
Mercer University, Macon GA for a critical personnel development program	250,000
Mercy College, Dobbs Ferry, NY, for the development of a registered nursing program	150,000
Mercyhurst College, Erie, PA to develop an Institute for Arts Based Teacher Education	100,000
Miami University, Oxford, OH, for equipment	400,000
Michigan Jewish Institute, Oak Park and Bloomfield, MI, for a new computing curriculum	150,000
Middle Tennessee State University, Murfreesboro, TN, for equipment and personnel for biotechnology training initiatives	100,000
Middlesex Community College, Lowell, MA, to acquire and implement the SCHEDULE25 program and other technology upgrades	100,000
Millersville University, Millersville, PA for curriculum development and technology for science, environmental, occupational safety and health education programs	100,000
Mills College, Oakland, CA, for its Institute for Civic Leadership	320,000
Mississippi State University, Starkville, MS, for digital production equipment for the Wise Center-Broadcast Facility	315,000
Mississippi State University, Starkville, MS, for the National Center on Rural Early Childhood Learning Initiatives, which shall include the Sesame Street-Between the Lions effort to produce and distribute multi-media educational and training materials	2,100,000
Mississippi University for Women, Columbus, MS, for research and outreach programming of the Southern Women's Institute	500,000
Mississippi University for Women, Columbus, MS, Plymouth Bluff Center for Scientific and Historical Enrichment	500,000
Mississippi Valley State University, Itta Bena, MS, for curriculum development	1,000,000
Missouri Southern State University, Joplin, Missouri, for equipment	1,301,000
Monroe Community College, Rochester, NY, for training and equipment	500,000
Montana State University, Billings, MT, to provide degree and certificate workforce education programs in the healthcare industry	400,000
Montgomery College, Rockville, MD, for equipment and technology to establish wireless mobile classrooms in engineering and computer sciences	410,000
Montgomery County Community College, Blue Bell, PA, for equipment and technology acquisition in support of the Advanced Center for Technology	50,000
Moravian College, Bethlehem, PA, for equipment, technology, and curriculum development for a science initiative	100,000
Morehead State University, Morehead, KY, to establish a center on homeland security policy	500,000
Morehouse College, Atlanta, GA, for an Education Technology and Telecommunications Project	600,000
Morehouse College, Atlanta, GA, to conduct public and social research on issues affecting African American and minority males at the Morehouse Research Institute	160,000
Muhlenberg College, Allentown, PA, to develop a program for advanced discovery in the exploration of the physical and life sciences at the secondary and post-secondary grade levels	175,000

National Academies' Science, Technology and Economic Policy (STEP) Board, Washington, DC to study changing labor force requirements	200,000
National Association of Hispanic Publications Foundation, Washington, DC, to improve access to higher education and financial aid opportunities for Hispanic students, including awareness programs in Spanish	75,000
National Center for Disability and Access to Education in Logan, UT to address distance education for individuals with disabilities	300,000
National College Access Network, Cleveland, OH for expanding and strengthening of programs	500,000
N'DIGO Foundation, Chicago, IL, for a merit-based college scholarship program	100,000
Nevada State College to create a digital learning center	250,000
New Mexico Association of Community Colleges, Santa Fe, NM, for a dental distance education program	250,000
New Mexico State University and Dono Ana Branch Community College to expand its manufacturing bridge program	50,000
New York University, New York, NY, for the John Brademas Center for the Study of Congress, which may include student scholarships and an endowment	1,300,000
North Dakota State College of Science, Wahpeton, ND, for a Center for Nanoscience Technology Training	200,000
North Dakota State School of Science, Wahpeton, ND, to continue telepharmacy training in North Dakota	200,000
North Florida Community College, Madison, FL for a registered nursing program	300,000
North Shore Community College, Danvers, MA, for information technology and educational equipment for science center	200,000
North Shore Community College, Danvers, MA, for workforce development, entrepreneurship education, professional development, distance education, and outreach programs	350,000
Northern Illinois Center for Accelerator and Detector Development at Northern Illinois University, DeKalb, IL	2,000,000
Northern Illinois University, DeKalb, IL for support of the Vibration and Acoustics Center	100,000
Northern Illinois University, DeKalb, IL, for an Intelligent Tutoring Center	300,000
Northern Illinois University, DeKalb, IL, to establish a Nanoscience Institute	500,000
Northern Kentucky University for the Institute for New Economy Technologies	500,000
Northern Kentucky University, Highland Heights, KY, for its Institute for Public Policy Research and Service	300,000
Northern Michigan University, Marquette, MI, for operating expenses of the United States Olympic Education Center, including student support	440,000
Northwest Shoals Community College, Phil Campbell, AL, for new technology upgrades	250,000
Northwestern College, Orange City, IA, for equipment	25,000
Nova Southeastern University, Fort Lauderdale, FL, for a Latino Literacy and Technology Training program	50,000
Nova Southeastern University, Ft. Lauderdale, FL, for the Shepard Broad Law Center Minority Outreach Online Project	250,000
Ocean County College, Toms River, NJ, for the Center for Marine Studies	75,000
Oglala Lakota College in Kyle, South Dakota for nursing education	250,000
Oklahoma State Board of Regents for Higher Education, Oklahoma City, OK to expand the One-Net program for distance learning into rural areas of Oklahoma	100,000
Oregon Institute of Technology, Klamath Falls, OR, for equipment	120,000
Orleans Technical Institute, Philadelphia, PA, for equipment and educational programs to train court reporters	50,000
Pacific Lutheran University, Tacoma, WA, for programmatic support, technology and furnishings for its Center for Learning and Technology	950,000
Palo Verde Community College District, Blythe, CA, for equipment	500,000
Penn State, University Park, PA, for the Penn State Washington Program	25,000
Philadelphia University, Philadelphia, PA, for technology upgrades and to develop an instructional delivery system which will focus on the integration of technology into coursework	500,000
Philander Smith College, Little Rock, AR, for equipment, supplies, furnishings and personnel for the Harry R. Kendall Science and Health Mission Center	320,000
Peirce College, Philadelphia, PA, for technology upgrades and course development for the Peirce Online Four-Year Distance Learning initiative	200,000
Pittsburgh Digital Greenhouse, Pittsburgh, PA, to facilitate work between research universities	150,000
Pittsburgh Tissue Engineering Initiative, Pittsburgh, PA, for professional development and to develop education programs	250,000
Potter County Education Council, Coudersport, PA for equipment	150,000
Pratt Institute, Brooklyn, NY, for equipment and technology, personnel and faculty professional development	320,000
Providence College, Providence, RI, for equipment, technology and education programs for its Center for the Arts	700,000
Pulaski Technical College, North Little Rock, AR, for library equipment, technology, furnishings and collections	320,000
Purchase College, State University of New York, Purchase, NY, to improve postsecondary education, increase access for minority students, and enhance student support services	250,000
Ramapo College, Mahwah, NJ, for technology and equipment for the Sustainability Education Center	70,000
Regional Learning Alliance, Marshall Township, PA, to acquire instructional technology and to develop programming as part of a life-long education services initiative for Pittsburgh regional industry and community residents	200,000
Research Center for Cultural Diversity and Community Renewal, University of Wisconsin-La Crosse, WI, for Project TEACH and Project FORWARD	250,000
Rhode Island College Foundation, Providence, RI, for an interdisciplinary research and education center regarding the history of child welfare	75,000

Rhodes College, Memphis, TN, for the Rhodes College Learning Corridor project to expand an educational outreach and partnership program between the University and the Shelby County public school system	250,000
Riverside Community College District, Riverside, CA for curriculum development of the Middle College initiative	100,000
Robert Morris University, Moon Township, PA, for equipment and development of its nursing and allied health programs	100,000
Roberts Wesleyan College, Rochester, NY for a distance education program	100,000
Rowan University, Glassboro, NJ for an Engineering and Technology Satellite Campus in Pomona, NJ	200,000
Rutgers University School of Law, Camden, NJ, for student scholarships and loan repayment, internships, and public interest programming	640,000
Sacramento City College, Sacramento, CA, for its Allied Health Professions Recruitment and Retention Center	400,000
Saginaw Valley State University, University Center, MI for a crisis intervention training center	200,000
Saint John Fisher College, NY for the School of Pharmacy	100,000
Saint Joseph's College, Brooklyn, NY, for equipment and technology for "smart classrooms" at its Brooklyn and Patchogue campuses	400,000
Saint Leo University, St. Leo, FL, for a Corporate to Classroom Transition Program	130,000
Saint Vincent College, Latrobe, PA, to develop early childhood education programs for the Fred. M. Rogers Center for Early Learning and Children's Media	100,000
Salve Regina University, Newport, RI, for equipment and personnel for its Center for Advanced Teaching and Learning in Science and Technology	400,000
San Jose State University Foundation, San Jose, CA for the development of paramedic and clinical laboratory scientist training programs	440,000
San Pasqual Academy, Escondido, CA, for information technology infrastructure	120,000
Santa Clarita Community College District, Santa Clarita, CA, for equipment for the University Center at College of the Canyons	200,000
Santa Fe Community College, Gainesville, FL, for equipment and training	500,000
School District of Philadelphia, Philadelphia, PA, for the College Opportunity Resources for Education (CORE) Philly Scholarship Program	750,000
Security on Campus, Inc., King of Prussia, PA, to develop and conduct regional training sessions on compliance with the Clery Act and the technical assistance handbook	25,000
Self Enhancement Inc, Portland, OR, for family support and violence and substance abuse prevention programs	250,000
Seminole State College, Seminole, OK for technology equipment	100,000
Seminole State College, Seminole, OK, for the Excel-erated Transitional Nursing program	50,000
Seminole State College, Seminole, OK, to improve student retention and graduation rates	25,000
Sheldon Jackson College, Sitka, AK, for the Adult Learners Program	500,000
Shippensburg University Foundation, Shippensburg, PA, for the Center for Land Use	170,000
Shippensburg University, Shippensburg, PA, for equipment, technology and curriculum development for a Performing Arts Center	200,000
Shoreline Community College, Shoreline, WA, for a Center for Manufacturing Excellence	700,000
Sisseton Wahpeton College in Agency Village, South Dakota for a Dakota language preservation program	250,000
Snead State Community College, Boaz AL for a nursing program	400,000
Snow College, Ephraim, UT to support a distance learning program	200,000
Sonoma State University, Rohnert Park, CA, for the Osher Lifelong Learning Institute, including student scholarships and coordination with the nationwide Osher network	200,000
South Carolina State University, Orangeburg, SC for equipment and program support	350,000
South Florida Community College, Avon Park, FL, for equipment	200,000
Southeast Missouri State University, Cape Girardeau, Missouri, for equipment	550,000
SouthEastern Pennsylvania Consortium for Higher Education, PA, for the Institute for Mathematics and Science to provide professional development to K-12 teachers	750,000
Southern Illinois University, Carbondale, IL, for the Paul Simon Public Policy Institute, including an endowment	1,000,000
Southern Maine Community College, South Portland, ME, to develop an entrepreneurial/ business ownership certificate program, student business incubator and high school entrepreneurial programs	150,000
Southern Methodist University, Dallas, TX, for equipment	500,000
Southern New England School of Law, North Dartmouth, MA, for the Immigration Law Clinic, including student stipends	125,000
Southern New Hampshire University, New Hampshire to continue and expand a distance learning program	250,000
Southwestern Indian Polytechnic Institute, Albuquerque, NM for technical skills training	35,000
Stark State College of Technology, Canton, OH for outreach and expansion activities	300,000
State University of New York at Geneseo, Geneseo, NY, for equipment	250,000
State University of New York Orange County Community College, Middletown, NY, for the Newburgh Extension Center	250,000
State University System of Florida to continue a partnership on identifying and addressing the highest priority issues in K-12 education	100,000
Sweetwater Education Foundation, for its Compact for Success program, including student scholarships	540,000
Syracuse University in New York to establish the Daniel Patrick Moynihan Global Affairs Institute, including support for an endowment	5,000,000
Tacoma Community College, Tacoma, WA, for equipment, technology, and furnishings for an open computer lab	450,000
Tallahassee Community College, Tallahassee, FL, to establish satellite education centers	300,000
Tarleton State University, Stephenville, TX, for equipment and technology for its Center for the Advancement of Rural Nursing Education	350,000

Texas State University, San Marcos, TX, for a Round Rock Higher Education Center (RRHEC) in Round Rock, TX	250,000
Texas Tech University, Lubbock, TX for the Center for the Study of Addiction	250,000
Texas Wesleyan University School of Law, Fort Worth, TX, for technology improvements	411,000
Thiel College, Greenville, PA to support agriculture and biology programs, which may include the acquisition of equipment	100,000
Thiel College, Greenville, PA, for campus-wide technology infrastructure upgrades	130,000
Thurgood Marshall Scholarship Fund, New York, NY, for capacity building activities at historically black colleges	400,000
Touro University—California, Vallejo, CA, to design, develop and implement College of Education programs on its Mare Island campus	500,000
Trenholm State Technical College, Montgomery, AL, for equipment	90,000
Trident Technical College, Charleston, South Carolina, to equip the hospitality, tourism and culinary arts program	250,000
Troy State University, Troy, AL, for the Virtual University of the Armed Forces and Others	125,000
United Negro College Fund Special Programs Foundation, Fairfax, VA, for a capacity building project benefiting historically black colleges and universities, including instrumentation acquisition, professional development for faculty, and scholarships for students	125,000
University of Akron, Akron, OH for a distance learning program with the Bliss Institute	150,000
University of Akron, Akron, OH for an aerospace systems engineering degree program	200,000
University of Akron, Akron, OH for emergency management curriculum and technology	150,000
University of Alabama, Tuscaloosa, AL for laboratory equipment	325,000
University of Alaska Statewide Office for the University of Alaska Leadership Institute/Center for Civics Democracy	250,000
University of Alaska/Southeast for the Alaska Distance Education Technology Consortium	500,000
University of Alaska/Southeast to develop distance education coursework for arctic engineering courses and programs	100,000
University of Arizona Health Science Center, Tucson, AZ, for the combined family practice residency/integrative medicine fellowship training program	100,000
University of Arizona to establish an indigenous peoples law and policy project	200,000
University of Arkansas for Medical Sciences for curriculum and infrastructure development for the Mid-America Genetics Distance Education Consortium	1,250,000
University of Arkansas, School of Social Work, Fayetteville, Arkansas, for the School of Social Work Research Center	100,000
University of California, Hastings College of the Law, San Francisco, CA, for the Center for Gender and Refugee Studies to establish a clinical education program	200,000
University of Central Florida, Orlando, FL for the Lou Frey Institute of Politics	250,000
University of Cincinnati, Cincinnati, OH for the Ohio Partnership for Accountability	200,000
University of Dayton, Dayton, OH, for the Dayton Early College Academy project	500,000
University of Dubuque in Dubuque, Iowa for the establishment of a nursing education program	500,000
University of Florida, Gainesville, FL, for equipment for the Norman Hall project	100,000
University of Georgia, Athens, GA, for the Croatian Partnership for Higher Education Reform	75,000
University of Guam School of Nursing and Health Sciences, Mangilao, GU, for its bachelor of science in nursing program	240,000
University of Hartford, West Hartford, CT, for equipment and technology for the Hartt School Performing Arts Center	100,000
University of Hawaii at Hilo for the Applied Rural Science Program ..	50,000
University of Hawaii at Hilo for the Clinical Pharmacy Training Program	700,000
University of Idaho for scholarships and program support of the Lionel Hampton Artist in Residence and the Lionel Hampton Scholars	400,000
University of Memphis, Memphis, TN for the Benjamin L. Hooks Institute for Social Change, which may include support for an endowment ...	250,000
University of Mississippi, Oxford, MS for curriculum development and to enhance the development of young men and women to make future contributions to MS and the nation	3,000,000
University of Montana School of Law, Missoula, MT for infrastructure at the University of Montana School of Law, including the acquisition of equipment and technology	700,000
University of Nebraska at Kearney, Kearney, NE, for student preparation ..	250,000
University of Nebraska at Omaha, Omaha, NE, for teaching comparative American history	100,000
University of Nevada, Las Vegas for educational outreach at the Women's Research Institute of Nevada	100,000
University of Nevada, Reno for the Latino Studies program	100,000
University of New England, Biddeford, ME, for a Dental Residency Program ...	250,000
University of New Mexico to establish the Oral Health Institute	75,000
University of New Orleans, LA, for the Center for School Improvement and Teaching and Learning Excellence	1,000,000
University of North Florida, Jacksonville, FL, for a Virtual School Readiness Incubator Project ...	600,000
University of North Texas, Denton, TX, for a Regional Center for Advanced Scientific Computing and Modeling Program	250,000
University of North Texas, Denton, TX, for the Laboratory Experience and Development of Early Researchers program	250,000
University of North Texas, Denton, TX, in cooperation with Paul Quinn College, for a Science and Math Teacher Academy	240,000
University of Northern Iowa, Cedar Falls, IA for program development and support of the Center for Applied Gerontology	145,000
University of Oklahoma, Tulsa, OK for development and support of a graduate degree program, which may include the acquisition of equipment	300,000
University of Redlands, Redlands, CA for technology enhancement	350,000

University of Richmond Gottwald Science Center, Richmond, VA for equipment and technology	100,000
University of Rochester Medical Center, Rochester, NY, for student scholarships in the School of Nursing	250,000
University of Saint Francis, Fort Wayne, IN, for technology	150,000
University of San Francisco, San Francisco, CA, for equipment and programs at the Harney Science Center	575,000
University of South Carolina, Columbia, SC, for the Strom Thurmond Fitness and Wellness Center	5,000,000
University of South Florida, Sarasota/Manatee Campus, Sarasota, FL, for the Center for Advanced Health Practices and Policy Formation	75,000
University of South Florida, Tampa, FL, for a globalization research network, including the University of Hawaii, Manoa; George Washington University; and the University of California, Los Angeles	890,000
University of Southern Mississippi, Hattiesburg, MS to enhance economic development teaching, training, and research opportunities	2,000,000
University of St. Thomas Interprofessional Clinic for Counseling and Legal Services, St. Paul, MN	75,000
University of Texas at Austin, Austin, TX, for the Texas Engineering and Technical Consortium	1,000,000
University of Texas Foundation, Austin TX, for the UT Public Policy Fellowship Initiative, which may include support of internship programs	250,000
University of Texas Pan American, Edinburg, TX, for the Raul Yzaguirre Policy Institute, including student support	640,000
University of Texas, Arlington, TX for SMART manikins and equipment in the Smart Emergency Department	500,000
University of Texas, Austin, TX for the Bill Archer Center	500,000
University of the Pacific, McGeorge School of Law, Sacramento, CA for a cross-disciplinary project	255,000
University of the Pacific, Stockton, CA, for the Business Forecasting Center	490,000
University of the Sciences in Philadelphia, Philadelphia, PA, for the Science Education Partnership in partnership with the Philadelphia School District to improve math and science education	100,000
University of the South, Sewanee, TN, for equipment and technology	250,000
University of Tulsa, Tulsa, OK for critical research instrumentation and equipment to enhance campus infrastructure for information security	100,000
University of Vermont of Burlington, VT to establish an advanced practice graduate nursing program in psychiatric-mental health nursing	300,000
University of Virginia Center for Politics, Charlottesville, VA, for the Youth Leadership Initiative	1,400,000
University of Wisconsin-Baraboo/Sauk County, Baraboo, WI, for equipment and technology for the Robert L. Brown Theater	50,000
University of Wisconsin-Eau Claire, School of Nursing, Eau Claire, WI, for an accelerated baccalaureate degree program in nursing	300,000
University of Wisconsin-La Crosse in La Crosse, WI to expand mentoring programs to assist students of Hmong descent in attaining teacher certification	250,000
University of Wisconsin-Marathon, WI, for science equipment and furnishings	275,000
University of Wisconsin-Whitewater in Whitewater, WI to provide support services for mentally disabled students to succeed in higher education	150,000
University of Wisconsin-Wood, WI, for science equipment and furnishings	400,000
University of Wyoming, Laramie, WY for technological infrastructure improvements	400,000
University of Wyoming, Laramie, WY for the American Heritage Center	315,000
Urban College of Boston in Massachusetts to support higher education program serving low-income and minority students	900,000
Utah State Board of Regents, Utah Higher Education Assistance Authority, Salt Lake City, UT, for scholarships and program support under the Cesar Chavez Scholarship Program	125,000
Utah Valley State College, Orem, UT for distance education	50,000
Villa Julie College, Stevenson, MD, to establish a nursing distance learning program	250,000
Virginia Military Institute, Lexington, Virginia, for curriculum and program support of the Science and Security Minor	500,000
Virginia State University, Petersburg, VA, for technology equipment for the School of Engineering	350,000
Wake Technical Community College, Raleigh, NC, to implement a first responder training program	100,000
Waldorf College, Forest City, IA, for lab equipment	150,000
Wallace Community College, Dothan, AL, for Teaching for the Future Initiative	250,000
Walsh College, Troy, MI for program development and software for the Center of Excellence for Information Assurance Education	125,000
Washington College, Chestertown, MD, for equipment and infrastructure technology	260,000
Washington State University to provide education and research opportunities for tribes and tribal colleges and support the Northwest Regional Native American project	250,000
Webster University, St. Louis, MO, for literacy services, including the volunteer Student Literacy Corps, at its Institute for Literacy	750,000
Wesleyan College, Macon, Georgia, Willet Memorial Library	100,000
West Chester University, West Chester, PA, for technology infrastructure upgrades	100,000
West Kern Community College District, Taft, CA, for equipment	150,000
Western Governor's University (WGU), Salt Lake City, Utah to provide advanced education and competency-based teaching degrees and certificates	800,000
Western Iowa Tech Community College, Sioux City, IA, for equipment	120,000
Western Michigan University, College of Health and Human Services, Kalamazoo, MI, for science equipment	400,000
Western Nebraska Community College, Scottsbluff, Nebraska, for the Western Nebraska Center for Business and Individual Training, including the acquisition of equipment	250,000

Western Nevada Community College to create an Occupational Therapy Assistant program	250,000
Western Oregon University, Monmouth, OR, for equipment and technology for the Division of Computer Science, Division of Business and Economics, and Department of Mathematics	370,000
Wharton County Junior College, Wharton, TX, for instructional equipment and technology information management infrastructure	500,000
Wheaton College, Norton, MA, for program development and equipment for a new science facility	225,000
Widener University School of Law, Harrisburg, PA, for technology infrastructure upgrades	100,000
Widener University, Chester, PA for the Institute for Graduate Clinical Psychology	1,000,000
Wilkes University, Wilkes-Barfe, PA, to develop programming for a Language Institute to improve foreign language study	100,000
Wilkes-Barre General Hospital, Wilkes-Barre, PA, to develop nurse educator programs to instruct nursing students	200,000
Wilson College, Chambersburg, PA, for the development of a public policy institute to address the needs of single mothers	100,000
Wisconsin Association of Independent Colleges and Universities, WI, for a collaboration project to consolidate administrative operations and information technology	800,000
World Learning, Brattleboro, VT, to develop teaching guides for the less-commonly-taught Asian languages	100,000
York Technical College, Rock Hill, SC, for its National Precision Metalworking Center of Excellence	650,000

Other Programs

The conference agreement includes $843,289,000 for TRIO instead of $842,559,000 as proposed by the House and $844,500,000 as proposed by the Senate. The agreement also includes $308,960,000 for the GEAR UP program instead of $318,230,000 as proposed by the House and $302,500,000 as proposed by the Senate. The conferees intend that funds be awarded on an annual basis and that the Department consult with Congressional committees of jurisdiction prior to new grant competition announcements. The conference agreement provides a sixth and final year award to grantees first funded in 2000, while continuing all other funded projects. The conferees also intend that these funds are available to eligible 1999 grantees that opt to apply for new grant awards servicing a cohort no later than seventh grade, and are allowed to continue assisting students who have not yet completed the program through high school graduation.

The agreement also includes $41,000,000 for Byrd Honors Scholarships as proposed by the Senate. The House did not propose funding for this activity.

The conference agreement also includes $68,888,000 for Teacher Quality Enhancement Grants instead of $88,888,000 as proposed by both the House and the Senate. The agreement includes $7,000,000 for demonstrations in disabilities, $2,222,000 for the underground railroad program, and $3,000,000 for Thurgood Marshall Scholarships as proposed by the Senate. The House did not propose funding these activities. The agreement also includes $988,000 for Olympic Scholarships as proposed by the House. The Senate bill did not provide funding for this program.

HOWARD UNIVERSITY

The conference agreement includes $240,715,000 for Howard University instead of $243,893,000 as proposed by the House and $239,763,000 as proposed by the Senate.

INSTITUTE OF EDUCATION SCIENCES

The conference agreement includes $527,453,000 for Education Research, Statistics and Improvement instead of $526,804,000 as proposed by the House and $536,804,000 as proposed by the Senate.

The conference agreement includes $25,000,000 for statewide data systems instead of $30,000,000 as proposed by the House and $40,000,000 as proposed by the Senate. The Educational Technical Assistance Act of 2002 authorized a competitive grant program to State Educational Agencies to enable such agencies to design, develop, and implement, statewide, longitudinal data systems to manage, analyze, disaggregate, and use individual student data. The conferees believe these funds are necessary to help States measure individual student performance, particularly as it relates to adequate yearly progress goals, more efficiently and more accurately. The conferees also urge the Department to establish a priority for those States that currently have the most limited ability to collect, analyze and report individual student achievement data when considering applications for funds available through this program.

The conferees expect the Department to develop and implement this program so that it serves the key goals of generating and using accurate and timely data to facilitate research needed to improve student achievement, eliminate achievement gaps and comply with and meet reporting requirements of the Elementary and Secondary Education Act, as stated in section 208(c) of Public Law 107–279. The conferees believe that this program, if effectively implemented so as to enable the collection of longitudinal data on individual student achievement, will greatly facilitate randomized controlled trials and other rigorous longitudinal studies needed to determine which educational interventions are effective and which are not.

The conferees believe that a greater focus must be placed on the use of randomized controlled trials, longitudinal studies, and other research that meets the standards set by the National Research Council. For this reason, the conferees strongly encourage IES to work with the Secretary to create a competitive preference system whereby schools would receive priority for awards by agreeing to participate in randomized research studies. One potential system would entail funding schools in pairs, where at random one school would receive a new program immediately and the other would receive it a year later, thereby creating conditions conducive to randomized controlled studies.

The conference agreement also includes $83,774,000 for research and innovation in special education. Within the total, the conference agreement includes funding for the following:

Best Buddies Connecticut, New Haven, CT, to enhance the lives of people with mental retardation by providing opportunities for one-to-one friendships and integrated employment	$150,000
Best Buddies International, Inc., Miami, FL, to enhance the lives of people with mental retardation by providing opportunities for one-to-one friendships and integrated employment	1,000,000
Best Buddies Maryland, Baltimore, MD, to enhance the lives of people with mental retardation by providing opportunities for one-to-one friendships and integrated employment	250,000
Best Buddies Rhode Island, Providence, RI, to enhance the lives of people with mental retardation by providing opportunities for one-to-one friendships and integrated employment	200,000
Best Buddies Texas, Houston, TX, for program expansion	50,000
Best Buddies Virginia, Miami, FL for expansion of Northern Virginia programs	140,000
Bubel/Aiken Foundation for a demonstration on K–12 Inclusion Community Service	500,000
Celeste Foundation, Mt. Doro, FL, to provide technical assistance to parents and caregivers of autistic children on early intervention therapies	1,400,000
Center for Creative Play, Pittsburgh, PA, to support services for disabled children and their families	25,000
Center for Functional and Molecular Imaging, Georgetown University, Washington, DC, for the Early Diagnosis of Developmental Dyslexia Project	250,000
City of Rocklin, California, for a Rocklin Integrated Schools Program	195,000
Daemen College, Amherst, NY, for special education services	600,000
Fiesta Educativa, Inc., Los Angeles, CA, for its Fiesta Familiar, home-based training initiative for parents of children with disabilities	55,000
Friendship Circle, West Bloomfield, MI for Life Village	425,000

Holy Family Learning Center, Pittsburgh, PA, to provide specialized educational services to children and adults	100,000
Illinois State University, Normal, IL for the Special Education Assistive Technology Center	500,000
International Center on Deafness and the Arts, Northbrook, IL for a teacher training program	200,000
Jeremiah Cromwell Disabilities Center, Portland, ME, for library enhancements and awareness training for elementary school students	100,000
Learning Disabilities Association of America, Pittsburgh, PA, to expand parent and teacher training programs and to increase resources available regarding learning disabilities	25,000
Learning Disabilities Association of Central New York, E. Syracuse, NY for educational consulting services	100,000
Lee Pesky Learning Center, Boise, ID, to provide educational materials	200,000
Lehigh University, Bethlehem, PA, for research to improve the lives of disabled individuals at the Center for Promoting Healthy Development for Individuals with Disabilities	100,000
Middle Tennessee State University, Murfreesboro, TN, for its Center for the Study and Treatment of Dyslexia to improve instruction for students with dyslexia	500,000
National Cued Speech Association, Cleveland, OH, for a deaf children's literacy project	325,000
Ohio School for the Deaf, Columbus, OH, for the virtual reality educational system for the deaf	100,000
Parent Training and Information Center of Iowa—The Legal Hand Project	100,000
Peoria School District 150, Peoria, IL, to establish a special education technology partnership with Department of Special Education at Illinois State University	200,000
School for Children with Hidden Intelligence, Lakewood, NJ, for disability education	300,000
Sephardic Community Center, Brooklyn, NY, to expand weekend and summer programming for children with learning disabilities	100,000
Southeast Island School District to develop two-way interactive video conferencing to provide special education services at 9 isolated school sites in Southeast Alaska	100,000
Spurwink Institute, New Gloucester, ME to work with area schools to provide a comprehensive network of support for special education students and juvenile offenders	400,000
U.S. Disabled Athletes Fund, Atlanta, GA for the Blaze Sports Clubs for youth with disabilities	100,000
United Cerebral Palsy Central PA, Camp Hill, PA, in collaboration with the Cumberland-Perry Association for Retarded Citizens, Carlisle, PA, for a contemporary day program for young adults with disabilities	25,000
University of Northern Colorado National Center for Low-Incidence Disabilities	450,000
University of Northern Iowa, Cedar Falls, IA, for WeBCATT: The National Institute of Technology for Inclusive Education project	333,000
University of Southern Mississippi, Hattiesburg, MS, for the Center for Literacy and Assessment	1,000,000
Workplace Technology Foundation, King of Prussia, PA to provide training to special education students to increase employability upon graduation	25,000

DEPARTMENTAL MANAGEMENT

The conference agreement includes $423,379,000 for Departmental program administration instead of $421,055,000 as proposed by the House and $420,379,000 as proposed by the Senate. The agreement also includes $90,248,000 for the Office for Civil Rights as proposed by the House instead of $92,801,000 as proposed by the Senate. The agreement also includes $47,790,000 for the Office of the Inspector General as proposed by the House instead of $50,576,000 as proposed by the Senate.

The conferees applaud the Department for its support of the Strengthening the Capacity of Historically Black Colleges and Universities (HBCU) through a Collaborative Initiative, which is designed to achieve an improved cadre of senior leaders, more effective management of HBCUs, more efficient campus operations, and better governance at public and private HBCUs. The conferees encourage the Department to explore all possible actions to increase the availability of technical assistance that supports these institutions' efforts to maintain the financial standing necessary to meet performance standards and accreditation.

The conferees are concerned about the continued delay in release of the title IV handbook regarding campus crime statistics that was called for more than 18 months ago. The conferees urge the Department to release the handbook as soon as possible. In addition, the conferees expect the Department to implement a training program that will help institutions of higher education utilize this new handbook and comply with section 458(f) of the Higher Education Act.

GENERAL PROVISIONS

IMPACT AID APPLICATION DEADLINE EXTENSION

The conference agreement includes a provision making a technical change to the Impact Aid program to extend the application deadline for applying for section 8002 federal property payments from fiscal year 2005 to fiscal year 2007 as proposed by the House. The Senate bill contained no similar provision.

LOAN CONSOLIDATIONS

The conference agreement does not include a provision proposed by the House relating to consolidation loans. The Senate bill contained no similar provision.

EDUCATION BLOCK GRANT AND EVEN START FUNDING

The conference agreement does not include a provision proposed by the House relating to funding for the education block grant and Even Start programs. Funding for these programs is provided elsewhere in title III of this bill.

FEDERAL NEEDS ANALYSIS

The conference agreement does not include language proposed by the Senate prohibiting the Department of Education from implementing annual updates to the tax tables used in Federal Needs Analysis Methodology. The House bill contained no similar provision.

TECHNICAL CORRECTIONS

The conference agreement contains two technical corrections relating to projects included in the fiscal year 2004 bill. Neither the House nor the Senate bills contained similar provisions.

PELL GRANT ELIGIBILITY

The conference agreement includes a new general provision related to eligibility for Pell Grants for certain students enrolled in institutions of higher educationin Palau. Neither the House nor the Senate bills contained this provision.

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

The conference agreement includes $61,624,000 for the Armed Forces Retirement Home instead of $61,195,000 as proposed by the House and the Senate.

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

The conference agreement provides $4,707,000 for the Committee for Purchase from People who are Blind or Severely Disabled instead of $4,672,000 as proposed by the House and as proposed by the Senate in S. 2806.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

The conference agreement includes $356,598,000 for the Domestic Volunteer Service programs instead of $353,197,000 as proposed by the House and $357,814,000 as proposed by the Senate.

Volunteers in Service to America (VISTA)

The conference agreement includes $95,000,000 for VISTA instead of $93,731,000 as proposed by the House and $96,428,000 as proposed by the Senate.

National Senior Volunteer Corps

The conference agreement includes $112,323,000 for the Foster Grandparent Program (FGP) as proposed by both the House and the Senate. The conferees intend that one-third of the increase over the fiscal year 2004 level shall be used to fund Program of National Significance [PNS] expansion grants to allow existing FGP programs to expand the number of volunteers serving in areas of critical need. All remaining funds shall be used to fund an administrative cost increase for each Foster Grandparent Program nationwide. The amount to be allocated to individual grantees shall be calculated based on a percentage of the entire federal grant award in FY 2004, including the amount specified for payment of non-taxable stipends to Foster Grandparent volunteers. The Corporation for National and Community Service (CNCS) shall comply with the directive that use of PNS funding increases in the FGP shall not be restricted to any particular activity. The conferees further direct that CNCS shall not stipulate a minimum or maximum amount for PNS grant augmentation.

The maximum amount that CNCS may use in FY 2005 for communications and training and technical assistance activities shall not exceed the amount enacted for these two activities in FY 2004.

The conference agreement also includes $46,275,000 for the Senior Companion Program (SCP) instead of $45,987,000 as proposed by the House and $46,563,000 as proposed by the Senate. The agreement also includes $59,000,000 for the Retired Senior Volunteer Program (RSVP) instead of $58,156,000 as proposed by the House and $60,000,000 as proposed by the Senate.

Funds appropriated for FY 2005 may not be used to implement or support service collaboration agreements or any other changes in the administration and/or governance of national service programs prior to passage of a bill by the authorizing committee of jurisdiction specifying such changes.

The Corporation shall comply with the directive that use of funding increases in the FGP, RSVP, SCP and VISTA not be restricted to any particular activity. In addition, none of these increases may be used to fund demonstration activities. The conferees have not included funding for senior demonstration activities.

Program Administration

The conference agreement includes $39,000,000 for program administration instead of $38,000,000 as proposed by the House and $37,500,000 as proposed by the Senate.

CORPORATION FOR PUBLIC BROADCASTING

The conference agreement includes $39,705,000 for digital conversion instead of $49,705,000 as proposed by the Senate. The House had proposed providing authority for CPB to utilize previously appropriated funds for this purpose.

The conference agreement also includes $40,000,000 as the second installment of a three-year project to replace the satellite interconnection system. The Senate had proposed $50,000,000 for this purpose. The House had proposed providing authority for CPB to utilize previously appropriated funds for this purpose.

The conferees strongly urge the CPB to allocate not less than $100,000 to the 14 public radio stations around the nation that provide the sole source of radio news and information in their communities. The additional funds would permit these stations to extend their broadcast hours and improve service to their listeners.

FEDERAL MEDIATION AND CONCILIATION SERVICE

The conference agreement provides $44,797,000 for the Federal Mediation and Conciliation Service instead of $43,964,000 as proposed by the House and $44,464,000 as proposed by the Senate.

The conferees continue to support the FMCS program to prevent youth violence. The conferees are especially pleased with the development of a CD–ROM that will address conflict resolution among preschool and elementary age children. Included in the total appropriation is $500,000 to be used for FMCS to continue their work to prevent youth violence by teaching students mediation and conflict resolution techniques.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

The conference agreement provides $7,872,000 for the Federal Mine Safety and Health Review Commission instead of $7,813,000 as proposed by the House and the Senate.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

The conference agreement provides $282,827,000 for the Institute of Museum and Library Services instead of $261,743,000 as proposed by the House and $262,240,000 as proposed by the Senate.

Within the total for the Institute, the conference agreement includes funding for the following activities in the following amounts.

[In thousands of dollars]

Program	*FY 2005*
Museums for America	$18,000
Museum Assessment	450
Museum Conservation Prog.	3,630
Museum Natl. Leadership Proj.	7,600
Native American Museum Services	850
Library Serv. State Grants	162,000
Native American Library Services	3,500
Library Natl. Leadership Grants	12,400
Librarians for the 21st Century	23,000
Administration	11,186

Within the funds provided for Museums of America, $1,000,000 is for continuation of the 21st Century Museum Professional program.

The conference agreement also specifies funding for the following:

Academy of Natural Sciences, Philadelphia, PA, for exhibits and programming associated with the Lewis and Clark expedition	$100,000
Alaska Native Heritage Museum, Anchorage, AK in cooperation with the Koahnic Broadcasting Corporation for its Elders Oral History Project	300,000
Alex Haley House and Museum, Henning, TN to preserve collections and improve exhibits	50,000
Allegheny County, Pittsburgh, PA for exhibit design and development	100,000
Allentown Public Library, Allentown, PA, for technological upgrades and educational programs	100,000
AMISTAD America, Inc., New Haven, CT, for an endowment fund as authorized under P.L. 108–184	400,000
Amistad Research Center, Tulane University, New Orleans, LA, for faculty research fellowship and student internship programs	320,000
Anniston Museum of Natural History, Anniston, AL, for enhanced classroom curriculum	50,000
Antiquarian & Landmarks Society, Hartford, CT, for the Nathan Hale Homestead in Coventry	100,000
Arab Community Center for Economic and Social Services (ACCESS), Dearborn, MI, for exhibits and museum programs	100,000
Athenaeum of Philadelphia, Philadelphia, PA, for conservation and preservation of library materials	75,000
Audubon Pennsylvania, Audubon, PA, for exhibits and nature education programs at the Mill Grove Audubon Center	75,000
Autry National Center, Los Angeles, CA, for exhibits, education programs and outreach at its Southwest Museum of the American Indian and/or its Museum of the American West	200,000
Baylor University, Waco, TX, for archival activities, exhibits, and education programs for the Mayborn Museum Complex	200,000
Beth Medrash Govoha, Lakewood, NJ, for equipment, exhibits and preservation of collections	500,000
Bibliographical Society of America, New York, NY	125,000
Bishop Museum in Hawaii for digitization of old Hawaiian language newspapers and other activities to preserve the culture of Native Hawaiians	500,000
Boys and Girls Harbor, New York, NY, for the preservation and digitalization of Raices Collection, a multi-media collection documenting the history of Afro-Caribbean Latin music in America	100,000
Brooklyn Academy of Music, Brooklyn, NY, for preservation and management of its archives	75,000
Business Association of West Parkside, Philadelphia, PA to exhibit the Negro Leagues Baseball Memorial	50,000
Canton Museum of Art, Canton, OH, to develop and implement the HeARTland program	200,000
Cape Cod Maritime Museum, Hyannis, MA for the development of exhibitions and programs	100,000

Carnegie Museums of Pittsburgh, Pittsburgh, PA, for preservation of collections at the Carnegie Museum of Natural History	100,000
Catawba County Historical Association, Newton, NC	25,000
Chaldean Community Culture Center, West Bloomfield, MI, for programs that promote Chaldean language, history, culture and teacher training	200,000
Charles H. Wright Museum of African American History, Detroit, MI, for exhibits, education programs, technology and operations	400,000
Cherry Hill Township in New Jersey for improved library technology	84,000
Chicago Historical Society, Chicago, for expansion of the Chicago Historical Society's collections and exhibits	150,000
Children's Museum in Oak Lawn, Oak Lawn, IL, for its "Explore and Soar" education program	200,000
City of Henderson, NC, for personnel, equipment and technology for the H. Leslie Perry Memorial Library	100,000
City of Jackson, MS for the Medger Wiley Evers Museum for program and exhibit design and development	200,000
City of Jackson, TN to support technology upgrades at the Jackson-Madison County Public Library	250,000
City of Murrieta Public Library, Murrieta, CA, for a Literacy thru Technology Program	150,000
Claude Pepper Center in Tallahassee, Florida for the digitization of library holdings	500,000
College of Physicians of Philadelphia, Philadelphia, PA, to preserve its medical library and art collection	100,000
Colleton County Memorial Library, Walterboro, SC, for books and library materials	50,000
Columbus Museum of Art, Columbus, OH, to develop, test, and fabricate the exhibition, train teachers and docents and publicize the project and produce related educational materials	76,000
Contra Costa County, Martinez, CA, for the Contra Costa Reads program	72,000
Currier Museum of Art, Manchester, New Hampshire for educational programs and community outreach	300,000
Des Moines Arts Center for the protection of the current collection	825,000
East Tennessee Historical Society, Knoxville, TN, to expand and develop exhibits that teach of the culture and history of East Tennessee	500,000
Edison House Museum, Louisville, KY, for educational programs	30,000
Everhart Museum, Scranton, PA	100,000
Experience Music Project in Seattle, WA for an Oral History Program	430,000
Fairfax County Public Library, Fairfax, VA, for its Motheread/Fatheread Plus family literacy initiative	100,000
Field Museum, Chicago, IL for establishing networked computer database for collections management	800,000
Fine Arts Museums of San Francisco for the De Young Museum's Art Education Program	100,000
Florence Library Learning Center, Los Angeles, CA, for reading and other education programs	275,000
Florida International Museum, St. Petersburg, Florida, for professional activities	650,000
Folger Library, Washington, DC, for exhibits, operations, and public programs including education and outreach	500,000
Frederick Douglass Museum, Washington, DC, for an African American cultural outreach center	50,000
Free Library of Philadelphia, Philadelphia, PA, for technology and equipment upgrades	75,000
George Washington University, Washington, DC, for the Eleanor Roosevelt Papers Project	350,000
Greenburgh Public Library, Tarrytown, NY, for computers and technology	12,000
Greensburg Hempfield Area Public Library, Greensburg, PA for computers	50,000
Grout Museum, Waterloo, IA, for exhibitions	500,000
Harbor Heritage Society, Cleveland, OH, for MAKING WAVES: Vessel-wide interpretive exhibit planning for the Steamship William G. Mather Maritime Museum	200,000
HealthSpace Cleveland, Cleveland, OH for exhibits	250,000
Hellenic Cultural Association, Salt Lake City, UT, for exhibit and program development at the Hellenic Cultural Museum	75,000
Hendry County, LaBelle, FL, for books and technology for Harlem Library	150,000
Hesperia Community Library, Hesperia, CA	500,000
Historical Society of Western Pennsylvania, Pittsburgh, PA for exhibit and curriculum development for the Western Pennsylvania Sports Museum	75,000
HistoryMakers, Chicago, IL, to create a digital archive dedicated to preserving the history and accomplishments of African Americans	75,000
Home Port Alliance for the USS New Jersey for restoration and preservation	150,000
Hopkinsville-Christian County Public Library, Hopkinsville, KY	100,000
Hunter College, New York, NY, to digitize, preserve and archive collections of the Center for Puerto Rican Studies and for public access and dissemination activities	250,000
Huntsville Museum of Art, Huntsville, AL, for exhibits, technology, outreach and education programs	300,000
International Museum of Women, San Francisco, CA, for education and teacher professional development programs	300,000
Iona College, NY, for technology upgrade for the Ryan Library	75,000
Italian-American Cultural Center of Iowa in Des Moines, IA for exhibits, multi-media collections, display	150,000
Jackson County Library System, Ripley, WV	72,000
James Ford Bell Museum of Natural History, University of Minnesota, Minneapolis, MN, for exhibits and education programs	415,000
Johnstown Area Heritage Association, Johnstown, PA, for exhibits and education programs for the Heritage Discovery Center	350,000
Josephine School Community Museum, Berryville, VA	25,000
Kansas State University, Manhattan, KS for the 20th Century Soldier Project	400,000
Kidspace Children's Museum, Pasadena, CA, to develop its Shake Zone Education Exhibit	250,000
Lafayette College, Easton, PA, for technology updates to the David Bishop Skillman Library	100,000
Livingston Parish Hungarian Museum, Denham Springs, LA	50,000
Maltz Museum of Jewish Heritage, Beachwood, OH, for a Cradle of Christianity: Biblical Treasures from the Holy Land traveling exhibition	500,000

MAPS Air Museum, North Canton, OH, to develop educational displays, upkeep of current displays, library expansion, historical research and operation expenses	250,000
Mauch Chunk Historical Society of Carbon County, Jim Thorpe, PA	100,000
Memphis Zoo, Memphis, TN to develop exhibits and support student programs	500,000
Miami Museum of Science & Space Transit Planetarium, Miami, FL, for exhibits, outreach, and education programs	400,000
Mid-Hudson Children's Museum, Poughkeepsie, NY, for a Comprehensive Technology Enrichment Program to enhance exhibits	200,000
Milford Area Historical Society, Milford, Ohio, for the Promont House Museum	40,000
Milton J. Rubenstein Museum of Science and Technology, Syracuse, NY	450,000
Missouri Historical Society, St. Louis, MO, for the establishment and maintenance of an archive for materials relating to the Congressional career of the Honorable Richard A. Gephardt	1,540,000
Mount Vernon Public Library, Mount Vernon, NY for operations and upgrades	260,000
Mt. San Antonio College, Walnut, CA for equipment	100,000
Museum of Appalachia, Norris, TN to preserve and restore the collection of Appalachian pioneer artifacts	500,000
Museum of Aviation Foundation, Warner Robins, GA	250,000
Museum of Fine Arts, Boston, MA, for the development of exhibitions and programs	200,000
Museum of Flight in Seattle, WA for the American Fighter Aces Archive and Collection	600,000
Museum of Science and Industry, Chicago, IL, for the Science in Your World Program	250,000
Museum of Science, Boston, Massachusetts for community outreach, exhibit design and development, and educational programs	500,000
National Center for American Revolution, Wayne, PA, for exhibit design and curriculum development for the Museum of the American Revolution at Valley Forge National Historic Park	75,000
National City Public Library, National City, CA, for collections and technology	100,000
National D-Day Museum in New Orleans, Louisiana to improve the education, outreach, and exhibition of the museum	950,000
National Museum of American Jewish History, Philadelphia, PA to develop a fully interactive learning center linked to their web site that will extend the reach of the Museum	100,000
National Museum of Women in the Arts, Washington, DC	1,000,000
National Trust for Historic Preservation, Washington, D.C., for the Farnsworth House Museum in Plano, IL	750,000
Native American Cultural Center and Museum, Oklahoma City, OK	2,100,000
New York Botanical Garden, Bronx, NY, for the Virtual Herbarium Project	500,000
New York Hall of Science to develop, expand, and display science-related materials	1,000,000
North Carolina Museum of Art Foundation, Inc., Raleigh, NC, for exhibits and education programs	90,000
Omaha Performing Arts Center in Nebraska for telecommunications systems	1,000,000
Pennsylvania Hunting & Fishing Museum, Warren, PA to develop curriculum for conservation education	100,000
Pittsburgh Children's Museum, Pittsburgh, PA, to expand arts and afterschool programs for at-risk children	200,000
Please Touch Museum, Philadelphia, PA, to develop educational programs focusing on hands-on learning experiences	950,000
Portland State University, Portland, OR, to enhance library collections and outreach in the area of Middle Eastern and Judaic Studies	320,000
Putnam County Library, Cookeville, TN to improve exhibits and purchase technology upgrades	50,000
Reading Company Technical and Historical Society, Inc., Reading, PA to expand interpretive activities	100,000
Rochester Museum & Science Center, Rochester, NY, for expansion of exhibitions	550,000
Rock and Roll Hall of Fame and Museum, Cleveland, OH, for music education programs	350,000
Saint Louis County Economic Council, Saint Louis, MO, for Jefferson Barracks	200,000
Sam Davis Memorial Association, Smyrna, TN, for interpretive exhibits and education programs for the Sam Davis Home	100,000
San Bernardino County, San Bernardino, CA for the San Bernardino County Museum	350,000
Save the Speaker's House, Inc., Trappe, PA	300,000
Sci-Quest, The North Alabama Science Center, Huntsville, AL, for science and mathematics education programs	315,000
Serra Cooperative Library System, San Diego, CA	175,000
Simon Wiesenthal Center's Los Angeles Museum for Tolerance, Los Angeles, CA, for the Tools for Tolerance for Educators program to provide teacher training in diversity, tolerance and cooperation	100,000
Smithtown Library, Smithtown, NY, for equipment and technology for its Virtual Worldwide Neighborhood Website Project	50,000
Soldiers and Sailors National Military Museum and Memorial, Pittsburgh, PA, for education and outreach programs	75,000
Southwest Missouri State University, Springfield, MO, for digitization of Archives and Rare-book Collections at the Meyer Library	125,000
Stark County Park District, Canton, OH for exhibits	250,000
State Historical Society of Iowa in Des Moines, Iowa for the development of exhibits for the World Food Prize	1,000,000
Taft Museum of Art, Cincinnati, OH	250,000
Tubman African American Museum, Macon, GA	600,000
University of Alaska Fairbanks for the continuation of the Alaska Digital Archives project.	250,000
University of Vermont of Burlington, VT for a digitization project for the preservation of Vermont cultural heritage materials	250,000
Vietnam Archives Center at Texas Tech University, Lubbock, TX, for technology infrastructure	500,000
Virginia Living Museum, Newport News, VA for science education	200,000
Waterloo Center for the Arts, Waterloo, IA for the Youth Pavilion to provide educational programs and exhibit design and development	135,000
Western Reserve Historical Society, Cleveland, OH	400,000

William McKinley Presidential Library and Museum, Canton, OH	25,000
Williamsburg County Library, Kingstree, SC, for books, library materials and computers	50,000
Winchester Conservation Museum, Edgefield, SC	250,000
Wisconsin Historical Society, Madison, WI, to catalog and microfilm military base papers	50,000
Witte Museum, San Antonio, TX, for the Water Works project	100,000
Woodmere Art Museum, Philadelphia, PA, for technology upgrades and education and outreach programs	75,000
Woodrow Wilson Presidential Library, Staunton, VA	500,000
World War II Victory Memorial Museum, Auburn, IN	100,000
Zimmer Children's Museum, Los Angeles, CA, to develop and expand the youTHink education program	75,000

Medicare Payment Advisory Commission

The conference agreement provides $9,979,000 for the Medicare Payment Advisory Commission instead of $9,905,000 as proposed by the House and the Senate.

National Commission on Libraries and Information Science

The conference agreement provides $1,001,000 for the National Commission on Libraries and Information Science instead of $1,000,000 as proposed by the House and $994,000 as proposed by the Senate.

National Council on Disability

The conference agreement provides $3,371,000 for the National Council on Disability instead of $2,873,000 as proposed by the House and $3,371,000 as proposed by the Senate.

National Labor Relations Board

The conference agreement provides $251,875,000 for the National Labor Relations Board instead of $248,875,000 as proposed by the House and $250,000,000 as proposed by the Senate.

The conferees have included additional funds over the budget request to reduce the backlog.

The conferees concur with language in the Senate report regarding the NLRB's plan to restructure its regional offices and specifically oppose the elimination of Region 30 and the subsequent downgrading of the Region 30 Office to sub-regional status.

National Mediation Board

The conference agreement provides $11,722,000 for the National Mediation Board instead of $11,635,000 as proposed by the House and the Senate.

The conferees are concerned regarding the National Mediation Board's (NMB) proposal to implement new fees for arbitration services in a Notice of Proposed Rulemaking published in the Federal Register on August 9, 2004. Prior to implementing these new fees, the conferees strongly urge the NMB to hold additional public hearings to examine any potential negative impact of the proposed fees. The conferees request that the National Mediation Board be prepared to discuss this matter during consideration of its fiscal year 2006 budget.

Occupational Safety and Health Review Commission

The conference agreement provides $10,595,000 for the Occupational Safety and Health Review Commission instead of $10,516,000 as proposed by the House and the Senate.

Railroad Retirement Board

LIMITATION ON ADMINISTRATION

The conference agreement provides $103,370,000 for the Railroad Retirement Board Limitation on Administration Expenses instead of $102,202,000 as proposed by the House and $102,600,000 as proposed by Senate.

Railroad Retirement Board

OFFICE OF INSPECTOR GENERAL

The conference agreement includes a limitation on transfers from the railroad trust funds of $7,254,000 for administrative expenses of the Office of Inspector General instead of $6,561,000 as proposed by the House and $7,200,000 as proposed by the Senate.

The conference agreement does not include language proposed by the Senate that allows the Office of the Inspector General to conduct audits, investigations, and reviews of the Medicare programs.

Social Security Administration

SUPPLEMENTAL SECURITY INCOME PROGRAM

The conference agreement includes $28,710,829,000 for the Supplemental Security Income Program instead of $28,702,829,000 as proposed by the House and $25,451,949,000 as proposed by the Senate. The conference agreement also includes an advance appropriation of $10,930,000,000, as proposed by the House, for the first quarter of fiscal year 2006, to ensure uninterrupted benefit payments. The Senate proposed an advance appropriation of $14,130,000,000. Also within the total, $2,986,900,000 is included for the administrative costs of the program as proposed by the House. The Senate included $2,928,020,000 for administrative costs.

Within the funds provided, the conference agreement includes $8,000,000, as proposed by the Senate, for outreach efforts and assistance to homeless persons and other underserved populations. The House bill did not contain this funding.

The conference agreement does not include a provision proposed by the Senate that changes the date of an SSI benefit payment from fiscal year 2005 to 2006. The House did not include this provision.

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement includes $8,798,296,000 for the limitation on administrative expenses rather than $8,798,100,000 as proposed by the House and $8,622,818,000 as proposed by the Senate. Included in the conference agreement is bill language to allow SSA to collect fees as authorized by the Social Security Protection Act for certification of non-attorney representatives of claimants.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $91,107,000 for the office of inspector general as proposed by the House rather than $92,000,000 as proposed by the Senate.

United States Institute of Peace

The conference agreement does not include funding for the United States Institute of Peace in this title. The Senate bill proposed $22,099,000 for this program while the House included funding for this program in the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations bill. Funding for this program is provided in Division B.

TITLE V—GENERAL PROVISIONS

MADE IN AMERICA

The conference agreement deletes without prejudice a general provision as proposed by the Senate pertaining to the purchase of American-made products and equipment with funds made available in this Act. The House bill did not propose a similar provision.

WELDON AMENDMENT

The conference agreement includes language as proposed by the House in section 509 of H.R. 5006. The Senate bill contained no similar provision.

LIMITATION ON LIBRARIES

The conference agreement includes a limitation on the ability of a library to access library funding provided under this Act unless the library is in compliance with the Children's Internet Protections Act, as proposed by the House. The Senate bill contained no similar provision.

LIMITATION ON SCHOOLS

The conference agreement includes a limitation on the ability of an elementary or secondary school to access technology funding provided under this Act unless the school is in compliance with the Children's Internet Protections Act, as proposed by the House. The Senate bill contained no similar provision.

RRB LIMITATION

The conference agreement concurs with House language limiting the availability of funds to the Railroad Retirement Board to enter into an arrangement with a nongovernmental financial institution to serve as disbursing agent for benefits payable under the Railroad Retirement Act of 1974. The Senate bill proposed similar language.

LIMITATIONS ON THE USE OF FUNDS

The conference agreement modifies a general provision as proposed by the House pertaining to the reprogramming of funds. As per the requirement of this section, the conferees reiterate the instruction that the Departments and agencies funded through this Division make a written request to the House and Senate Committees on Appropriations at least 15 days prior to the reprogramming of funds in excess of $500,000, or 10%, whichever is less.

PBGC LIMITATION

The conference agreement deletes without prejudice a general provision proposed by the House that none of the funds appropriated by this Act may be used by the Pension Benefit Guaranty Corporation to enforce section 4010(c) of the Employee Retirement Income Security Act. The Senate bill did not propose similar language.

FOREIGN CONFERENCES

The conference agreement does not include a general provision as proposed by the House pertaining to the attendance of HHS employees at foreign conferences. The Senate bill did not contain a similar provision. The conferees are pleased that in the current constrained fiscal environment, the Secretary of HHS has taken steps to monitor and limit travel by HHS agency employees to international conferences. The Secretary should, however, ensure that all necessary U.S. scientists are permitted to attend important international scientific meetings to present their research findings and to learn about research being conducted in other countries.

NIMH GRANTS

The conference agreement does not include a general provision as proposed by the House regarding NIMH grants. The Senate bill did not contain a similar provision. The conferees reiterate their support of the two-tiered peer review process used by NIH to judge research grant applications and continue to expect NIH to ensure that its funds are allocated to research that is both scientifically meritorious and has high potential public health impact.

OVERTIME REGULATIONS

The conference agreement deletes without prejudice language proposed by the House and Senate stating that none of the funds provided may be used to implement or administer any changes to regulations regarding overtime compensation in effect on July 14, 2004.

HIGHER EDUCATION SPECIAL ALLOWANCE FOR 9.5% LOANS

The conference agreement does not include a provision that prohibits the use of funds for the Secretary to administer or pay any special allowance under sections of the Higher Education Act of 1965 pursuant to provisions of the regulations of the Department of Education. The Senate bill contains no similar provision.

IMMIGRATION LIMITATION

The conference agreement does not include a provision that prohibits the use of funds by the Department of Education in contravention of sections of the Illegal Immigration Reform and Responsibility Act of 1996. The Senate bill contains no similar provision.

NATIVE HAWAIIAN GOVERNING ENTITY RECOGNITION

The conference agreement does not include a provision, proposed by the Senate, recognizing the Native Hawaiian governing entity as the representative governing body of the Native Hawaiian people. The House did not propose a similar provision.

NORTHERN LIGHTS BOULEVARD PROPERTY

The conference agreement includes a provision conveying the property at 1818 W. Northern Lights Boulevard in Anchorage, Alaska from the U.S. Government to the Southcentral Foundation for a replacement Head Start facility. The House bill contains no similar provision.

ACROSS-THE-BOARD SALARIES AND EXPENSES REDUCTION

The conference agreement includes a new provision to reduce salaries and expenses of the Departments of Labor, Health and Human Services, and Education by $18,000,000.

CONFERENCE AGREEMENT

The following table displays the amounts agreed to for each program, project or activity with appropriate comparisons:

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate		
TITLE I - DEPARTMENT OF LABOR										
EMPLOYMENT AND TRAINING ADMINISTRATION										
TRAINING AND EMPLOYMENT SERVICES										
Grants to States:										
Adult Training, current year	186,891	188,000	188,000	186,107	186,107	-784	-1,893	---	D	FF
Advance from prior year	(707,799)	(712,000)	(712,000)	(712,000)	(712,000)	(+4,201)	---	---	NA	
FY 2006	712,000	712,000	712,000	712,000	712,000	---	---	---	D	
Adult Training	898,891	900,000	900,000	898,107	898,107	-784	-1,893	---		
Youth Training	995,059	1,000,965	1,000,965	994,242	994,242	-817	-6,723	---	D	FF
Dislocated Worker Assistance, current year	330,192	251,669	330,192	348,048	348,048	+17,856	+17,856	---	D	FF
Advance from prior year	(842,997)	(848,000)	(848,000)	(848,000)	(848,000)	(+5,003)	---	---	NA	
FY 2006	848,000	848,000	848,000	848,000	848,000	---	---	---	D	
Dislocated Worker Assistance	1,178,192	1,099,669	1,178,192	1,196,048	1,196,048	+17,856	+17,856	---		
Federally Administered Programs:										
Dislocated Worker Assistance National Reserve:										
Current year	64,227	71,371	89,227	71,371	71,371	+7,144	-17,856	---	D	FF
Advance from prior year	(210,749)	(212,000)	(212,000)	(212,000)	(212,000)	(+1,251)	---	---	NA	
FY 2006	212,000	212,000	212,000	212,000	212,000	---	---	---	D	
Dislocated Worker Assistance Nat'l Reserve	276,227	283,371	301,227	283,371	283,371	+7,144	-17,856	---		
Total, Dislocated Worker Assistance	1,454,419	1,383,040	1,479,419	1,479,419	1,479,419	+25,000	---	---		

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate		
Native Americans	54,675	55,000	54,675	55,000	54,675	---	---	-325	D	FF
Migrant and Seasonal Farmworkers	76,370	---	76,370	76,370	76,370	---	---	---	D	FF
Job Corps:										
Operations	820,114	859,966	845,000	859,966	852,483	+32,369	+7,483	-7,483	D	FF
Advance from prior year	(587,513)	(591,000)	(591,000)	(591,000)	(591,000)	(+3,487)	---	---	NA	
FY 2006	591,000	591,000	591,000	591,000	591,000	---	---	---	D	
Construction and Renovation	30,038	6,321	6,321	26,321	16,321	-13,717	+10,000	-10,000	D	FF
Advance from prior year	(99,410)	(100,000)	(100,000)	(100,000)	(100,000)	(+590)	---	---	NA	
FY 2006	100,000	100,000	100,000	100,000	100,000	---	---	---	D	
Subtotal, Job Corps, program level	1,541,152	1,557,287	1,542,321	1,577,287	1,559,804	+18,652	+17,483	-17,483		
National Activities:										
Pilots, Demonstrations and Research	57,751	30,000	48,474	62,751	85,854	+28,103	+37,380	+23,103	D	FF
Responsible Reintegration of Youthful Offender	49,705	50,000	---	50,000	50,000	+295	+50,000	---	D	FF
Evaluation	8,986	8,000	8,000	8,000	8,000	-986	---	---	D	FF
Prisoner Re-entry	---	40,000	---	40,000	20,000	+20,000	+20,000	-20,000	D	
Community College initiative	---	250,000	---	125,000	125,000	+125,000	+125,000	---	D	
Community College initiative (NA) 1/	---	---	---	(125,000)	(125,000)	(+125,000)	(+125,000)	---	NA	
Subtotal, CC initiative, program level	---	250,000	---	250,000	250,000	+250,000	+250,000	---		

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs.				
						FY 2004 Comparable	FY 2005 House	FY 2005 Senate		
Personal reemployment accounts	---	50,000	---	---	---	---	---	---	D	
Denali Commission	4,970	---	---	8,000	7,000	+2,030	+7,000	-1,000	D	
Other	3,486	2,000	2,504	3,486	3,486	---	+982	---	D	FF
Subtotal, National activities	124,898	430,000	58,978	297,237	299,340	+174,442	+240,362	+2,103		
Subtotal, Federal activities	2,073,322	2,325,658	2,033,571	2,289,265	2,273,560	+200,238	+239,989	-15,705		
Current Year	1,170,322	1,422,658	1,130,571	1,386,265	1,370,560	+200,238	+239,989	-15,705		
FY 2006	903,000	903,000	903,000	903,000	903,000	---	---	---		
Total, Training and Employment Services	5,145,464	5,326,292	5,112,728	5,377,662	5,361,957	+216,493	+249,229	-15,705		
Current Year	(2,682,464)	(2,863,292)	(2,649,728)	(2,914,662)	(2,898,957)	(+216,493)	(+249,229)	(-15,705)		
FY 2006	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	---	---	---		
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS	438,650	440,200	440,200	440,200	440,200	+1,550	---	---	D	FF
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES	1,338,200	1,057,300	1,057,300	1,057,300	1,057,300	-280,900	---	---	M	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate		
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS										
Unemployment Compensation:										
State Operations	2,608,653	2,700,714	2,690,714	2,654,714	2,684,714	+76,061	-6,000	+30,000	TF	
National Activities	9,876	10,500	10,500	10,500	10,500	+624	---	---	TF	
Subtotal, Unemployment Compensation	2,618,529	2,711,214	2,701,214	2,665,214	2,695,214	+76,685	-6,000	+30,000		
Employment Service:										
Allotments to States:										
Federal Funds	23,163	23,300	23,300	23,163	23,300	+137	---	+137	D	
Trust Funds	763,724	672,700	672,700	763,724	763,587	-137	+90,887	-137	TF	
Subtotal, allotments to States	786,887	696,000	696,000	786,887	786,887	---	+90,887	---		
ES National Activities	58,971	67,000	67,000	65,500	65,500	+6,529	-1,500	---	TF	
Subtotal, Employment Service	845,858	763,000	763,000	852,387	852,387	+6,529	+89,387	---		
Federal Funds	23,163	23,300	23,300	23,163	23,300	+137	---	+137		
Trust Funds	822,695	739,700	739,700	829,224	829,087	+6,392	+89,387	-137		
One-Stop Career Centers/Labor Market Information	98,764	99,350	98,764	98,764	98,764	---	---	---	D	
Work Incentives Grants	19,753	19,870	19,870	19,870	19,870	+117	---	---	D	FF
Total, State Unemployment & Employment Srvcs	3,582,904	3,593,434	3,582,848	3,636,235	3,666,235	+83,331	+83,387	+30,000		
Federal Funds	141,680	142,520	141,934	141,797	141,934	+254	---	+137		
Trust Funds	3,441,224	3,450,914	3,440,914	3,494,438	3,524,301	+83,077	+83,387	+29,863		
ADVANCES TO THE UI AND OTHER TRUST FUNDS 2/	467,000	517,000	517,000	517,000	517,000	+50,000	---	---	M	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
PROGRAM ADMINISTRATION									
Adult Employment and Training	38,382	39,380	38,382	39,187	39,187	+805	+805	---	D
Trust Funds	6,814	6,980	6,814	6,957	6,957	+143	+143	---	TF
Youth Employment and Training	39,009	40,133	39,009	39,947	39,947	+938	+938	---	D
Employment Security	5,948	6,146	5,948	6,094	6,094	+146	+146	---	D
Trust Funds	53,624	55,722	48,624	51,000	48,624	-5,000	---	-2,376	TF
Apprenticeship Services	20,760	21,405	20,760	21,306	21,306	+546	+546	---	D
Executive Direction	8,400	8,718	6,900	8,568	6,900	-1,500	---	-1,668	D
Trust Funds	2,041	2,158	2,041	2,082	2,082	+41	+41	---	TF
Welfare to Work	2,371	376	376	2,474	376	-1,995	---	-2,098	D
Total, Program Administration	177,349	181,018	168,854	177,615	171,473	-5,876	+2,619	-6,142	
Federal Funds	114,870	116,158	111,375	117,576	113,810	-1,060	+2,435	-3,766	
Trust Funds	62,479	64,860	57,479	60,039	57,663	-4,816	+184	-2,376	
Total, Employment and Training Administration	11,149,567	11,115,244	10,878,930	11,206,012	11,214,165	+64,598	+335,235	+8,153	
Federal Funds	7,645,864	7,599,470	7,380,537	7,651,535	7,632,201	-13,663	+251,664	-19,334	
Current Year	(5,182,864)	(5,136,470)	(4,917,537)	(5,188,535)	(5,169,201)	(-13,663)	(+251,664)	(-19,334)	
FY 2006	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	---	---	---	
Trust Funds	3,503,703	3,515,774	3,498,393	3,554,477	3,581,964	+78,261	+83,571	+27,487	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs.			
						FY 2004 Comparable	FY 2005 House	FY 2005 Senate	
EMPLOYEE BENEFITS SECURITY ADMINISTRATION									
Enforcement and Participant Assistance	102,730	110,330	110,330	110,330	110,330	+7,600	---	---	D
Policy and Compliance Assistance	16,907	17,497	17,497	17,497	17,497	+590	---	---	D
Executive Leadership, Program Oversight and Admin	4,403	4,518	4,518	4,518	4,518	+115	---	---	D
Total, EBSA	124,040	132,345	132,345	132,345	132,345	+8,305	---	---	
PENSION BENEFIT GUARANTY CORPORATION									
Pension insurance activities	---	(12,211)	(12,211)	(12,211)	(12,211)	(+12,211)	---	---	NA
Pension plan termination	---	(169,739)	(169,739)	(169,739)	(169,739)	(+169,739)	---	---	NA
Operational support	---	(84,380)	(84,380)	(84,380)	(84,380)	(+84,380)	---	---	NA
Program Adm. subject to limitation (TF)	20,553	---	---	---	---	-20,553	---	---	TF
Termination services not subject to limitation (NA)	(212,219)	---	---	---	---	(-212,219)	---	---	NA
Total, PBGC	20,553	---	---	---	---	-20,553	---	---	
Total, PBGC (Program level)	(232,772)	(266,330)	(266,330)	(266,330)	(266,330)	(+33,558)	---	---	
EMPLOYMENT STANDARDS ADMINISTRATION									
SALARIES AND EXPENSES									
Enforcement of Wage and Hour Standards	160,096	165,933	165,933	165,933	165,933	+5,837	---	---	D
Office of Labor-Management Standards	38,580	43,545	43,545	40,646	42,096	+3,516	-1,449	+1,450	D
Federal Contractor EEO Standards Enforcement	79,442	82,078	79,442	82,078	80,760	+1,318	+1,318	-1,318	D

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
Federal Programs for Workers' Compensation	96,754	99,528	96,754	99,528	98,141	+1,387	+1,387	-1,387	D
Trust Funds	2,021	2,058	2,021	2,058	2,040	+19	+19	-18	TF
Program Direction and Support	15,123	16,152	15,123	15,627	15,375	+252	+252	-252	D
Total, ESA salaries and expenses	392,016	409,294	402,818	405,870	404,345	+12,329	+1,527	-1,525	
Federal Funds	389,995	407,236	400,797	403,812	402,305	+12,310	+1,508	-1,507	
Trust Funds	2,021	2,058	2,021	2,058	2,040	+19	+19	-18	
SPECIAL BENEFITS									
Federal employees compensation benefits	160,000	230,000	230,000	230,000	230,000	+70,000	---	---	M
Longshore and harbor workers' benefits	3,000	3,000	3,000	3,000	3,000	---	---	---	M
Total, Special Benefits	163,000	233,000	233,000	233,000	233,000	+70,000	---	---	
SPECIAL BENEFITS FOR DISABLED COAL MINERS									
Benefit payments	390,848	358,806	358,806	358,806	358,806	-32,042	---	---	M
Administration	6,143	5,194	5,194	5,194	5,194	-949	---	---	M
Subtotal, Black Lung, FY 2005 program level	396,991	364,000	364,000	364,000	364,000	-32,991	---	---	
Less funds advanced in prior year	-97,000	-88,000	-88,000	-88,000	-88,000	+9,000	---	---	M
Total, Black Lung, current request, FY 2005	299,991	276,000	276,000	276,000	276,000	-23,991	---	---	
New advances, 1st quarter FY 2006	88,000	81,000	81,000	81,000	81,000	-7,000	---	---	M
Total, Special Benefits for Disabled Coal Miners	387,991	357,000	357,000	357,000	357,000	-30,991	---	---	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND									
Program Benefits	(221,000)	(221,000)	(221,000)	(221,000)	(221,000)	---	---	---	NA
Administrative Expenses	51,651	40,821	40,821	40,821	40,821	-10,830	---	---	M
Total, Energy Emp Occupational Illness Comp Fund	51,651	40,821	40,821	40,821	40,821	-10,830	---	---	
BLACK LUNG DISABILITY TRUST FUND									
Benefit payments and interest on advances	998,901	1,001,951	1,001,951	1,001,951	1,001,951	+3,050	---	---	M
Employment Standards Adm. S&E	32,004	32,646	32,646	32,646	32,646	+642	---	---	M
Departmental Management S&E	23,401	23,705	23,705	23,705	23,705	+304	---	---	M
Departmental Management, Inspector General	338	342	342	342	342	+4	---	---	M
Subtotal, Black Lung Disability	1,054,644	1,058,644	1,058,644	1,058,644	1,058,644	+4,000	---	---	
Treasury Administrative Costs	356	356	356	356	356	---	---	---	M
Total, Black Lung Disability Trust Fund	1,055,000	1,059,000	1,059,000	1,059,000	1,059,000	+4,000	---	---	
Total, Employment Standards Administration	2,049,658	2,099,115	2,092,639	2,095,691	2,094,166	+44,508	+1,527	-1,525	
Federal Funds	2,047,637	2,097,057	2,090,618	2,093,633	2,092,126	+44,489	+1,508	-1,507	
Current year	(1,959,637)	(2,016,057)	(2,009,618)	(2,012,633)	(2,011,126)	(+51,489)	(+1,508)	(-1,507)	
FY 2006	(88,000)	(81,000)	(81,000)	(81,000)	(81,000)	(-7,000)	---	---	
Trust Funds	2,021	2,058	2,021	2,058	2,040	+19	+19	-18	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION								
SALARIES AND EXPENSES								
Safety and Health Standards	15,920	16,132	16,132	16,668	16,132	+212	---	-536 D
Federal Enforcement	166,015	171,020	171,020	171,020	171,020	+5,005	---	--- D
State Programs	91,959	91,747	91,747	91,747	91,747	-212	---	--- D
Technical Support	21,593	20,909	20,909	20,909	20,909	-684	---	--- D
Compliance Assistance:								
Federal Assistance	67,049	71,430	71,430	71,430	71,430	+4,381	---	--- D
State Consultation Grants	52,211	53,792	53,792	53,792	53,792	+1,581	---	--- D
Training Grants	10,510	4,000	4,000	10,510	10,510	---	+6,510	--- D
Subtotal, Compliance Assistance	129,770	129,222	129,222	135,732	135,732	+5,962	+6,510	--- D
Safety and Health Statistics	22,237	22,382	22,382	22,382	22,382	+145	---	--- D
Executive Direction and Administration	10,047	10,187	10,187	10,187	10,187	+140	---	--- D
Total, OSHA	457,541	461,599	461,599	468,645	468,109	+10,568	+6,510	-536

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate
MINE SAFETY AND HEALTH ADMINISTRATION								
SALARIES AND EXPENSES								
Coal Enforcement	115,339	114,889	114,889	117,769	116,329	+990	+1,440	-1,440 D
Metal/Non-Metal Enforcement	65,985	66,782	66,782	67,798	67,290	+1,305	+508	-508 D
Standards Development	2,326	2,333	2,333	2,372	2,353	+27	+20	-19 D
Assessments	4,170	5,280	5,280	5,280	5,280	+1,110	---	--- D
Educational Policy and Development	30,356	31,507	31,507	31,507	31,507	+1,151	---	--- D
Technical Support	24,545	25,064	25,064	25,564	25,314	+769	+250	-250 D
Program evaluation and information resources (PEIR)	13,963	17,666	17,666	17,666	17,666	+3,703	---	--- D
Program Administration	12,173	12,046	12,046	12,046	15,796	+3,623	+3,750	+3,750 D
Total, Mine Safety and Health Administration	268,857	275,567	275,567	280,002	281,535	+12,678	+5,968	+1,533

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
BUREAU OF LABOR STATISTICS									
SALARIES AND EXPENSES									
Employment and Unemployment Statistics	160,431	164,026	164,026	164,026	164,026	+3,595	---	---	D
Labor Market Information (Trust Funds)	74,667	78,473	78,473	78,473	78,473	+3,806	---	---	TF
Prices and Cost of Living	166,344	170,736	170,736	170,736	170,736	+4,392	---	---	D
Compensation and Working Conditions	77,614	79,827	79,827	79,827	79,827	+2,213	---	---	D
Productivity and Technology	10,294	10,588	10,588	10,588	10,588	+294	---	---	D
Executive Direction and Staff Services	29,146	29,868	29,868	29,868	29,868	+722	---	---	D
Total, Bureau of Labor Statistics	518,496	533,518	533,518	533,518	533,518	+15,022	---	---	
Federal Funds	443,829	455,045	455,045	455,045	455,045	+11,216	---	---	
Trust Funds	74,667	78,473	78,473	78,473	78,473	+3,806	---	---	
OFFICE OF DISABILITY EMPLOYMENT POLICY									D
Ofce of Disability Employ. Policy, salaries & expenses	47,024	47,555	47,555	47,555	47,555	+531	---	---	D

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
DEPARTMENTAL MANAGEMENT									
SALARIES AND EXPENSES									
Executive Direction	27,084	33,206	27,084	27,084	27,084	---	---	---	D
Departmental IT Crosscut	48,219	33,565	30,000	33,565	30,000	-18,219	---	-3,565	D
Departmental Management Crosscut	4,965	10,100	5,000	4,965	5,000	+35	---	+35	D
Legal Services	80,412	84,007	80,412	84,007	80,412	---	---	-3,595	D
Trust Funds	314	322	314	322	314	---	---	-8	TF
International Labor Affairs	109,862	30,545	35,545	110,500	94,000	-15,862	+58,455	-16,500	D
Administration and Management	33,153	32,675	32,675	33,859	32,675	-478	---	-1,184	D
Frances Perkins building security enhancements	---	15,000	7,000	15,000	7,000	+7,000	---	-8,000	D
Adjudication	25,872	26,683	25,872	26,683	25,872	---	---	-811	D
Women's Bureau	9,201	9,554	9,554	9,554	9,554	+353	---	---	D
Civil Rights Activities	6,114	6,287	6,287	6,287	6,287	+173	---	---	D
Chief Financial Officer	5,123	5,224	5,224	5,224	5,224	+101	---	---	D
Total, Salaries and expenses	350,319	287,168	264,967	357,050	323,422	-26,897	+58,455	-33,628	
Federal Funds	350,005	286,846	264,653	356,728	323,108	-26,897	+58,455	-33,620	
Trust Funds	314	322	314	322	314	---	---	-8	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate		
VETERANS EMPLOYMENT AND TRAINING										
State administration, Grants	161,408	162,415	162.415	162,415	162,415	+1.007	---	---	TF	
Federal Administration	28,857	29,683	34,683	29,683	30,683	+1,826	-4,000	+1.000	TF	
National Veterans Training Institute	1,988	2.000	2,000	2,000	2.000	+12	---	---	TF	
Homeless Veterans Program	18,888	19,000	19,000	24,000	21,000	+2,112	+2,000	-3,000	D	
Veterans Workforce Investment Programs	7,505	7,550	7,550	8,683	8,550	+1,045	+1,000	-133	D	FF
Total, Veterans Employment and Training	218.646	220.648	225,648	226.781	224,648	+6,002	-1.000	-2.133		
Federal Funds	26.393	26.550	26.550	32.683	29.550	+3.157	+3,000	-3,133		
Trust Funds	192.253	194,098	199,098	194.098	195,098	+2,845	-4,000	+1,000		
OFFICE OF THE INSPECTOR GENERAL										
Program Activities	59.643	64,029	64,029	64,029	64,029	+4,386	---	---	D	
Trust Funds	5,696	5,561	5,561	5.561	5.561	-135	---	---	TF	
Total, Office of the Inspector General	65.339	69.590	69.590	69.590	69.590	+4,251	---	---		
Federal funds	59.643	64,029	64,029	64,029	64,029	+4.386	---	---		
Trust funds	5,696	5,561	5.561	5,561	5,561	-135	---	---		
Total, Departmental Management	634.304	577.406	560.205	653,421	617,660	-16.644	+57,455	-35.761		
Federal Funds	436,041	377.425	355.232	453,440	416.687	-19.354	+61.455	-36,753		
Trust Funds	198,263	199.981	204.973	199.981	200,973	+2,710	-4,000	+992		

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate
WORKING CAPITAL FUND								
Working capital fund	13,768	25,000	10,000	15,000	10,000	-3,768	---	-5,000
Total, Title I, Department of Labor	15,283,808	15,267,349	14,992,358	15,432,189	15,399,053	+115,245	+406,695	-33,136
Federal Funds	11,484,601	11,471,063	11,208,498	11,597,200	11,535,603	+51,002	+327,105	-61,597
Current Year	(8,933,601)	(8,927,063)	(8,664,498)	(9,053,200)	(8,991,603)	(+58,002)	(+327,105)	(-61,597)
FY 2006	(2,551,000)	(2,544,000)	(2,544,000)	(2,544,000)	(2,544,000)	(-7,000)	---	---
Trust Funds	3,799,207	3,796,286	3,783,860	3,834,989	3,863,450	+64,243	+79,590	+28,461

Title I Footnotes:
1/ Funding from the Dislocated Worker National Reserve
2/ Two year availability.

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES									
HEALTH RESOURCES AND SERVICES ADMINISTRATION									
HEALTH RESOURCES AND SERVICES									
BUREAU OF PRIMARY HEALTH CARE									
Community health centers	1,617,381	1,835,925	1,835,925	1,867,381	1,748,381	+131,000	-87,544	-119,000	D
Free Clinics Medical Malpractice	4,821	4,821	---	4,821	100	-4,721	+100	-4,721	D
Radiation Exposure Compensation Act	1,974	1,974	1,974	1,974	1,974	---	---	---	D
Community Access Program	83,674	9,998	---	88,674	83,674	---	+83,674	-5,000	D
Hansen's Disease Services	17,413	17,413	17,413	17,413	17,413	---	---	---	D
Buildings and Facilities	249	249	249	249	249	---	---	---	D
Payment to Hawaii, treatment of Hansen's	2,033	2,033	2,033	2,033	2,033	---	---	---	D
Black lung clinics	5,963	5,963	5,963	6,000	6,000	+37	+37	---	D
Subtotal, Bureau of Primary Health Care	1,733,508	1,876,376	1,863,557	1,988,545	1,859,824	+126,316	-3,733	-128,721	
BUREAU OF HEALTH PROFESSIONS									
National Health Service Corps:									
Field placements	45,506	45,735	45,506	45,735	45,506	---	---	-229	D
Recruitment	124,397	159,132	124,397	127,397	87,078	-37,319	-37,319	-40,319	D
Subtotal, National Health Service Corps	169,903	204,867	169,903	173,132	132,584	-37,319	-37,319	-40,548	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
Health Professions									
Training for Diversity:									
Centers of excellence	33,882	---	33,882	33,882	33,882	---	---	---	D
Health careers opportunity program	35,935	---	35,935	35,935	35,935	---	---	---	D
Faculty loan repayment	1,313	---	1,313	1,313	1,313	---	---	---	D
Scholarships for disadvantaged students	47,510	9,897	47,510	47,510	47,510	---	---	---	D
Subtotal, Training for Diversity	118,640	9,897	118,640	118,640	118,640	---	---	---	
Training in Primary Care Medicine and Dentistry	81,742	---	63,857	90,742	89,542	+7,800	+25,685	-1,200	D
Interdisciplinary Community-Based Linkages:									
Area health education centers	29,206	---	29,206	29,206	29,206	---	---	---	D
Health education and training centers	3,851	---	3,851	3,851	3,851	---	---	---	D
Allied health and other disciplines	11,849	---	11,849	11,849	11,849	---	---	---	D
Geriatric programs	31,805	---	31,805	31,805	31,805	---	---	---	D
Quentin N. Burdick pgm for rural training	6,126	---	2,255	6,126	6,126	---	+3,871	---	D
Subtotal, Interdisciplinary Comm. Linkages	82,837	---	78,966	82,837	82,837	---	+3,871	---	
Health Professions Workforce Info & Analysis	722	999	---	999	722	---	+722	-277	D
Public Health Workforce Development:									
Public health, preventive med. & dental pgms	9,170	---	6,970	9,170	9,170	---	+2,200	---	D
Health administration programs	1,079	---	1,045	1,079	1,079	---	+34	---	D
Subtotal, Public Health Workforce Development	10,249	---	8,015	10,249	10,249	---	+2,234	---	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

						Conference vs			
	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	FY 2004 Comparable	FY 2005 House	FY 2005 Senate	
Nursing Programs:									
Advanced Education Nursing	58,636	43,637	53,634	58,636	58,636	---	+5,002	---	D
Nurse education, practice, and retention	31,768	41,765	36,765	41,765	36,765	+4,997	---	-5,000	D
Nursing workforce diversity	16,402	21,399	16,402	21,399	16,402	---	---	-4,997	D
Loan repayment and scholarship program	26,736	31,738	31,738	31,742	31,738	+5,002	---	-4	D
Comprehensive geriatric education	3,478	3,478	3,478	3,478	3,478	---	---	---	D
Nursing faculty loan program	4,870	4,870	4,870	4,870	4,870	---	---	---	D
Subtotal, Nursing programs	141,890	146,887	146,887	161,890	151,889	+9,999	+5,002	-10,001	
Subtotal, Health Professions	436,080	157,783	416,365	465,357	453,879	+17,799	+37,514	-11,478	
Children's Hospitals Graduate Medical Education	303,170	303,258	303,258	303,258	303,170	---	-88	-88	D
National Practitioner Data Bank	16,000	15,700	15,700	15,700	15,700	-300	---	---	D
User Fees	-16,000	-15,700	-15,700	-15,700	-15,700	+300	---	---	D
Health Care Integrity and Protection Data Bank	4,000	4,000	4,000	4,000	4,000	---	---	---	D
User Fees	-4,000	-4,000	-4,000	-4,000	-4,000	---	---	---	D
Subtotal, Bureau of Health Professions	909,153	665,906	889,526	941,747	889,633	-19,520	+107	-52,114	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House.	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate
MATERNAL AND CHILD HEALTH BUREAU								
Maternal and Child Health Block Grant	729,817	729,817	729,817	734,817	729,817	---	---	-5,000 D
Sickle cell service demonstrations	---	---	---	---	200	+200	+200	+200
Traumatic Brain Injury	9,375	9,375	9,375	9,375	9,375	---	---	--- D
Healthy Start	97,751	97,751	97,751	105,000	103,376	+5,625	+5,625	-1,624 D
Universal Newborn Hearing	9,872	---	9,872	9,872	9,872	---	---	--- D
Emergency medical services for children	19,860	19,860	19,860	20,360	20,000	+140	+140	-360 D
Poison control	23,696	23,696	23,696	24,000	23,696	---	---	-304 D
Subtotal, Maternal and Child Health Bureau	890,371	880,499	890,371	903,424	896,336	+5,965	+5,965	-7,088

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
HIV/AIDS BUREAU									
Ryan White AIDS Programs:									
Emergency Assistance	615,023	615,023	615,023	615,023	615,023	---	---	---	D
Comprehensive Care Programs	1,085,900	1,120,900	1,140,900	1,120,900	1,130,900	+45,000	-10,000	+10,000	D
AIDS Drug Assistance Program (ADAP) (NA)	(748,872)	(783,872)	(803,872)	(783,872)	(793,872)	(+45,000)	(-10,000)	(+10,000)	NA
Early Intervention Program	197,170	197,170	197,170	197,170	197,170	---	---	---	D
Pediatric HIV/AIDS	73,108	73,108	73,108	73,108	73,108	---	---	---	D
AIDS Dental Services	13,325	13,325	13,325	13,325	13,325	---	---	---	D
Education and Training Centers	35,335	35,335	35,335	35,335	35,335	---	---	---	D
Subtotal, Ryan White AIDS programs	2,019,861	2,054,861	2,074,861	2,054,861	2,064,861	+45,000	-10,000	+10,000	
Evaluation Tap Funding (NA)	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	---	---	---	
Subtotal, Ryan White AIDs program level	2,044,861	2,079,861	2,099,861	2,079,861	2,089,861	+45,000	-10,000	+10,000	
Emergency drug assistance	20,000	---	---	---	---	-20,000	---	---	
Telehealth	3,949	3,949	3,949	5,000	3,949	---	---	-1,051	D
Subtotal, HIV/AIDS Bureau	2,043,810	2,058,810	2,078,810	2,059,861	2,068,810	+25,000	-10,000	+8,949	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
SPECIAL PROGRAMS BUREAU									
Organ Transplantation	24,632	24,632	24,632	24,632	24,632	---	---	---	D
Cord Blood Stem Cell Bank	9,941	9,941	---	9,941	9,941	---	+9,941	---	D
Bone Marrow Program	22,662	22,662	25,662	22,662	25,662	+3,000	---	+3,000	D
Trauma Care	3,449	---	3,449	4,000	3,449	---	---	-551	D
State Planning Grants for Health Care Access	14,810	---	14,810	8,000	11,000	-3,810	-3,810	+3,000	D
Subtotal, Special programs bureau	75,494	57,235	68,553	69,235	74,684	-810	+6,131	+5,449	
RURAL HEALTH PROGRAMS									
Rural outreach grants	39,601	11,098	30,124	39,601	39,601	---	+9,477	---	D
Rural Health Research	8,902	8,902	8,902	8,902	8,902	---	---	---	D
Rural Hospital Flexibility Grants	39,499	---	32,500	39,499	39,499	---	+6,999	---	D
Rural and community access to emergency devices	10,933	2,015	5,000	10,933	9,000	-1,933	+4,000	-1,933	D
Rural EMS	497	---	---	997	500	+3	+500	-497	D
State Offices of Rural Health	8,390	8,390	8,390	8,390	8,390	---	---	---	D
Denali Commission	34,793	22,000	---	41,794	40,000	+5,207	+40,000	-1,794	D
Subtotal, Rural health programs	142,615	52,405	84,916	150,116	145,892	+3,277	+60,976	-4,224	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
Family Planning	278,283	278,283	278,283	308,283	288,283	+10,000	+10,000	-20,000	D
Health Care-related Facilities and activities	371,536	---	---	371,536	484,629	+113,093	+484,629	+113,093	D
Program Management	148,533	151,317	151,317	148,533	148,533	---	-2,784	---	D
Total, Health resources and services	6,593,303	6,022,833	6,305,333	6,941,280	6,856,624	+263,321	+551,291	-84,656	
Total, Health resources & services program level	(6,618,303)	(6,047,833)	(6,330,333)	(6,966,280)	(6,881,624)	(+263,321)	(+551,291)	(-84,656)	
Evaluation tap funding	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	---	---	---	
HEALTH EDUCATION ASSISTANCE LOANS (HEAL) PROGRAM:									
Liquidating account	(25,000)	(4,000)	(4,000)	(4,000)	(4,000)	(-21,000)	---	---	NA
Program management	3,353	3,270	3,270	3,270	3,270	-83	---	---	D
Total, HEAL	3,353	3,270	3,270	3,270	3,270	-83	---	---	
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:									
Post-FY 1988 claims	66,000	66,000	66,000	66,000	66,000	---	---	---	M
HRSA administration	3,190	3,176	3,176	3,176	3,176	-14	---	---	D
Total, Vaccine Injury Compensation Trust Fund	69,190	69,176	69,176	69,176	69,176	-14	---	---	
Total, Health Resources and Services Admin	6,665,846	6,095,279	6,377,779	7,013,726	6,929,070	+263,224	+551,291	-84,656	
Total, HRSA program level	(6,715,846)	(6,124,279)	(6,406,779)	(7,042,726)	(6,958,070)	(+242,224)	(+551,291)	(-84,656)	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
CENTERS FOR DISEASE CONTROL AND PREVENTION									
Infectious Diseases	1,641,600	1,643.599	1,660,599	1,675,800	1,666,455	+24,855	+5,856	-9.345	D
Evaluation Tap Funding	(12,794)	(12.794)	(12,794)	(12,794)	(12,794)	---	---	---	NA
Subtotal, Program level	1,654,394	1,656,393	1,673,393	1,688,594	1,679,249	+24,855	+5,856	-9.345	
Health Promotion	932,067	989.780	993,802	988,090	1,032,802	+100,735	+39,000	+44,712	D
Health Information and Service	96,449	96,449	96,523	96,449	95,247	-1,202	-1,276	-1,202	D
Evaluation Tap Funding	(120.243)	(120,243)	(139,209)	(139,209)	(134,235)	(+13,992)	(-4,974)	(-4,974)	NA
Subtotal, Program level	216,692	216,692	235,732	235,658	229,482	+12,790	-6,250	-6,176	
Environmental health and injury	282,926	282,926	287,327	290,126	288,168	+5,242	+841	-1,958	D
Occupational safety and health 1/	241,307	242,906	244,505	212,490	200,674	-40,633	-43,831	-11,816	D
Evaluation Tap Funding	(35,681)	(35,681)	(35,681)	(82,097)	(87,071)	(+51,390)	(+51,390)	(+4,974)	NA
Subtotal, Program level	276.988	278,587	280,186	294,587	287,745	+10.757	+7,559	-6,842	
Global health	279.943	304,445	302,051	305.239	296,380	+16,437	-5,671	-8.859	D
Public Health research	29,107	---	14,583	---	---	-29,107	-14,583	---	D
Evaluation Tap Funding	---	(15,000)	(15,000)	(35,000)	(31,000)	(+31,000)	(+16,000)	(-4,000)	NA
Subtotal, Program level	29.107	15.000	29,583	35,000	31,000	+1,893	+1.417	-4,000	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
Public health improvement and leadership.............	220.225	188,074	187,312	261,858	269.145	+48,920	+81,833	+7,287	D
Evaluation Tap Funding	(12,463)	(12,463)	(12,463)	---	---	(-12,463)	(-12,463)	---	NA
Subtotal, Program level........................	232,688	200,537	199,775	261,858	269,145	+36,457	+69,370	+7,287	
Preventive health and health services block grant.....	131,814	131,814	108,516	131,814	131,814	---	+23,298	---	D
Buildings and Facilities..............................	260,454	81,500	81,500	294,500	272,000	+11,546	+190,500	-22,500	D
Business services............................	251,273	252,061	252,060	282,226	281,226	+29,953	+29,166	-1,000	D
Evaluation Tap Funding	(30,953)	(33,953)	(33,953)	---	---	(-30,953)	(-33,953)	---	NA
Subtotal, Program level........................	282,226	286,014	286,013	282,226	281,226	-1,000	-4,787	-1,000	
Total, Centers for Disease Control..............	4,367,165	4,213,554	4,228,778	4,538,592	4,533,911	+166,746	+305,133	-4,681	
Evaluation Tap Funding (NA).................	(212,134)	(230,134)	(249,100)	(269,100)	(265,100)	(+52,966)	(+16,000)	(-4,000)	
Total, Centers for Disease Control program level	(4,579,299)	(4,443,688)	(4,477,878)	(4,807,692)	(4,799,011)	(+219,712)	(+321,133)	(-8,681)	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	FY 2005 House	FY 2005 Senate	
NATIONAL INSTITUTES OF HEALTH									
National Cancer Institute	4,735,973	4,865,525	4,870,025	4,894,900	4,865,525	+129,552	-4,500	-29,375	D
Evaluation Tap Funding	---	(4,500)	---	---	---	---	---	---	NA
National Heart, Lung, and Blood Institute	2,878,106	2,965,453	2,963,953	2,985,900	2,965,453	+87,347	+1,500	-20,447	D
National Institute of Dental & Craniofacial Research	383,048	394,080	394,080	399,200	395,080	+12,032	+1,000	-4,120	D
National Institute of Diabetes and Digestive and Kidney Diseases	1,671,240	1,727,696	1,726,196	1,739,100	1,727,696	+56,456	+1,500	-11,404	D
Juvenile diabetes (mandatory)	(150,000)	(150,000)	(150,000)	(150,000)	(150,000)	---	---	---	NA
Subtotal, NIDDK	1,821,240	1,877,696	1,876,196	1,889,100	1,877,696	+56,456	+1,500	-11,404	NA
National Institute of Neurological Disorders & Stroke	1,500,693	1,547,123	1,545,623	1,569,100	1,552,123	+51,430	+6,500	-16,977	D
National Institute of Allergy and Infectious Diseases	4,153,925	4,340,007	4,340,007	4,307,185	4,340,007	+186,082	---	+32,822	D
Global HIV/AIDS Fund Transfer	149,115	100,000	100,000	149,115	100,000	-49,115	---	-49,115	D
Subtotal, NIAID	4,303,040	4,440,007	4,440,007	4,456,300	4,440,007	+136,967	---	-16,293	D
National Institute of General Medical Sciences	1,904,777	1,959,810	1,959,810	1,975,500	1,959,810	+55,033	---	-15,690	D
National Institute of Child Health & Human Development	1,241,845	1,280,915	1,280,915	1,288,900	1,280,915	+39,070	---	-7,985	D
National Eye Institute	652,738	671,578	671,578	680,300	674,578	+21,840	+3,000	-5,722	D
National Institute of Environmental Health Sciences	631,063	650,027	650,027	655,100	650,027	+18,964	---	-5,073	D
National Institute on Aging	1,024,598	1,055,666	1,055,666	1,094,500	1,060,666	+36,068	+5,000	-33,834	D
National Institute of Arthritis and Musculoskeletal and Skin Diseases	500,908	515,378	515,378	520,900	515,378	+14,470	---	-5,522	D

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
National Institute on Deafness and Other Communication Disorders	381,946	393,507	393,507	399,000	397,507	+15,561	+4,000	-1,493	D
National Institute of Nursing Research	134,701	139,198	139,198	140,200	139,198	+4,497	---	-1,002	D
National Institute on Alcohol Abuse and Alcoholism	428,425	441,911	441,911	444,900	441,911	+13,486	---	-2,989	D
National Institute on Drug Abuse	990,787	1,012,760	1,012,760	1,026,200	1,014,760	+23,973	+2,000	-11,440	D
Evaluation tap funding	---	(6,300)	(6,300)	---	---	---	(-6,300)	---	NA
National Institute of Mental Health	1,381,266	1,420,609	1,420,609	1,436,800	1,423,609	+42,343	+3,000	-13,191	D
National Human Genome Research Institute	478,828	492,670	492,670	496,400	492,670	+13,842	---	-3,730	D
National Institute of Biomedical Imaging and Bioengineering	288,830	297,647	297,647	300,800	300,647	+11,817	+3,000	-153	D
National Center for Research Resources	1,178,956	1,094,141	1,094,141	1,213,400	1,124,141	-54,815	+30,000	-89,259	D
National Center for Complementary and Alternative Medicine	116,943	121,116	121,116	121,900	123,116	+6,173	+2,000	+1,216	D
National Center on Minority Health and Health Disparities	191,456	196,780	196,780	197,900	197,780	+6,324	+1,000	-120	D
John E. Fogarty International Center	65,344	67,182	67,182	67,600	67,182	+1,838	---	-418	D
National Library of Medicine	308,476	316,947	316,947	316,900	317,947	+9,471	+1,000	+1,047	D
Evaluation Tap Funding	(8,200)	(8,200)	(8,200)	(8,200)	(8,200)	---	---	---	NA
Subtotal, NLM	316,676	325,147	325,147	325,100	326,147	+9,471	+1,000	+1,047	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs			
						FY 2004 Comparable	FY 2005 House	FY 2005 Senate	
Office of the Director	327,089	359,645	359,645	364,100	361,145	+34,056	+1,500	-2,955	D
Buildings and Facilities	98,972	99,500	99,500	114,500	111,177	+12,205	+11,677	-3,323	D
Total, National Institutes of Health (NIH)	27,800,048	28,526,871	28,526,871	28,900,300	28,600,048	+800,000	+73,177	-300,252	
Global HIV/AIDS Fund Transfer	-149,115	-100,000	-100,000	-149,115	-100,000	+49,115	---	+49,115	
Evaluation Tap Funding	(8,200)	(19,000)	(14,500)	(8,200)	(8,200)	---	(-6,300)	---	
Total, NIH, Program Level	(27,659,133)	(28,445,871)	(28,441,371)	(28,759,385)	(28,508,248)	(+849,115)	(+66,877)	(-251,137)	
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA)									
Mental Health:									
Programs of Regional and National Significance	240,796	270,548	257,420	303,128	276,646	+35,850	+19,226	-26,482	D
Mental Health block grant	412,840	414,267	414,267	414,267	414,267	+1,427	---	---	D
Evaluation Tap Funding	(21,850)	(21,803)	(21,803)	(21,803)	(21,803)	(-47)	---	---	NA
Children's Mental Health	102,354	106,013	106,013	106,013	106,013	+3,659	---	---	D
Grants to States for the Homeless (PATH)	49,760	55,251	55,251	55,251	55,251	+5,491	---	---	D
Samaritan initiative	---	10,000	---	---	---	---	---	---	D
Protection and Advocacy	34,620	34,620	36,000	34,620	34,620	---	-1,380	---	D
Subtotal, Mental Health	840,370	900,699	868,951	913,279	886,707	+46,427	+17,846	-26,482	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
Substance Abuse Treatment:									
Programs of Regional and National Significance....	419,219	512,732	414,919	419,717	421,646	+2,427	+6,727	+1,929	D
Evaluation Tap Funding	---	(4,300)	(4,300)	(4,300)	(4,300)	(+4,300)	---	---	NA
Substance Abuse block grant......................	1,699,946	1,753,035	1,710,035	1,753,035	1,710,035	+10,089	---	-43,000	D
Evaluation Tap Funding	(79,200)	(79,200)	(79,200)	(79,200)	(79,200)	---	---	---	NA
Subtotal, Substance Abuse Treatment.............	2,119,165	2,265,767	2,124,954	2,172,752	2,131,681	+12,516	+6,727	-41,071	
Subtotal, Program level......................	2,198,365	2,349,267	2,208,454	2,256,252	2,215,181	+16,816	+6,727	-41,071	
Substance Abuse Prevention:									
Programs of Regional and National Significance....	198,456	196,018	200,000	198,940	200,428	+1,970	+428	+1,488	D
Program Management and Buildings and Facilities.......	75,915	76,455	76,455	76,455	76,455	+540	---	---	D
Evaluation Tap funding (NA)......................	(16,000)	(16,000)	(16,000)	(18,000)	(18,000)	(+2,000)	(+2,000)	---	NA
Subtotal, Program level.........................	91,915	92,455	92,455	94,455	94,455	+2,540	+2,000	---	
Total, SAMHSA....................................	3,233,908	3,428,939	3,270,360	3,381,426	3,295,361	+61,453	+25,001	-66,065	
Evaluation Tap funding......................	(117,050)	(121,303)	(121,303)	(123,303)	(123,303)	(+6,253)	(+2,000)	---	
Total, SAMHSA program level.....................	(3,350,958)	(3,550,242)	(3,391,663)	(3,484,729)	(3,418,664)	(+67,706)	(+27,001)	(-66,065)	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

						Conference vs.			
	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	FY 2004 Comparable	FY 2005 House	FY 2005 Senate	
AGENCY FOR HEALTHCARE RESEARCH AND QUALITY									
Research on Health Costs, Quality, and Outcomes:									
Evaluation Tap funding (NA)	(245,695)	(245,695)	(245,695)	(260,695)	(260,695)	(+15,000)	(+15,000)	---	NA
Clinial effectiveness research (non-add)	---	---	---	(15,000)	(15,000)	(+15,000)	(+15,000)	---	NA
Reducing medical errors (non-add)	(79,500)	(84,000)	(84,000)	(84,000)	(84,000)	(+4,500)	---	---	NA
Subtotal (including Evaluation Tap funding)	(245,695)	(245,695)	(245,695)	(260,695)	(260,695)	(+15,000)	(+15,000)	---	
Health Insurance and Expenditure Surveys:									NA
Evaluation Tap funding (NA)	(55,300)	(55,300)	(55,300)	(55,300)	(55,300)	---	---	---	NA
Program Support:									D
Evaluation Tap funding (NA)	(2,700)	(2,700)	(2,700)	(2,700)	(2,700)	---	---	---	NA
Total, AHRQ Evaluation Tap funding (NA)	(303,695)	(303,695)	(303,695)	(318,695)	(318,695)	(+15,000)	(+15,000)	---	
Total, Public Health Service appropriation	42,066,967	42,264,643	42,403,788	43,814,044	43,358,390	+1,291,423	+954,602	-455,654	
Total, Public Health Service program level	(42,608,931)	(42,867,775)	(43,021,386)	(44,413,227)	(44,002,688)	(+1,393,757)	(+981,302)	(-410,539)	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

						Conference vs.		
	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	FY 2004 Comparable	FY 2005 House	FY 2005 Senate
CENTERS FOR MEDICARE AND MEDICAID SERVICES GRANTS TO STATES FOR MEDICAID								
Medicaid current law benefits	172,706,067	167,013,865	167,013,865	167,013,865	167,013,865	-5,692,202	---	--- M
State and local administration	9,067,320	9,318,602	9,318,602	9,318,602	9,318,602	+251,282	---	--- M
Vaccines for Children	980,196	1,208,296	1,208,296	1,208,296	1,208,296	+228,100	---	--- M
Subtotal, Medicaid program level	182,753,583	177,540,763	177,540,763	177,540,763	177,540,763	-5,212,820	---	---
Less funds advanced in prior year	-51,861,386	-58,416,275	-58,416,275	-58,416,275	-58,416,275	-6,554,889	---	--- M
Total, Grants to States for medicaid	130,892,197	119,124,488	119,124,488	119,124,488	119,124,488	-11,767,709	---	---
New advance, 1st quarter	58,416,275	58,517,290	58,517,290	58,517,290	58,517,290	+101,015	---	--- M
PAYMENTS TO HEALTH CARE TRUST FUNDS								
Supplemental medical insurance	94,518,000	114,002,000	114,002,000	114,002,000	114,002,000	+19,484,000	---	--- M
Hospital insurance for the uninsured	197,000	87,000	87,000	87,000	87,000	-110,000	---	--- M
Federal uninsured payment	168,000	199,000	199,000	199,000	199,000	+31,000	---	--- M
Program management	201,100	215,000	215,000	215,000	215,000	+13,900	---	--- M
Prescription drug eligibility determinations	---	105,900	105,900	105,900	105,900	+105,900	---	--- M
Subtotal, Payments to Trust Funds, current law	95,084,100	114,608,900	114,608,900	114,608,900	114,608,900	+19,524,800	---	---
New Advance FY 2006	---	5,216,900	5,216,900	5,216,900	5,216,900	+5,216,900	---	---
Total, Payments to Trust Funds, current law	95,084,100	119,825,800	119,825,800	119,825,800	119,825,800	+24,741,700	---	---

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
PROGRAM MANAGEMENT									
Medicare reform funding 2/ 3/ 4/	(1,000,000)	(250,000)	(250,000)	(250,000)	(250,000)	(-750,000)	---	---	NA
Research, Demonstration, Evaluation	77,791	68,274	68,400	77,791	78,119	+328	+9,719	+328	TF
Medicare Operations	1,701,038	1,793,879	1,793,879	1,796,879	1,746,879	+45,841	-47,000	-50,000	TF
H.R. 3103 funding (NA)	(720,000)	(720,000)	(720,000)	(720,000)	(720,000)	---	---	---	NA
Subtotal, Medicare Operations program level	(2,421,038)	(2,513,879)	(2,513,879)	(2,516,879)	(2,466,879)	(+45,841)	(-47,000)	(-50,000)	
Revitalization plan	29,619	24,400	24,400	24,400	24,400	-5,219	---	---	TF
State Survey and Certification	251,252	270,392	270,392	270,392	260,822	+9,570	-9,570	-9,570	TF
Federal Administration	577,146	589,182	589,182	587,182	586,182	+9,036	-3,000	-1,000	TF
Total, Program management, Limitation on new BA	2,636,846	2,746,127	2,746,253	2,756,644	2,696,402	+59,556	-49,851	-60,242	
Total, Program management, program level	(3,356,846)	(3,466,127)	(3,466,253)	(3,476,644)	(3,416,402)	(+59,556)	(-49,851)	(-60,242)	
Total, Center for Medicare and Medicaid Services	287,029,418	300,213,705	300,213,831	300,224,222	300,163,980	+13,134,562	-49,851	-60,242	
Federal funds	284,392,572	297,467,578	297,467,578	297,467,578	297,467,578	+13,075,006	---	---	
Current year	(225,976,297)	(233,733,388)	(233,733,388)	(233,733,388)	(233,733,388)	(+7,757,091)	---	---	
New advance, FY 2006	(58,416,275)	(63,734,190)	(63,734,190)	(63,734,190)	(63,734,190)	(+5,317,915)	---	---	
Trust Funds	2,636,846	2,746,127	2,746,253	2,756,644	2,696,402	+59,556	-49,851	-60,242	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
ADMINISTRATION FOR CHILDREN AND FAMILIES FAMILY SUPPORT PAYMENTS TO STATES									
Payments to territories	23,000	23,000	23,000	23,000	23,000	---	---	---	M
Repatriation	1,000	1,000	1,000	1,000	1,000	---	---	---	M
Subtotal, Welfare payments	24,000	24,000	24,000	24,000	24,000	---	---	---	
Child Support Enforcement:									
State and local administration	3,897,674	3,940,698	3,940,698	3,940,698	3,990,698	+93,024	+50,000	+50,000	M
Federal incentive payments	454,000	446,000	446,000	446,000	446,000	-8,000	---	---	M
Access and visitation	10,000	12,000	12,000	12,000	10,000	---	-2,000	-2,000	M
Subtotal, Child Support Enforcement	4,361,674	4,398,698	4,398,698	4,398,698	4,446,698	+85,024	+48,000	+48,000	
Prior year AFDC payments	20,000	---	---	---	---	-20,000	---	---	M
Total, Family support payments program level	4,405,674	4,422,698	4,422,698	4,422,698	4,470,698	+65,024	+48,000	+48,000	
Less funds advanced in previous years	-1,100,000	-1,200,000	-1,200,000	-1,200,000	-1,200,000	-100,000	---	---	M
Total, Family support payments, current request	3,305,674	3,222,698	3,222,698	3,222,698	3,270,698	-34,976	+48,000	+48,000	
Plus New advance, 1st quarter, FY 2006	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000	---	---	---	M
Total, Family support payments	4,505,674	4,422,698	4,422,698	4,422,698	4,470,698	-34,976	+48,000	+48,000	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
LOW INCOME HOME ENERGY ASSISTANCE PROGRAM									
Formula grants	1,789,380	1,800,500	1,911,000	1,901,090	1,900,000	+110,620	-11,000	-1,090	D
Emergency allocation:									
Contingent emergency allocation	99,410	200,000	100,000	99,410	---	-99,410	-100,000	-99,410	D
Emergency allocation	---	---	---	---	300,000	+300,000	+300,000	+300,000	D
Department of Energy-Weatherization Assistance5/6/	227,166	291,200	238,000	---	---	-227,166	-238,000	---	D
Total, Low income home energy assistance	2,115,956	2,291,700	2,249,000	2,000,500	2,200,000	+84,044	-49,000	+199,500	
REFUGEE AND ENTRANT ASSISTANCE									
Transitional and Medical Services	168,975	193,577	193,577	193,577	193,577	+24,602	---	---	D
Victims of Trafficking	9,909	10,000	10,000	10,000	10,000	+91	---	---	D
Social Services	152,218	151,121	166,218	155,121	166,218	+14,000	---	+11,097	D
Preventive Health	4,792	4,835	4,835	4,835	4,835	+43	---	---	D
Targeted Assistance	49,025	49,477	49,477	49,477	49,477	+452	---	---	D
Unaccompanied minors	52,770	54,229	54,229	54,229	54,229	+1,459	---	---	D
Victims of Torture	9,909	10,000	13,000	10,000	10,000	+91	-3,000	---	D
Total, Refugee and entrant assistance	447,598	473,239	491,336	477,239	488,336	+40,738	-3,000	+11,097	
CHILD CARE AND DEVELOPMENT BLOCK GRANT	2,087,310	2,099,729	2,099,729	2,099,729	2,099,729	+12,419	---	---	D
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	1,700,000	1,700,000	1,700,000	1,700,000	1,700,000	---	---	---	M

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
CHILDREN AND FAMILIES SERVICES PROGRAMS									
Programs for Children, Youth and Families:									
Head Start, current funded	5,383,108	5,543,580	5,498,580	5,535,452	5,498,580	+115,472	---	-36,872	D
Advance from prior year	(1,391,740)	(1,400,000)	(1,400,000)	(1,400,000)	(1,400,000)	(+8,260)	---	---	NA
FY 2006	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	---	---	---	D
Subtotal, Head Start, program level	6,774,848	6,943,580	6,898,580	6,935,452	6,898,580	+123,732	---	-36,872	
Consolidated Runaway, Homeless Youth Program	89,431	89,447	89,447	95,000	89,447	+16	---	-5,553	D
Maternity Group Homes	---	10,000	---	---	---	---	---	---	D
Prevention grants to reduce abuse of runaway youth	15,302	15,302	15,302	15,802	15,302	---	---	-500	D
Child Abuse State Grants	21,883	42,013	28,484	27,500	27,500	+5,617	-984	---	D
Child Abuse Discretionary Activities	34,386	26,266	26,266	34,386	31,912	-2,474	+5,646	-2,474	D
Community based child abuse prevention	33,205	65,002	43,205	43,205	43,205	+10,000	---	---	D
Abandoned Infants Assistance	12,052	12,086	12,086	12,052	12,052	---	-34	---	D
Child Welfare Services	289,320	291,986	291,986	291,986	291,986	+2,666	---	---	D
Child Welfare Training	7,411	7,470	7,470	7,470	7,470	+59	---	---	D
Adoption Opportunities	27,103	27,343	27,343	27,343	27,343	+240	---	---	D
Adoption Incentive (no cap adjustment)	7,456	32,103	32,103	32,103	32,103	+24,647	---	---	D
Adoption Awareness	12,785	12,906	12,906	12,906	12,906	+121	---	---	D
Compassion Capital Fund	47,702	100,000	55,000	47,702	55,000	+7,298	---	+7,298	D

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
Social Services and Income Maintenance Research.......	13,168	5,982	---	13,168	26,229	+13,061	+26,229	+13,061	D
Evaluation tap funding...........................	(6,000)	---	(5,982)	(6,000)	(6,000)	---	(+18)	---	NA
Subtotal, Program level........................	19,168	5,982	5,982	19,168	32,229	+13,061	+26,247	+13,061	
Developmental Disabilities Programs:									
State Councils....................................	73,081	73,081	73,081	73,081	73,081	---	---	---	D
Protection and Advocacy...........................	38,416	38,416	38,416	40,000	38,416	---	---	-1,584	D
Voting access for individuals with disabilities...	14,911	14,912	15,000	14,912	15,000	+89	---	+88	D
Developmental Disabilities Projects of National Significance....................................	11,561	11,642	11,642	11,642	11,642	+81	---	---	D D
University Centers for Excellence in Developmental Disabilities....................................	26,803	26,803	26,803	31,803	31,803	+5,000	+5,000	---	D D
Subtotal, Developmental disabilities programs...	164,772	164,854	164,942	171,438	169,942	+5,170	+5,000	-1,496	
Native American Programs.............................	45,157	45,155	45,155	45,157	45,157	---	+2	---	D
Community Services:									
Grants to States for Community Services...........	641,935	494,946	627,500	650,000	641,935	---	+14,435	-8,065	D
Community Initiative Program:									
Economic Development..........................	32,338	32,492	32,492	38,000	33,000	+662	+508	-5,000	D
Individual Development Account Initiative.....	24,695	24,912	24,912	24,912	24,912	+217	---	---	D
Rural Community Facilities....................	7,184	---	7,184	7,500	7,300	+116	+116	-200	D
Subtotal, Community Initiative Program......	64,217	57,404	64,588	70,412	65,212	+995	+624	-5,200	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs.			
						FY 2004 Comparable	FY 2005 House	FY 2005 Senate	
National Youth Sports	17,894	---	18,000	---	18,000	+106	---	+18,000	D
Community Food and Nutrition	7,238	---	---	7,238	7,238	---	+7,238	---	D
Subtotal, Community Services	731,264	552,350	710,088	727,650	732,385	+1,101	+22,297	+4,735	
Domestic Violence Hotline	2,982	3,000	3,000	3,500	3,250	+268	+250	-250	D
Family Violence/Battered Women's Shelters	125,648	125,648	125,648	128,000	126,648	+1,000	+1,000	-1,352	D
Early Learning Fund	33,580	---	---	36,000	36,000	+2,420	+36,000	---	D
Faith-Based Center	1,386	1,400	1,400	1,386	1,386	---	-14	---	D
Mentoring Children of Prisoners	49,701	50,000	50,000	50,000	50,000	+299	---	---	D
Independent Living Training Vouchers	44,734	60,000	50,000	44,734	47,000	+2,266	-3,000	+2,266	D
Promoting Responsible Fatherhood and healthy marriages	---	50,000	---	---	---	---	---	---	D
Abstinence Education	70,049	181,926	105,046	100,000	100,000	+29,951	-5,046	---	D
Evaluation Tap Funding	(4,500)	(4,500)	(4,500)	(4,500)	(4,500)	---	---	---	NA
Program Direction	177,894	190,206	190,206	180,206	187,050	+9,156	-3,156	-3,156	D
Total, Children and Families Services Programs	8,841,499	9,106,025	8,985,663	9,094,146	9,069,853	+228,354	+84,190	-24,293	
Current Year	(7,441,499)	(7,706,025)	(7,585,663)	(7,694,146)	(7,669,853)	(+228,354)	(+84,190)	(-24,293)	
FY 2006	(1,400,000)	(1,400,000)	(1,400,000)	(1,400,000)	(1,400,000)	---	---	---	
Evaluation Tap funding	(10,500)	(4,500)	(10,482)	(10,500)	(10,500)	---	(+18)	---	
Total, Program level	8,851,999	9,110,525	8,996,145	9,104,646	9,080,353	+228,354	+84,208	-24,293	
PROMOTING SAFE AND STABLE FAMILIES	305,000	305,000	305,000	305,000	305,000	---	---	---	M
Discretionary Funds	99,383	200,000	105,000	99,383	99,383	---	-5,617	---	D

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION								
Foster Care	4,974,200	4,895,500	4,895,500	4,895,500	4,895,500	-78,700	---	--- M
Adoption Assistance	1,699,700	1,770,100	1,770,100	1,770,100	1,770,100	+70,400	---	--- M
Independent living	140,000	140,000	140,000	140,000	140,000	---	---	--- M
Total, Payments to States	6,813,900	6,805,600	6,805,600	6,805,600	6,805,600	-8,300	---	---
Less Advances from Prior Year	-1,745,600	-1,767,700	-1,767,700	-1,767,700	-1,767,700	-22,100	---	--- M
Total, payments, current year	5,068,300	5,037,900	5,037,900	5,037,900	5,037,900	-30,400	---	---
New Advance, 1st quarter	1,767,700	1,767,200	1,767,200	1,767,200	1,767,200	-500	---	--- M
Total, Administration for Children & Families	26,938,420	27,403,491	27,163,526	27,003,795	27,238,099	+299,679	+74,573	+234,304
Current year	(22,570,720)	(23,036,291)	(22,796,326)	(22,636,595)	(22,870,899)	(+300,179)	(+74,573)	(+234,304)
FY 2006	(4,367,700)	(4,367,200)	(4,367,200)	(4,367,200)	(4,367,200)	(-500)	---	---
Evaluation Tap funding	(10,500)	(4,500)	(10,482)	(10,500)	(10,500)	---	(+18)	---
Total, Administration for Children & Families	26,948,920	27,407,991	27,174,008	27,014,295	27,248,599	+299,679	+74,591	+234,304

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
ADMINISTRATION ON AGING									
Grants to States:									
Supportive Services and Centers	353,889	357,000	357,000	357,000	357,000	+3,111	---	---	D
Preventive Health	21,790	21,919	21,919	21,919	21,790	---	-129	-129	D
Protection of vulnerable older americans-Title VII	19,444	18,559	18,559	20,474	19,444	---	+885	-1,030	D
Family Caregivers	152,738	155,512	157,000	157,000	157,000	+4,262	---	---	D
Native American Caregivers Support	6,318	6,355	6,355	6,355	6,355	+37	---	---	D
Subtotal, Caregivers	159,056	161,867	163,355	163,355	163,355	+4,299	---	---	
Nutrition:									
Congregate Meals	386,353	388,646	392,148	388,646	390,397	+4,044	-1,751	+1,751	D
Home Delivered Meals	179,917	180,985	187,616	180,985	184,301	+4,384	-3,315	+3,316	D
Nutrition Services Incentive Program	148,191	149,183	150,414	149,183	149,799	+1,608	-615	+616	D
Subtotal, Nutrition	714,461	718,814	730,178	718,814	724,497	+10,036	-5,681	+5,683	
Subtotal, Grants to States	1,268,640	1,278,159	1,291,011	1,281,562	1,286,086	+17,446	-4,925	+4,524	
Grants for Native Americans	26,453	26,612	26,612	26,612	26,612	+159	---	---	D
Program Innovations	33,509	23,843	37,943	37,647	43,640	+10,131	+5,697	+5,993	D
Aging Network Support Activities	13,294	13,373	13,373	13,373	13,373	+79	---	---	D

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
Alzheimer's Disease Demonstrations	11,883	11,500	11,500	12,883	11,883	---	+383	-1,000	D
White House Conference on Aging	2,814	4,558	4,558	4,558	4,558	+1,744	---	---	D
Program Administration	17,324	18,482	18,482	18,482	18,482	+1,158	---	---	D
Total, Administration on Aging	1,373,917	1,376,527	1,403,479	1,395,117	1,404,634	+30,717	+1,155	+9,517	
OFFICE OF THE SECRETARY									
GENERAL DEPARTMENTAL MANAGEMENT:									
Federal Funds	174,811	180,045	149,045	189,065	192,947	+18,136	+43,902	+3,882	D
Medicare claims appeals	---	---	---	---	50,000	+50,000	+50,000	+50,000	TF
Trust Funds	5,816	5,851	5,851	5,851	5,851	+35	---	---	TF
Subtotal	(180,627)	(185,896)	(154,896)	(194,916)	(248,798)	(+68,171)	(+93,902)	(+53,882)	
Adolescent Family Life (Title XX)	30,946	54,349	31,229	35,000	31,229	+283	---	-3,771	D
National Abstinence Education Campaign 7/	---	---	---	2,500	---	---	---	-2,500	D
Minority health	55,190	47,236	47,236	53,351	51,011	-4,179	+3,775	-2,340	D
Office of women's health	28,915	29,103	29,103	29,103	29,103	+188	---	---	D
Minority HIV/AIDS	49,544	52,838	52,838	52,838	52,838	+3,294	---	---	D
Health care information technology	---	50,000	25,000	---	---	---	-25,000	---	D

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
IT Security and Innovation Fund	14,847	18,400	14,847	14,847	14,847	---	---	---	D
Evaluation tap funding (ASPE) (NA)	(21,552)	(21,552)	(21,552)	(21,552)	(21,552)	---	---	---	NA
Total, General Departmental Management	360,069	437,822	355,149	382,555	427,826	+67,757	+72,677	+45,271	
Federal Funds	354,253	431,971	349,298	376,704	371,975	+17,722	+22,677	-4,729	
Trust Funds	5,816	5,851	5,851	5,851	55,851	+50,035	+50,000	+50,000	
Evaluation tap funding	21,552	21,552	21,552	21,552	21,552	---	---	---	
OFFICE OF THE INSPECTOR GENERAL:									
Federal Funds	39,094	40,323	40,323	40,323	40,323	+1,229	---	---	D
HIPAA funding (NA)	(160,000)	(160,000)	(160,000)	(160,000)	(160,000)	---	---	---	NA
Total, Inspector General program level	(199,094)	(200,323)	(200,323)	(200,323)	(200,323)	(+1,229)	---	---	
OFFICE FOR CIVIL RIGHTS:									
Federal Funds	30,607	32,043	32,043	32,043	32,043	+1,436	---	---	D
Trust Funds	3,294	3,314	3,314	3,314	3,314	+20	---	---	TF
Total, Office for Civil Rights	33,901	35,357	35,357	35,357	35,357	+1,456	---	---	
POLICY RESEARCH:									
Federal Funds	---	---	---	---	---	---	---	---	D
Evaluation Tap funding (NA)	(20,750)	(28,750)	(20,750)	(28,750)	(20,750)	---	---	(-8,000)	NA
Total, Policy Research	20,750	28,750	20,750	28,750	20,750	---	---	-8,000	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
MEDICAL BENEFITS FOR COMMISSIONED OFFICERS									
Retirement payments	228,064	241,294	241,294	241,294	241,294	+13,230	---	---	M
Survivors benefits	14,298	14,750	14,750	14,750	14,750	+452	---	---	M
Dependents' medical care	79,401	74,592	74,592	74,592	74,592	-4,809	---	---	M
Tptal,Medical benefits for Commissioned Officers	321,763	330,636	330,636	330,636	330,636	+8,873	---	---	
PUBLIC HEALTH AND SOCIAL SERVICE EMERGENCY FUND									
HRSA homeland security activities	542,649	503,649	542,649	503,649	523,149	-19,500	-19,500	+19,500	D
CDC homeland security activities 8/	1,507,211	1,509,571	1,637,760	1,639,571	1,573,300	+66,089	-64,460	-66,271	D
NIH homeland security activities	---	47,400	47,400	47,400	47,400	+47,400	---	---	D
Office of the Secretary homeland sercurity activities	64,438	64,438	64,438	64,438	64,438	---	---	---	D
Other PHSSEF homeland security activities	49,705	100,000	60,000	75,000	100,000	+50,295	+40,000	+25,000	D
Total, PHSSEF	2,164,003	2,225,058	2,352,247	2,330,058	2,308,287	+144,284	-43,960	-21,771	
Total, Office of the Secretary	2,918,830	3,069,196	3,113,712	3,118,929	3,142,429	+223,599	+28,717	+23,500	
Federal Funds	2,909,720	3,060,031	3,104,547	3,109,764	3,083,264	+173,544	-21,283	-26,500	
Trust Funds	9,110	9,165	9,165	9,165	59,165	+50,055	+50,000	+50,000	
Total, Title II, Dept of Health & Human Services	360,327,552	374,327,562	374,298,336	375,556,107	375,307,532	+14,979,980	+1,009,196	-248,575	
Federal Funds	357,681,596	371,572,270	371,542,918	372,790,298	372,551,965	+14,870,369	+1,009,047	-238,333	
Current year	(294,897,621)	(303,470,880)	(303,441,528)	(304,688,908)	(304,450,575)	(+9,552,954)	(+1,009,047)	(-238,333)	
FY 2006	(62,783,975)	(68,101,390)	(68,101,390)	(68,101,390)	(68,101,390)	(+5,317,415)	---	---	
Trust Funds	2,645,956	2,755,292	2,755,418	2,765,809	2,755,567	+109,611	+149	-10,242	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

						Conference vs.		
	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	FY 2004 Comparable	FY 2005 House	FY 2005 Senate

Title II Footnotes:
1/ Includes Mine Safety and Health.
2/ Funds provided in P.L. 108-173, the 2003 Medicare Prescription Drug, Improvement & Modernization Act
3/ $1 billion available for fiscal years 2004-2005.
4/ $250 million available for fiscal years 2005-2008.
5/ FY 2005 House jurisdiction change--account moved from Interior Appropriations.
6/ Weatherization assistance funds transferred to and administered by Department of Energy.
7/ Senate display. Funds are within Abstinence Education in ACF.
8/ House display. Senate breaks out the Stockpile funds separately.

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate		
TITLE III - DEPARTMENT OF EDUCATION										
EDUCATION FOR THE DISADVANTAGED										
Grants to Local Educational Agencies (LEAs)										
Basic Grants										
Advance from prior year	(2,011,272)	(1,883,584)	(1,883,584)	(1,883,584)	(1,883,584)	(-127,688)	---	---	NA	
. Forward funded..............................	5,150,529	6,150,508	6,150,508	6,194,249	5,650,508	+499,979	-500,000	-543,741	D	FF
Current funded................................	3,479	3,500	3,500	75,057	3,500	+21	---	-71,557	D	
Subtotal, Basic grants current year approp..	5,154,008	6,154,008	6,154,008	6,269,306	5,654,008	+500,000	-500,000	-615,298		
Subtotal, Basic grants total funds available	(7,165,280)	(8,037,592)	(8,037,592)	(8,152,890)	(7,537,592)	(+372,312)	(-500,000)	(-615,298)		
Basic Grants FY 2006 Advance......................	1,883,584	883,584	883,584	835,141	1,383,584	-500,000	+500,000	+548,443	D	
Subtotal, Basic grants, program level.......	7,037,592	7,037,592	7,037,592	7,104,447	7,037,592	---	---	-66,855		
Concentration Grants										
Advance from prior year......................	(1,365,031)	(1,365,031)	(1,365,031)	(1,365,031)	(1,365,031)	---	---	---	NA	
FY 2006 Advance..............................	1,365,031	1,365,031	1,365,031	1,365,031	1,365,031	---	---	---	D	
Subtotal, Concentration Grants program level	1,365,031	1,365,031	1,365,031	1,365,031	1,365,031	---	---	---		
Targeted Grants										
Advance from prior year......................	(1,670,239)	(1,969,843)	(1,969,843)	(1,969,843)	(1,969,843)	(+299,604)	---	---	NA	
FY 2006 Advance..............................	1,969,843	4,146,187	2,469,843	2,231,954	2,219,843	+250,000	-250,000	-12,111	D	
Subtotal, Targeted Grants program level.....	1,969,843	4,146,187	2,469,843	2,231,954	2,219,843	+250,000	-250,000	-12,111		

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

						Conference vs.				
	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	FY 2004 Comparable	FY 2005 House	FY 2005 Senate		
Education Finance Incentive Grants										
Advance from prior year	(1,541,759)	(1,969,843)	(1,969,843)	(1,969,843)	(1,969,843)	(+428,084)	---	---	NA	
FY 2006 Advance	1,969,843	793,499	2,469,843	2,756,175	2,219,843	+250,000	-250,000	-536,332	D	
Subtotal, Education Finance Incentive Grants	1,969,843	793,499	2,469,843	2,756,175	2,219,843	+250,000	-250,000	-536,332		
Subtotal, Grants to LEAs, program level	12,342,309	13,342,309	13,342,309	13,457,607	12,842,309	+500,000	-500,000	-615,298		
Even Start	246,910	---	226,910	---	226,910	-20,000	---	+226,910	D	FF
Reading First:										
State Grants (forward funded)	828,923	930,000	930,000	867,000	855,000	+26,077	-75,000	-12,000	D	FF
Advance from prior year	(195,000)	(195,000)	(195,000)	(195,000)	(195,000)	---	---	---	NA	
FY 2006 Advance	195,000	195,000	195,000	195,000	195,000	---	---	---	D	
Subtotal, Reading First State Grants	1,023,923	1,125,000	1,125,000	1,062,000	1,050,000	+26,077	-75,000	-12,000		
Early Reading First	94,439	132,000	132,000	110,000	105,000	+10,561	-27,000	-5,000	D	
Striving readers	---	100,000	100,000	25,000	25,000	+25,000	-75,000	---	D	
Literacy through School Libraries	19,842	19,842	19,842	22,842	19,842	---	---	-3,000	D	
State Agency Programs:										
Migrant	393,577	393,577	393,577	393,577	393,577	---	---	---	D	FF
Neglected and Delinquent/High Risk Youth	48,395	48,395	48,395	52,000	50,000	+1,605	+1,605	-2,000	D	FF
Subtotal, State Agency programs	441,972	441,972	441,972	445,577	443,577	+1,605	+1,605	-2,000		

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate		
Evaluation	8,790	9,500	9,500	9,500	9,500	+710	---	---	D	
Assistance for local school improvement	---	---	---	100,000	---	---	---	-100,000	D	FF
Comprehensive School Reform Demonstration	233,613	---	80,000	233,613	207,000	-26,613	+127,000	-26,613	D	FF
Migrant Education:										
High School Equivalency Program	18,888	18,888	22,545	18,888	18,888	---	-3,657	---	D	
College Assistance Migrant Program	15,657	15,657	15,657	15,657	15,657	---	---	---	D	
Subtotal, Migrant Education	34,545	34,545	38,202	34,545	34,545	---	-3,657	---		
Total, Education for the disadvantaged	14,446,343	15,205,168	15,515,735	15,500,684	14,963,683	+517,340	-552,052	-537,001		
Current Year	(7,063,042)	(7,821,867)	(8,132,434)	(8,117,383)	(7,580,382)	(+517,340)	(-552,052)	(-537,001)		
FY 2006	(7,383,301)	(7,383,301)	(7,383,301)	(7,383,301)	(7,383,301)	---	---	---		
Subtotal, forward funded	(6,901,947)	(7,522,480)	(7,829,390)	(7,840,439)	(7,382,995)	(+481,048)	(-446,395)	(-457,444)		

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate		
IMPACT AID										
Basic Support Payments	1,063,687	1,063,687	1,083,687	1,063,687	1,083,687	+20,000	---	+20,000	D	
Payments for Children with Disabilities	50,369	50,369	50,369	50,369	50,369	---	---	---	D	
Facilities Maintenance (Sec. 8008)	7,901	7,901	7,901	7,901	7,901	---	---	---	D	
Construction (Sec. 8007)	45,935	45,936	45,936	45,936	48,936	+3,001	+3,000	+3,000	D	
Payments for Federal Property (Sec. 8002)	61,634	61,634	63,000	61,634	63,000	+1,366	---	+1,366	D	
Total, Impact aid	1,229,526	1,229,527	1,250,893	1,229,527	1,253,893	+24,367	+3,000	+24,366		
SCHOOL IMPROVEMENT PROGRAMS										
State Grants for Improving Teacher Quality	1,495,126	1,495,126	1,515,000	1,540,126	1,505,126	+10,000	-9,874	-35,000	D	FF
Advance from prior year	(1,150,000)	(1,435,000)	(1,435,000)	(1,435,000)	(1,435,000)	(+285,000)	---	---	NA	
FY 2006	1,435,000	1,435,000	1,435,000	1,435,000	1,435,000	---	---	---	D	
Subtotal, State Grants for Improving Teacher Quality, program level	2,930,126	2,930,126	2,950,000	2,975,126	2,940,126	+10,000	-9,874	-35,000		
Early Childhood Educator Professional Development	14,814	14,814	14,814	14,814	14,814	---	---	---	D	
Mathematics and Science Partnerships	149,115	269,115	269,115	200,000	180,000	+30,885	-89,115	-20,000	D	FF
State Grants for Innovative Education (Education Block Grant)	296,548	296,549	20,000	---	200,000	-96,548	+180,000	+200,000	D	FF
Advance from prior year	(285,000)	---	---	---	---	(-285,000)	---	---	NA	
FY 2006	---	---	---	---	---	---	---	---	D	
Subtotal, Education Block Grant, program level	296,548	296,549	20,000	---	200,000	-96,548	+180,000	+200,000		

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate		
Educational Technology State Grants	691,841	691,841	600,000	691,841	500,000	-191,841	-100,000	-191,841	D	FF
Supplemental Education Grants	---	---	18,330	17,214	18,330	+18,330	---	+1,116	D	
21st Century Community Learning Centers	999,070	999,070	999,070	1,007,000	999,070	---	---	-7,930	D	FF
State Assessments/Enhanced Assessment Instruments	390,000	410,000	410,000	420,000	415,000	+25,000	+5,000	-5,000	D	FF
Javits gifted and talented education	11,111	---	11,111	12,111	11,111	---	---	-1,000	D	
Foreign language assistance	16,546	---	---	19,000	18,000	+1,454	+18,000	-1,000	D	
Education for Homeless Children and Youth	59,646	59,646	70,000	62,000	63,000	+3,354	-7,000	+1,000	D	FF
Training and Advisory Services (Civil Rights)	7,243	7,243	7,243	7,243	7,243	---	---	---	D	
Education for Native Hawaiians	33,302	33,302	33,302	36,000	34,500	+1,198	+1,198	-1,500	D	
Alaska Native Education Equity	33,302	33,302	33,302	36,000	34,500	+1,198	+1,198	-1,500	D	
Rural Education	167,831	167,831	167,831	175,000	172,000	+4,169	+4,169	-3,000	D	FF
Comprehensive Centers	57,283	27,654	57,283	57,283	57,283	---	---	---	D	
Total, School improvement programs	5,857,778	5,940,493	5,661,401	5,730,632	5,664,977	-192,801	+3,576	-65,655		
Current Year	(4,422,778)	(4,505,493)	(4,226,401)	(4,295,632)	(4,229,977)	(-192,801)	(+3,576)	(-65,655)		
FY 2006	(1,435,000)	(1,435,000)	(1,435,000)	(1,435,000)	(1,435,000)	---	---	---		
Subtotal, forward funded	(4,249,177)	(4,389,178)	(4,051,016)	(4,095,967)	(4,034,196)	(-214,981)	(-16,820)	(-61,771)		

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
INDIAN EDUCATION									
Grants to Local Educational Agencies	95,933	95,933	95,933	95,933	95,933	---	---	---	D
Federal Programs:									
Special Programs for Indian Children	19,753	19,753	19,753	19,753	19,753	---	---	---	D
National Activities	5,170	5,170	5,170	5,170	5,170	---	---	---	D
Subtotal, Federal Programs	24,923	24,923	24,923	24,923	24,923	---	---	---	
Total, Indian Education	120,856	120,856	120,856	120,856	120,856	---	---	---	
INNOVATION AND IMPROVEMENT									
Troops-to-Teachers	14,911	14,912	14,912	14,912	14,912	+1	---	---	D
Transition to Teaching	45,295	45,295	45,295	45,295	45,295	---	---	---	D
National Writing Project	17,894	---	17,894	24,000	20,500	+2,606	+2,606	-3,500	D
Teaching of Traditional American History	119,292	119,292	---	120,000	120,000	+708	+120,000	---	D
School Leadership	12,346	---	15,000	16,000	15,000	+2,654	---	-1,000	D
Advanced Credentialing	18,391	7,000	18,391	17,000	17,000	-1,391	-1,391	---	D
Charter Schools Grants	218,702	218,702	218,702	218,702	218,702	---	---	---	D
Credit Enhancement for Charter School Facilities	37,279	100,000	50,000	37,279	37,279	---	-12,721	---	D
Voluntary Public School Choice	26,757	26,757	26,757	26,757	26,757	---	---	---	D
Magnet Schools Assistance	108,640	108,640	108,640	108,640	108,640	---	---	---	D

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs FY 2004 Comparable	Conference vs FY 2005 House	Conference vs FY 2005 Senate		
Fund for the Improvement of Education (FIE):									D	
Current funded	356,197	170,185	100,000	372,673	417,418	+61,221	+317,418	+44,745	D	
Forward funded	74,073	---	---	74,073	---	-74,073	---	-74,073	D	FF
Subtotal, FIE	430,270	170,185	100,000	446,746	417,418	-12,852	+317,418	-29,328		
Ready to Learn television	22,864	22,864	22,864	24,000	23,500	+636	+636	-500	D	
Dropout Prevention Programs	4,970	---	---	10,000	4,970	---	+4,970	-5,030	D	
Close Up Fellowships	1,481	---	1,481	1,481	1,481	---	---	---	D	
Advanced Placement	23,534	51,534	30,000	33,534	30,000	+6,466	---	-3,534	D	
Total, Innovation and Improvement	1,102,626	885,181	669,936	1,144,346	1,101,454	-1,172	+431,518	-42,892		
Forward funded	(74,073)	---	---	(74,073)	---	(-74,073)	---	(-74,073)		
SAFE SCHOOLS AND CITIZENSHIP EDUCATION										
Safe and Drug Free Schools and Communities:										
State Grants, forward funded	440,908	440,908	440,908	440,908	440,908	---	---	---	D	FF
Advance from prior year	(330,000)	---	---	---	---	(-330,000)	---	---	NA	
FY 2006	---	---	---	---	---	---	---	---	D	
State Grants, program level	440,908	440,908	440,908	440,908	440,908	---	---	---		

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

						Conference vs.				
	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	FY 2004 Comparable	FY 2005 House	FY 2005 Senate		
National Programs	153,767	175,069	153,767	156,219	153,767	---	---	-2,452	D	
Mental health integration in schools	---	---	---	10,548	---	---	---	-10,548	D	
Alcohol Abuse Reduction	29,823	---	---	35,000	33,000	+3,177	+33,000	-2,000	D	
Mentoring Programs	49,705	100,000	49,705	65,000	49,705	---	---	-15,295	D	
Character education	24,691	24,691	24,961	24,691	24,691	---	-270	---	D	
Elementary and Secondary School Counseling	33,799	---	33,799	36,000	35,000	+1,201	+1,201	-1,000	D	
Carol M. White Physical Education Program	69,587	69,587	69,587	75,000	74,000	+4,413	+4,413	-1,000	D	
Civic Education	28,642	28,642	28,642	30,642	29,642	+1,000	+1,000	-1,000	D	
State Grants for Incarcerated Youth Offenders	24,852	---	---	28,000	27,000	+2,148	+27,000	-1,000	D	FF
Total, Safe Schools and Citizenship Education	855,774	838,897	801,369	902,008	867,713	+11,939	+66,344	-34,295		
Current Year	(855,774)	(838,897)	(801,369)	(902,008)	(867,713)	(+11,939)	(+66,344)	(-34,295)		
FY 2006	---	---	---	---	---	---	---	---		
Subtotal, forward funded	(465,760)	(440,908)	(440,908)	(468,908)	(467,908)	(+2,148)	(+27,000)	(-1,000)		

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate		
ENGLISH LANGUAGE ACQUISITION										
Current funded	124,220	85,500	85,500	85,500	85,500	-38,720	---	---	D	
Forward funded	556,995	595,715	595,715	614,500	595,715	+38,720	---	-18,785	D	FF
Total, English Language Acquisition	681,215	681,215	681,215	700,000	681,215	---	---	-18,785		
SPECIAL EDUCATION										
State Grants:										
Grants to States Part B current year	4,655,106	5,655,106	5,655,106	5,815,981	5,262,147	+607,041	-392,959	-553,834	D	FF
Part B advance from prior year	(5,672,000)	(5,413,000)	(5,413,000)	(5,413,000)	(5,413,000)	(-259,000)	---	---	NA	
Grants to States Part B (FY 2006)	5,413,000	5,413,000	5,413,000	5,413,000	5,413,000	---	---	---	D	
Subtotal, Grants to States, program level	10,068,106	11,068,106	11,068,106	11,228,981	10,675,147	+607,041	-392,959	-553,834		
Preschool Grants	387,699	387,699	387,699	390,000	387,699	---	---	-2,301	D	FF
Grants for Infants and Families	444,363	466,581	466,581	444,363	444,363	---	-22,218	---	D	FF
Subtotal, State grants, program level	10,900,168	11,922,386	11,922,386	12,063,344	11,507,209	+607,041	-415,177	-556,135		

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate		
IDEA National Activities (current funded):										
State Improvement	51,061	51,061	51,061	51,061	51,061	---	---	---	D	FF
Technical Assistance and Dissemination	52,820	52,819	52,819	54,000	52,819	-1	---	-1,181	D	
Personnel Preparation	91,357	91,357	91,357	93,357	91,357	---	---	-2,000	D	
Parent Information Centers	26,173	26,173	26,173	27,500	26,173	---	---	-1,327	D	
Technology and Media Services	39,129	32,305	32,305	39,129	39,129	---	+6,824	---	D	
Subtotal, IDEA special programs	260,540	253,715	253,715	265,047	260,539	-1	+6,824	-4,508		
Total, Special education	11,160,708	12,176,101	12,176,101	12,328,391	11,767,748	+607,040	-408,353	-560,643		
Current Year	(5,747,708)	(6,763,101)	(6,763,101)	(6,915,391)	(6,354,748)	(+607,040)	(-408,353)	(-560,643)		
FY 2006	(5,413,000)	(5,413,000)	(5,413,000)	(5,413,000)	(5,413,000)	---	---	---		
Subtotal, Forward funded	(5,538,229)	(6,560,447)	(6,560,447)	(6,701,405)	(6,145,270)	(+607,041)	(-415,177)	(-556,135)		
REHABILITATION SERVICES AND DISABILITY RESEARCH										
Vocational Rehabilitation State Grants	2,584,162	2,635,845	2,635,845	2,635,845	2,635,845	+51,683	---	---	M	
Vocational Rehabilitation State Grants	---	61,800	---	---	---	---	---	---	D	
Client Assistance State grants	11,997	11,997	11,997	13,000	11,997	---	---	-1,003	D	
Training	39,139	39,139	39,139	39,139	39,139	---	---	---	D	
Demonstration and training programs	24,286	18,784	18,784	24,286	25,814	+1,528	+7,030	+1,528	D	
Migrant and seasonal farmworkers	2,321	---	2,321	2,500	2,321	---	---	-179	D	
Recreational programs	2,564	---	2,564	2,750	2,564	---	---	-186	D	
Protection and advocacy of individual rights (PAIR)	16,790	19,570	16,790	18,000	16,790	---	---	-1,210	D	
Projects with industry	21,799	---	21,799	22,000	21,799	---	---	-201	D	
Supported employment State grants	37,680	---	37,680	38,000	37,680	---	---	-320	D	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs FY 2004 Comparable	Conference vs FY 2005 House	Conference vs FY 2005 Senate	
Independent living:									
State grants	22,020	22,020	25,000	23,000	23,000	+980	-2,000	---	D
Centers	73,563	73,563	75,000	75,000	76,000	+2,437	+1,000	+1,000	D
Services for older blind individuals	31,811	31,811	35,000	31,811	33,495	+1,684	-1,505	+1,684	D
Subtotal, Independent living	127,394	127,394	135,000	129,811	132,495	+5,101	-2,505	+2,684	
Program Improvement	889	850	850	850	850	-39	---	---	D
Evaluation	988	1,500	1,500	1,500	1,500	+512	---	---	D
Helen Keller National Center for Deaf/Blind Youth and Adults	8,666	8,666	8,666	9,000	8,666	---	---	-334	D D
National Inst. Disability and Rehab. Research (NIDRR)	106,652	106,652	106,652	109,152	108,652	+2,000	+2,000	-500	D
Assistive Technology	25,943	15,000	15,000	31,495	30,000	+4,057	+15,000	-1,495	D
Subtotal, discretionary programs	427,108	411,352	418,742	441,483	440,267	+13,159	+21,525	-1,216	
Total, Rehabilitation services	3,011,270	3,047,197	3,054,587	3,077,328	3,076,112	+64,842	+21,525	-1,216	
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES									
AMERICAN PRINTING HOUSE FOR THE BLIND	16,403	16,403	17,000	17,000	17,000	+597	---	---	D

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate		
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF (NTID):										
Operations	53,118	53,118	54,105	54,105	54,105	+987	---	---	D	
Construction	365	685	1,685	1,685	1,685	+1,320	---	---	D	
Total, NTID	53,483	53,803	55,790	55,790	55,790	+2,307	---	---		
GALLAUDET UNIVERSITY	100,205	100,205	104,000	105,400	105,400	+5,195	+1,400	---	D	
Total, Special Institutions for Persons with Disabilities	170,091	170,411	176,790	178,190	178,190	+8,099	+1,400	---		
VOCATIONAL AND ADULT EDUCATION										
Vocational Education:										
Basic State Grants/Secondary & Technical Education State Grants, current funded	404,008	221,000	424,008	403,295	412,963	+8,955	-11,045	+9,668	D	FF
Advance from prior year	(791,000)	(791,000)	(791,000)	(791,000)	(791,000)	---	---	---	NA	
FY 2006	791,000	791,000	791,000	791,000	791,000	---	---	---	D	
Subtotal, Basic State Grants, program level	1,195,008	1,012,000	1,215,008	1,194,295	1,203,963	+8,955	-11,045	+9,668		
Tech-Prep Education State Grants	106,665	---	106,665	106,665	106,665	---	---	---	D	FF
National Programs	11,852	---	11,852	11,852	11,852	---	---	---	D	FF
Tech-Prep Education Demonstration	4,939	---	---	4,939	4,939	---	+4,939	---	D	FF
Occupational and Employment Information Program	9,382	---	---	9,241	9,382	---	+9,382	+141	D	FF
Subtotal, Vocational Education	1,327,846	1,012,000	1,333,525	1,326,992	1,336,801	+8,955	+3,276	+9,809		

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate		
Adult Education:										
State Grants/Adult basic and literacy education:										
State Grants, current funded	574,372	574,372	574,372	574,266	574,266	-106	-106	---	D	FF
National Programs										
National Leadership Activities	9,169	9,169	9,169	9,169	9,169	---	---	---	D	FF
National Institute for Literacy	6,692	6,692	6,692	6,692	6,692	---	---	---	D	FF
Subtotal, National programs	15,861	15,861	15,861	15,861	15,861	---	---	---		
Subtotal, Adult education	590,233	590,233	590,233	590,127	590,127	-106	-106	---		
Smaller Learning Communities, current funded	8,698	---	5,085	---	4,762	-3,936	-323	+4,762	D	
Smaller Learning Communities, forward funded	165,269	---	96,613	173,967	90,476	-74,793	-6,137	-83,491	D	FF
Community Technology Centers	9,941	---	---	11,000	5,000	-4,941	+5,000	-6,000	D	
Total, Vocational and adult education	2,101,987	1,602,233	2,025,456	2,102,086	2,027,166	-74,821	+1,710	-74,920		
Current Year	(1,310,987)	(811,233)	(1,234,456)	(1,311,086)	(1,236,166)	(-74,821)	(+1,710)	(-74,920)		
FY 2006	(791,000)	(791,000)	(791,000)	(791,000)	(791,000)	---	---	---		
Subtotal, forward funded	(1,292,348)	(811,233)	(1,229,371)	(1,300,086)	(1,226,404)	(-65,944)	(-2,967)	(-73,682)		
STUDENT FINANCIAL ASSISTANCE										
Pell Grants -- maximum grant (NA)	(4,050)	(4,050)	(4,050)	(4,050)	(4,050)	---	---	---	NA	
Pell Grants -- Regular Program	12,006,738	12,830,000	12,830,000	12,830,000	12,464,715	+457,977	-365,285	-365,285	D	
Enhanced Pell grants for State scholars	---	33,000	---	---	---	---	---	---	D	
Federal Supplemental Educational Opportunity Grants	770,455	770,455	794,455	799,850	785,000	+14,545	-9,455	-14,850	D	
Federal Work Study	998,502	998,502	998,502	998,243	998,243	-259	-259	---	D	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
Federal Perkins Loans:									
Capital Contributions	98,764	---	---	98,764	---	-98,764	---	-98,764	D
Loan Cancellations	66,665	66,665	66,665	66,665	66,665	---	---	---	D
Subtotal, Federal Perkins loans	165,429	66,665	66,665	165,429	66,665	-98,764	---	-98,764	
LEAP program	66,172	---	66,172	66,172	66,172	---	---	---	D
Total, Student Financial Assistance	14,007,296	14,698,622	14,755,794	14,859,694	14,380,795	+373,499	-374,999	-478,899	
STUDENT AID ADMINISTRATION									
Administrative Costs	116,727	934,639	120,247	121,000	120,247	+3,520	---	-753	D
Fed Direct Student Loan Reclassification (Leg prop)	---	-795,000	---	---	---	---	---	---	D

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
HIGHER EDUCATION									
Aid for Institutional Development:									
Strengthening Institutions	80,986	80,986	80,986	85,000	80,986	---	---	-4,014	D
Hispanic Serving Institutions	93,993	95,873	95,873	100,000	95,873	+1,880	---	-4,127	D
Strengthening Historically Black Colleges (HBCUs)	222,764	240,500	240,500	240,500	240,500	+17,736	---	---	D
Strengthening historically black graduate insts	53,100	58,500	58,500	58,500	58,500	+5,400	---	---	D
Strengthening Alaska Native and Native Hawaiian-Serving Institutions	10,935	6,137	10,935	13,000	12,000	+1,065	+1,065	-1,000	D D
Strengthening Tribal Colleges	23,287	23,753	23,753	25,000	24,000	+713	+247	-1,000	D
Subtotal, Aid for Institutional development	485,065	505,749	510,547	522,000	511,859	+26,794	+1,312	-10,141	
International Education and Foreign Language:									
Domestic Programs	89,211	89,211	93,211	89,211	93,211	+4,000	---	+4,000	D
Overseas Programs	12,840	12,840	12,840	12,840	12,840	---	---	---	D
Institute for International Public Policy	1,629	1,629	1,629	1,629	1,629	---	---	---	D
Subtotal, International Education & Foreign Lang	103,680	103,680	107,680	103,680	107,680	+4,000	---	+4,000	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
Fund for the Improvement of Postsec. Ed. (FIPSE)......	157,700	32,011	32,011	157,700	163,915	+6,215	+131,904	+6,215	D
Minority Science and Engineering Improvement..........	8,889	8,889	8,889	8,889	8,889	---	---	---	D
Interest Subsidy Grants..............................	1,988	1,500	1,500	1,500	1,500	-488	---	---	D
Tribally Controlled Postsec Voc/Tech Institutions.....	7,185	7,185	7,185	8,000	7,500	+315	+315	-500	D
Federal TRIO Programs................................	832,559	832,559	842,559	844,500	843,289	+10,730	+730	-1,211	D
GEAR UP..	298,230	298,230	318,230	302,500	308,960	+10,730	-9,270	+6,460	D
Byrd Honors Scholarships.............................	40,758	40,758	---	41,000	41,000	+242	+41,000	---	D
Javits Fellowships...................................	9,876	9,876	9,876	9,876	9,876	---	---	---	D
Graduate Assistance in Areas of National Need.........	30,616	30,616	30,616	30,616	30,616	---	---	---	D
Teacher Quality Enhancement Grants....................	88,887	88,888	88,888	88,888	68,888	-19,999	-20,000	-20,000	D
Child Care Access Means Parents in School.............	16,098	16,099	16,099	16,099	16,099	+1	---	---	D
Demonstration in Disabilities / Higher Education......	6,913	---	---	7,000	7,000	+87	+7,000	---	D
Underground Railroad Program..........................	2,222	---	---	2,222	2,222	---	+2,222	---	D
GPRA data/HEA program evaluation......................	988	988	988	988	988	---	---	---	D
B.J. Stupak Olympic Scholarships......................	988	---	988	---	988	---	---	+988	D
Thurgood Marshall legal education opportunity program.	---	---	---	3,000	3,000	+3,000	+3,000	---	D
Total, Higher education..........................	2,092,642	1,977,028	1,976,056	2,148,458	2,134,269	+41,627	+158,213	-14,189	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
HOWARD UNIVERSITY									
Academic Program	205,212	205,164	210,342	206,164	207,164	+1,952	-3,178	+1,000	D
Endowment Program	3,552	3,600	3,552	3,600	3,552	---	---	-48	D
Howard University Hospital	29,999	29,999	29,999	29,999	29,999	---	---	---	D
Total, Howard University	238,763	238,763	243,893	239,763	240,715	+1,952	-3,178	+952	
COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM: (CHAFL)	769	578	578	578	578	-191	---	---	D
HBCU CAPITAL FINANCING PROGRAM -- Federal Adm.	209	212	212	212	212	+3	---	---	D
INSTITUTE OF EDUCATION SCIENCES									
Research, development and dissemination	165,518	185,000	165,518	165,518	165,518	---	---	---	D
Statistics	91,664	91,664	91,664	91,664	91,664	---	---	---	D
Regional Educational Laboratories	66,665	---	66,665	66,665	66,665	---	---	---	D
Research and innovation in special education	78,125	78,125	78,125	78,125	83,774	+5,649	+5,649	+5,649	D
Statewide data systems	---	---	30,000	40,000	25,000	+25,000	-5,000	-15,000	D
Assessment: National Assessment	89,703	89,703	89,703	89,703	89,703	---	---	---	D
National Assessment Governing Board	5,060	5,129	5,129	5,129	5,129	+69	---	---	D
Subtotal, Assessment	94,763	94,832	94,832	94,832	94,832	+69	---	---	
Total, IES	496,735	449,621	526,804	536,804	527,453	+30,718	+649	-9,351	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs.		
						FY 2004 Comparable	FY 2005 House	FY 2005 Senate
DEPARTMENTAL MANAGEMENT								
PROGRAM ADMINISTRATION	420,379	429,778	421,055	420,379	423,379	+3,000	+2,324	+3,000 D
OFFICE FOR CIVIL RIGHTS	88,305	92,801	90,248	92,801	90,248	+1,943	---	-2,553 D
OFFICE OF THE INSPECTOR GENERAL	46,624	50,576	47,790	50,576	47,790	+1,166	---	-2,786 D
Total, Departmental management	555,308	573,155	559,093	563,756	561,417	+6,109	+2,324	-2,339
Total: Elementary and Secondary Education Act programs	24,478,026	24,901,337	24,803,103	25,513,020	24,754,029	+276,003	-49,074	-758,991
Total, Title III, Department of Education	58,246,623	59,974,897	60,317,016	61,484,313	59,668,693	+1,422,070	-648,323	-1,815,620
Current Year	(43,224,322)	(44,952,596)	(45,294,715)	(46,462,012)	(44,646,392)	(+1,422,070)	(-648,323)	(-1,815,620)
FY 2006	(15,022,301)	(15,022,301)	(15,022,301)	(15,022,301)	(15,022,301)	---	---	---

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
TITLE IV - RELATED AGENCIES									
ARMED FORCES RETIREMENT HOME									
Operations and Maintenance	62,923	57,195	57,195	57,195	57,624	-5,299	+429	+429	D
Capital Program	1,971	4,000	4,000	4,000	4,000	+2,029	---	---	D
Total, AFRH	64,894	61,195	61,195	61,195	61,624	-3,270	+429	+429	
COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED 1/	4,697	4,672	4,672	---	4,707	+10	+35	+4,707	D
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE 2/									
Volunteers in Service to America (VISTA)	93,731	96,428	93,731	96,428	95,000	+1,269	+1,269	-1,428	D
Volunteers in Homeland Security	9,876	15,000	5,000	5,000	5,000	-4,876	---	---	D
National Senior Volunteer Corps:									
Foster Grandparents Program	110,121	106,700	112,323	112,323	112,323	+2,202	---	---	D
Senior Companion Program	45,987	46,563	45,987	46,563	46,275	+288	+288	-288	D
Retired Senior Volunteer Program	58,156	69,884	58,156	60,000	59,000	+844	+844	-1,000	D
Senior Demonstration Program	---	1,397	---	---	---	---	---	---	D
Subtotal, Senior Volunteers	214,264	224,544	216,466	218,886	217,598	+3,334	+1,132	-1,288	
Program Administration	36,469	39,363	38,000	37,500	39,000	+2,531	+1,000	+1,500	D
Total, Domestic Volunteer Service Programs	354,340	375,335	353,197	357,814	356,598	+2,258	+3,401	-1,216	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
CORPORATION FOR PUBLIC BROADCASTING:									
FY 2007 (current) with FY 2006 comparable	400,000	---	400,000	400,000	400,000	---	---	---	D
FY 2006 advance with FY 2005 comparable (NA)	(390,000)	(400,000)	(400,000)	(400,000)	(400,000)	(+10,000)	---	---	NA
FY 2005 advance with FY 2004 comparable (NA)	(377,758)	(390,000)	(390,000)	(390,000)	(390,000)	(+12,242)	---	---	NA
Digitalization program, current funded 3/	49,705	---	---	49,705	39,705	-10,000	+39,705	-10,000	D
Digitalization, non-add 4/	---	(20,000)	(20,000)	---	---	---	(-20,000)	---	NA
Interconnection, current funded 3/	9,941	---	---	50,000	40,000	+30,059	+40,000	-10,000	D
Interconnection, non-add 4/	---	(75,000)	(60,000)	(75,000)	(75,000)	(+75,000)	(+15,000)	---	NA
Subtotal, FY 2005 appropriation	59,646	---	---	99,705	79,705	+20,059	+79,705	-20,000	
Subtotal, FY 2005 comparable	(59,646)	(95,000)	(80,000)	(174,705)	(154,705)	(+95,059)	(+74,705)	(-20,000)	
FEDERAL MEDIATION AND CONCILIATION SERVICE	43,129	43,964	43,964	44,464	44,797	+1,668	+833	+333	D
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION	7,728	7,813	7,813	7,813	7,872	+144	+59	+59	D
INSTITUTE OF MUSEUM AND LIBRARY SERVICES	262,240	261,743	261,743	262,240	282,827	+20,587	+21,084	+20,587	D
MEDICARE PAYMENT ADVISORY COMMISSION	9,245	9,905	9,905	9,905	9,979	+734	+74	+74	TF
NATIONAL COMMISSION ON LIBRARIES AND INFO SCIENCE	994	1,000	1,000	994	1,001	+7	+1	+7	D
NATIONAL COUNCIL ON DISABILITY	3,021	2,873	2,873	3,371	3,371	+350	+498	---	D
NATIONAL LABOR RELATIONS BOARD	242,633	248,785	248,785	250,000	251,875	+9,242	+3,090	+1,875	D
NATIONAL MEDIATION BOARD	11,354	11,635	11,635	11,635	11,722	+368	+87	+87	D
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION	9,805	10,516	10,516	10,516	10,595	+790	+79	+79	D

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
RAILROAD RETIREMENT BOARD									
Dual Benefits Payments Account	118,298	108,000	108,000	108,000	108,000	-10,298	---	---	D
Less Income Tax Receipts on Dual Benefits	-7,953	-8,000	-8,000	-8,000	-8,000	-47	---	---	D
Subtotal, Dual Benefits	110,345	100,000	100,000	100,000	100,000	-10,345	---	---	
Federal Payment to the RR Retirement Account	150	150	150	150	150	---	---	---	M
Limitation on Administration	100,702	102,600	102,202	102,600	103,370	+2,668	+1,168	+770	TF
Inspector General	6,561	7,200	6,561	7,200	7,254	+693	+693	+54	TF
SOCIAL SECURITY ADMINISTRATION									
Payments to Social Security Trust Funds	21,658	20,454	20,454	20,454	20,454	-1,204	---	---	M

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
SUPPLEMENTAL SECURITY INCOME									
Federal benefit payments	34,198,000	38,109,000	38,109,000	34,909,000	38,109,000	+3,911,000	---	+3,200,000	M
Beneficiary services	100,000	45,929	45,929	45,929	45,929	-54,071	---	---	M
Research and demonstration	38,000	27,000	27,000	35,000	35,000	-3,000	+8,000	---	M
Administration	2,973,300	3,017,000	2,986,900	2,928,020	2,986,900	+13,600	---	+58,880	D
Subtotal, SSI program level	37,309,300	41,198,929	41,168,829	37,917,949	41,176,829	+3,867,529	+8,000	+3,258,880	
Less funds advanced in prior year	-11,080,000	-12,590,000	-12,590,000	-12,590,000	-12,590,000	-1,510,000	---	---	M
Subtotal, regular SSI current year	26,229,300	28,608,929	28,578,829	25,327,949	28,586,829	+2,357,529	+8,000	+3,258,880	
User Fee Activities	120,000	124,000	124,000	124,000	124,000	+4,000	---	---	D
Total, SSI, current request	26,349,300	28,732,929	28,702,829	25,451,949	28,710,829	+2,361,529	+8,000	+3,258,880	
New advance, 1st quarter, FY 2006	12,590,000	10,930,000	10,930,000	14,130,000	10,930,000	-1,660,000	---	-3,200,000	M
Total, SSI program	38,939,300	39,662,929	39,632,829	39,581,949	39,640,829	+701,529	+8,000	+58,880	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate	
LIMITATION ON ADMINISTRATIVE EXPENSES									
OASDI Trust Funds	4,070,369	4,454,000	4,412,700	4,322,654	4,412,896	+342,527	+196	+90,242	TF
HI/SMI Trust Funds	1,147,705	1,284,000	1,272,500	1,246,144	1,272,500	+124,795	---	+26,356	TF
Social Security Advisory Board	1,800	2,000	2,000	2,000	2,000	+200	---	---	TF
SSI	2,973,300	3,017,000	2,986,900	2,928,020	2,986,900	+13,600	---	+58,880	TF
Subtotal, regular LAE	8,193,174	8,757,000	8,674,100	8,498,818	8,674,296	+481,122	+196	+175,478	
User Fee Activities (SSI)	120,000	124,000	124,000	124,000	124,000	+4,000	---	---	TF
Total, Limitation on Administrative Expenses	8,313,174	8,881,000	8,798,100	8,622,818	8,798,296	+485,122	+196	+175,478	
MEDICARE REFORM FUNDING									
HI/SMI trust funds mandatory spending 5/ 6/	(500,000)	---	---	---	---	(-500,000)	---	---	NA
Medicare reform contingency fund 7/	---	100,000	---	---	---	---	---	---	D

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

						Conference vs.			
	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	FY 2004 Comparable	FY 2005 House	FY 2005 Senate	
OFFICE OF INSPECTOR GENERAL									
Federal Funds	24,355	26,000	25,748	26,000	25,748	+1,393	---	-252	D
Trust Funds	63,324	66,000	65,359	66,000	65,359	+2,035	---	-641	TF
Total, Office of Inspector General	87,679	92,000	91,107	92,000	91,107	+3,428	---	-893	
Adjustment: Trust fund transfers from general revenues	-3,093,300	-3,141,000	-3,110,900	-3,052,020	-3,110,900	-17,600	---	-58,880	TF
Total, Social Security Administration	44,268,511	45,615,383	45,431,590	45,265,201	45,439,786	+1,171,275	+8,196	+174,585	
Federal funds	38,985,313	39,809,383	39,679,031	39,628,403	39,687,031	+701,718	+8,000	+58,628	
Current year	(26,395,313)	(28,879,383)	(28,749,031)	(25,498,403)	(28,757,031)	(+2,361,718)	(+8,000)	(+3,258,628)	
New advances, 1st quarter	(12,590,000)	(10,930,000)	(10,930,000)	(14,130,000)	(10,930,000)	(-1,660,000)	---	(-3,200,000)	
Trust funds	5,283,198	5,806,000	5,752,559	5,636,798	5,752,755	+469,557	+196	+115,957	
UNITED STATES INSTITUTE OF PEACE 8/	---	---	---	22,099	---	---	---	-22,099	
Total, Title IV, Related Agencies	45,959,995	46,864,769	47,057,801	47,016,902	47,177,233	+1,217,238	+119,432	+160,331	
Federal Funds	40,560,289	40,939,064	41,186,574	41,260,399	41,303,875	+743,586	+117,301	+43,476	
Current Year	(27,570,289)	(30,009,064)	(29,856,574)	(26,730,399)	(29,973,875)	(+2,403,586)	(+117,301)	(+3,243,476)	
FY 2006 Advance	(12,590,000)	(10,930,000)	(10,930,000)	(14,130,000)	(10,930,000)	(-1,660,000)	---	(-3,200,000)	
FY 2007 Advance	(400,000)	---	(400,000)	(400,000)	(400,000)	---	---	---	
Trust Funds	5,399,706	5,925,705	5,871,227	5,756,503	5,873,358	+473,652	+2,131	+116,855	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate

Title IV Footnotes:
1/ FY 2005 House jurisdiction change--account moved from Transportation-Treasury Appropriations.
2/ Appropriations for Americorps are provided in the VA-HUD bill.
3/ Current funded.
4/ Requested funds for these activities are from previously appropriated funds.
5/ Funds provided in P.L. 108-173, the 2003 Medicare Prescription Drug, Improvement & Modernization Act
6/ Available in fiscal years 2004 and 2005.
7/ Two-year availability. Funds may be transferred between CMS and SSA.
8/ Senate display. House jurisdiction change--account moved to Commerce-Justice-State appropriations

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate
SUMMARY								
Federal Funds	467,973,109	483,957,294	484,255,006	487,132,210	485,060,136	+17,087,027	+805,130	-2,072,074
Current year	(374,625,833)	(387,359,603)	(387,257,315)	(386,934,519)	(388,062,445)	(+13,436,612)	(+805,130)	(+1,127,926)
2006 advance	(92,947,276)	(96,597,691)	(96,597,691)	(99,797,691)	(96,597,691)	(+3,650,415)	---	(-3,200,000)
2006 advance	(400,000)	---	(400,000)	(400,000)	(400,000)	---	---	---
Trust Funds	11,844,869	12,477,283	12,410,505	12,357,301	12,492,375	+647,506	+81,870	+135,074
Grand Total	479,817,978	496,434,577	496,665,511	499,489,511	497,552,511	+17,734,533	+887,000	-1,937,000

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate
BUDGET ENFORCEMENT ACT RECAP								
Mandatory, total in bill	340,041,821	353,539,511	353,539,511	353,547,511	353,595,511	+13,553,690	+56,000	+48,000
Less advances for subsequent years	-74,061,975	-77,712,390	-77,712,390	-80,912,390	-77,712,390	-3,650,415	---	+3,200,000
Plus advances provided in prior years	65,883,986	74,061,975	74,061,975	74,061,975	74,061,975	+8,177,989	---	---
Total, mandatory, current year	331,863,832	349,889,096	349,889,096	346,697,096	349,945,096	+18,081,264	+56,000	+3,248,000
Discretionary, total in bill	139,776,157	142,895,066	143,126,000	145,942,000	143,957,000	+4,180,843	+831,000	-1,985,000
Less advances for subsequent years	-19,285,301	-18,885,301	-19,285,301	-19,285,301	-19,285,301	---	---	---
Plus advances provided in prior years	19,229,267	19,275,301	19,275,301	19,275,301	19,275,301	+46,034	---	---
Subtotal, Discretionary, current year	139,720,123	143,285,066	143,116,000	145,932,000	143,947,000	+4,226,877	+831,000	-1,985,000
Scorekeeping adjustments:								
SSA User Fee Collection	-120,000	-124,000	-124,000	-124,000	-124,000	-4,000	---	---
SSI date shift	---	---	---	-3,200,000	---	---	---	+3,200,000
Vaccines for children legislative proposal	---	-110,000	---	---	---	---	---	---
Average Weekly Insured Unemploy (AWIU) contingency	---	---	---	---	---	---	---	---
Adjustment-OMB Mandatory scoring in Voc Rehab	---	---	---	---	---	---	---	---
Medicaid/Medicare offsetting proposals	---	-462,000	---	---	---	---	---	---
HI/SMI user fees	---	-165,000	-155,000	---	---	---	+155,000	---
Medicare Hospital loans	---	---	-200,000	-199,900	---	---	+200,000	+199,900
CDC Management/IT Savings	---	---	-15,000	---	---	---	+15,000	---
Smallpox vaccine injury compensation rescission	---	---	---	---	-20,000	-20,000	-20,000	-20,000

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	Conference vs. FY 2005 House	Conference vs. FY 2005 Senate
Medical facilities guarantee and loan fund Rescission	---	---	---	---	-66,000	-66,000	-66,000	-66,000
Health professions student loan rescission	---	---	---	---	-19,000	-19,000	-19,000	-19,000
Welfare to Work rescission	-176,000	---	---	---	---	+176,000	---	---
H-1B rescission	---	-100,000	-100,000	-100,100	-100,000	-100,000	---	+100
75 percent rule scoring	---	---	9,000	9,000	9,000	+9,000	---	---
75 percent rule offset in CMS	---	---	-12,500	---	---	---	+12,500	---
Across the board administrative expenses reduction	---	---	---	---	-18,000	-18,000	-18,000	-18,000
ESA Special benefits (offsetting collections)	-54	---	---	---	---	+54	---	---
Section 223 P.L. 104-191	---	---	---	-35,000	---	---	---	+35,000
Section 223 Office of Inspector General	---	---	---	35,000	---	---	---	-35,000
Less emergency appropriations	---	---	---	---	-300,000	-300,000	-300,000	-300,000
Total, discretionary	139,424,069	142,324,066	142,518,500	142,317,000	143,309,000	+3,884,931	+790,500	+992,000
Adjustment to balance with 2004 enacted	-252,080	---	---	---	---	+252,080	---	---
Total, discretionary (FY 2004 enacted)	139,171,989	142,324,066	142,518,500	142,317,000	143,309,000	+4,137,011	+790,500	+992,000
Grand total, current year (incl FY 2004 comparable)	471,287,901	492,213,162	492,407,596	489,014,096	493,254,096	+21,966,195	+846,500	+4,240,000
Grand total, current year (incl FY 2004 enacted)	471,035,821	492,213,162	492,407,596	489,014,096	493,254,096	+22,218,275	+846,500	+4,240,000

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2005 recommended by the Committee of Conference, with comparisons to the fiscal year 2004 amount, the 2005 budget estimates, and the House and Senate bills for 2005 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2004	$479,817,978
Budget estimates of new (obligational) authority, fiscal year 2005	496,434,577
House bill, fiscal year 2005	496,665,511
Senate bill, fiscal year 2005	499,489,511
Conference agreement, fiscal year 2005	497,552,511
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2004	+17,734,533
Budget estimates of new (obligational) authority, fiscal year 2005	+1,117,934
House bill, fiscal year 2005	+887,000
Senate bill, fiscal year 2005	−1,937,000

DIVISION G—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2005

LEGISLATIVE BRANCH WIDE MATTERS

The conferees recognize the provisions of H.R. 4755 and the accompanying House Report 108-577, and S. 2666 and the accompanying Senate Report 108-307, and any instructions and detail included in such reports are to be adhered to, unless amended or restated herein.

Many items in both House and Senate Legislative Branch Appropriations bills are identical and are included in the conference agreement without change. The conferees have endorsed statements of policy contained in the House and Senate reports accompanying the appropriations bills, unless amended or restated herein. With respect to those items in the conference agreement that differ between House and Senate bills, the conferees have agreed to the following with the appropriate section numbers, punctuation, and other technical corrections.

The conferees are very concerned with the responsiveness and working relationships between the Committees and the Chief Financial Officers of the agencies of the Legislative Branch. In order for the Committees to review, analyze, evaluate, and provide the budgetary resources to the agencies of the Legislative Branch it is imperative that solid working relationships exist between the Committees and each CFO, and that they provide the highest level of timeliness, accuracy, and confidentiality. The conferees believe that in order for the budgetary cycle to accomplish the appropriate outcome the collaborative arrangements are essential, however, emphasize to the heads of the agencies, that the Committees will proceed with the budgetary process with or without these cooperative and confidential relationships.

It has also come to the attention of the conferees that agencies of the Legislative Branch are using varying assumptions and operating processes at times when the Government is operating under a continuing resolution. The conferees direct the members of Legislative Branch Financial Managers Council to work together to assure that all agencies are operating within the rules, regulations, and accounting procedures required by a continuing resolution and report its findings to the Committee on Appropriations of the House and Senate by January 31, 2005.

The conferees emphasize to the Legislative Branch agencies that the large budgetary increases requested in the fiscal year 2005 budget submissions cannot be sustained. The conferees encourage the agencies to submit more reasonable budget requests for fiscal year 2006, and thereafter.

TITLE I

SENATE

Appropriates $726,067,000 for Senate operations. Inasmuch as these items relate solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the amendments of the Senate.

HOUSE OF REPRESENTATIVES

Appropriates $1,048,581,000 for House operations. Inasmuch as these items relate solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the amendments of the House.

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

Appropriates $4,139,000 as proposed by the House and the Senate.

JOINT COMMITTEE ON TAXATION

Appropriates $8,433,000 as proposed by the House instead of $8,476,000 as proposed by the Senate.

OFFICE OF THE ATTENDING PHYSICIAN

Appropriates $2,528,000 as proposed by the House and the Senate.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

Appropriates $3,844,000 for the Capitol Guide Service and Special Services Office as proposed by the House and the Senate.

STATEMENTS OF APPROPRIATIONS

Appropriates $30,000 as proposed by the House and the Senate.

CAPITOL POLICE

The conferees are very concerned that the Chief of the Capitol Police has made operational decisions, which necessitated levels of spending in excess of funds appropriated, without consultation with the Committees. The conferees direct that the Chief abide by the Antideficiency Act and that the Department will operate within its appropriations for the fiscal year. The Chief of Police should not expect supplemental funding if he exceeds the appropriation. In the future, all permanent security improvements are to be funded within existing appropriations not the Emergency Response Fund. If a long-term security need exists, the conferees expect the Chief to propose funding solutions, and await approval from the Capitol Police Board and the appropriate committees of Congress for a permanent solution.

The conferees direct that the Chief of Police make every effort to keep the Committees informed of all issues impacting appropriations in a more timely manner. The Chief of Police is directed to report quarterly, by approved line item, on obligations to date compared to the original budgeted items, beginning with the first quarter of fiscal year 2005, ending December 31, 2004.

SALARIES

Appropriates $203,440,000 for salaries of officers, members, and employees of the Capitol Police as proposed by the House instead of $198,000,000 as proposed by the Senate.

The fiscal year 2002 conference report (H.Rpt. 107-259) accompanying the Legislative Branch Appropriations bill outlined reprogramming guidelines for the Legislative Branch. The conferees are very concerned that the Capitol Police have not followed the prescribed guidelines outlined in the fiscal year 2002 conference report. The conferees direct the Government Accountability Office to audit the budgetary execution of the Capitol Police, beginning with fiscal year 2002, to determine if the established reprogramming guidelines are being followed. The GAO is to report its findings to the Committees on Appropriations of the House and Senate within 90 days of enactment of this Act. The conferees further direct that the GAO continue to monitor the Capitol Police budget, in terms of reprogramming actions, and report all reprogramming actions in its regular semi-annual reports regarding the Capitol Police administrative operations.

The conferees are concerned with the broad interpretation by the Capitol Police regarding the obligation and expenditure of funds under the auspice of a declared emergency situation. The conferees direct the Government Accountability Office to review the policies, procedures, notification criteria, and approval processes of the Capitol Police to obtain the appropriate approvals by the Capitol Police Board and the Committees on Appropriations when funding is required during an emergency situation. The GAO is directed to report its findings to the Committee on Appropriations of the House and Senate no later than January 31, 2005.

The USCP has recently presented to the Committees on Appropriations another new plan for reorganizing the Department. The conferees acknowledge that changes to the USCP organization will be necessary to effectively address strategic objectives, performance measures, recommendations made by the Government Accountability Office, and changing conditions reflected in regular updates of the threat assessment. However, organizational changes proposed by the USCP, to date, fail to link specifically desired outcomes to a clearly defined set of strategic objectives emanating from an approved strategic plan. Reorganization proposals do not adequately reflect recommendations made by the Government Accountability Office to establish a clear link between organization structure, strategic objectives, and staffing requirements. Therefore, the conferees do not approve any changes in organizational structure at this time. The department has experienced a considerable amount of growth over the past few years in both mission and resources. The conferees believe that it is important for the USCP to develop a reorganization plan that is clear, transparent, and supports the efficient and effective use of current and requested resources. The plan should clearly demonstrate how the proposed organizational realignment is tied to the strategic objectives in an approved strategic plan which is founded on the following criteria: results of an up-to-date threat assessment; well-defined policies; and new or reformed practices designed to transform and modernize the force in response to post-9/11 security requirements. The conferees believe that an independent review of a proposed USCP reorganization plan, including the application of best practices, where applicable, would be helpful in this regard and directs the Government Accountability Office to undertake such a review. The GAO will report its findings and make recommendations that will assist the Chief and the Capitol Police Board in the development of a reorganization plan. The GAO should report the results of its review to the Committees and the Capitol Police Board by February 28, 2005.

The conferees direct that 10 additional civilian administrative FTEs be allocated within existing "Salaries" resources as follows: three accountants for FMS start-up and operations, a budget analyst for budget execution, a manpower analyst, a facilities administrator, a vehicle maintenance administrator, an assets manager, and two human resources specialists. In addition, the conferees direct that from within existing "General Expenses" resources, the Capitol Police contract for the staffing resources to cover the requirements for wireless technicians, currently estimated at four FTEs, and for radio installation repair technicians and security control operators, currently estimated at 11 FTEs. The conferees believe that these positions will permit the USCP to properly address growing issues with financial management, human resources management, workforce planning and budget, as well as technical requirements. The conferees expect that a portion of these resources will be used by the USCP to assist in the analysis and evaluation of mission requirements as related to organization structure and overall staffing needs. The conferees also expect that prior to any future requests for additional FTEs, the Capitol Police Board will present to the Committees a workforce plan that clearly communicates the relationship between a revised organizational structure and an approved strategic plan that is based on the following criteria: an up-to-date threat assessment; security policies and procedures approved by the Capitol Police Board; best practices that are consistent with similar institutions; and human resources policies and practices designed to maximize the effective and efficient use of FTEs.

The conferees further direct that the Capitol Police review all existing operations and general expenses to determine if any outsourcing opportunities exist and report those findings to the Committee on Appropriations of the House and Senate by March 1, 2005.

The conferees are concerned over the inflated estimates for the "Salaries" appropriations submitted by the Chief of Police. This situation has resulted in excess unobligated balances of $19.6 million, or 11.2% in fiscal year 2003 and $11.2 million, or 5.7% in fiscal year 2004. This practice is inexcusable, especially in consideration of the budget restraints under which the Congress is operating.

GENERAL EXPENSES

Appropriates $28,888,000 for general expenses of the Capitol Police, instead of $28,925,000, as proposed by the Senate.

As directed in the fiscal year 2005 House Report (108–577), the Chief of Police is to report on the economics of continuing the use of the Capitol Police command vehicle due to the requested maintenance cost of $200,000 for 2005. The conferees are concerned that, since November 2003, the USCP have been aware of major mechanical structural problems with the vehicle and did not inform the Committees. The study, which was to be submitted to the Committees on September 1, 2004, was not received until November 5, 2004. It was then reported that the command vehicle is "mechanically and structurally unsound for service," and had been removed from service on November 1, 2004. The conferees note that $1.6 million was invested in the command vehicle and direct that no further funding be obligated or expended for this vehicle until all options are explored on its continued use and reported to the Committee on Appropriations of the House and Senate by February 1, 2005.

The conferees direct the Government Accountability Office to conduct a study of the equestrian unit of the USCP. The study is to examine the effectiveness, efficiency, cost benefits, risk analysis, and overall operations of the unit. The study is to be provided to the Committee on Appropriations of the House and Senate by March 15, 2005.

The conferees direct that the Chief of Police provide the Committee on Appropriations of the House and Senate a quarterly report of all travel of the command staff of the Capitol Police. This report should provide the names of the travelers, the dates and purpose of the travel, and all costs including any training or registration fees associated with the travel. These reports should begin with the first quarter ending December 31, 2004.

The conferees urge the Capitol Police to deploy wherever appropriate first applied sorbent treatment for use by the Hazardous Materials Response Team in chemical decontamination efforts.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

The conferees have included an administrative provision allowing for the transfer of funds upon the approval of the Committee on Appropriations of the House and Senate.

In addition, the conferees have included an administrative provision relating to hiring authority of the Capitol Police. The conferees also included authorization for the Capitol Police to carry a specifically authorized weapon during periods when the officer or member is not on duty that is different from the weapon furnished by the Department. The conferees have provided authority for setting pay with the Capitol Police Board or the Chief of the Capitol Police. The conferees have provided authority for the acceptance of donations of animals for the canine unit. The conferees have also provided authority to the Chief of the Capitol Police to settle Federal tort claims, in accordance with Title 31 of the United States Code, with reporting requirements to the Committee on House Administration and the Senate Committee on Rules and Administration. The conferees have included a provision related to the protection of information that is sensitive to the policing, protection, physical security, counter terrorism, emergency response, and preparedness of the Congress and the Capitol buildings and grounds. Language has also been included regarding the General Counsel that is not intended to effect changes to the current organizational structure. The conferees have also included a provision relating to deployment of the Capitol Police outside of their jurisdiction.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

Appropriates $2,421,000 as proposed by the House and the Senate. The conferees have agreed to strike the student loan repayment provision. The conferees remind the Office of Compliance that funding provided for cost-of-living increases is not to be used for any other purpose without the prior approval of the House and Senate Committees on Appropriations.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

Appropriates $34,919,000 instead of $34,790,000 as proposed by the House and Senate. The additional amount of $129,000 is provided to cover the increased agency cost for the Federal Employee Retirement System (FERS).

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

Appropriates $80,347,000, to the Architect of the Capitol for general administration, instead of $79,581,000 as proposed by the House and $74,063,000 as proposed by the Senate. Of the amount appropriated, $2,220,000 shall remain available until September 30, 2009, instead of $1,500,000 as proposed by the House and $720,000 as proposed by the Senate.

The conferees are concerned that little has been accomplished through the new Chief Operating Officer (COO) function, which the Congress created in fiscal year 2003. This function was intended to improve management, streamline day-to-day Architect of the Capitol (AOC) operations, and effectuate team building.

Specifically, Public Law 108–7 required that the COO prepare an action plan describing "the policies, procedures, and actions" to be implemented "and timeframes for carrying out the responsibilities under this section". The conferees note that the action plan submitted to Congress by the COO did not adequately describe how the COO would carry out the assigned responsibilities detailed in the legislation. Because the submitted action plan is outlined at such a general level, it fails to convey how the listed items link together to move the agency forward and address the Agency's longstanding and well known weaknesses, the reason the COO position was created. In addition, the plan lacks details of the steps necessary for completing the listed items, nor does it explain how individual items will be measured in order to monitor AOC's performance. Further, the plan does not specify how the items listed in the action plan relate to and link with the AOC's strategic plan, released on December 15, 2003, even though the legislation required that the action plan be "developed concurrently and consistent with the development of a strategic plan."

In addition, the action plan was to be submitted not later than 90 days after the appointment of the Chief Operating Officer on July 28, 2003, but the plan was not received until December 22, 2003, almost 2 months late and with no evidence of having benefited from additional work over that period. The conferees note that the action plan was delivered without briefing or discussion, which could have provided the relevant Committees with better understanding regarding the details of the implementation of the plan.

Based on ongoing monitoring efforts conducted by the Government Accountability Office (GAO), it appears that there have been no substantive improvements made to overall AOC operations by the new COO. In fact, the conferees are concerned that efforts by the COO to direct changes without the context of strategic objectives and a transparent, well-organized change management process are having a negative impact on morale, productivity, and effectiveness of the AOC as an institution. It is apparent that the COO has not seriously addressed the intended results of this law and that he has either misunderstood or intentionally ignored the purpose for which the position was created. Therefore, the conferees have eliminated funding of $171,000 for the salary and benefit costs of the incumbent of the Chief Operating Officer position. The conferees further direct that Architect of the Capitol enters into a contract with an executive employment search organization to perform a nation-wide recruitment for a new Chief Operating Officer. The conferees further direct that a panel comprised of the Comptroller General of the United States, the Public Printer of the United States, the Chief Administrative Officer of the House of Representatives, a designee from the Senate Sergeant at Arms, and a designee from the office of the Architect of the Capitol review the applications, interview the top applicants, and forward a recommendation, including not less than three applicants, to the Architect of the Capitol for his review and final selection within 180 days of enactment of this Act.

The conferees have agreed to defer the transfer of FTEs and associated costs as proposed by the Senate until an organizational structure is approved for the Office of the Architect of the Capitol.

The conferees are concerned that the AOC has ignored previous directives to improve the quality of the FTE data analysis submitted in the annual budget, particularly related to ongoing and new projects, and therefore, direct that these very important FTE projection and tracking issues be readdressed by the Architect. The conferees found the previous recommendations by the AOC to remedy the FTE analysis difficulties to be questionable, including the AOC proposals to completely remove the FTE caps, or to increase the caps to significantly higher levels without justification. It is understood that the FTE situation in the AOC is complex due to the multi-faceted responsibilities of the Architect, including ongoing operations, annual and multi-year projects; a variety of funding sources; and the various types of positions that are required to accomplish these responsibilities. However, it is due to these varying and complex factors that more systemic processes and greater controls are required for FTE estimates, projections and tracking. The AOC needs to provide comprehensive, meaningful, realistic, and transparent FTE data.

The conferees have agreed to defer the establishment of a separate FTE cap for the Construction Management Division (CMD), as proposed by the House. The AOC has been provided relief from the FTE caps for project work for the past two years. The conferees agree that a less cumbersome, yet accurate, approach for managing FTE data is required. Therefore, the conferees direct the Architect of the Capitol and the Government Accountability Office to work together to prepare a report with recommendations that will address and improve the AOC's ability to estimate, track, and report on all FTEs. The report is to include recommendations for improvements that address FTE data by appropriation and organizational levels, including permanent and temporary FTEs required for each of the following categories: all jurisdiction operations, including those in general administration; ongoing and new projects performed by the superintendents; and ongoing and new projects performed by the CMD. The recommendations will take into account that data should be derived from a zero-base for all temporary employees, including non-project and support temporary positions as well as temporary project positions for both superintendent jurisdictions and CMD projects.

Further, the report will address future personnel requirements by contracting out functions to free up FTEs for functions that are inherently governmental. The conferees further direct that the caps established in FY 2004 will continue in FY 2005. The report with recommendations is to be delivered to the Committees on Appropriations of the House and Senate not later than 120 days after the enactment of this Act.

The conferees note that there have been complaints regarding the responsiveness of the Architect of the Capitol to the needs of clients. The conferees remind the Architect that the organization must reflect a posture that is timely, professional, and responsive.

Included in the operating budget is an additional $277,000 to cover anticipated increased agency contributions to the Federal Employees Retirement System for employees paid through the General Administration appropriation.

With respect to operations and projects the House and Senate conferees have agreed to the following:

Operating Budget	$77,467,000
Project Budget:	
1. Emergency Defibrillators	660,000
2. Study, Design, and Condition Assessment	720,000
Legislative Call System	(120,000)
Telecommunications infrastructure	(350,000)
ACF Emergency Vehicle Storage Facility	(250,000)
3. CATV System Upgrade Design	1,500,000
Total, General Administration	80,347,000

CAPITOL BUILDING

(INCLUDING TRANSFER OF FUNDS)

Appropriates $23,857,000, to the Architect of the Capitol for maintenance, care, and operation of the Capitol building, instead of $18,185,000 as proposed by the House and $24,784,000 as proposed by the Senate. Of the amount appropriated, $14,500,000 shall remain available until expended, instead of $4,000,000 as proposed by the House and $8,770,000 as proposed by the Senate to remain available until September 30, 2009.

Included in the operating budget is an additional $72,000 to cover anticipated increased agency contributions to the Federal Employees Retirement System for employees paid through the Capitol Building appropriation.

The conferees have agreed to include authority for the transfer of up to $10,600,000 to the Capitol Visitor Center project. The conferees are distressed with the Architect's ongoing inability to provide the Committees with accurate cost estimates and delivery schedules on this very important and high profile project. Since the commencement of the project, the Committees have made every effort to work with the Architect and staff through these issues, and yet, continue to receive notifications of schedule delays, unforeseen requirements, and escalating costs of the Capitol Visitor Center.

With respect to operations and projects the House and Senate conferees have agreed to the following:

Operating Budget	$14,814,000
Project Budget:	
1. Replacement of Minton Tile	473,000
2. Computer, Telecom, and Electrical Support	300,000
3. Restore Shutters & Upgrade Window Lighting	400,000
4. CVC Facility Maintenance	6,000,000
5. Install Emergency Exit Signs & Lighting	1,000,000
6. CVC Start-up Operations	3,270,000
7. Minor Construction	2,500,000
8. Study, Design, and Condition Assessment:	
Subway Terminal Water Infiltration	100,000
Total, Capitol Building	28,857,000

CAPITOL GROUNDS

Appropriates $6,974,000, to the Architect of the Capitol for the care and improvements of the grounds surrounding the Capitol, House and Senate office buildings, and the Capitol Power Plant, instead of $7,033,000, of which $527,000 shall remain available until September 30, 2009, as proposed by the House and $6,940,000, as proposed by the Senate.

Included in the operating budget is an additional $34,000 to cover anticipated increased agency contributions to the Federal Employees Retirement System for employees paid through the Capitol Grounds appropriation.

With respect to operations and projects the House and Senate conferees have agreed to the following:

Operating Budget	$6,509,000
Project Budget:	
1. Restore Decorative Vases & Lights, W. Terrace	78,000
2. Inaugural Support	10,000
3. Renovate Former D.C. Street Lights	177,000
4. Study, Design, and Condition Assessment: Restoration of the Summerhouse	100,000
5. Wayfinding and ADA Compliant Signage	100,000
Total, Capitol Grounds	6,974,000

SENATE OFFICE BUILDINGS

Appropriates $62,083,000, of which $9,070,000 shall remain available until September 30, 2009, to the Architect of the Capitol for the maintenance, care, and operation of the Senate office buildings. Inasmuch as this item relates solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate.

Included in the operating budget is an additional $219,000 to cover anticipated increased agency contributions to the Federal Employees Retirement System for employees paid through the Senate Office Buildings appropriation.

Operating Budget	$52,112,000
Project Budget:	
1. Refinish Historic Woodwork	285,000
2. Repair Marble Floors & Clean Architectural Surfaces	510,000
3. Roof Maintenance	300,000
4. Seal Fire Wall Penetrations, HSOB, DSOB	300,000
5. Ramp Repair, HSOB Garage	200,000
6. Replace Suite Counters, Sinks & Faucets, HSOB	100,000

7. General Painting	150,000
8. Workman Vehicle	25,000
9. Man-Lift (Masonry Shop)	19,000
10. General Purpose Utility Vehicle	12,000
11. Replace Modular Furniture, HSOB	3,700,000
12. Renovate Restrooms, ADA, HOB	1,300,000
13. Study, Design, and Condition Assessment	2,350,000
Study/Design, Existing Fire Alarm System Upgrade	(750,000)
Design, Replace Roof and Skylights, HOB	(600,000)
Design, Renovate North Server	(300,000)
Study, Reclaim Parking under Senate Office Buildings and Space Utilization	(250,000)
Study, Waterproofing/Code Compliant Upgrades, Old Senate Tunnel	(100,000)
Design, Fire Alarm System ADA Upgrade, DSOB	(75,000)
Assessment, Penetrations of Fire Resistant Rated Walls, RSOB	(70,000)
Design, Sprinkler Protection for Legislative Garage	(65,000)
Design, Renovation of South Buffet	(50,000)
Assessment and Design, Taft Memorial	(50,000)
Design, Pre-action Sprinkler System, Russell Library	(40,000)
14. HVAC: Elevator Machine Room Modernization	420,000
15. Furniture, Special Allowance	300,000
Total, Senate Office Buildings	62,083,000

HOUSE OFFICE BUILDINGS

Appropriates $65,353,000, of which $27,103,000 shall remain available until September 30, 2009, to the Architect of the Capitol for the maintenance, care, and operation of the House office buildings. Inasmuch as this item relates solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the House.

Included in the operating budget is an additional $223,000 to cover anticipated increased agency contributions to the Federal Employees Retirement System for employees paid through the House Office Buildings appropriation.

The conferees direct the Architect of the Capitol to administer fire code regulations in the House office buildings under the same protocols used for administration of fire codes in the Capitol building.

Operating Budget	
Project Budget:	$37,900,000
1. Egress Door Improvements	200,000
2. Replace Chilled Water Coils, FHOB	150,000
3. Minor Construction	5,000,000
4. Study, Design, and Condition Assessment	1,955,000
Design, RHOB Egress	(500,000)
Design, FHOB Egress	(80,000)
Study, Upgrade Room 1100, RHOB	(400,000)
Design, Repairs to Garage Floor, RHOB	(975,000)
5. CAO Project Support	4,894,000
6. Replace Windows, FHOB	4,900,000
7. Exterior Waterproofing, Underground Garages	2,954,000
8. Extend Sprinkler Systems	3,300,000
9. Fire Alarm System Upgrade, HOB (Less RHOB)	1,100,000
10. Staff Fitness Facility	3,000,000
Total, House Office Buildings	65,353,000

CAPITOL POWER PLANT

In addition to $4,400,000 made available from receipts credited as reimbursements to this appropriation, appropriates $56,834,000, to the Architect of the Capitol for maintenance, care, and operation of the Capitol Power Plant, instead of $56,139,000 as proposed by the House and $60,928,000 as proposed by the Senate. Of the amount appropriated, $1,000,000 shall remain available until September 30, 2009, instead of $630,000 as proposed by the House and $2,190,000 as proposed by the Senate.

Included in the operating budget is an additional $63,000 to cover anticipated increased agency contributions to the Federal Employees Retirement System for employees paid through the Capitol Power Plant appropriation.

With respect to operations and projects the House and Senate conferees have agreed to the following:

Operating Budget (net)	$53,015,000
Project Budget:	
1. Implement Shoring and Repairs to Tunnels	100,000
2. Replace Expansion Joints	1,342,000
3. Retube Condensers, West Refrigeration Plant.	866,000
4. Study, Design, and Condition Assessment	1,000,000
Design, In-Plant Power Generation	(750,000)
Design, Upgrade Environmental Control Equipment	(250,000)
5. Remove Tar Paper/Re-insulate Violet Tunnel	261,000
6. Repair/Maintenance Chiller Motors 6A & 5	250,000
Total, Capitol Power Plant (net)	56,834,000

LIBRARY BUILDINGS AND GROUNDS

Appropriates $40,097,000, to the Architect of the Capitol for structural and mechanical care of the Library buildings and grounds instead of $34,783,000 as proposed by the House and $65,145,000 as proposed by the Senate. Of the amount appropriated, $21,506,000 shall remain available until September 30, 2009 instead of $18,110,000 as proposed by the House and $47,114,000 as proposed by the Senate.

Included in the operating budget is an additional $78,000 to cover anticipated increased agency contributions to the Federal Employees Retirement System for employees paid through the Library Buildings and Grounds appropriation.

With respect to operations and projects the House and Senate conferees have agreed to the following:

Operating Budget	$17,516,000
Project Budget:	
1. Repair Life Safety Deficiencies	400,000
2. Replace Partitions Supports, JMMB	250,000
3. Painting, TJB Arches and Ft. Meade Module 1	245,000
4. Replace Sidewalks, JAB & TJB	100,000
5. Preservation Environmental Monitoring	80,000
6. Minor Construction	1,300,000
7. Collections Security	860,000
8. Sprinkler System Upgrades, TJB	6,754,000
9. Smoke Detector Upgrades, TJB	3,850,000
10. ADA Bathroom Renovations, JAB	3,700,000
11. Sprinkler System Upgrades, JAB	2,400,000
12. Study, Design, and Condition Assessment, Infrastructure Maintenance	842,000
Design, Replace Rain Leaders	300,000)
Design, Repair/Replace Copper Roof	(215,000)
Design, Roof Repairs, TJB	(200,000)
Study, Coil Deterioration, TJB & JAB	(75,000)
Design, Conservation of Murals	(52,000)
13. Design, LOC Egress Improvements	1,800,000
Total, Library Buildings and Grounds	40,097,000

CAPITOL POLICE BUILDINGS AND GROUNDS

Appropriates $5,853,000, to the Architect of the Capitol for the maintenance, care, and operation of buildings and grounds of the Capitol Police instead of $4,883,000 as proposed by the House and $7,090,000 as proposed by the Senate. Of the amount appropriated, $500,000 shall remain available until September 30, 2009, instead of no multi-year funding as proposed by the House and $1,500,000 as proposed by the Senate.

Included in the operating budget is an additional $3,000 to cover anticipated increased agency contributions to the Federal Employees Retirement System for employees paid through the Capitol Police Buildings and Grounds appropriation.

With respect to operations and projects the House and Senate conferees have agreed to the following:

Operating Budget	$4,853,000
Project Budget:	
1. USCP Furniture Replacement	500,000
2. Study, Design, and Condition Assessment	500,000
Annual Update to USCP Facilities Master Plan	(100,000)
Study, Replacement of 67 K Street Facility	(200,000)
Two Decontamination Support Stations	(200,000)
Total, Capitol Police Buildings and Grounds	5,853,0000

BOTANIC GARDEN

Appropriates $6,326,000, to the Architect of the Capitol for the Botanic Garden, instead of $5,932,000 as proposed by the House and $6,294,000 as proposed by the Senate. The increase includes $62,000 for one new FTE.

Included in the operating budget is an additional $32,000 to cover anticipated increased agency contributions to the Federal Employees Retirement System for employees paid through the Botanic Garden appropriation.

With respect to operations and projects the conferees have agreed to the following:

Operating Budget	$5,783,000
Project Budget:	
1. D. C. Village Facility, Roof Replacement	243,000
2. Partnership Support	300,000
Total, Botanic Garden	6,326,000

ADMINISTRATIVE PROVISION

The conference agreement includes an administrative provision that requires the Comptroller General to conduct a study to analyze the cost, cost effectiveness, benefits, and feasibility of the Architect of the Capitol entering into a contract with a private entity for the management and operation of the Capitol Power Plant.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

Provides $384,671,000 for salaries and expenses, Library of Congress instead of $373,225,000 as proposed by the House and $379,648,000 as proposed by the Senate. Of this amount, $6,350,000 is made available from receipts collected by the Library of Congress and shall remain available until expended; and $12,481,000 shall remain available until expended for acquisition of books, periodicals, newspapers, and other library materials as proposed by the House instead of $11,981,000 as proposed by the Senate. The conferees have provided 2 FTEs and $256,000 for the Office of the Inspector General to address information technology security audits. The conferees have agreed to a base reduction of 3 FTEs and $300,000 in accordance with Public Law 106-57, Section 208.

The conferees expect the Librarian of Congress to work with the established educational consortium to draft future budgets for the Adventure of the American Mind program and to submit them to Congress. The conferees further direct that the Library of Congress and the educational consortium establish a program in Georgia to be funded within existing resources.

An amount of $616,000 is included to cover anticipated increased agency contributions to the Federal Employees Retirement System.

With respect to program allowances the conferees have agreed to the following:

1. Adventures of the American Mind	$2,250,000
2. Abraham Lincoln Bicentennial Commission	500,000
3. Middle Eastern Text Initiative	500,000
4. National Film Preservation Board and National Film Preservation Foundation	500,000
5. NAVCC—Culpeper Project	19,538,000
6. Department of State Capital Security Cost-Sharing Program.	1,200,000
7. Veterans History Project	1,035,000
8. Security Equipment Maintenance	930,000
9. Information Technology System Maintenance	1,000,000
10. Association for Diplomatic Studies and Training	100,000
11. Cooperative Preservation and Conservation Project	300,000

COPYRIGHT OFFICE

SALARIES AND EXPENSES

Provides $53,611,000, including $33,477,000 made available from receipts, for salaries and expenses, Copyright Office, instead of $53,518,000 as proposed by the House and Senate. The $93,000 increase provides for the increased cost of FERS.

The conferees are encouraged by the Copyright Office's recent efforts to reengineer its processes, creating an electronic Copyright Office where applications and copies of copyright works can be submitted, processed and stored in digital form. An electronic system will provide the public with better access to copyrights and better enable the protection of copyrights and other intellectual property. The conferees also recognize that for any electronic system to be complete and useful to the public, it must also include all previous copyright records not currently in electronic form. The conferees are pleased that the office has initiated a study which will assess the costs and feasibility, as well as technical approaches, of converting its historical records so that there will be electronic access to all records from 1790 to the present. The conferees understand that there will be costs associated with such an effort, and will be interested to hear the office's proposal to begin to transition the historical records into electronic and searchable format.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

Appropriates $96,893,000 for salaries and expenses, Congressional Research Service, Library of Congress, instead of $96,385,000 as proposed by the House and $96,678,000 as proposed by the Senate. The increase over the House allowance provides $293,000 for mandatory pay reallocations and $215,000 for the increased cost of FERS.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

Appropriates $54,412,000 for Books for the Blind and Physically Handicapped, salaries and expenses, instead of $60,187,000 as proposed by the House and $53,937,000 as proposed by the Senate. Of the appropriated amount, $16,235,000 shall remain available until expended instead of $22,210,000 as proposed by the House and $15,960,000 as proposed by the Senate. The conference agreement provides $275,000 above the amount requested for the Digital Talking Book Project. The conference agreement also provides $200,000 to remain available until expended to defray telecommunications costs for the National Federation of the Blind "NEWSLINE" audio daily newspaper service. This funding will complete the project that was begun in fiscal year 2003.

ADMINISTRATIVE PROVISIONS

In addition to various technical corrections the conferees have agreed to a provision pertaining to the National Film Preservation Board and the National Film Preservation Foundation. The conferees have included an administrative provision that limits the amount of reimbursement to the Department of State for maintenance, upgrade, and construction.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

Appropriates $88,800,000 as proposed by the House and the Senate.

OFFICE OF THE SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Appropriates $31,953,000 for Office of the Superintendent of Documents, salaries and expenses instead of $32,524,000 proposed by the House and $31,935,000 proposed by the Senate. The $18,000 above the Senate allowance covers the increased cost of FERS. The conferees have agreed to a FTE cap of 2,621 as proposed by the Senate instead of 2,889 as proposed by the House.

The conferees support public access to materials in the Federal Depository Library Program's legacy and electronic collections and authorize the Superintendent of Documents to move forward with this program within available FTEs and funding.

ADMINISTRATIVE PROVISION

The conferees have agreed to the administrative provision proposed by the House and Senate authorizing the Superintendent of Documents to discount sales copies of GPO publications below the current limitation.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

Provides $478,392,000, of which $7,419,000 is from offsetting collections, for salaries and expenses, Government Accountability Office instead of $481,000,000 as proposed by the House and $477,419,000 as proposed by the Senate. The increase of $973,000 above the Senate allowance is to cover the increased cost of FERS.

The conferees have withdrawn the request made by the House for the Government Accountability Office to provide a report outlining the statutory responsibilities of the Congressional Budget Office, the Congressional Research Service, the Joint Economic Committee, and the Joint Committee on Taxation.

The conferees support the Senate report language (108-307) on technology assessments and mail screening technology.

ADMINISTRATIVE PROVISION

The conferees have agreed to an administrative provision proposed by the Senate which amends the Anti-Deficiency Act to require the heads of executive agencies and the Mayor of the District of Columbia to transmit to the Comptroller General copies of reports of violations of the Act at the same time violations are reported to the Congress.

PAYMENT TO THE OPEN WORLD LEADERSHIP CENTER TRUST FUND

Appropriates $13,500,000 for a payment to the Open World Leadership Center Trust Fund, as proposed by the Senate instead of $6,750,000 as proposed by the House.

ADMINISTRATIVE PROVISIONS

The conferees have agreed to a provision that expands the Open World Leadership countries upon submission of a plan to the Committees on Appropriations of the House and Senate; and to a provision that amends the language relating to the membership of the board.

TITLE II—GENERAL PROVISIONS

In Title II, General Provisions, section numbers have been changed to conform to the conference agreement and technical corrections have been made.

The conferees have included a provision that authorizes the Architect of the Capitol to maintain and improve landscape features of property located near the House office buildings.

The conferees have included a provision that prohibits funding in the Act, from being transferred except as provided in this Act.

The conferees have included a provision that agencies of the Legislative Branch shall not be required to use the eTravel Service established by the General Services Administration.

The conferees have included a provision that authorizes permanent separation incentive payments to employees of the Legislative Branch as was provided to all Executive branch agencies in the Homeland Security Act of 2002, Public Law 107-296.

The conferees have included a House provision that prohibits the use of funds to study, design, plan, or construct a fence around the Capitol Grounds.

The conferees have included the Senate provision that makes technical corrections to the Congressional Recognition for Excellence in Arts Education Act; and a provision that transfers property near the Japanese American Patriotism Memorial to the Architect of the Capitol.

The conferees have included a provision relating to the Abraham Lincoln Fellowship Program.

Conference Total—With Comparisons

The total new budget (obligational) authority for the fiscal year 2005 recommended by the Committee of Conference, with comparisons to the fiscal year 2004 amount, the 2005 budget estimates, and the House and Senate bills for 2005 follows:

[In thousands of dollars]

New budget (obligational authority, fiscal year 2004	$3,527,460
Budget estimates of new (obligational) authority, fiscal year 2005	3,977,283
House bill, fiscal year 2005	2,750,522
Senate bill, fiscal year 2005	3,575,000
Conference agreement, fiscal year 2005	3,575,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2004	+47,540
Budget estimates of new (obligational) authority, Fiscal year 2005	−402,283
House bill, fiscal year 2005	+824,478
Senate bill, fiscal year 2005	—

DIVISION H—DEPARTMENTS OF TRANSPORTATION AND TREASURY, INDEPENDENT AGENCIES, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2005

Congressional Directives

The conferees agree that Executive Branch propensities cannot substitute for Congress' own statements concerning the best evidence of Congressional intentions; that is, the official reports of the Congress. The committee of conference approves report language included by the House (House Report 108–671) or the Senate (Senate Report 108–342) that is not changed by the conference. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

Budget Justification Material and Congressional Reprogramming Procedures

The conferees agree to all language and directives included in the House and Senate reports concerning the need to improve the budget justification materials and Congressional reprogramming procedures for departments and agencies funded in this Act.

TITLE I—DEPARTMENT OF TRANSPORTATION

Office of the Secretary

SALARIES AND EXPENSES

Appropriates $87,234,000 for the salaries and expenses instead of $89,000,000 as proposed by the House and $86,000,000 as proposed by the Senate. As proposed by both the House and the Senate, bill language is included that specifies funding by office. The conference agreement is as follows:

Immediate office of the Secretary	$2,220,000
Immediate office of the Deputy Secretary	705,000
Office of the General Counsel	15,395,000
Office of the Under Secretary for Transportation Policy	12,627,000
Office of the Assistant Secretary for Budget and Programs	8,573,000
Office of the Assistant Secretary for Governmental Affairs	2,316,000
Office of the Assistant Secretary for Administration	23,436,000
Office of Public Affairs	1,929,000
Office of the Executive Secretariat	1,456,000
Board of Contract Appeals	704,000
Office of Small and Disadvantaged Business Utilization	1,278,000
Office of the Chief Information Officer	11,392,000
Office of Intelligence and Security	2,053,000
Office of Emergency Transportation	3,150,000

Retains provisions proposed by both the House and the Senate limiting transfers among each office to no more than 5 percent and requiring notification and approval by the House and Senate Committees on Appropriations for any transfer greater than 5 percent. Bill language, as proposed by both the House and the Senate, is included which allows the Department to spend up to $60,000 for official reception and representation expenses.

Retains language proposed by the House prohibiting funds from being used to fill the position of Assistant Secretary for Public Affairs.

Retains the House direction that the Assistant Secretary for Administration fund training and recruitment activities at a total of $378,000, and FedBiz Ops electronic business practice activities at $68,000. Retains the Senate direction to the Inspector General to review the budget justifications for the last three fiscal years and the mission of the Office of Assistant Secretary for Administration to determine if resources are commensurate with office responsibilities.

Retains the House direction to transfer the Office of Emergency Transportation to the Office of the Secretary. Of the amounts provided, $100,000 is for improvements to the crisis management center and $100,000 is for regional emergency response team training.

The conferees direct the Secretary to submit an operating plan for the entire Department as described in the House report within 60 days of enactment of this Act. Further, the Assistant Secretary for Budget and Programs shall submit a quarterly report on the status of all outstanding reports and reporting requirements as directed by the Senate.

The conferees direct the Department to include in the fiscal year 2006 budget justification materials detailed information in the same manner as that of the fiscal year 2003 justifications. In addition, the conferees direct the Chief Information Officer (CIO) to include in the fiscal year 2006 budget materials details of all funds that are utilized and managed by the CIO, regardless of funding source or mode. The conferees reiterate the need for better budget materials from the Department in general.

The conferees direct OST to conduct a study of declining intercity bus service, as proposed by the House under the Federal Transit Administration.

Office of Civil Rights

Appropriates $8,700,000 as proposed by both the House and the Senate.

Compensation for Air Carriers

(RESCISSION)

Rescinds $235,000,000 from unobligated funds as proposed by the Senate. The House did not include a similar provision.

Transportation Planning, Research and Development

Appropriates $20,000,000 for transportation planning, research and development instead of $10,800,000 as proposed by the House and $15,000,000 as proposed by the Senate. Adjustments to the budget request are as follows:

Circumpolar Infrastructure Task Force of the Arctic Council and Northern Forum, AK	$450,000
DOT privacy assessment	750,000
Inland waters freight mobility study, AL	750,000
SDSU instrument training capital initiative, SD	200,000
UI NIATT transportation infrastructure research and technology transfer, ID	300,000
Transportation, infrastructure, and logistics research	750,000
University of Nebraska—Kearney agricultural transportation pilot project, NE	500,000
Western Washington University Transportation and Border Research Institute, WA	1,000,000
Yellow Bend Port planning and development, AR	300,000
NIU Fuel Cell Research, IL	750,000
Gulf of Mexico Transportation Strategic Study	500,000
National Research Center for Rural Transportation, KS	500,000
Center for Coastal Engineering Research, AL	750,000
Interstate Digital Image Exchange	500,000
Great Lakes Maritime Research Institute, short seas shipping Route evaluation	750,000
University of Wisconsin, Superior—Transportation Logistics Research Center shipper and rail service study	250,000
1–91 Corridor Rail Implementation Plan Study	750,000

Hampton University Transportation Center ...	250,000

WORKING CAPITAL FUND

Limits working capital fund activities to $151,054,000 as proposed by the Senate instead of $125,000,000 as proposed by the House.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

Appropriates $900,000 for the administrative expenses of the minority business resource center program and limits loans made under the program to $18,367,000 as proposed by both the House and the Senate.

MINORITY BUSINESS OUTREACH

Appropriates $3,000,000 for minority business outreach as proposed by both the House and the Senate.

NEW HEADQUARTERS BUILDING

Appropriates $68,000,000 for continued construction and build-out of the new headquarters building. Neither the House nor the Senate provided funds for this account.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

Appropriates $52,000,000 for payments to air carriers to be derived from the trust fund as proposed by the Senate, instead of $51,700,000 as proposed by the House. In addition to these funds, the program will receive $50,000,000 in mandatory spending pursuant to the Federal Aviation Authorization Act of 1996, resulting in a program budget of $102,000,000.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

The conference agreement includes $7,775,000,000 for operations of the Federal Aviation Administration instead of $7,726,000,000 as proposed by the House and $7,784,000,000 as proposed by the Senate. Of the total amount provided, $4,918,073,000 is to be derived from the airport and airway trust fund instead of $4,972,000,000 as proposed by the House and $4,959,503,000 proposed by the Senate. Funds are distributed in the bill by budget activity, as proposed by the Senate.

Contract tower cost-sharing.—The bill specifies $7,000,000 for continuation of the contract tower cost-sharing program as proposed by the House and Senate.

Level of operational air traffic control supervisors.—The conference agreement includes language proposed by the House specifying that $4,000,000 of funds under this heading are available only to raise the level of operational air traffic control supervisors to 1,846. The Senate bill included no similar provision.

Administration of government credit cards.—The agreement includes language proposed by the House related to FAA management of government credit cards. The Senate bill included no similar provision.

The following table compares the conference agreement to the President's budget and the levels proposed in the House and Senate bills by budget activity:

FAA Operations
Fiscal Year 2005

	House Bill	Senate Bill	Conference agreement
Air Traffic Organization:	**$6,522,109,000**	**$6,522,109,000**	**$6,522,109,000**
Contract tower base program	6,800,000	6,800,000	6,800,000
Contract tower cost-sharing program	7,000,000	7,000,000	7,000,000
Restoration of Office of ARA	-224,039,000	-224,039,000	-224,039,000
NAS handoff	-104,000,000	0	-50,000,000
Required navigation performance	-8,000,000	0	0
Management of MOUs and MOAs	-500,000	0	-500,000
Realignment of functions to ARC	-52,252,400	0	-52,252,400
New controller hires and training	9,000,000	10,000,000	9,500,000
Aviation weather support training program	500,000	0	500,000
Asset supply chain management program	0	0	300,000
ATC operational supervisors	4,000,000	0	4,000,000
Medallion program	0	3,000,000	3,000,000
Alien species action plan	0	3,000,000	3,000,000
Study of ATC requirements, Chicago, IL	0	0	5,000,000
Undistributed reduction	0	-60,000,000	0
Amount recommended	***6,160,617,600***	***6,267,870,000***	***6,234,417,600***
Regulation and Certification	**905,194,000**	**905,194,000**	**905,194,000**
Certification of upset training	500,000	0	500,000
Flight attendant fatigue study	200,000	0	200,000
Safety and security analytics	1,000,000	0	1,000,000
Transfer of Office of System Safety	10,000,000	0	10,000,000
Amount recommended	***916,894,000***	***905,194,000***	***916,894,000***
Research and Acquisitions	**0**	**0**	**0**
Restoration of office funding	224,039,000	224,039,000	224,039,000
Undistributed increase	0	200,000	200,000
Amount recommended	***224,039,000***	***224,239,000***	***224,239,000***
Commercial Space Transportation	**11,941,000**	**11,941,000**	**11,941,000**
Reduction to reflect authorization	-267,000	-267,000	-267,000
Amount recommended	***11,674,000***	***11,674,000***	***11,674,000***
Financial Services	**0**	**0**	**0**
Restoration of office funding	53,624,000	53,624,000	53,624,000
Denial of additional staffing	-3,000,000	0	-1,500,000
Amount recommended	***50,624,000***	***53,624,000***	***52,124,000***
Human Resources	**0**	**0**	**0**
Restoration of office funding	78,660,000	78,660,000	78,660,000
Realignment of functions to ARC	-8,838,400	0	-8,838,400
Amount recommended	***69,821,600***	***78,660,000***	***69,821,600***
Region and Center Operations	**0**	**0**	**0**
Restoration of office funding	88,479,000	88,479,000	88,479,000
Realignment of functions from ATO/AHR	61,090,800	0	61,090,800
Amount recommended	***149,569,800***	***88,479,000***	***149,569,800***

FAA Operations
Fiscal Year 2005

	House Bill	Senate Bill	Conference agreement
Staff Offices	**409,756,000**	**409,756,000**	**409,756,000**
Restoration of individual offices	-259,017,000	-259,017,000	-259,017,000
Transfer of Office of System Safety	-11,437,000	0	-11,437,000
Amount recommended	***139,302,000***	***150,739,000***	***139,302,000***
Information Services	**0**	**0**	**0**
Restoration of base funding	38,254,000	38,254,000	38,254,000
Undistributed reduction	0	-2,000,000	-2,000,000
Amount recommended	***38,254,000***	***36,254,000***	***36,254,000***
Account-wide Adjustments			
Working capital fund reduction	-5,796,000	0	0
Official time	-7,000,000	0	-7,000,000
Executive positions agency-wide	-1,000,000	0	0
BTS aviation studies	-2,000,000	0	-2,000,000
Executive training	-3,000,000	0	-3,000,000
Personnel compensation and benefits	-16,000,000	0	0
Undistributed reduction	0	-32,733,000	-47,296,000
Amount recommended	***-34,796,000***	***-32,733,000***	***-59,296,000***
Total	**7,726,000,000**	**7,784,000,000**	**7,775,000,000**

Administration of potential shortfall due to essential air service transfer.—The conferees agree that the FAA Administrator has the flexibility to propose the use of funds in either the "Operations" or "Facilities and equipment" appropriations to address any shortfalls in essential air service funding for which FAA resources are required under existing law. The Administrator is directed to advise the House and Senate Committees on Appropriations on the appropriations and programs from which these funds would be drawn.

Air traffic controller training.—The conferees agree that the initial training of personnel hired with funds in this Act above the budget request is to be conducted at the FAA Academy to the maximum extent possible. However, conferees do not intend for this directive to negatively influence FAA's acceptance into the controller workforce of individuals hired through the Collegiate Training Initiative program using funds from FAA's base budget.

Study of ATC requirements, Chicago O'Hare, IL.—The conference agreement transfers $5,000,000 from the "Facilities and equipment" account for airspace redesign studies and associated analyses at Chicago O'Hare International Airport. The budget had requested such funding under the air traffic control tower replacement program.

National airspace redesign.—Conferees agree to Senate language regarding the amount and use of funds for the national airspace redesign project in the New York/New Jersey metropolitan area. This results in an allocation of $4,000,000 for this project. The conferees agree that no funds made available under this appropriation may be used to prepare the Environmental Impact Statement for the redesign of the New York/New Jersey/Philadelphia regional airspace, or to conduct any work as part of the review of the redesign project conducted under the National Environmental Policy Act and related laws, as long as the FAA fails to consider noise mitigation. Further, none of the funds made available for this purpose shall be reprogrammed by the FAA to other activities, including airspace redesign not directly related to New York, New Jersey, and Philadelphia airspace redesign.

Accounting system—consolidation.—The conferees agree that FAA may proceed with its consolidation of accounting operations. However, the FAA should not consolidate operations of the Kansas City, Missouri office during fiscal year 2005.

Official time.—The conference agreement includes a reduction of $7,000,000, as proposed by the House. The conferees direct the FAA Administrator and the Director of the Office of Personnel Management to submit a joint report to the House and Senate Committees on Appropriations, not later than April 1, 2005, explaining the specific short-term actions taken to reduce official time consumption, and the long-term plan to bring FAA's policies and procedures into closer conformance to government-wide averages.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes $2,540,000,000 instead of $2,500,000,000 as proposed by both the House and the Senate. Of the total amount available, $421,000,000 is available for one year, and $2,119,000,000 is available for three years. The appropriation of $3,000,000 proposed by the House for Defense Contract Audit Agency audits is not included.

The following table provides a breakdown of the House and Senate bills and the conference agreement by program:

Facilities and Equipment
Fiscal Year 2005

FY05 BLI	Program Name	FY05 estimate	House bill	Senate bill	Conference agreement
	Engineering Development, Test and Evaluation:				
1A01	Advanced Technology Development & Prototyping	$37,300,000	$42,400,000	$56,575,000	$59,075,000
1A02	Safe Flight 21	40,454,000	40,454,000	44,454,000	44,454,000
1A03	Aeronautical Data Link (ADL) Applications	4,000,000	4,000,000	4,000,000	4,000,000
1A04	Next Generation VHF Air/Ground Communications System (NEXCOM)	31,950,000	31,950,000	29,950,000	29,950,000
1A06	Free Flight Phase 2	92,500,000	92,500,000	92,500,000	88,000,000
1A07	Louisville, KY technology demonstration	0	3,000,000	0	1,500,000
1A08	Local Area Augmentation System	0	0	10,000,000	10,000,000
1A09	NAS Improvement of System Support Laboratory	1,000,000	1,000,000	1,000,000	1,000,000
1A10	Technical Center Facilities	12,000,000	12,000,000	12,000,000	12,000,000
1A11	Technical Center Building and Plant Support	4,300,000	4,300,000	4,300,000	4,300,000
	GCNSS	0	0	20,000,000	10,000,000
	Total Activity 1	**223,504,000**	**231,604,000**	**274,779,000**	**264,279,000**
	Air Traffic Control Facilities and Equipment:				
2A01	En Route Automation Program	361,200,000	361,200,000	333,200,000	347,200,000
2A02	Next Generation Weather Radar (NEXRAD)	4,900,000	4,900,000	4,900,000	4,900,000
2A03	ATOMS Local Area/Wide Area Network	1,000,000	1,000,000	1,000,000	1,000,000
2A04	Weather and Radar Processor (WARP)	4,700,000	4,700,000	4,700,000	4,700,000
2A05	ARTCC Building Improvements/Plant Improvements	35,000,000	35,000,000	28,000,000	26,000,000
2A06	Voice Switching and Control System (VSCS)	24,100,000	24,100,000	24,100,000	24,100,000
2A07	Air Traffic Management (ATM)	57,000,000	37,500,000	38,000,000	37,500,000
2A08	Critical Telecommunication Support	1,300,000	1,300,000	1,300,000	1,300,000
2A09	Air/Ground Communications Infrastructure	13,500,000	13,500,000	13,500,000	13,500,000
2A10	Volcano Monitoring	0	0	4,000,000	4,000,000
2A11	ATCBI Replacement (ATCBI-6)	15,100,000	15,100,000	15,100,000	10,000,000
2A12	ATC En Route Radar Facilities Improvements	3,000,000	0	3,000,000	0
2A13	En Route Communications and Control Facilities Improvements	1,020,800	1,020,800	1,020,800	1,020,800
2A14	Aviation Weather Services Improvements (CIWS)	4,000,000	4,000,000	4,000,000	4,000,000
2A15	FAA Telecommunications Infrastructure (FTI)	71,150,000	56,000,000	71,150,000	71,150,000
2A16	Guam Center Radar Approach Control (CERAP) - Relocate	2,300,000	2,300,000	2,300,000	2,300,000
2A17	Oceanic Automation System	50,850,000	50,850,000	42,000,000	48,000,000
2A21	ARSR-4 Automated Technical Documentation	0	0	3,000,000	2,000,000
	Integrated Terminal Weather System (ITWS)	14,100,000	0	14,100,000	14,100,000

Facilities and Equipment
Fiscal Year 2005

FY05 BLI	Program Name	FY05 estimate	House bill	Senate bill	Conference agreement
	Subtotal - En Route Programs	***664,220,800***	***612,470,800***	***608,370,800***	***616,770,800***
2B01	Airport Surface Detection Equipment -- Model X (ASDE-X)	51,300,000	51,300,000	51,300,000	48,000,000
2B02	Terminal Doppler Weather Radar (TDWR)	8,000,000	8,000,000	8,000,000	8,000,000
2B03	Terminal Automation Program	21,700,000	35,000,000	21,700,000	31,700,000
2B04	Terminal ATC Facilties Replacement	95,100,000	112,700,000	126,100,000	128,025,000
2B05	ATC/TRACON Facilities Improvement	55,175,800	41,068,900	55,175,800	48,122,350
2B06	Terminal Voice Switch Replacement/Enhanced TVS	10,200,000	10,200,000	16,000,000	14,000,000
2B07	NAS Facilities OSHA and Environmental Standards Compliance	25,500,000	25,500,000	25,500,000	22,000,000
2B08	Houston Area Air Traffic System	12,000,000	12,000,000	12,000,000	12,000,000
2B09	NAS Infrastructure Management System (NIMS)	16,000,000	16,000,000	10,000,000	10,000,000
2B10	ASR-9 SLEP	20,700,000	20,700,000	20,700,000	20,700,000
2B11	Voice Recorder Replacement Program (VRRP)	5,100,000	7,100,000	5,100,000	7,100,000
2B12	Terminal Digital Radar (ASR-11)	107,100,000	75,000,000	100,100,000	87,500,000
2B13	DOD/FAA Facilities Transfer	1,200,000	1,200,000	3,200,000	3,200,000
2B14	Precision Runway Monitors	7,400,000	7,400,000	7,400,000	7,400,000
2B15	Terminal Radar Improvements	1,073,700	1,073,700	1,073,700	1,073,700
2B16	Terminal Communications - Improve	1,129,400	1,129,400	1,129,400	1,129,400
2B17	Standard Terminal Automation System Replacement	113,900,000	0	113,900,000	108,900,000
2B22	Integrated Control and Monitoring System	0	3,500,000	0	3,500,000
	Subtotal - Terminal Programs	***552,578,900***	***428,872,000***	***578,378,900***	***562,350,450***
2C01	Automated Surface Observing System (ASOS)	7,300,000	7,800,000	7,300,000	7,800,000
2C02	FSAS Operational and Supportability Implementation System (OASIS)	10,200,000	8,000,000	9,200,000	9,200,000
2C03	Weather Message Switching Center Replacement	1,000,000	1,000,000	1,000,000	1,000,000
2C06	Flight Service Station (FSS) Modernization	1,300,000	1,300,000	1,300,000	1,300,000
	Subtotal - Flight Service Programs	***19,800,000***	***18,100,000***	***18,800,000***	***19,300,000***
2D01	VOR/DME	2,000,000	2,000,000	2,000,000	2,000,000
2D02	Instrument Landing System (ILS) Establishment	5,800,000	25,000,000	25,250,000	41,345,000
2D03	Transponder Landing System (TLS)	0	8,400,000	6,300,000	7,000,000
2D05	Runway Visual Range	1,400,000	1,400,000	1,400,000	1,400,000
2D07	Navigation and Landing Aids - Improve	4,408,700	4,408,700	4,408,700	4,408,700
2D08	Approach Lighting System Improvement Program (ALSIP)	5,000,000	17,160,000	19,700,000	24,360,000

Facilities and Equipment
Fiscal Year 2005

FY05 BLI	Program Name	FY05 estimate	House bill	Senate bill	Conference agreement
2D10	DME Sustainment	1,000,000	1,000,000	1,000,000	1,000,000
2D11	Visual Navaids (PAPI/REIL)	3,200,000	3,200,000	3,200,000	3,200,000
2D12	Loran-C	0	27,226,900	10,000,000	22,500,000
2D13	Instrument Approach Procedures Automation	3,100,000	3,100,000	3,100,000	3,100,000
2D14	Navigation and Landing Aids Service Life Extension Pgm	2,000,000	2,000,000	2,000,000	2,000,000
	Wide Area Augmentation System (WAAS)	100,030,000	0	65,090,000	100,030,000
	Subtotal - Landing and Navigational Aids	***127,938,700***	***94,895,600***	***143,448,700***	***212,343,700***
2 02	Fuel Storage Tank Replacement and Monitoring	3,000,000	3,000,000	3,000,000	3,000,000
2 02	FAA Buildings and Equipment	11,027,600	11,027,600	11,027,600	11,027,600
2 03	Electrical Power Systems - Sustain/Support	45,000,000	45,000,000	40,000,000	40,000,000
2 03	Air Navigational Aids and ATC Facilities (Local Projects)	2,300,000	2,300,000	2,300,000	2,300,000
2 04	Aircraft Related Equipment Program	12,000,000	12,000,000	12,000,000	12,000,000
2 05	Computer Aided Eng and Graphics (CAEG) Modernization	800,000	800,000	800,000	800,000
2 06	Airport Cable Loop Systems - Sustained Support	4,600,000	7,100,000	9,600,000	7,600,000
2 06	Programs being rebaselined (ITWS, STARS, WAAS)	0	190,000,000	0	0
	Subtotal - Other ATC Facilities	***78,727,600***	***271,227,600***	***78,727,600***	***76,727,600***
	Total Activity 2	**1,443,266,000**	**1,425,566,000**	**1,427,726,000**	**1,487,492,550**
	Non-ATC Facilities and Equipment:				
3A01	NAS Management Automation Program (NASMAP)	1,000,000	1,000,000	1,000,000	1,000,000
3A02	Hazardous Materials Management	17,000,000	17,000,000	17,000,000	15,000,000
3A03	Aviation Safety Analysis System (ASAS)	12,900,000	12,900,000	6,900,000	6,900,000
3A04	Logistics Support Systems and Facilities (LSSF)	6,000,000	6,000,000	6,000,000	6,000,000
3A05	Test Equipment - Maintenance Support for Replacement	3,000,000	3,000,000	3,000,000	3,000,000
3A06	National Aviation Safety Data Analysis Center (NASDAC)	1,600,000	1,600,000	1,600,000	1,600,000
3A07	NAS Recovery Communications (RCOM)	10,000,000	10,000,000	10,000,000	7,633,450
3A08	Facility Security Risk Management	40,000,000	40,000,000	40,000,000	35,000,000
3A09	Information Security	8,000,000	8,000,000	8,000,000	8,000,000
	Subtotal - Support Equipment	***99,500,000***	***99,500,000***	***93,500,000***	***84,133,450***
3B01	Aeronautical Center Infrastructure Modernization	8,500,000	8,500,000	8,500,000	8,500,000
3B02	National Airspace System (NAS) Training Facilities	0	6,400,000	0	6,400,000
3B03	Distance Learning	1,500,000	1,500,000	1,500,000	1,500,000

Facilities and Equipment
Fiscal Year 2005

FY05 BLI	Program Name	FY05 estimate	House bill	Senate bill	Conference agreement
	Subtotal - Training Equipment & Facilities	*10,000,000*	*16,400,000*	*10,000,000*	*16,400,000*
	Total Activity 3	**109,500,000**	**115,900,000**	**103,500,000**	**100,533,450**
	Mission Support:				
4A01	System Engineering and Development Support	30,400,000	28,400,000	27,765,000	27,765,000
4A02	Safety Management System	1,700,000	0	1,700,000	0
4A03	Program Support Leases	42,600,000	42,600,000	42,600,000	42,600,000
4A04	Logistics Support Services (LSS)	7,900,000	7,900,000	7,900,000	7,900,000
4A05	Mike Monroney Aeronautical Center - Leases	14,200,000	14,200,000	14,200,000	14,200,000
4A06	Transition Engineering Support	35,000,000	35,000,000	30,000,000	30,000,000
4A07	Frequency and Spectrum Engineering	3,600,000	6,100,000	2,000,000	6,100,000
4A08	PCS Moves	1,530,000	1,530,000	1,530,000	1,530,000
4A09	Technical Support Services Contract (TSSC)	43,300,000	43,300,000	38,300,000	38,300,000
4A10	Resource Tracking Program (RTP)	1,500,000	1,500,000	1,000,000	1,000,000
4A11	Center for Advanced Aviation System Development	84,600,000	86,000,000	84,600,000	85,300,000
4A12	NAS Aeronautical Info Management Enterprise System	13,700,000	13,700,000	13,700,000	12,000,000
4A13	DCAA Audits	0	3,000,000	0	0
	Total Activity 4	**280,030,000**	**283,230,000**	**265,295,000**	**266,695,000**
	Personnel and Related Expenses:				
5A01	Personnel and Related Expenses	443,700,000	443,700,000	428,700,000	421,000,000
	Total Activity 5	**443,700,000**	**443,700,000**	**428,700,000**	**421,000,000**
	Total	2,500,000,000	2,500,000,000	2,500,000,000	2,540,000,000

Advanced technology development and prototyping.—The conference agreement includes $59,075,000 for advanced technology development and prototyping instead of $42,400,000 as proposed by the House and $56,575,000 as proposed by the Senate. The following table compares the conference agreement to the House and Senate bills by budget activity: solo., 314

Project	*Conference agreement*
Runway incursion	$9,100,000
Aviation system capacity improvement	4,000,000
Separation standards	2,500,000
GA/vertical flight technology	1,500,000
Operational concept validation	2,000,000
NAS requirements development	1,500,000
Domestic RVSM	2,200,000
Safer skies	3,400,000
Lithium technologies to mitigate ASR	1,000,000
Wind/weather research, Juneau, AK	4,900,000
Phased array radar technology	4,000,000
Airport research	10,100,000
Fogeye	1,000,000
NAS safety assessment	1,000,000
GPS anti-jam technology	3,000,000
Airborne automated flight alert system	3,000,000
Runway obstruction warning system	375,000
Airport cooperative research program	3,000,000
Data exchange project	1,500,000
Total	59,075,000

Airport research.—Of the funds provided, $4,000,000 is for the airfield improvement program authorized under section 905 of Public Law 106–181.

Safe flight 21.—The conference agreement provides $44,454,000, to be distributed as follows:

Activity	Amount
Project Capstone	$36,000,000
(Weather cameras)	(7,000,000)
Ohio River Valley	4,004,000
Other activities	4,450,000

En route automation.—The conference agreement provides $347,200,000 for en route automation. FAA is given the discretion to allocate the reduction of $14,000,000 among projects within this program. The conferees agree that, in future budget submissions, FAA is to display funds for the en route automation modernization (ERAM) program in a separate budget line item, and to identify sub-elements of that program, with associated funding, in the budget justification documents.

Aviation weather services improvement.—The Senate recedes from its direction regarding this program. Funds for these activities are included under "Safe flight 21".

Wide area augmentation system.—The conferees do not agree with Senate direction deferring funds for the additional geo-stationary satellite for the wide area augmentation system. The conference agreement fully funds this program.

New York integrated control complex.—The conferees reiterate support for continued analysis of a New York integrated control complex. Although no current funding is provided, conferees support further investigation of the New York consolidation and will consider future Congressional funding based on the outcome of those studies.

Terminal air traffic control facilities replacement.—The conference agreement provides $128,025,000 for this program. Funds shall be distributed as follows:

Location	***Conference agreement***
Cleveland, OH	$5,000,000
Dayton, OH	975,000
Toledo, OH	975,000
Abilene, TX	1,260,000
Memphis, TN	10,200,000
Deer Valley, AZ	2,000,000
Manchester, NH	1,800,000
Addison Field, Dallas, TX	1,349,375
Reno, NV	3,000,000
Seattle, WA	1,300,000
Fort Wayne, IN	2,200,000
Port Columbus, OH	700,000
Billings, MT	3,000,000
Savannah, GA	700,000
Roanoke, VA	700,000
Merrimack, NH (Tracon)	834,000
Phoenix, AZ	1,334,800
Dulles International, Chantilly, VA	5,500,000
Newport News, VA	2,000,000
Portland, OR (Tracon)	1,000,000
Orlando, FL (Tracon)	2,010,625
Pensacola, FL (Tracon)	1,133,900
Huntsville, AL	11,000,000
Houston, TX (Tracon)	25,000,000
Jefferson County Airport, CO	1,000,000
McCarran International, NV	4,000,000
Montgomery County Airport, TX	1,000,000
North Bend Municipal, OR	2,000,000
Pago Pago, American Samoa	2,000,000
Opa Locka Airport, FL	1,000,000
Spokane International, WA	2,500,000
Boise International, ID	4,500,000
Kalamazoo/Battle Creek International, MI	1,250,000
Palm Beach International, FL	4,000,000
Albert Whitted Airport, FL	2,200,000
Joplin Regional Airport, MO	3,500,000
Kona, HI	2,000,000
Lihue, HI	2,000,000
Missoula, MT	2,000,000
Rogers, AR	700,000
Electronics equipment procurement	7,402,300
Total	**128,025,000**

Terminal automation.—The conferees direct FAA not to obligate the government contractually during fiscal year 2005 to actions which would involve replacement of common ARTS systems or ARTS color displays until the Inspector General reviews and validates the life cycle cost studies and other relevant analyses provided to FAA's Joint Resources Council to justify and rebaseline this possible phase of the terminal automation modernization program. This direction is the same as enacted for fiscal year 2004. During the current year, FAA made some decisions on this program, but deferred final decisions on this critical phase of the program, pending further analysis. The conferees believe that FAA urgently needs to make decisions on these systems, as they involve many of the agency's largest and busiest air traffic control facilities. Consistent with fiscal year 2004, the conference direction does not prohibit the agency from including such activities in contract options that the agency could exercise after full review and approval is received. The conferees remain neutral on the issue of STARS deployment, and await the FAA's detailed analyses and the Inspector General's review.

Detroit Metro Airport, MI.—Detroit Metro Airport was recently identified as a candidate airport where FAA should consider installation of the precision runway monitor (PRM) system to improve airport capacity in inclement weather conditions. Since then, FAA has begun to limit PRM deployment in favor of multilateration technology. Since the need for capacity improvements at Detroit Metro remains valid, and FAA is moving away from PRM deployments, the conferees encourage FAA to apply fiscal year 2005 funding to develop and implement the multilateration technology at this airport on an accelerated basis.

Approach lighting system improvement program.—The conference agreement provides $24,360,000 for this program. Funds shall be distributed as follows:

Location	***Item***	***Conference agreement***
Nationwide	ALSIP nationwide program	$1,000,000
Herbert Small Airport, GA	Precision approach path indicators	300,000
Washington County Airport, PA	Design/install approach lighting system	1,000,000
Mena Intermountain Airport, AR	Install PAPI	360,000
Nationwide	MALSR nationwide program	3,000,000
Kingston Airport, NC	Install ALSF-2	2,500,000
Wilmington Airport, DE	Install MALSR	2,500,000
Gulfport-Biloxi Airport, MS	Install TDZ and CL lighting, runway 14-32	1,100,000
Alaska statewide rural airfield lighting program	Acquire and install airfield lighting	7,000,000
North Las Vegas and Henderson Executive Airports, NV	Runway end identification lights (REILs)	500,000
Monroe Regional Airport, LA	Airfield lighting	2,200,000
Mobile Regional Airport, AL	Acquire and install MIRL, runway 18/36	1,000,000
Adak Airport, AK	Upgrade instrument approach lighting	1,900,000
Total recommended		***$24,360,000***

Instrument landing system establishments.—The conference agreement provides $41,345,000 for this program. Funds shall be distributed as follows:

Location	***Item***	***Conference agreement***
Nationwide	Items in the budget estimate	$2,500,000
Middleton Municipal Airport, WI	Purchase/install localizer and DME	400,000
Arlington Municipal Airport, TX	Install ILS and MALSR	2,500,000
San Diego International, CA	Upgrade ILS on runway 9	2,500,000
Eugene Airport, OR	Install category I ILS with ALS, PAPI, & REILs	1,250,000
Clay County Regional Airport, MO	Install ILS and MALSR	950,000
Orlando Executive Airport, FL	Install ILS with MALSR	1,900,000
Tri-County Airport, Lone Rock, WI	Install localizer, approach lights, and DME	800,000
Swainsboro-Emanual Airport, GA	Install localizer, glideslope, and MALSR	1,145,000
Sheboygan County Memorial, WI	Purchase/install ILS/localizer/DME/glideslope	1,000,000
Fond du Lac County Airport, WI	Purchase and install localizer and DME	400,000
Saline County Airport, AR	Purchase and install ILS	1,000,000
Nationwide	National ILS replacement program	4,500,000
Alliance, NE	Acquire and install ILS	1,000,000
Andalusia-Opp Airport, AL	Acquire and install ILS with MALSR	1,625,000
Carbon County, UT	Acquire and install ILS	2,000,000
Colorado Springs, CO	Acquire and install ILS	2,000,000
Herbert Smart Downtown Regional, GA	Acquire and install ILS	2,000,000
Kirksville Regional, MO	Acquire and install ILS	975,000
John F. Kennedy International, NY	Installation of MALSR	1,300,000
O'Hare International, IL	CAT II/III ILS installation	2,000,000
St. Louis Lambert International, MO	CAT III ILS for new runway	2,000,000
Tooele, UT	Install CAT I ILS with MALSR	2,000,000
Walterboro Municipal, SC	Acquire and install ILS	1,600,000
Winston-Salem, NC	Installation of ALSF-2	2,000,000
		41,345,000

Transponder landing system.—The conference agreement provides $7,000,000 for this program. The conferees agree that FAA should use these funds to conduct site surveys at locations listed in the House and Senate reports. Funds may also be used to evaluate other landing system alternatives, in consultation with the affected airports.

Airport cable loop systems.—Funding of $3,000,000 above the budget estimate is for Atlanta Hartsfield International Airport, GA.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

The conference agreement deletes the rescission of $50,000,000 proposed by the Senate. The House bill contained no similar rescission.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement provides $130,927,000 for research, engineering, and development instead of $117,000,000 as proposed by the House and $129,427,000 as proposed by the Senate. The following table compares the conference agreement to the House and Senate bills by budget activity:

Research, Engineering and Development
Conference Agreement
Fiscal Year 2005

Program	House bill	Senate bill	Conference agreement
Improve Commercial Aviation Safety:			
Fire research and safety	$5,578,000	$6,578,000	$6,578,000
Propulsion and fuel systems	3,672,000	7,672,000	7,172,000
Advanced materials/structural safety	2,197,000	6,697,000	6,697,000
Flight safety/atmospheric hazards	4,119,000	4,119,000	4,119,000
Aging aircraft	18,351,000	19,151,000	19,151,000
Aircraft catastrophic failure prevention	1,116,000	1,116,000	1,116,000
Flightdeck safety/systems integration	8,294,000	12,794,000	11,794,000
Aviation safety risk analysis	8,640,000	8,640,000	8,640,000
ATC/AF human factors	9,467,000	9,467,000	9,467,000
Aeromedical research	6,660,000	6,660,000	10,160,000
Weather research	20,838,000	20,838,000	20,838,000
Improve Efficiency of the ATC System:			
National plan for air transportation	5,100,000	5,100,000	5,100,000
Wake turbulence	2,296,000	4,796,000	4,296,000
Reduce Environmental Impacts:			
Environment and energy	16,008,000	11,890,000	11,890,000
Improve Mission Efficiency:			
System planning and resource mgmt	1,275,000	520,000	520,000
Technical laboratory facilities	3,389,000	3,389,000	3,389,000
Total	***$117,000,000***	***$129,427,000***	***$130,927,000***

Propulsion and fuel systems.—Of the funds provided, $2,000,000 is to continue the evaluation of molecular markers for detecting the adulteration or dilution of jet fuel; $500,000 is for research into modifying general aviation piston engines to enable their safe operation using unleaded aviation fuel; and $1,000,000 is for research into aviation grade ethanol fuels at South Dakota State University.

Advanced materials/structural safety.—Of the funds provided, $4,000,000 is for research and equipment at the National Institute for Aviation Research at Wichita State University (NIAR) and $500,000 is for advanced materials research at the University of Washington.

Flightdeck safety/systems integration.—Of the funds provided, $2,000,000 is for the mobile object technology program and $1,500,000 is for continued development of in-flight simulator training for commercial pilots. Proposed funding for training and education in aircraft inspection, maintenance, and repair is not included.

Aeromedical research.—The conference agreement provides $10,160,000, an increase of $3,500,000 above the budget estimate. Of the additional funds, $3,000,000 is to carry out studies and analyses of airline cabin air quality through the Center of Excellence for Cabin Air Quality, as recommended by the Senate. The conferees encourage FAA to consider adding Oklahoma State University to the consortium of universities in this center of excellence. In addition, $500,000 is to conduct preliminary investigations of the potential of low cost, low power, lightweight, polymer array technologies, networked within aircraft, to meet requirements for cabin air quality monitoring. This work is to be carried out through the FAA Civil Aeromedical Institute.

Weather research.—Of the funds provided, $1,000,000 is for weather-related research to be conducted between FAA and the National Severe Storms Laboratory, Norman, Oklahoma.

Wake turbulence.—Of the funds provided, $2,000,000 is to enhance the capability of pulsed laser Doppler radar to detect and track aircraft wakes.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes a liquidating cash appropriation of $2,800,000,000, as proposed by the Senate. The House had no similar appropriation.

Obligation limitation.—The conferees agree to an obligation limitation of $3,500,000,000 for the "Grants-in-aid for airports" program as proposed by the Senate. The House bill contained no similar limitation.

Administration.—The conference agreement includes a limitation on administrative expenses of $68,802,000 as proposed by the Senate. The House bill contained no similar limitation.

Small community air service development pilot program.—The bill includes $20,000,000 under the obligation limitation to continue the small community air service development pilot program, as proposed by the Senate. The House had no similar funding. This is consistent with actions taken in the past four fiscal years.

San Diego Airport.—Conferees agree to House direction regarding the San Diego Air Transportation Action Plan site selection process.

High priority projects.—Of the funds covered by the obligation limitation in this bill, the conferees direct FAA to provide not less than the following funding levels, out of available resources, for the following projects in the corresponding amounts. The conferees agree that state apportionment funds may be construed as discretionary funds for the purposes of implementing this provision. To the maximum extent possible, the administrator should work to ensure that airport sponsors for these projects first use available entitlement funds to finance the projects. However, the FAA should not require sponsors to apply carryover entitlements to discretionary projects funded in the coming year, but only those entitlements applicable to the fiscal year 2005 obligation limitation. The conferees further direct that the specific funding allocated above shall not diminish or prejudice the application of a specific airport or geographic region to receive other AIP discretionary grants or multiyear letters of intent.

Redesignation of project.—The conferees agree that the fourteenth project in the AIP priority list on page 33 of House Report 108-671 is renamed "Stockton Airport".

Airport	Project description	Amount
Akron-Canton Airport, OH	Construction of de-icing fluid containment facility.	$5,000,000
Akutan Airport, AK	Various improvements	2,000,000
Albany Airport, GA	Runway extension	1,000,000
Albemarle-Stanly County Airport, NC.	Various improvements	600,000
Alliance Airport, TX	Runway extension; relocate navaids; associated relocations.	4,000,000
Andalusia-Opp Airport, AL	Apron and Connector Taxiway Construction, Runway/Taxiway Extension Design, Land Acquisition, Runway Overlay, Road Relocation, and Runway/Taxiway Extension.	3,500,000
Andrews-Murphy Airport, NC	Corporate apron expansion and land acquisition.	1,000,000
Ardmore Municipal Airport, OK.	Reconstruct runway 17/35	1,108,113
Arnold Palmer Regional, PA	Extend runway	1,000,000
Augusta Regional Airport, GA.	Terminal construction	1,500,000
Aurora Municipal Airport, IL	Various improvements	2,800,000
Bartlesville Airport, OK	Extend runway 17/35	1,210,526
Bastrop-Morehouse Memorial Airport, LA.	Phase I funding for land acquisition and project design.	800,000
Baxter County Regional Airport, AR.	Development of parallel runway.	1,000,000
Belen Alexander Municipal Airport, NM.	Various improvements	850,000
Bessemer Municipal, AL	Runway extension and security improvements.	1,000,000
Big Sandy Airport, KY	Fencing	150,000
Blue Ridge Airport, VA	Land acquisition and road relocation associated with expansion of apron.	500,000
Brooks County Airport, TX	Land acquisition for runway extension.	100,000
Brownsville-South Padre Island Airport, TX.	Engineering costs associated with increasing the runway length.	1,250,000
Castle Airport, CA	Upgrade for Part 139 Certification, tower into compliance and various improvements.	1,000,000
Central Nebraska Regional Airport, NE.	Pavement repair and replacement; lighting installation.	2,100, 000
Chandler Municipal Airport, AZ.	Heliport relocation	1,300,000
Chattanooga Metropolitan Airport, TN.	Taxiway "alpha" north reconstruction.	1,500,000
Cleveland Hopkins International Airport, OH.	Runway safety area improvements and software installation.	1,300,000
Collin County Regional Airport, TX.	Reconstruction/overlay of parallel taxiway; runway overlay.	300,000
Concord Regional Airport, NC.	Runway extension	1,250,000
Council Bluffs Municipal, IA	Runway improvements	2,000,000
Craig/Klawock Airport, AK	Various improvements	500,000
Dane County Regional Airport, WI.	Construct 2nd phase of runway 13 safety area, object free space and approach surface.	1,500,000
DeKalb Taylor Municipal, IL	Widen taxiway A and taxiway C.	700,000
Detroit Metropolitan Airport, MI.	Demolition of the Berry Terminal and construction of a new deicing pad.	1,000,000
Dillon County Airport, SC	Construct hangars, runways, and other facilities for new airport.	1,000,000
DuPage Airport, IL	Rehabilitation of taxiways A and C.	2,500,000
Eastman Airport, GA	Construction of the proposed cross wind runway.	1,000,000
Edinburg Airport, TX	Design and engineering for upgrades to add cargo capacity.	100,000
Enid Airport, OK	Reconstruct parallel taxiway; rehabilitate runway 17/35.	947,368
Erie County Plum Brook Airport, OH.	Initial engineering and design work to build the airport.	1,500,000
Fairbanks International, AK	Various improvements	1,300,000
Farmington Airport, MO	Construct apron, partial parallel, and I-hanger taxiways.	1,500,000
Fitzgerald Municipal Airport, GA.	Runway extension and precision approach equipment.	1,300,000
Forbes Field Airport, KS	Taxiway improvements	1,000,000
Franklin Field, AL	Land acquisition, runway extension, and parallel taxiway.	1,000,000
Freddie Jones Airport, AL	Runway extension	1,000,000
Frenchville Airport, ME	Construction of aircraft hangar, complete access road; purchase and remove existing hangars.	1,300,000
Gary/Chicago Airport, IN	Railroad relocation	2,800,000
Georgetown County Airport, SC.	Various improvements	1,000,000
Golden Triangle Regional Airport, MS.	Cargo ramp construction	2,000,000
Granbury Municipal Airport, TX.	Runway extension	1,250,000
Great Falls International Airport, MT.	Runway improvements	3,000,000
Gulfport-Biloxi International Airport, MS.	Various improvements	1,250,000
Guthrie Airport, OK	Complete runway 16/34 extension.	684,211
Halifax Northampton Regional Airport, NC.	Installation of category I instrument landing system, including localizer, glideslope, approach lighting system, and other related components.	1,000,000
Hancock International, NY	Improve drainage; acquire snow removal vehicle; rehab apron.	1,000,000
Harlan Tucker Guthrie Airport, KY.	Fencing	200,000
Harnett County Airport, NC	Runway and parallel taxiway extension; apron expansion/overlay; and localizer installation.	700,000
Havre City-County Airport, MT.	Terminal remodeling and expansion; various improvements.	150,000
Hawkins Field, MS	Extend runway 1634 to 6,500 feet.	750,000
Hector International Airport, ND.	Reconstruct and shorten runway and various improvements.	1,500,000
Helena Regional, MT	Terminal remodeling and expansion.	1,250,000
Highmore Airport, SD	Construct new runway, apron and taxiway.	1,000,000
Hilo International Airport, HI	Runway pavement rehabilitation.	1,000,000
Horry County Airport, SC	Airport study	500,000
Huntsville International—Jones Field, AL.	Taxiway extension and land acquisition.	2,000,000
Ithaca Tompkins Airport, NY	Relocation of parallel taxiway.	500,000
Jackson International Airport, MS.	Apron replacement and related taxiway.	1,750,000
Jamestown Municipal Airport, ND.	Milling off the current surface and resurfacing airline runway 13/31 and various improvements.	4,500,000
JFK Memorial Airport, WI	Security fencing	500,000
Jimmy Stewart Airport, PA	Runway extension	900,000
Joplin Regional Airport, MO	Terminal Replacement	1,500,000
Juneau Airport, AK	Terminal enhancements	1,200,000
Kahului Airport, HI	Taxiway pavement rehabilitation.	1,000,000
Kansas City International Airport, MO.	Various improvements	3,000,000
Kansas State University Airport, KS.	Apron and hangar door repair.	1,000,000
Kenai Airport, AK	Various improvements	1,000,000
Kenosha Regional Airport, WI.	Various improvements	1,000,000
L.O. Simenstad Municipal Airport, WI.	Reconstruct and extend primary runway to 5000 feet, construct parallel taxiway, install high intensity runway lighting.	2,000,000
La Crosse Municipal Airport, WI.	Construct Parallel Taxiway	1,500,000
Levelland Municipal Airport, TX.	Renovation project phase I	68,000
Littlefield Municipal Airport, TX.	Renovation project phase I	68,000
Logan Cache Airport, UT	Master plan	100,000

Airport	Project description	Amount
Lumberton Municipal Airport, NC.	Rehabilitate the primary runway.	1,000,000
Madras/Jefferson County Airport, OR.	Construction of flight services building.	300,000
Manistee County Blacker Airport, MI.	Terminal project	1,000,000
Marshall Municipal Airport, MN.	Extension of runways	1,000,000
Mason City Airport, IA	Rehabilitation of runways; land acquisition for RSA.	2,500,000
Medford Airport, OR	Terminal construction	1,200,000
Merrill Airport, WI	Install jet A fuel facility; install fence..	1,000,000
Mid-Way Regional Airport, TX.	Extension of runway 18–356.	700,000
Missoula International Airport, MT.	Land acquisition	3,925,000
Montgomery County Airport, NC.	Lighting upgrades	150,000
Montgomery Regional (Dannelly Field), AL.	Terminal Renovation—Phase III.	2,000,000
Moriarty Airport, NM	Construction of new cross-wind runway—phase I.	200,000
Moton Field Municipal, AL	Land acquisition, runway and taxiway extension, apron expansion, and other improvements.	1,000,000
Nacogdoches—A.L. Mangham, Jr. Regional Airport, TX.	Runway expansion phase II	2,000,000
Nashville International Airport, TN.	Expansion of the airport rescue and fire fighting facility.	750,000
New Castle County Airport, DE.	Taxiway improvements	1,750,000
New Castle-Henry County Airport, IN.	Land acquisition and runway expansion.	1,000,000
Newport News/Williamsburg International, VA.	Phase II airline ramp expansion.	1,000,000
Norman Airport, OK	Reconstruct main hanger and apron areas.	1,000,000
Nut Tree Airport, CA	Improve airport access and parking aprons; seal hanger taxi landings.	1,000,000
Oakland County International, MI.	Relocation of t-hangers	2,000,000
Orlando International, FL	Elimination of wildlife attractants.	1,000,000
Owensboro—Daviess County Regional Airport, KY.	Runway extension	1,000,000
Paulding County Airport, GA	Land acquisition, design engineering; airfield improvements.	1,000,000
Pellston Regional Airport, MI	Perimeter access road and new entrances, expansion of auto parking lots, de-icing facility, and new entryway signage.	500,000
Person County Airport, NC	Construct runway extension, widen the existing runway safety area, strengthen existing pavement, and complete the parallel taxiway.	1,250,000
Philadelphia International Airport, PA.	Environmental impact statements.	2,000,000
Phoenix Sky Harbor International, AZ.	Taxiway reconstruction	3,500,000
Put-in-Bay Airport, OH	Various improvements	1,000,000
R. L. Jones Airport, OK	Improve airport drainage	236,843
Reno/Tahoe International Airport, NV.	Apron reconstruction	1,000,000
Rice Lake Regional Airport (Carl's Field), WI.	Various improvements	2,000,000
Rochester Airport, NY	Extension of runway 10/28	1,250,000
Sacramento International Airport, CA.	Various improvements	1,500,000
Salina Municipal, KS	Apron and Hangar Repair	1,000,000
San Bernardino International, CA.	Runway improvements	4,000,000
San Francisco International Airport, CA.	Perimeter security fence combined with electronic detection.	1,000,000
Santa Teresa (Dona Ana) Airport, NM.	Runway improvement—phase I.	1,000,000
Soldotna Airport, AK	Runway safety area, drainage improvements, tundra tire/ski runway, signing and visual guidance system.	1,300,000
Somerset Airport, KY	Relocation of Kit Cowan Road.	2,500,000
Southwest Georgia Regional Airport, GA.	Runway extension	1,000 000
Spearfish Airport, SD	Construct new airport runway.	1,000,000
Spokane International Airport, WA.	Taxiway 'C' extension	5,000,000
Springfield-Beckley Municipal Airport, OH.	Purchase land for instrument landing system and development.	1,700,000
St. Petersburg/Clearwater International, FL.	Runway extension	6,000,000
Ted Stevens International Airport, AK.	Laser lines of tug roads and Lake Hood Seaplane base.	1,400,000
Trent Lott International Airport, MS.	Runway expansion	1,000,000
Tulsa International, OK	Taxi lanes; taxiway rehabilitation; drainage improvements.	1,500,000
Tupelo Airport, MS	Upgrade terminal	1,000,000
Unalaska Airport, AK	Air terminal expansion	1,000,000
Upper Cumberland Regional Airport, TN.	Extend runway and construct taxiway extension.	2,500,000
Virginia Highlands Airport, VA.	Environmental assessment, relocation of State Route 611, and design of a runway extension.	1,250,000
W.K. Kellogg Airport, MI	Various improvements	3,000,000
Warren County Airport, NY	Various improvements	500,000
Waukesha County Airport (Crites Field), WI.	Various improvements	3,000,000
West Virginia Statewide	Various improvements	8,000,000
Westfield-Barnes Airport, MA.	Navigation aids to add an array of eight new antennas.	100,000
Williamsburg/Whitley County Airport, KY	Various improvements	650,000
Willmar Airport, MN	Various improvements	1,000,000

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement includes a rescission of contract authority of $265,000,000 as proposed by the Senate. No similar rescission was proposed by the House.

GENERAL PROVISIONS—FEDERAL AVIATION ADMINISTRATION

Sec. 101 retains authorization for airports to transfer instrument landing systems and other equipment purchased with federal airport grants to the FAA, subject to certain conditions, as proposed by the House and Senate.

Sec. 102 allows 375 technical staff-years at the Center for Advanced Aviation Systems Development as proposed by the House, instead of 350 as proposed by the Senate.

Sec. 103 retains a provision proposed by the House prohibiting funds for engineering work related to an additional runway at Louis Armstrong New Orleans International Airport in Louisiana. The Senate bill contained no similar provision.

Sec. 104 retains a provision prohibiting FAA from requiring airports to provide "without cost" building construction or space, as proposed by the House and Senate.

Sec. 105 retains a provision proposed by the House prohibiting funds to change weight restrictions or prior permission rules at Teterboro Airport in New Jersey. The Senate bill contained no similar provision.

Sec. 106 modifies provisions proposed by the House and Senate concerning the continuation and mandatory expansion of the war risk insurance program. The modification deletes expansion of the program to aircraft manufacturers and associated entities. As proposed by the House and Senate, the conference agreement extends the existing terms and conditions of the program for one year, until December 31, 2005. The conferees note that, under the provisions of section 106 of Public Law 108-176, the Secretary continues to have the authority to extend war risk insurance to aircraft manufacturers at his discretion.

Sec. 107 includes a provision making eligible for the FAA's Airport Improvement Program a project meeting certain specified requirements.

The conference agreement deletes a provision proposed by the Senate authorizing the FAA Administrator to accept funds from an airport sponsor, subject to certain conditions, for environmental reviews related to a project to add critical airport capacity. A similar provision was enacted on December 12, 2003 in Public Law 108-176.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement limits administrative expenses of the Federal Highway Administration (FHWA) to $346,500,000 instead of $346,000,000 as proposed by the House and $349,594,000 as proposed by the Senate. This amount assumes funding for six full time equivalents to help oversee FHWA major projects.

The conferees recommend the following adjustments to the budget request by program and activity:

Employee multidisciplinary development program	–$1,600,000
Undistributed reduction	–1,494,000

The conferees note a report on this program due by March 15 2004 has yet to be received by the House and Senate Committees on Appropriations, and therefore reduce funding for the employee multidisciplinary development program to $2,506,000. The conferees include an undistributed reduction of $1,494,000 and direct FHWA to report back to the House and Senate Committees on Appropriations on the planned amounts for these activities and funding sources with the 2005 operations plan, and actual amounts and funding sources in future budget justifications. A table should include information on each LAE subline item, including the budget request, reductions (if any), and a total. Examples of subline items are "awards", "Oracle licensing", "electronic government", or "IT cost to meet new IT architecture standards".

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement limits obligations for the federal-aid highways program to $34,700,000,000 instead of $34,641,000,000 as proposed by the House and $34,900,000,000 as proposed by the Senate.

Project clarifications—The conference agreement deletes language associated with changes or corrections to projects in the statement of managers associated with both the fiscal year 2004 and 2003 bills, as proposed by the Senate.

Public lands.—The conference agreement modifies language proposed by the Senate directing that funds allocated to FHWA's public lands discretionary program be derived from that program and not from funds allocated to the National Park Service, and that these funds not come from funds allocated to the Fish and Wildlife Service's regions.

Major projects updates.—The conferees require FHWA to provide the House and Senate Committees on appropriations quarterly updates on major projects it is tracking.

Tranportation Enhancements—The conferees are aware that the Surface Transportation Extension Acts continue TEA-21's requirement that 10 percent of the Surface Transportation Program (STP) funds apportioned to a State be set-aside specifically for transportation enhancement (TE) activities, which fund community-based transportation infrastructure projects. The Conferees direct that of the fiscal year 2005 TE funds distributed to the State of Oklahoma, the Federal Highway Administration shall ensure that a total of $2,500,000 is provided to the visitor welcome centers at Blackwell and at Erick, Oklahoma; and that $750,000 is provided to the recreational trails project in Edmond, Oklahoma.

District of Columbia partnership.—The conferees recognize the success of the "DC Streets" partnership, a project to preserve and maintain the majority of the 75 mile NHS system in the District of Columbia. The conferees note the favorable evaluation of asset condition when measured against performance measures, and believe that the project could serve as a national model for performance based contracting.

LIMITATION ON TRANSPORTATION RESEARCH

The conferees provide a general limitation on transportation research of $462,500,000, as proposed by the Senate, instead of $478,000,000 as proposed by the House.

SURFACE TRANSPORTATION RESEARCH

Within the funds provided for surface transportation research, the conference agreement modifies House and Senate language and includes $103,000,000 for highway research and development for the following activities:

Environmental, planning, real estate	$16,850,000
Research and technology program support	8,000,000
International research	400,000
Structures	14,000,000
Safety	11,500,000
Operations	13,000,000
Asset management	2,750,000
Pavements research	16,000,000
Long term pavement project (LTPP)	10,000,000
Advanced research	750,000
Policy research	9,000,000
R&T strategic planning and performance measures	750,000
Total	103,000,000

The conference agreement replaces language allocating research funding proposed by the Senate with the following language:

Environmental, planning, and real estate.—The conference agreement provides $16,850,000 for environmental, planning, and real estate research. Within the funds provided for this research activity, the FHWA is directed to provide $1,000,000 to continue dust and persistent particulate abatement research in Emmonak, Alaska, $500,000 for Central California Ozone Study, and $250,000 for the Sacramento Blueprint, California.

Research and technology.—The conference agreement provides $8,000,000 for research and technology program support. Within the funds provided for this activity, the FHWA is directed to provide $250,000 to the Transportation Research Center at Georgia Tech University; $700,000 to the Center for Intermodal Freight Mobility and Security in Maryland; $750,000 for the Center on Coastal Transportation Research at the University of South Alabama, $475,000 for NEPA training at Pellissippi State Community College in Tennessee, $650,000 for the University of Vermont for research related to dynamic transportation modeling and advanced ground penetrating radar systems, and $1,500,000 for the Oklahoma Transportation Center.

International research.—"The conferees provide $400,000 for international research activities. Further, FHWA is directed by the conferees to consult the House and Senate Appropriations Committees before any international agreements are consummated that are likely to require financial support as proposed by the House.

Structures.—The conference agreement provides $14,000,000 for structures research. Within the funds provided for structures research, the conferees direct FHWA to provide $125,000 to support nondestructive structural evaluation technology at New Mexico State University's Bridge Research Center, $200,000 for West Virginia University Constructed Facilities Center for fire and blast resistant composite barriers research, and $150,000 for the University of Delaware's innovative bridge research program, $350,000 to the University of Maine to study the use of wood composite material to extend the life of ports, and $1,000,000 for the National Steel Bridge Alliance. The conferees strongly encourage FHWA to continue its research and deployment of lithium technologies to prevent and mitigate ASR since advances in these lithium technologies have the potential to help increase the durability of our transportation infrastructure.

Safety.—The conference agreement provides $11,500,000 for safety research.

Operations and asset management.—The conference agreement provides $13,000,000 for operations and $2,750,000 for asset management. Within the funds provided for these activities, the conferees direct FHWA to provide $700,000 for Wisconsin's critical vulnerability assessment and countermeasure plan; $300,000 for the Wisconsin STRAHNET detour route planning; $1,500,000 for the Puget Sound In-Vehicle Traffic Map Demonstration initiative in Washington State; and $500,000 for the Pacific Northwest freight mobility research program at Washington State University, the University of Washington, and North Dakota State University.

The conference agreement does not provide funds for statistical analysis of the National Quality Initiative under any FHWA research program, as proposed by the House. Such analysis shall be performed by the Bureau of Transportation Statistics.

Pavements.—The conference agreement provides $16,000,000 for pavements research. Within the funds provided for this activity, the conferees direct FHWA to provide $250,000 to Tennessee Tech University rapid set pavement research and development; $500,000 for low cost carbon fiber production technology, University of Tennessee Space Institute; $550,000 for the Center for Portland Cement Concrete Pavement Technology at Iowa State University; $1,250,000 to the National Center for Asphalt Technology, Auburn, Alabama; $450,000 for the Mack-Blackwell Paving Materials Study, Arkansas; $300,000 for the concrete research at Oklahoma State University; and $500,000 for aggregates research at the International Center for Aggregates Research, Texas.

Policy.—The conference agreement provides $9,000,000 for policy research. Within the funds provided for this activity, FHWA is directed to provide $300,000 to the Boston University infrastructure investment research initiative.

INTELLIGENT TRANSPORTATION SYSTEMS

The conference agreement modifies language proposed in the House and Senate and provides a limitation on Intelligent Transportation Systems of $232,000,000. Funds are available for the following activities:

Research and development	$52,000,000
Operational tests	10,000,000
Evaluations	7,000,000
Architecture and standards	18,000,000
Integrations	11,500,000
Program support	11,500,000
Subtotal	110,000,000
ITS Deployment incentive program	122,000,000
Total	232,000,000

Joint Program Office.—The conferees retain House language regarding the structure of the ITS Joint Program and directing the Secretary to justify any changes to the administrative structure.

Intelligent transportation systems deployment projects.—Within the funds available for intelligent transportation systems deployment, the conference agreement provides that not less than the following sums shall be available for intelligent transportation projects in these specified areas:

Project Name	*Amount*
Alameda Corridor—East Project, San Gabriel Valley, California	$2,000,000
Alexandria Fiber Optic Cable for Traffic Signal Coordination, Virginia	2,000,000
Alliance for Transportation Research, Transportation Technology Center, New Mexico	750,000
Appalachian Transportation Institute and U3C, West Virginia	1,000,000
Atlanta Construction and Traffic Management Project, Georgia	2,000,000
Baltimore City Intelligent Transportation System, Maryland	1,000,000
Bay County Regional ITS, Florida	2,000,000
Calmar Research Vehicle Communication Systems, New York	1,150,000
Center for Injury Sciences, Alabama	2,000,000
Central Florida Regional Transportation Authority (LYNX): North Orange/South Seminole ITS Enhanced Circulator	500,000
Cicero Avenue Smart Corridor, Illinois	1,000,000
City of Boston Directional Signage Program, Massachussets	1,000,000
City of Elk Grove ITS Project, California	1,500,000
City of Fort Worth Intelligent Transportation Systems, Texas	1,800,000
City of San Antonio Municipal ITS Technologies, Texas	1,300,000
Clark County ITS, Washington	2,000,000
Commercial Vehicle Information Systems Network, Illinois	500,000
COTA ITS Integration Project Phases II and III, Ohio	800,000
DeKalb Co. Signal System Improvements, Georgia	500,000
Downtown Signalization Project, Mechanicsburg, Pennsylvania	750,000
FAST-TRAC Signal Expansion, Michigan	1,000,000
Florida State University System Center for Intermodal Transportation Safety	3,000,000
Freeway Incident Management Program, Houston, Texas	3,250,000
Ft. Lauderdale Intelligent Trans System Improvement, Florida	1,000,000
GEARS Demonstration Project, Cumberland County, Pennsylvania	150,000
Germantown ITS, Tennessee	500,000
GMU ITS Appropriations, Virginia	2,000,000

Project Name	Amount
Highway Speed E-ZPass, Outerbridge Crossing, New York	350,000
Hillsborough Area Regional Transit Authority: Bus Tracking, Communication and Security, Florida	750,000
I-70 Incident Management Plan, Colorado	1,250,000
1-91 Fiber and ITS Construction, Massachussets	2,500,000
Intelligent Transportation at George Washington University, Virginia	1,000,000
Intelligent Transportation System feasibility study and implementation plan, Edmond, OK	100,000
Intelligent Transportation System, Jackson, Tennessee	385,000
Intelligent Transportation System, Wichita, Kansas	1,250,000
Intelligent Transportation Systems—Nebraska	450,000
Intelligent Transportation Systems, City of Jackson, Tennessee	1,000,000
Intelligent Transportation Systems, Illinois	5,000,000
Intercity Transit ITS (Thurston County), Washington	2,000,000
Interurban Transit Partnership, Grand Rapids, MI	2,000,000
Iowa ITS	2,000,000
ITS—Commercial Vehicle Safety and Integration Statewide, Utah	500,000
ITS—Northwest Arkansas Regional Architecture, Arkansas	250,000
ITS—Rural Recreation & Tourism, Statewide, Utah	750,000
ITS—Springfield, Illinois	650,000
ITS Deployment Project, Inglewood, California	400,000
ITS Statewide, Maryland	1,000,000
Jacksonville Transportation Authority: Intelligent Transportation Systems Regional Planning, Florida	750,000
JAXPORT Intermodal Cargo Tracking Project, Florida	900,000
Kansas City SmartPort, Missouri	750,000
King County, County-Wide Signal Program, Washington	2,000,000
Lake County Passage, Lake County, Illinois	1,250,000
Laredo ITS Multi-Agency Integration and Incidence Project, Texas	500,000
Los Angeles Union Station Communication System	1,000,000
Lynnwood Traffic Management Center of Multi-Jurisdictional ITS, Washington	1,000,000
MARTA Automated Fare Collection/Smart Card System, Georgia	500,000
Missouri Statewide Rural ITS	2,500,000
Montgomery County Integrated ITS Program, Maryland	750,000
Montgomery Intelligent Transportation System Acquisition and Implementation, Alabama	1,000,000
Nepperhan Traffic Improvements, City of Yonkers, New York	300,000
Northwest Arkansas Regional Planning Commission—ITS Regional Architecture	300,000
Park Avenue Corridor Improvements, New Jersey	1,000,000
Park Avenue Corridor Improvements, Union County, NJ	765,000
Pennsylvania Turnpike ITS Initiative, Pennsylvania	2,000,000
PSU's Center for Transportation Studies ITS Initiatitive, Oregon	400,000
Puget Sound In-Vehicle Traffic Map Expansion Program, Washington	2,000,000
Pulaski at Irving Park Intersection Improvement, Illinois	500,000
PVTA ITS, Massachussets	1,000,000
Regional ITS Springfield, Missouri	2,000,000
Reston Traffic Signal Prioritization, Virginia	750,000
Route 28 traffic light synchronization	500,000
Route 50 signalization improvement, Virginia	1,000,000
Route 7 signalization improvements, Virginia	500,000
Rural Highway Information System, Kentucky	2,000,000
San Diego Joint Transportation Operations Center, California	750,000
SCDOT InRoads, South Carolina	2,500,000
Signal Preemption Upgrades, Culver City, California	110,000
South Boulevard Signal System, North Carolina	470,000
Springfield Regional Intelligent Transportation System, Missouri	2,000,000
Stamford Urban Transitway Phase II, Connecticut	1,000,000
State Transportation Incident Management Center, Wisconsin	500,000
STRAP 3 Transportation Program Tracking	1,500,000
The Mass Country Roads Traveler Information System, Massachusetts	200,000
TMC Transportation Operations Center, Texas	500,000
Traffic Operations Center, City of Fresno, California	500,000
Traffic Response and Information, Partnership Center, Maryland	1,500,000
Transportation Management & Emergency Ops Center/Oakland, California	750,000
Transportation Research Center, Georgia	1,000,000
Traveler Information System, Seattle, Washington	1,000,000
Tri-County ITS Coordination Intitiative, Michigan	500,000
Twin Cities, Minnesota Redundant Communications Pilot	750,000
University of Alaska Arctic Transportation Engineering Research Center, Alaska	1,500,000
University of Kentucky Transportation Center	1,500,000
US 2 Lohman Rail Crossing Advance Warning, Montana	1,000,000
US 280 Corridor ITS, Alabama	800,000
US 280, Jefferson County, ITS, Alabama	4,000,000
US 98 Widening from Bayshore Road to Portside Road, Florida	500,000
Variable Message Signs and 511 Implementation, Idaho	2,250,000
Ventura County Intelligent Transportation Systems, California	750,000
Vermont Roadway Weather Information System	1,000,000
Village of Tarrytown, New York	320,000
West Baton Rouge Emergency Communications Center, Louisiana	1,500,000
Wisconsin State Patrol Mobile Data Communications Network—Phase III	3,400,000

FERRY BOATS AND FERRY TERMINAL FACILITIES

Within the funds available for ferry boats and ferry terminal facilities, funds are to be available for the following projects and activities:

Project	Amount
Beale Street Landing / Docking Facility, Memphis, Tennessee	$500,000
Beale Street Landing/Docking Facility, Tennessee	1,350,000
Bridgeport High Speed Ferry Terminal, Connecticut	550,000
Bridgeport High-Speed Ferry Terminal Project, Connecticut	350,000
City dock repairs, Bayfield, Wisconsin	500,000
Claggett Hill, Lewis and Clark Ferry Boat Facilities on Missouri River, Montana	1,000,000
Claggett Road /Lewis Clark Ferry Boat Facilities, Montana	500,000
Commuter Ferry to Boston, Winthrop, Massachussets	300,000
Ferry Boat for San Fracisco Water Transit Authority, California	1,000,000
Ferry for Jamestown 2007 Festivities, Virginia	250,000
Greenup-Boyd Riverport Authority in Greenup County, Kentucky	850,000
Jamaica Bay Transportation Hub, New York	300,000
Kitsap Transit Ferry Boat Buy, Washington	1,750,000
Mammoth Cave/Edmonson County Green River Ferry, Kentucky	250,000
Mid-Chesapeake Bay Ferry, Virginia	250,000
National Park Service Sandy Hook, New Jersey	400,000
Newport Harbor Water Shuttle, Rhode Island	600,000

Project	Amount
Oklahoma City Water Taxi	1,000,000
Penobscot River Passenger Ferry Docking Facility, Maine	750,000
Putnam County, FL Ferry Boat & Terminal Facilities, Florida	500,000
Savannah Water Taxi, Georgia	500,000
St. Johns River Ferry Terminal, Florida	700,000
Stamford High Speed Ferry, Connecticut	500,000
Staten Island Ferryboat Replacement—New York, New York	1,000,000
Washington State Ferries, Smart · Video Surveillance for Ferry Security	750,000
Water taxi docks, New York	600,000
Water Taxi Study, Barnett Reservoir, Mississippi	1,000,000

NATIONAL CORRIDOR PLANNING AND BORDER DEVELOPMENT PROGRAM

Within the funds available for the national corridor planning and border development program, funds are to be available for the following projects and activities:

Project	Amount
Albany Bypass, Clinton County, Kentucky	$1,000,000
Berkley Road Polk County, Florida	2,000,000
Bishopville Bypass Construction, South Carolina	1,500,000
Broad & Washington Street Reconstruction, Connecticut	2,000,000
Carrollton/US90–US61 Rehabilitation Project, Louisiana	1,000,000
Construction of Juneau Access road, Alaska	2,000,000
Construction of road from Kotzebue, Alaska to Cape Blossom, Alaska	2,000,000
Construction of road, Shot Gun Cove, Alaska	2,000,000
County State Aid Highway 21 Project, Minnesota	1,000,000
Craig roads, Alaska	1,000,000
Cross Valley Connector, California	5,000,000
East Hiram Parkway, Paulding County, Georgia	1,000,000
Emmonak street lighting, Alaska	1,000,000
Englewood Interstate Connector EIC, Sarasota, Florida	1,000,000
FAST Corridor Program, Washington	2,500,000
Haleyville Bypass, Winston County, Alabama	6,500,000
Highway 65 Hollister Interchange Missouri	1,000,000
Horse Stamp Road/I–95 Interchange, Georgia	3,000,000
I–4/Crosstown Connection in Hillsborough County, Florida	1,000,000
I–235/US54 and I–235/Central Ave, Wichita, Kansas	1,500,000
I–49 North, Louisiana	2,250,000
I–49 South, Louisiana	2,250,000
I–494/US 169 Interchange, Minnesota	1,500,000
I–635, Texas	2,450,000
I–69 Access Project, Hamilton County, IN	1,000,000
I–69/SR 304 Paving, Mississippi	1,000,000
I–69 Connector (I–530 Ext.): Pine Bluff–Hwy. 278, Arkansas	2,000,000
I–74 from Maxton Bypass to Lumberton, North Carolina	1,000,000
Improvements to Anaheim Street, from 710 Freeway, California	500,000
Improvements to CR 833 in Hendry County, Florida	1,000,000
Interchange at K–7 & 55th St./Johnson Dr, Shawnee, Kansas	2,000,000
Interstate 280 Interchange Improvements, New Jersey	1,500,000
Interstate 5 Riverfront Reconnector, California	1,000,000
Interstate 69, Tennessee	1,500,000
Jennie Barker Rd./Mary St./K–156 Intersection, Finney County, Kansas	500,000
Kalispell Bypass, Montana	3,000,000
Kodiak Island roads, Alaska	1,300,000
KY 911/115 Widening, Kentucky	1,000,000
Lincoln Parish I–20 Corridor, Louisiana	1,000,000
Loop 49 from SH 155 to SH 31, Texas	3,000,000
Manchester Road in Akron, Ohio	1,000,000
Mesa del Sol/I–25 Interchange, New Mexico	1,000,000
Mon-Fayette Expressway Project/Uniontown to Browns, Pennsylvania	2,000,000
Navajo Route N7048 Bridge Construction, New Mexico	250,000
Nikiski emergency escape road, Alaska	500,000
Northwest Butler Transportation Improvement District, Ohio	4,000,000
Old Highway 471, Rankin County, Mississippi	1,000,000
Outer Loop/I–85 Connector, Montgomery, Alabama	2,000,000
Parkway West Missing Ramps and Widening Project, Pennsylvania	1,000,000
Port of Albany Operational Improvements, New York	1,000,000
Ports of Savage/TH 13 Improvements, Minnesota	1,000,000
President George Bush Tollway Eastern Extension, Texas	2,000,000
Pt. Hope evacuation road, Alaska	2,000,000
Reconstruction of Ashburton Avenue, Saw Mill River	1,200,000
Reyes Adobe Road Interchange Project, California	1,500,000
Rickenbacker Intermodal Facility, Ohio	1,500,000
Route 247, Nelson County, Kentucky	600,000
Route 412 Improvement Project, Bethlehem, Pennsylvania	3,000,000
Route 79 Improvements, Fall River, Massachusetts	1,000,000
SR 0171, Drinkers Creek Bridge, Susquehanna County, Pennsylvania	1,000,000
Santa Fe Corridor, Colorado	1,000,000
SR 519 Intermodal Access, Washington	1,000,000
Street Improvements, Lawndale, California	500,000
US 82 Bypass at Greenville, Mississippi	1,500,000
US 101 Off-ramp Extension at Van Nuys Boulevard, California	1,000,000
US 319 Improvements, Florida	1,000,000
US 321 Corridor, North Carolina	1,000,000
US 60 bridge replacement, Virginia	2,600,000
US Highway 56 Improvements, Kansas	4,000,000
US Route 2/Danville, Vermont Improvements	2,000,000
Upgrade of NH Rte. 110 Berlin, New Hampshire	800,000
US 395—North Spokane Corridor, Washington	1,000,000
US 401 in Harnett, Cumberland & Wake Counties, North Carolina	800,000
US 62—Franklin County/Frank Road, Ohio	1,000,000
US 83 from .5 mi e of FM1425 to Hidalgo/Cameron, Texas	1,000,000
US Highway 62/180 Four-Lane Reconstruction, New Mexico	5,000,000
US–95, MP 536 to Canadian Border, Idaho	1,500,000
UW-Bothell/Cascadia South Access Project, Washington	1,000,000
Wadsworth/U.S. 36 Interchange in Broomfield, Colorado	1,250,000
Wasilla substandard road improvements, Alaska	1,000,000
West Virginia Route 9—Berkeley and Jefferson Counties	10,000,000
White County/Monticello 6th Street West Shafer Drive Project, Indiana	250,000
Yakima Grade Separations, Washington	1,500,000

TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PROGRAM

Within the funds made available for the transportation and community and system preservation program, funds are to be distributed to the following projects and activities:

Project	Amount
Aberdeen, South Dakota Pedestrian/Bicycle Trail	$200,000
AltaVista Business Park Entrance, Pennsylvania	2,500,000
American Village Citizenship Trust—Transportation Access and Improvement, Alabama	1,000,000
Antelope Valley Transportation Improvements, Nebraska	1,000,000
Blount County Transportation Growth and Planning Study, Tennessee	500,000
Clayton Core Area Revitalization and Enhancement Program, Alabama	250,000
Concord 20/20, New Hampshire	450,000
Coosa River Boardwalk, Gadsden, Alabama	800,000

Project	Amount
Culpeper Regional Airport Road Project, Virginia	1,100,000
Fairgrounds Road in Alamagordo, New Mexico	400,000
Farmington Canal Greenway, New Haven, Connecticut	750,000
Hammonton Pedestrian Downtown Improvements, New Jersey	200,000
Hattiesburg Rail-Roadway Intersection Congestion Study, Mississippi	300,000
Henry M. Jackson Pedestrian and Bicycle Bridge and Snohomish River Shoreline Trail Project, Everett, Washington	500,000
INAAP Re-Use Authority Project, Indiana	1,000,000
Lakeview Park Trail, Mexico, Missouri	375,000
Luverne, AL Downtown Revitalization, Alabama	500,000
Miami Performing Arts Center: Pedestrian Plaza and Traffic Calming, Florida	250,000
Midwest City Hudiburg Drive Improvements, Oklahoma	875,000
Mingo Trail Construction, Oklahoma	200,000
New Cassel Revitalization Project, NY	1,000,000
NH Rte. 103 Bridge, Warner, New Hampshire	200,000
Norman, Oklahoma Railroad Grade Separations, Oklahoma	1,000,000
Oglala, South Dakota Pedestrian/Bicycle Trail	225,000
Orange Beach Pedestrian Safety and Lighting Enhancements, Alabama	250,000
Ottawa, KS Master Transportation Plan, Kansas	200,000
Paulding Business and Technology Park, Georgia	1,000,000
Paulding County Business and Technology Park Roadway Improvement, Georgia	1,000,000
Pedestrian bridge, Shandon, California	250,000
Pedestrian safety improvements, San Miguel, California	250,000
Philadelphia Port—Access Enhancement Plan, Pennsylvania	500,000
Portsmouth Town Center, Rhode Island	225,000
Resurfacing Diaz Avenue in Hurley, New Mexico	100,000
Sidewalk & Lighting Improvements, Bevill State CC, Alabama	400,000
Southern Corridor/Atkinville Interchange, Utah	2,500,000
State Route 52 East from SR125 to SR67, California	1,000,000
US-2 Development Plan, Washington	500,000
Wheeler NWR—Wildlife Drive, Alabama	250,000
Windsor, VT Industrial Access Road, Vermont	1,000,000

Bridge Discretionary Program

Within the funds available for the bridge discretionary program, including the bridge set-aside, funds are to be available for the following projects and activities:

Project	Amount
Black Narrows and Chincoteague Bridge, Virginia	$1,000,000
Brent Spence Bridge Replacement, Kentucky	3,000,000
Brent Spence Bridge, Kentucky	1,000,000
Bridge Number 658, Arizona	200,000
Covered Bridge Program, Vermont	2,000,000
Dover Bridge, Bonner County, Idaho	1,500,000
Eutaw, Alabama Bridge Reconstruction	500,000
Flat Road Bridge, Pennsylvania	500,000
Flint River Bridge, Albany, Georgia	1,000,000
Gill Montague Bridge, Massachussets	3,000,000
Gilmerton Bridge, Chesapeake, Virginia	250,000
Golden Gate Bridge Seismic Retrofit, California	5,000,000
Highway 35 Bridge Repair, near Little River Canyon, Alabama	800,000
Hoover Dam Bypass Bridge, Arizona	10,000,000
I–10 Bridge Widening at Ray Road, Arizona	1,000,000
I-40 Oklahoma City Cross Town Expressway	10,000,000
I–75 bridge upgrades for capacity improvements, Florida	1,500,000
Indian River Inlet Bridge Replacement, Delaware	5,000,000
Interstate 35–E at CSAH 14 in Lino Lakes, Minnesota	250,000
Interstate 74 Bridge, Bettendorf, Iowa	1,100,000
Joachim Avenue Bridge Replacement, Missouri	2,500,000
Juneau bridge repair and upgrade, Alaska	1,800,000
LA 143–US 165 Connector/Ouachita River Bridge, Louisiana	1,500,000
Leeville Bridge, Lafourche Parish, Louisiana	1,000,000
Louisiana Department of Transportation	1,000,000
Lowell Street Bridge, Somerville, Massachussets	2,000,000
Matthews Bridge Replacement, Florida	1,500,000
McBaine Bridge Replacement, Missouri	850,000
Meridian Bridge, Yankton, South Dakota	4,000,000
Missisquoi Bay Bridge, Vermont	1,500,000
Naknek Bridge, Alaska	3,000,000
National Covered Bridge Program	2,000,000
NM467 Highway Overpass, New Mexico	1,000,000
North-South Wacker Drive Reconstruction, Chicago, Illinois	5,000,000
Ohio River Bridges, Kentucky	2,000,000
Old Central Bridge in Pickens County, South Carolina	200,000
Old Town-Milford Bridge, Maine	2,000,000
Rancho Cucamonga I-15 Base Line Road Interchange, California	500,000
Reconstruction of Multorpor Overpass at Highway 26, Oregon	2,500,000
Removal of old Jamestown Bridge, Rhode Island	3,000,000
Replacement of Waldo-Hancock Bridge, Maine	1,000,000
Route 17/Essex Street Bridge Replacement, Bergen County, New Jersey	2,000,000
Scioto River Bridges Replacements, Columbus, Ohio	1,000,000
Seventh Street Bridge Reconstruction—Port Huron, Michigan	500,000
SR–520 Bridge Replacement and HOV Project, Washington	1,000,000
SR–6, Bridge Replacement Project, Pacific County, Washington	1,000,000
Star Landing Railroad Underpass, Southaven, Mississippi	2,000,000
State Hwy. 32 (Claude Allouez Bridge, DePere), Wisconsin	1,000,000
Sutton Road Bridge, Pennsylvania	500,000
Topeka Boulevard Bridge, Kansas	850,000
US 220-Business Bridge Replacement, Virginia	400,000
US 34 Missouri River Bridge, Mills County, Iowa	500,000
Upgrade Route 141 from I-64 to Route 340, Missouri	800,000

Federal Lands

Within the funds available for the federal lands program, funds are to be available for the following projects and activities:

Project Name	Amount
14th Street Bridge Improvements, Virginia	$1,250,000
Access Road Planning—Big Gem Park/Shenandoah, Virginia	60,000
Alaska Trail Initiative	4,000,000
Amherst County River Walk Trail, Virginia	500,000
Beale Air Force Base access road improvements, California	1,000,000
Bear River Access Road, Utah	2,000,000
Cape Cod Seashore Eastham/Dennis Bike Trail Repair, Massachussetts	1,200,000
City of Palm Harbor Safety and Access Program	700,000
City of Rocks Back Country Byway, Stage 3, Idaho	1,000,000
City of Rocks Back Country Byway, Stage 3, Idaho	3,000,000
City of Treasure Island Harbor Safety and Access Program	450,000
Doyle Drive Replacement Project, California	1,000,000
Enumclaw Welcome Center, Washington	1,000,000
Fort Campbell Cole Road Widening, Kentucky	2,000,000
Fort Peck Reservoir Fishing Access Roads, Montana	5,000,000
Frederick Douglass Bridge, Washington, DC	4,500,000

Project Name	*Amount*
Golden Gate National Park Conservancy	1,000,000
Grand Teton National Park pathway system, Wyoming	4,000,000
Hoover Dam Bypass Boulder City Extension, Nevada	1,000,000
I–25/NM 556 Interchange, Pueblo of Sandia, New Mexico	500,000
I–5/116th Street NE Interchange Improvements, Tulalip Tribe, Washington	1,000,000
IH20-Dyess AFB Access Project, Texas	750,000
Kentucky Scenic Byways	1,000,000
Lake Mead Parkway/Lake Las Vegas Gateway	1,000,000
Leelanau County Road Commission, Michigan	300,000
Lone Pine Dam Road, Arizona	2,500,000
Louis Reef Road and Boswick Lake Road, Alaska	1,500,000
Lowell Riverwalk, Massachusetts	1,000,000
M-6 Paul Henry Trail construction, Michigan	1,000,000
Marin Parklands/Muir Woods Visitor Access, California	1,278,000
Marysville Road Construction Project, Montana	3,000,000
MD 4, Suitland Parkway, Maryland	3,750,000
Missisquoi Wildlife Refuge Federal Lands Project, Vermont	500,000
Needles Highway/NV Improvements, California	500,000
OR 140, Lake County, Oregon	500,000
OR 140, Lake County, Oregon	400,000
Palm Coast Trail System, Flagler County, Florida	1,000,000
Pine Springs Road N9010, Arizona	1,000,000
Port of Stockton Daggett Road, California	1,000,000
Preston North & South, Nebraska	700,000
S–323 Alzada-Ekalaka, Montana	3,000,000
Serpentine Hot Springs Road, Bering Land Bridge National Park, Alaska	1,000,000
SH 145—Dolores to Stoner, Colorado	500,000
Silvio Conte National Fish & Wildlife Refuge Educational Outreach Center, Norwich, Vermont	1,000,000
South Palm Canyon Drive Phase 2, California	1,582,000
SR 160 Blue Diamond Highway Widening—Valley View to Rainbow Clark County, Nevada	5,000,000
SR–92, I–15 to 1200 East, Lehi, Utah	750,000
Statewide Improvements to Federal Lands, Hawaii	4,000,000
Summit Valley Road, San Bernardino County, California	1,000,000
Swinomish Tribe Marina Project, Washington	2,000,000
Timucuan Preserve Bike Trail, Florida	1,000,000
Turtle Mountain Access Road to Ojibwa Indian School, North Dakota	1,000,000
Turtle Mountain Access Road to Ojibwa Indian School, North Dakota	1,000,000
USMC Heritage Center Access, Virginia	500,000
Valles Caldera National Preserve, New Mexico	1,250,000
Vermont Civil War Monument in Virginia	200,000

INTERSTATE MAINTENANCE DISCRETIONARY

Within the funds available for the interstate maintenance discretionary program, funds are to be available for the following projects and activities:

Project Name	*Amount*
I–15, SR–92 to University Parkway, Utah County, Utah	$1,000,000
34th Street Corridor/I–94 Interchange, Moorhead, Minnesota	4,000,000
Clark County Beltway (I–215) interchanges project, Nevada	1,000,000
Cocke County Tennessee I–40 Connector Roads, Tennessee	1,000,000
Coweta County Noise Barrier, Georgia	750,000
Exit 18 Reconstruction, Town of Queensbury, New York	1,000,000
Exit 3, I–295 South Portland, Maine	800,000
Harrison County New 184 Interchange, Indiana	1,000,000
Heartland Expressway Nebraska	1,000,000
I–10 Riverside Avenue Interchange, California	1,250,000
I–12 @ LA 1088 Interchange, St Tammany Parish, LA	500,000
I–15—24th Street Interchange, Ogden, Utah	500,000
I–15 North & Commuter Rail Coordination, Utah	2,500,000
I–20 Interchange at Hawkins Crossing, Lauderdale County, Mississippi	250,000
I–205, Oregon	1,000,000
I–215/Barton Road Interchange Improvements, California	2,000,000
I–25 through Colorado Springs, Colorado	750,000
I–253/US–54 & I–235/Central Ave. Interchanges, Kansas	3,000,000
I–29 Northbound Reconstruction, North Dakota	2,000,000
I–30 Dallas Construction of Bridge, Trinity River, Texas	500,000
I–35 Interchange, Thackerville, Oklahoma	1,000,000
I–40 and Morgan Road Interchange Improvements, Oklahoma City, OK	500,000
I–40 Oklahoma City Cross Town Expressway	5,000,000
I–5 Blaine Exit Interchange, Whatcom County, Washington	2,500,000
I–5 South HOV Lane, Phase 1, California	500,000
I–5/SR 18 Interchange Reconstruction, Washington	1,000,000
I–55 Sound Barrier, Darien, Illinois	1,400,000
I–580/Meadowood Complex Improvements, Reno, Nevada	1,000,000
I–635/Van de Populier Road Interchange, Missouri	5,000,000
I–64 from IL 157 to Lincoln Trail at O'Fallon, Illinois	1,000,000
I–66 / Route 29 Interchange, Gainesville, Virginia	250,000
I–695, Baltimore Beltway N/E, Maryland	1,000,000
I–70 at SH 58 Interchange Reconstruction, Colorado	1,500,000
I–70 Improvement Project, Maryland	5,000,000
I–70 Tunnel Improvements, C–470 to Glenwood Springs, Colorado	2,000,000
I–75 in Rockcastle County, Kentucky	1,000,000
I–75 Interchanges Preliminary Engineering and Environmental Impact Study Project, Ohio	1,000,000
I–75/I–475 North Interchange, Ohio	1,000,000
I–76 between Ft. Morgan and Brush, Colorado	1,000,000
I–76 Northeast Gateway, Colorado	1,500,000
I–79 Parkway West missing ramps and widening, Pennsylvania	2,000,000
I–80 Freight Corridor Improvements, Wyoming	500,000
I–93 Interchange, Massachusetts	2,000,000
I–94 Safety near Benton Harbor and St. Joseph, Michigan	100,000
I–95 and Route 20 Interchange modification, Waltham, Massachussets	2,000,000
I–96 Beck and Wixom Road Interchange, Michigan	1,000,000
IH 30–IH 635 Interchange, Texas	1,000,000
Interchange on I–35 at Lone Elm Road, Olathe, Kansas	1,000,000
Interstate 10—Cypress Avenue Overcrossing, California	500,000
Interstate 280 Interchange Improvements, New Jersey	1,000,000
Interstate 430/630: Interchange Modification, Arkansas	1,000,000
Interstate 5 and Interstate 8 Connector, California	1,200,000
Interstate 80 at Fernley, Nevada	500,000
Interstate 94/43/794 Marquette Interchange, Milwaukee, Wisconsin	5,000,000
LA37/US 190 Connector (Central Thruway), Louisiana	1,250,000
Laval Road Interchange at Interstate 5, California	1,000,000
Manslick Road feasibility study, Kentucky	300,000
Pennsylvania Turnpike/I–95 Interchange Project, Pennsylvania	500,000
Phase 2 of I–520, Palmetto Parkway in Aiken County, South Carolina	1,000,000
Pineda Causeway Interchange at I–95, Florida	1,200,000
Port of Houston Barbours Cut Boulevard, Texas	1,500,000
Rehabilitiation of Interstate I–195, Rhode Island	1,000,000

Project Name	*Amount*
Replacement of Washington Bridge, Rhode Island	1,000,000
Routes I–295/42/I–76 Direct Connection, New Jersey	1,250,000
SR 54/I–75 Interchange in Pasco County	1,500,000
Turnpike Improvements, Delaware	5,000,000
Valleydale Road Widening, Alabama	4,000,000
Widening of exit ramp I–265 and I–65, Kentucky	750,000

BUREAU OF TRANSPORTATION STATISTICS

The conferees provide $31,000,000 for the Bureau of Transportation Statistics under the FHWA appropriation. Consistent with both House and Senate language, the conference agreement limits BTS full time positions to 136. Within the funds provided, the conferees direct $400,000 for BTS to administer section 5402 of title 39, United States Code.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides liquidating cash appropriation of $35,000,000,000 for the federal-aid highways program as proposed by both the House and the Senate.

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

RECISSION

The conference agreement includes a rescission of $520,277,000 of funds in unobligated contract authority balances from Federal-aid highway program funds.

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(INCLUDING RESCISSION)

(HIGHWAY TRUST FUND)

The conferees provide $741,000,000 to fund the backlog of requests for damage repairs necessary due to disasters. The current funding requirements far exceed the annual authorization of $100,000,000 for the emergency relief program, and this amount will fully fund the existing backlog of requests. This section also rescinds $741,000,000 in unobligated contract authority balances from Federal-aid highway funds.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

The conference agreement provides $80,000,000 for the Appalachian Development Highway System (ADHS), and shall be allocated as follows: $15,000,000 for Kentucky Corridors; $5,000,000 for Tennessee Corridor S; $5,000,000 for Mississippi Corridor V; $15,000,000 for West Virginia Corridor H; $25,000,000 for Alabama Corridor X and X–1, $7,000,000 for Tennessee Corridor J; $4,000,000 for Alabama Corridor V; and $4,000,000 for New York Corridor T.

GENERAL PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

The conference agreement includes a provision (Sec. 110) that modifies the distribution of Federal-aid highway obligation limitation proposed by the House and Senate.

The conference agreement includes a provision (Sec. 111) that allows funds received by the Bureau of Transportation Statistics from the sale of data products to be credited to the Federal-aid Highways account, as proposed by both the House and Senate.

The conference agreement includes a provision (Sec. 112) that clarifies that BTS is to administer activities under section 5402 of title 39, United States Code.

The conference agreement includes a provision (Sec. 113) that modifies a House provision amending public laws to allow changes to projects in Massachusetts, New Jersey, Michigan, Utah and California.

The conference agreement includes a provision (Sec. 114) relating to highway signs, as proposed by the House.

The conference agreement includes a provision (Sec. 115) that amends section 115, division F, title 1 of P.L. 108–199, as proposed by the House and Senate.

The conference agreement includes a provision (Sec. 116) that modifies a provision in the House bill and provides $5,000,000 from balances made available under section 104(a)(1)(A) of title 23, U.S.C. to carry out environmental streamlining activities.

The conference agreement includes a provision (Sec. 117) that modifies a Senate provision relating to an administrative takedown, and set-aside funding for Delta Regional Authority and National Highway Traffic Safety activities. The Secretary of Transportation must submit a spend plan regarding Delta Regional Authority funding to both the House and Senate Committees on Appropriations before funds are distributed or obligated. The remaining amounts shall be distributed for the following purposes:

Project Name	*Amount*
101st Street Corridor Widening	$500,000
126th Street, Hamilton County, Town of Fishers, Indiana	3,000,000
12th Street Viaduct, Missouri	500,000
13th East in Sandy City, Utah	1,500,000
17 Mile Road on Wind River Indian Reservation, Wyoming	4,500,000
171st Street reconstruction, East Hazel Crest, Illinois	400,000
26th Street Extension—Philadelphia Naval Business Center, Pennsylvania	4,000,000
4 Lane U.S. 68, 31W to Transpark Entrance on U.S, 68, Kentucky	2,000,000
40th Street Revitalization Project, Florida	1,250,000
67th Street Pedestrian Underpass, Chicago Lakefront, Illinois	400,000
95th Street/Dan Ryan Intermodal Improvements	1,000,000
9th Street Bridge, NE over New York Ave.	500,000
A–B Street NW Corridor Connector, Auburn, Washington	1,000,000
Access to Ebenezer Swamp Wetlands Interpretative Center, Alabama	225,000
Addition of Eggerts Crossing storm drains, New Jersey	200,000
Adriaen's Landing, Hartford, Connecticut	9,000,000
Akutan Road, Alaska	1,500,000
Alabama State University, Alabama	250,000
Alaskan Way Viaduct and Seawall Replacement, Seattle, Washington	1,000,000
Alle-Kiski Connector Bridge, Pennsylvania	2,500,000
Almaden Express Pedestrian Overcrossing, San Jose, California	500,000
Altus Falcon Road Improvements, Oklahoma	500,000
Altus Falcon Road Improvements, Oklahoma	750,000
American Parkway Project, Pennsylvania	1,000,000
Anderson, IN Rail Study, Indiana	1,000,000
Angels Flight, Los Angeles, California	200,000
Ann-Arbor-Detroit Commuter Rail	1,500,000
Aroostook North-South Highway, Maine	1,000,000
Arthur Avenue Retail Market, New York	1,000,000
Asheville River Way Project, PE and Design, North Carolina	600,000
Asphalt Institute Research, University of Kentucky	500,000
Atlantic Avenue Design/Right of Way project, New York	600,000
Atlantic Avenue Extension, New York	1,250, 000
Aucilla River Bridge	1,000,000
Avalon Boulevard Expansion Project, Florida	1,000,000
Avenue T Restoration Project, Winter Haven, Florida	600,000
Avery Parkway Interchange at Interstate 5, California	1,000,000
Balch Road, Madison, Alabama	1,500,000
Barber Street, Wilsonville, Oregon	500,000
Battlefield Parkway expansion, Virginia	1,000,000
Beall Avenue Economic Redevelopment Project, Ohio	1,500,000
Bellevue Access Downtown Project, Washington	1,500,000
Bellevue Access Downtown, Phase Two, Washington	500,000
Bellingham San Juan Boulevard, Washington	1,000,000
Belmont Ave Gateway Community Enhancement Project	350,000
Belmont Infrastructure and Streetscape Improvement, North Carolina	1,250,000
Berkeley Springs Streetscape, West Virginia	200,000
Bikeways and Walkways, Santa Fe, New Mexico	1,000,000
Billings North Bypass Project, Montana	5,000,000
Blackstone River Bicycle Facility—Segment 4A, Rhode Island	500,000
Blackstone River Valley National Heritage Corridor Roadway Improvement Program, Rhode Island	3,000,000
Boot Key Bridge Rehabilitation Project, Florida	500,000
Bouldercrest Road Improvements, Georgia	500,000
Braves Avenue, City of Gladstone, Michigan	370,000
Bridge Replacement on SR–54, Wisconsin	500,000
Briggs-DeLaine-Pearson Connector, South Carolina	2,500,000

Project Name	*Amount*
Bring Back Broad Street Initiative, Alabama	1,000,000
Bristol Street Multi-Modal Corridor, California	750,000
Broadway Bridge, Colorado	1,200,000
Bronx Zoo Access Improvement, New York	750,000
Brooklyn Chamber of Commerce's Light-rail study, New York	300,000
Brooklyn Public Library/Grand Army Plaza, New York	700,000
Buffalo Bayou—San Jacinto Corridor Improvements	500,000
Building Access Improvements,. University of Florida	1,000,000
Bullock County Industrial Park Access Road, Alabama	750,000
Byram-Clinton Norrell Corridor, Mississippi	3,800,000
C–470 and Santa Fe (US 85) Interchange, Colorado	1,000,000
California University Pennsylvania Urban MAGLEV	2,500,000
Camp Steet upgrades, East Peoria, Illinois	2,000,000
Campbell Avenue Gateway Corridor, Tucson, Arizona	500,000
Campbelltown Connector and US 322 Improvement Project, Pennsylvania	1,000,000
Canton Junction Commuter Rail Station, Massachusssets	50,00
Capacity Improvements on I–75 Corridor in SW Florida	1,000,000
Cape Cod Hyannis Gateway, Massachussets	382,000
Cape Girardeau I–55 Corridor, Missouri	100,000
Cape Girardeau/Fountain Street downtown revitalization, Missouri	500,000
Caraway Overpass Project, Jonesboro, Arkansas	1,000,000
Central Link Westchester Avenue to East Tremont, New York	750,000
Central Riverfront Street Grid: Theodore Berry Way, Cincinnati, Ohio	500,000
Central Susquehanna Valley Transportation Project, Pennsylvania	2,000,000
Cermak and Kenton Avenues, Illinois	1,000,000
CETAP Corridor, Riverside and Orange counties, California	2,000,000
Cherry Avenue Interchange and Bypass, Kearney, Nebraska	500,000
Cherry-Bancroft-Summit Corridor Neighborhood Business District Revitalization, Toledo, Ohio	250,000
Chesapeake Bypass, Lawrence, Ohio	1,250,000
Cheyenne Corridor Safety Improvement Project, Idaho	2,000,000
Chickasaw Museum and Cultural Center, Mississippi	1,150,000
Chippewa Falls, WI-Seymour Cray Sr. Blvd Extension	2,000,000
Chocorua Village Intersect Improvement Project, New Hampshire	200,000
Choctaw Roads, Mississippi	2,750,000
Choudrant I–20 Service road, Louisiana	1,000,000
Cicero Ave. Lighting in University Park, Illinois	200,000
City of Beloit Gateway Boulevard Project, Wisconsin	1,000,000
City of Brownsville West Rail Relocation, Project, Texas	1,750,000
City of Clearwater Bike Path, Florida	500,000
City of Clearwater Safety and Access Program, Florida	3,000,000
City of Cohoes Transportation Enhancement Program, New York	500,000
City of Fort Worth Corridor Redevelopment, Texas	2,000,000
City of Lincoln Antelope Valley Project Transportation Improvements, Nebraska	2,000,000
City of Lincoln South Beltway, Nebraska	3,000,000
City of Nanticoke Parking and Economic Development Project, Pennsylvania	500,000
City of Omaha Widening/Improvements to Q Street from 157th Street to 204th Street, Nebraska	3,000,000
City of Poughkeepsie Waterfront Restoration, New York	750,000
City of Radcliff Public Walkway Improvements, Kentucky	475,000
City of Reading, Pennsylvania	500,000
City of Riverside, Grade Separations, California	1,000,000
City of Somerville Urban Streetscape and Adaptive Reuse Plan, Massachusetts	1,000,000
City of St. Petersburg Bike Path, Florida	600,000
City of St. Petersburg, Gandy Boulevard Widening, Florida	4,000,000
City of Sweetwater Transportation Improvements, Florida	500,000
City of Tampa, 40th Street Revitalization Project, Florida	3,000,000
City of Wyandotte Eureka Street Lighting, Michigan	238,000
Clarke County Economic Development Initiative, Alabama	750,000
Classic Drive Access Road Hattiesburg, Mississippi	2,500,000
Clay Street Reconstruction, New Jersey	500,000
Clifton Corridor Urban Transit Link Study, Georgia	500,000
Clinton Township Hike/Bike Pathway, Michigan	500,000
Coalfields Expressway—McDowell and Wyoming Counties, West Virginia	12,000,000
Cobblestone Landing Restoration, Memphis, Tennessee	1,000,000
Cole Street Bridge Replacement, Rhode Island	300,000
College of Southern Idaho Student Safety Initiative, Idaho	530,000
Coltsville Corridor Development, Connecticut	3,000,000
Columbia Pike Improvements, Virginia	1,250,000
Columbia Point South Road Improvements, Richland, Washington	1,000,000
Connecting Road from the Higher Ed Center to I–64, West Virginia	750,000
Connector Road between the newly relocated State Route 1045 and Saint Vincent College, Latrobe, Pennsylvania	2,000,000
Construct noise walls along I–264 ad I–64 in the vicinity of the communities of Avondale and St. Regis Park.	200,000
Construction of a Rail Corridor in Wichita, Kansas	4,000,000
Construction of access roads at Skiatook Lake, Oklahoma	350,000
Convention Center Turnaround, Massachusssets	1,000,000
Cooley Road Interchange, Oregon	1,000,000
Council Bluffs East Beltway, Iowa	3,500,000
County Highway 81/200th St. Reconstruction, Minnesota	250,000
County Highway GG from Mellen south to English Lake Road, Wisconsin	700,000
County Road 17 Corridor, Indiana	750,000
Courthouse District Transportation Improvements, Oregon	5,000,000
Covina Station Undercrossing, California	500,000
Cox Road Bridge in Anderson County, South Carolina	300,000
CR 113—Big Ridge Road—Town of Ogden, New York	1,000,000
CR 251 Mill Road, NY Route 261 to North Avenue, New York	2,000,000
CR 486 Improvement Project	500,000
Crooks Road Widening and Resurfacing, Michigan	360,000
Cross Base Highway (Pierce County), Washington	1,500,000
Crystal Lake Mitigation Project, New Hampshire	1,000,000
CSAH 24 Interchange at US 52 in Cannon Falls, Minnesota	250,000
CSX Bridge Enhancement, Gadsden, Alabama	500,000
Cuming Street Improvement Project, Nebraska	1,000,000
Curry County Road Improvements, New Mexico	2,350,000
Dallas I–30 Replacement Bridge, Texas	8,000,000
Dekalb County School Bicycle and Pedestrian Safety, Georgia	500,000
Des Moines Beach Park and North Marina Entrances Improvements, Washington	230,000

Project Name	Amount
Des Moines East West Connector, Iowa	5,000,000
Des Moines Riverwalk, Iowa	2,000,000
Des Plaines, Illinois alley, sidewalk improvements, Illinois	1,000,000
Detroit Center City Loop, Michigan	1,000,000
Diamond Exchange at Perry Road and I–540, Rogers, Arkansas	4,000,000
Dismal Swamp Trail—City of Chesapeake, Virginia	1,500,000
Dismal Swamp Trail, Virginia	250,000
Donald Lane/Industrial Park Road/Elton Road Improvement, Pennsylvania	2,000,000
Douglas County Highway 92 Relocation and Widening, Georgia	1,000,000
Downtown pedestrian infrastructure, Ashland, Wisconsin	2,000,000
Downtown Revitalization Pleasant Street, Malden, Massachussets	2,000,000
Downtown Revitalization, Town of Clarkstown, New York	250,000
Downtown Springfield Streetscape Improvements, Missouri	250,000
Downtown Streetscape Project, Russellville, Alabama	400,000
Downtown Transportation Improvements, Indiana	1,500,000
Downtown Wilkes-Barre Revitalization Project, Pennsylvania	1,250,000
Draper's Corner Safety Improvements—Claremont, New Hampshire	750,000
Dudley Road (Route 101) Templeton, Massachussets	2,880,000
Durant US 69/75 Rodeo Road Bridge Improvements, Oklahoma	700,000
Durham and Chatham Counties Greenway Project, North Carolina	1,000,000
Duval Street and Truman Annex Improvements, Florida	500,000
Eagan Ring Road, Minnesota	1,000,000
Eason Bridge, Tupelo, Mississippi	1,000,000
East 7th St Corridor Improvements Austin, Texas	1,250,000
East Flagstaff Interchange, Arizona	300,000
East Milton Square Parking Deck, Massachusssets	1,000,000
East Orange County Trailway System, Florida	500,000
East Reed Road Conversion Project in Anderson, SC	1,000,000
East Washington Avenue Reconstruction, Wisconsin	1,000,000
East-West Corridor, Alabama	15,000,000
Edgewood Road SW Viaduct, Cedar Rapids, Iowa	250,000
Edgewood/Fairplains Street construction, Walnut Street Construction and Industrial Park Drive Resurfacing, Greenville, Michigan	1,000,000
Eleven Mile Road Reconstruction, Michigan	1,250,000
Elizabeth Avenue Redevelopment, Charlotte, North Carolina	500,000
Elliot Avenue and BNSF Crossing Path Improvements, Seattle, Washington	1,000,000
Emergency Safety Enhancements for Water Taxis, Maryland	250,000
Emergency Services Access, Texas	4,000,000
Enterprise South Industrial Park Connector Road, New York	2,500,000
Essex Junction, VT Redevelopment, Vermont	500,000
Expansion of the Interstate HWY 10, Crowley, Acadia Parish, Louisiana	600,000
Fairfax County Trail improvements in Great Falls, Virginia	1,000,000
Fairmont Gateway Connector System, West Virginia	6,000,000
Fayette County Business Park roads, Pennsylvania	1,000,000
Fegenbush Lane, Kentucky	1,000,000
Fiery Gizzard Trail, Tennessee	2,000,000
Fifth Street Connector Bridge Study, Georgia	2,000,000
Fire Station Road Bridge in Anderson County, South Carolina	184,000
Fix Townline Road, Town of Huntington, New York	300,000
Fix West Shore Road, Town of Huntington, New York	1,000,000
FLL Airport Terminal Roadways, Florida	500,000
FM 1431 East Improvement Project in Cedar Park, Texas	1,000,000
FM 60 University Drive Project, College Station, Texas	1,000,000
Fort Edward Industrial Park Entrance Design, New York	80,000
Fort Worth Peach Street Area Access Improvements, Texas	1,750,000
Four Lane Arterial Connector in Alachua County, Florida	3,000,000
Fox Ridge Road, Cheyenne River Indian Reservation, South Dakota	2,500,000
Friant Corridor Improvements, California	500,000
Fulton Avenue/Lloyd Expressway Project, Evansville, Indiana	4,000,000
Fulton County Highway 6, Illinois	1,000,000
Fulton Road Bridge Project, Ohio ,	2,000,000
Galena road resurfacing, Alaska	1,500,000
Garden Parkway in Gaston and Mecklenburg Counties, North Carolina	1,000,000
Gary Green Link Trail, Indiana	1,000,000
Georgetown Pass, Kentucky	1,000,000
Girl Scouts Golden Valley Council bridge project, California	150,000
Glacier National Park Going to the Sun Road, Montana	5,000,000
Gladding Road Overcross, California	350,000
Grade Crossing Improvements at Ramona Boulevard, California	700,000
Grade separation, Union Pacific Rail Bypass at Union Junction, Colorado	500,000
Grand Avenue Rehabilitation Project, California	1,000,000
Grand River Avenue, City of Novi, Michigan	500,000
Graycliff Public Access Enhancement, Erie County New York	400,000
Greenville County Bridges, South Carolina	1,750,000
Greenways Expansion and Improvements Project, North Carolina	1,500,000
Hagåtña River Flood Mitigation Bridge Improvement, Guam	500,000
I Hancock Shaker Village Buffer and Trail System, Massachussets	215,000
Hanover County Planning Study, Virginia	100,000
Harden Street, South Carolina	1,000,000
Harlingen/West Cameron County Rail Relocation, Texas	2,800,000
Harrison County Multi-Modal Freight Connector, Mississippi	250,000
Hartville Lake Township Traffic Congestion Study, Ohio	1,000,000
Haywood Road/ Ammunition Plant Access, Oklahoma	1,000,000
Healdsburg Pedestrian and Bicycle Path, California	1,250,000
Heartland Expressway, South Dakota	2,000,000
Henry County transportation enhancements, Alabama	200,000
Hidalgo County Loop, Texas	500,000
High Bridge Rehabilitation Project, New York	1,000,000
High Line Project, New York City, New York	1,000,000
Highway 101 Corridor Widening Project, California	1,000,000
Highway 149 Overpass and Upgrade, Richland, Mississippi	600,000
Highway 165 Rail Grade Separation Stuttgart, Arkansas	1,000,000
Highway 20 between Fort Dodge and Moorland, Iowa	2,000,000
Highway 21, Jefferson County, Missouri	500,000
Highway 22 from Vicksburg to Canton, Mississippi	1,000,000
Highway 25-US 84 Connector, Mississippi State	1,350,000
Highway 289 in Grayson County, Texas	750,000
Highway 36/McKnight Road Interchange, Minnesota	750,000
Highway 45 Bypass, Columbus, Mississippi	1,000,000
Highway 57, Jackson County, Mississippi	750,000

Project Name	*Amount*
Highway 71: Louisiana State Line—Doddridge, Arkansas	750,000
Highway 92 Study in Warren County, Iowa	500,000
Hillsborough County: I-4 Crosstown Connector, Florida	2,500,000
Hively Avenue Underpass, City of Elkhart, Indiana	250,000
Hoboken Waterfront Walkway, New Jersey	1,000,000
Hoeven Corridor/Outer Drive Project, Sioux City, Iowa	2,000,000
Holly Springs Road, DeSoto County, Mississippi	1,650,000
Holmdel; road improvements to reduce flooding, New Jersey	100,000
Homer-Halibut Cove—Jakolof Bay—Seldovia Ferry, Alaska	6,000,000
Hooksett Highway Reconstruction and Upgrade, New Hampshire	4,000,000
Hoosier Heartland Corridor, Indiana	1,000,000
Hoosier Heartland Highway, Miami and Huntington Counties, Indiana	1,000,000
Hopwood Village Streetscape Project, Pennsylvania	600,000
Huntsville Five Points Improvement Project, Alabama	500,000
Huntsville Southern Bypass/BRAC Access, Alabama	2,000,000
I–10 from Interchange of SR 90 to Ocotillo TI, Arizona	1,500,000
I–12 at Essen Lane, Baton Rouge, Louisiana	1,500,000
I–15 Reconstruction, Salt Lake County, Utah	5,000,000
I–15 (Falchion Road)/State Route 18 Interchange, California	3,000,000
I–210 and Highway 14 Interchange, Lake Charles, Louisiana	800,000
I–225 Alameda Bridge, Colorado	1,000,000
I–225 Yale Overpass, Colorado	750,000
I–225/Colfax/17th Place Interchange, Colorado	2,000,000
I–235 Reconstruction, Iowa	5,000,000
I–25 Reconstruction through Colorado Springs	1,688,000
I–290 Cap, Oak Park, Illinois	1,000,000
I–295 Safety and Bridge Improvements, Rhode Island	5,000,000
I–30 Bridge, Texas	1,100,000
I–35 East/I–635 Interchange, Texas	1,500,000
I–39 (STH 29/USH 51 Corridor, Wausau), Wisconsin	4,000,000
I–40 Crosstown Project, Oklahoma	1,000,000
I–40 Double Eagle II Airport Access, Albuquerque, New Mexico	3,000,000
I–40 Oklahoma City Cross Town Expressway	35,000,000
I–40/I–240 Merge to Choctaw Road in Choctaw, Oklahoma	1,000,000
I–405 Widening, California	1,000,000
I–405 Widening, California	500,000
I–44 Widening from Yale to the Arkansas River and I–44 193rd Interchange, Oklahoma	4,000,000
I–44, Phelps County, Missouri	500,000
I–49 Extension South, Louisiana	1,000,000
I–5 Transportation and Trade Partnership Project, Southwest Washington	2,000,000
I–5, Salem, Oregon	2,000,000
I–5, Sorrento Valley Road and Genesee Avenue Interchange, California	1,500,000
I–5/SR–432 Interchange Modernization, Longview, Washington	2,000,000
I–530 (AR) Extension to I–20 (LA), Arkansas	750,000
I–540 and Perry Road Interchange, Rogers, Arkansas	1,696,000
I–55 South Nissan Interchange, Mississippi	6,000,000
I–565 Extension, westward from I–65 to Decatur, Alabama	3,000,000
I–64 and Pocahontas Parkway Connector, Virginia	1,000,000
I–65 Interchange Near County Road 222, Cullman, Alabama	2,000,000
I–66 Northern Bypass of Somerset, Kentucky	4,000,000
I–66 Pike County, Kentucky	1,000,000
I–66 Somerset to London, Kentucky	2,000,000
I–675 Corridor Improvements, Ohio	2,000,000
I–69 Access Project, Hamilton County, IN	2,000,000
I–69 Evansville to Henderson, Indiana	500,000
I–69 Evansville to Indianapolis, Southwestern, Indiana	750,000
I–69, Louisiana Sections	5,000,000
I–69, Texas	7,000,000
I–69, Texas	1,000,000
I–69/SR 304, Mississippi	1,750,000
I–70/State Highway 58 Interchange Reconstruction, Colorado	250,000
I–710 Corridor/Gerald Desmond Bridge Gateway Program, California	1,250,000
I–73 Interstate, from the North Carolina state line to Myrtle Beach, South Carolina	1,000,000
I–73, South Carolina	3,000,000
I–75/ Austin Road Interchange, Ohio	1,000,000
I–75 at Austin Pike Interchange, Ohio	3,000,000
I–75 at Union Grove Rd/CR 65 in Gordon County, Georgia	1,000,000
I–75 Improvements in Pembroke Pines, Florida	3,000,000
I–75 London, Kentucky	1,000,000
I–75, Mt. Zion Road Interchange in Clayton County, Georgia	1,000,000
I–75/Austin Road Interchange, Ohio	1,000,000
I–75/Baldwin Road, Michigan	500,000
I–80 Colfax Narrows Project, Nevada	1,000,000
I–81 Improvements South of I–70 to North of Halfway Boulevard, Maryland	1,000,000
I–81 Rebuild/Expansion, Pennsylvania	5,000,000
I–84, US–93 IC Stage 2, Twin Falls, Idaho	1,000,000
I–84, US–93 IC Stage 2, Twin Falls, Idaho	1,000,000
I–85 Widening in Rowan County, North Carolina	2,000,000
I–85/Brockman-McClimon Interchange and connections, South Carolina	3,000,000
I–87, Exit 11 and 12 Interchange Improvements, New York	2,000,000
I–93 construction and mitigation, New Hampshire	750,000
I–95 Pearl Harbor Mem. Bridge Corridor, New Haven, Connecticut	2,000,000
I–95/SC–327 Interchange Improvements, South Carolina	1,500,000
I–95/West Virginia Drive Interchange	750,000
I–96/Latson Road, Michigan	1,000,000
IH–30 at Collins (FM 157) and Center Streets, Texas	500,000
Improve Montauk Highway from NY112 to CR101, New York	1,000,000
Improvements along U.S. 60 at Beargrass Creek, Kentucky	300,000
Indianapolis Downtown Transportation Improvements, Indiana	4,000,000
Industrial Access Road for Industrial Park, Oklahoma	200,000
Interchange and Freeway Improvements on US 65, Missouri	500,000
Interchange at I–65 and Limestone County Road, Alabama	1,000,000
Interchange Improvements on US 60, Missouri	3,000,000
Interchange/Overpass at K–10 and Lone Elm Road, Kansas	2,000,000
Intercounty Connector, Maryland	800,000
Intersection Reconstruction, Winter Park, Florida	500,000
Interstate 10/Tippecanoe Interchange, California	5,000,000
Interstate 35 East Expansion, Texas	1,000,000
Interstate 49 North, Louisiana	1,000,000
Interstate 5 Interchange at Coburg Environmental Study, Preliminary Engineering and Construction, Oregon	3,000,000
Interstate 5 State Route 78 Interchange Improvement	500,000
Interstate 69 State of Tennessee	4,000,000
Interstate 69: SIU 15, Louisiana	1,000,000
Jamestown 2007—fed lands, Virginia	3,000,000
Jefferson Road in Monroe County, New York	500,000
Jenny Lind Road, Fort Smith, Arkansas	2,000,000
Johnson Ferry Road/Abernathy greenspace, Georgia	1,000,000

Project Name	Amount
Johnson, VT/VT Route 15 Redevelopment, Vermont	2,000,000
K Street off-ramp, Tulare, California	1,000,000
K-68 Intersection Improvement Project, Kansas	400,000
Kansas-Garrett Connector, Louisiana	500,000
Kapolei City Congestion Mitigation, Hawaii	4,000,000
Kauai Multi-Modal Land Transportation System Study, Hawai	800,000
KBS Railroad Hazard Elimination, Kankakee County, Illinois	300,000
Kearney I-80/Cherry Avenue Interchange and East Bypass, Nebraska	1,120,000
Kenai Peninsula Borough roads, Alaska	500,000
Kendall Square Urban Streetscape & Pedestrian Improvements, Massachusetts	750,000
Keystone Drive (Soldotna), Alaska	500,000
King Coal Highway—Mingo County, West Virginia	15,000,000
King Street and Spring Cannon Corridor Redevelopment in Charleston, SC	1,000,000
King-Graves Road Improvements for YARS, Vienna, Ohio	1,000,000
Kirby Drive Project, City of Pearland, Texas	2,800,000
Kotzebue road improvements, Alaska	1,500,000
LA 28 Expansion, Rapides and Vernon Parishes, Louisiana	2,000,000
La Entrada al Pacifico Feasibility Study, Texas	500,000
La Entrada al Pacifico, Texas	2,000,000
La Entrada Southern Route Study, Texas	500,000
LA-1, Port Fourchon to Golden Meadow, Louisiana	5,000,000
Lahaina Town Drainage Improvements, Hawaii	4,000,000
Land acquisition for pedestrian trail over George Washington Memorial Bridge	1,000,000
LaPorte Highway Improvement Project, Indiana	250,000
Lee Highway Improvements, Fairfax City, Virginia	500,000
Lewis & Clark Expressway, Missouri	500,000
Lewis and Clark Expressway, Missouri	1,000,000
Lewis and Clark Legacy Trail, North Dakota	1,000,000
Lexington Connector Study, South Carolina	600,000
Lincoln Boulevard Improvement Project, California	600,000
Lincoln Bypass	1,000,000
Lincoln Park Street Improvements, Michigan	1,000,000
Little Eagle and Wakpala Streets on Standing Rock Indian Reservation, South Dakota	1,000,000
Livernois Road Widening and Improvement, Michigan	1,000,000
Lloyd Expressway Upgrade, Evansville, Indiana	2,000,000
Lone Elm/I-35 Interchange; Lone Elm Road, Kansas	4,750,000
Los Lunas Corridor/Location Study, New Mexico	500,000
Louisville Medical Canter Development Corporation Project, Kentucky	500,000
Louisville Waterfront Park Path Improvements, Kentucky	3,500,000
Lowell, Massachusetts Canalway, Massachusetts	500,000
Lycoming Valley Bridge, Pennsylvania	1,000,000
Lyndale Avenue Bridge, Richfield, Minnesota	2,500,000
MacArthur Boulevard Extension, Springfield, Illinois	500,000
MacArthur Boulevard widening, drainage, and resurfacing improvements from NW 50th to NW 60th, Warr Acres, OK	1,000,000
Mack Hatcher Parkway, West, Tennessee	1,000,000
Main Street Corridor Intermodal Facility, Texas	500,000
Main Street Corridor Revitalization, Texas	750,000
Maple Avenue Improvement Project, Vienna, VA	250,000
Maple Road, City of Walled Lake, Michigan	500,000
Maritime Domain Awareness Pilot Project, Washington	1,100,000
Maritime Fire and Safety Association, Columbia River, Washington	500,000
Marquette Interchange, Milwaukee, Wisconsin	5,000,000
Maspeth Chamber of Commerce's Truck Traffic Impact, New York	250,000
Matanuska Susitna Borough Pt. McKenzie road improvements, Alaska	6,000,000
McCaslin/U.S. 36 Interchange, Colorado	500,000
McClellan Road Bridge in Anderson County, South Carolina	248,000
McGregor Road Neighborhood Trails, Waco, Texas	2,000,000
McHenry County/Crystal Lake Road, Illinois	1,000,000
MD 404, Double Hills Road to Sennett Road, Maryland	2,000,000
MD 404, Maryland	1,000,000
Memorial Boulevard, Picayune, Mississippi	1,350,000
Memorial Bridge Plaza, North Dakota	1,000,000
Memorial Park II Development and Intersection Improvements, Massachusetts	500,000
Mesa del Sol, New Mexico	1,250,000
Midwest City Hudiburg Drive Improvements, Oklahoma	500,000
Mills Industrial Park, Ohio	4,000,000
Milwaukee Avenue, Grand to Gale, Chicago, Illinois	1,250,000
MLK Jr. Parkway, Des Moines, Iowa	2,000,000
Mohawk Trail East Corridor Management Plan, Massachusetts	125,000
Mohawk Trail Scenic Byway Historic Preservation, Massachusetts	140,000
Mon Wharf Landing reconstruction, Pennsylvania	500,000
Montana/Davis Road, Kansas	500,000
Monterey Bay Sanctuary Scenic Trail, California	400,000
Monticello/White County 6th Street West Shafer Drive, Indiana	1,000,000
Morrison Road Corridor, Delaware County, Indiana	500,000
Morton Business Development Park	1,200,000
Mount Lebanon Shaker Heritage Center Project, New York	600,000
MS 49-MS 7 Connector Road, Greenwood, Mississippi	1,500,000
MSU Research, Technology, and Economic Development Park, Mississippi	2,500,000
Mt. Sinai Queens, Patient Access Development Project, New York	750,000
Mt. Vernon Highway/Old Mill Road reconstruction, Virginia	1,000,000
Mt. Washington Road, Cedar Creek Road, and Beulah, Kentucky	1,000,000
Muhlneberg Township Route 222 Corridore Initiative, Pennsylvania	350,000
Multi Use Recreational Trail in Plantation, Florida	500,000
N. Indiana Commuter Transportation District, South Shore Commuter Rail	1,500,000
N. Memphis Street District Redevelopment and Revitalization, Mississippi	750,000
N.W. Lincoln County Regional P.D.A. Industrial Park Transportation Improvements, Washington	170,000
N5063 on the Navajo Nation, Utah	350,000
Nash Road Extension, Missouri	1,000,000
Nassau County, NY HUB	1,500,000
Native American Cultural Center	3,000,000
Neuse River Park Greenway Projects, North Carolina	400,000
New Bedford rail infrastructure improvements, New Bedford, Massachusetts	1,000,000
Newberg Dundee Transportation Improvements Project, Oregon	1,000,000
Newberg-Dundee Transportation Improvement Project, Oregon	1,250,000
Newtown Pike Extension, Kentucky	2,000,000
Niobrara Scenic River Corridor Roads, Nebraska	3,000,000
Noble Creek Bridge, Beaumont, California	3,000,000
Nome Roads, Alaska	1,000,000
Nonconnah,Tennessee	500,000
Norfolk West, Nebraska	2,000,000
North Augusta Riverfront Road Extensions, South Carolina	1,000,000

Project Name	*Amount*
North B Street Intersection in Pickens County, South Carolina	250,000
North Coast Harbor Improvements Dock and Bridge, Ohio	500,000
North Conway Village Streetscape Project, New Hampshire	1,000,000
North Delaware River Road, Pennsylvania	1,250,000
North Main Street Improvement, Columbia, South Carolina	1,500,000
North Second Street Corridor Phase I Upgrade, Tennessee	3,000,000
North Sinatra Drive, New Jersey	700,000
North Sinatra Drive, New Jersey	1,500,000
Northeast 23rd Street between Lincoln and I-35, Oklahoma City, Oklahoma	250,000
Northeast Arkansas Connector: relocation of HWY 226	5,000,000
Northeast Parkway, El Paso, Texas	1,000,000
Northern Corridor, St. George, Utah	1,000,000
Northside Drive Corridor, Clinton, Mississippi	2,000,000
North-South Highway, Alabama	1,000,000
Notasulga Bridge Replacement, Macon, Alabama	350,000
Noxubee National Wildlife Refuge, Mississippi	1,300,000
Oak Beach Park Transportation Improvements, New York	500,000
Oak Savannah Trail, Indiana	1,500,000
Oglala, SD, Pedestrian/Bicycle Trail	230,000
Ohio River Levee Trail—Phase II–B, Kentucky	60,000
Ohio River Levee Trail—Phase III, Kentucky	200,000
Oklahoma Medical Research Foundation	1,000,000
Oklahoma University Health Sciences Center	1,000,000
Olana State Historic Site, New York	2,000,000
Old Fannin Road Improvement Project, Completion of phase II	500,000
Old Highway 471 Improvements, Rankin County, Mississippi	2,750,000
Olmstead Trail, Phase I, Kentucky	200,000
Onondaga Creek Streetscape Improvement Project, New York	2,000,000
Orangeburg Railroad Realignment, South Carolina	750,000
Otay Mesa/SR 905 Improvements, California	2,000,000
Owensboro Riverfront Development Project, Kentucky	5,000,000
Oxford, Mississippi Toby Tubby Parkway	350,000
PA 706 Bradford County, Pennsylvania	1,000,000
Pacoima Wash Mountain Bikeway, California	1,000,000
Pearl-Richland Intermodal Connector, Mississippi	2,750,000
Pennsylvania Turnpike—I-95 Interchange, Pennsylvania	2,500,000
Phalen Boulevard, St. Paul, Minnesota	5,000,000
Pharr International Bridge Improvements, Texas	1,000,000
Pinellas County Mobility Initiative, Florida	3,000,000
Pinellas County Trail, Florida	5,000,000
Pinkham Notch Pedestrian Safety, New Hampshire	150,000
Pinkham's Notch Foot Bridge, New Hampshire	150,000
Planning, location, environmental work, PE for US Highway 20 Woodbury, Ida and Sac, Iowa	2,000,000
Platte County, Missouri Route 152, Missouri	2,000,000
Plough Boulevard Interchange at Winchester Boulevard, Tennessee	500,000
Pompton Lakes Downtown Streetscape	650,000
Port Huron Grade Separation, Michigan	500,000
Port of Brookings Harbor, Boardwalk Expansion, Oregon	225,000
Port of Oakland, California Inter-Regional Intermodal System	1,000,000
Port of Ridgefield Grade Crossing Project, Washington	1,000,000
Port of Vancouver Fruit Valley Bypass/26th Avenue Extension, Washington	1,000,000
Portage County/grade separation on City Highway J South of Highway 10	2,000,000
Ports-to-Plains Del Rio, Texas	1,000,000
Ports-to-Plains Eagle Pass, Texas	2,000,000
Ports-to-Plains, Texas	2,000,000
Prattville Park and Creek Walk, Alabama	300,000
Project Design for Improvements to Refugio Road, California	360,000
Prospect Bridge, Houma, Louisiana	500,000
Providence Infrastructure and Streetscape Improvements, Rhode Island	426,000
Pyramid Highway Corridor, Nevada	6,000,000
Queens Plaza Rebuilding Project, Queens, New York	1,000,000
Quinnipiac River Linear Trail, Connecticut	500,000
R Street Development Project, California	1,500,000
Rail Access Corridor Enhancements—Reno, Nevada	1,000,000
Railroad bridge project, Mannford, Oklahoma	750,000
Railroad Relocation Project, Colorado	2,000,000
Rails to Trails and Florida Street Revitalization Program, West Virginia	800,000
Re-align Day Street, Wisconsin	350,000
Rebuilding of I-25/Broadway and Alameda Interchanges, Colorado	3,300,000
Reconstruct West Main Street in Waterbury, Connecticut	250,000
Reconstruction and additional lanes to SH 9 from Tecumseh to Seminole, OK	1,000,000
Reconstruction and Capacity Addition to US 270 from Seminole to Wewoka, Oklahoma	750,000
Reconstruction of 11th Avenue East, Ashland, Wisconsin	1,600,000
Reconstruction of Beaser Avenue, Ashland, Wisconsin	1,500,000
Reconstruction of Fulton Street in Cypress Hills, New York	1,000,000
Reconstruction of K-99 in Elk/Greenwood County, Kansas	1,000,000
Reconstruction of Kickapoo Road in Shawnee, OK from I-40 to Wolverine Road	750,000
Reconstruction of Kickapoo Road in Shawnee, OK from McArthur Road South to Farrell Street in Shawnee	1,000,000
Reconstruction of Old Nichols Road, Smithtown, New York	1,000,000
Reconstruction of the I-80 and Sierra College Boulevard, California	1,500,000
Reconstruction/widening of West Main St. Waterbury, Connecticut	500,000
Reconstruct Washington Street and Park Street and their pedestrian pathways and replace subsurface infrastructure, Tecumseh, OK	200,000
Recontruction and lane extension of the 10th Street bridge over Interstate 40 in Yukon, OK	250,000
Regatta Park: Harlem River Access, Bronx County, New York	700,000
Rehabilitation and Reconstruction of AA, Wisconsin	340,000
Replacement of the Indian Meridian Bridge over Choctaw Creek in Choctaw, OK	100,000
Right-of-Way Purchase for Highway 289 between Highway 56 and FM 120	750,000
Rio Salado Parkway, Arizona	2,500,000
Rivanna Greenbelt Extension, Virginia	30,000
River Des Peres Greenway, Missouri	500,000
Riverside Avenue Extension, Spokane, Washington	3,000,000
Riverside Road Expansion to Highway 169, St. Josephs, Missouri	9,600,000
Riverwalk Bridge Spit Connection, Town of Jupiter, Florida	500,000
Roanoke River Greenway, Virginia	500,000
Roaring Springs Retaining Wall, Pennsylvania	200,000
Rolling Mill Hill Greenway Extension, Tennessee	1,500,000

Project Name	Amount
Ronald Reagan Parkway, Indiana	850,000
Rose Crossing Enhancement in Roane County, TN	1,000,000
Route 8, Venango County, Pennsylvania	1,000,000
Route 10—Logan County, West Virginia	15,000,000
Route 104/Dominion Boulevard, Chesapeake, Virginia	1,000,000
Route 106 Underpass Rehabilitation, Massachussets	2,000,000
Route 112 Corridor Management Plan	175,000
Route 12 Upgrade, New York	7,000,000
Route 132 Connection Project Study Report, California	400,000
Route 15 Safety Improvements, Virginia	1,000,000
Route 152 Safety Improvements, Santa Clara County, California	1,000,000
Route 168, Southwick, Massachussets	960,000
Route 178 Relocation, Phase II Engineering, Illinois	1,000,000
Route 22 Sustainable Corridor, Somerset County, New Jersey	3,000,000
Route 24/Route 27 Reconfiguration Brockton, Massachusssets	1,000,000
Route 262—Warren Ave-1880 Grade Separation Phase 1B, California	1,250,000
Route 45 in Cumberland County, Virginia	1,000,000
Route 5, West Springfield, Massachussets	4,800,000
Route 50 traffic calming Loudoun and Fauquier, Virginia	3,000,000
Route 7 Widening, Reston Parkway to Dulles Toll Road, Virginia	1,000,000
Route 79 Relocation/Harbor Enhancement Fall River, Massachussets	1,500,000
Route 8 Improvements, State Project 36–17, Connecticut	1,500,000
Route 9 improvements, Virginia	1,000,000
Rt. 60, Howell County, Missouri	3,000,000
Rutherford Avenue, Boston, Massachusetts	1,500,000
S–236 Claggett Hill Road Construction/Lewis & Clark Ferry Boat Facilities, Montana	2,200,000
Saddle Road Realignment, Hawaii	5,000,000
Safe Sidewalk Route Project, Oregon	500,000
Salem City Rail Yard Re-Investment, New Jersey	500,000
Salishan Revitalization Project, Tacoma, Washington	1,800,000
San Juan County Bridge #5722 Redecking, New Mexico	1,000,000
SCAG, California	1,000,000
Seaview Avenue Corridor, Connecticut	500,000
Second Avenue Subway, New York	2,500,000
Second Street Extension, Los Angeles, California	200,000
Second Street Transit Pedestrian Corridor, Ft. Lauderdale, FL	1,500,000
Seward highway recreational improvements, Alaska	2,000,000
SH412P Construction, Oklahoma	400,000
Sheldon Road SR 99 Interchange Project, California	1,000,000
Sheridan Road improvements, Evanston, Illinois	500,000
Ship Creek Improvements, Alaska	2,000,000
Shoreline Interurban Trail, Washington	500,000
Short Haul Intermodal Pilot Project, Quincy, Washington	1,000,000
Sidewalks near Ford Heights, Illinois	200,000
Skagit Valley Hospital Access Improvements, Washington	1,000,000
Skagit Valley Hospital Transportation Access, Mount Vernon, Washington	1,000,000
Smithfield Street Bridge ramp, Pennsylvania	1,000,000
Somerset Downtown Revitalization Project, Kentucky	1,000,000
South Lake Union Circulation System, Seattle, Washington	1,000,000
South Valley Connector Project, Idaho	3,000,000
Southcenter Parkway Extension, Tukwila, Washington	1,000,000
Southern Broadway Extension Improvements, Edmond and Oklahoma City, Oklahoma	2,000,000
Southern Kentucky Intermodal Park, Kentucky	1,000,000
Spaulding Turnpike/Little Bay Bridges, New Hampshire	5,500,000
Spring Street Industrial Access Road, Fulton, Mississippi	2,000,000
SR 167 HOV and SW 27th Strander Boulevard, Washington	750,000
SR 23 Extension, Florida	1,000,000
SR 543/I-5 to International Boundary, Washington	634,000
SR 601-Canal Road Connector in Gulfport, Mississippi	2,000,000
SR 67 and SR 605 from I-110 to US 49, Mississippi	2,000,000
SR 67 and SR 605 paving and interchange, Mississippi	1,250,000
SR–14 Pedestrian Bridge, Vancouver, Washington	1,500,000
SR–14, Wastewater Collector Main Truckline Project, White Salmon, Washington	750,000
SR–240 Sound Wall & Irrigation Main Relocation, Richland, Washington	1,000,000
SR240 Sound Wall, Richland, Washington	1,000,000
SR–509/SR–518 Interchange/Intersection Redevelopment, Burien, Washngton	1,500,000
SR–56/I–5 Northbound Widening, San Diego, California	3,000,000
St. Joseph Regional Port Authority, Missouri	1,000,000
St. Mary's College of Maryland Pedestrian Overpass, Maryland	1,000,000
Stafford County Airport Improvement, Virginia	500,000
State Highway 11 Burlington, Wisconsin	900,000
State Highway 176, New Mexico	1,500,000
State Highway 32 7th Ave-Sheridan Road, Kenosha, Wisconsin	800,000
State Hwy 6 expansion in Brazos Co., Texas	2,000,000
State Road 746/Southeast Rome Bypass, Georgia	1,000,000
State Road 92 Realignment, Georgia	2,000,000
State Route 101 Cumberland County, Tennessee	1,000,000
State Route 30/981 Upgrade Project, Pennsylvania	500,000
State Route 67, Mapleview to Dye Road SR52 E, California	500,000
State Route 71/Mission Boulevard Congestion Reduction, California	1,250,000
State Route 76, California	1,000,000
State Route 905, California	1,000,000
State Street Corridor Redevelopment Project, Massachussets	1,000,000
State University Transportation Center, South Carolina	3,000,000
STH 32, 7th Avenue, Sheridan Rd., Kenosha, Wisconsin	3,000,000
STH 77, West County Line-CTH I, Washburn County, Wisconsin	2,000,000
STH29 (CTH Y Interchange, Hatley), Wisconsin	2,000,000
Street improvements and streetlights, Lynwood, Illinois	150,000
Street Improvements, Bartonville, Illinois	500,000
Street Improvements, Gardena, California	500,000
Street Improvements, Village of Armington, Illinois	500,000
Street Repaving in Williston Park, New York	1,000,000
Street Route 17 Congestion Engineering and Improvement, New Jersey	2,000,000
Street Surfacing in Town of Boley, Oklahoma	200,000
Streetlights and salt dome for Markham, Illinois	300,000
Streetscape and sidewalk improvements, Midfield, Alabama	300,000
Streetscape Improvements in Cherryland/Ashland, California	1,250,000
Tacoma Rail Train to the Mountain Project, Washington	2,500,000
Talladega County Scenic Forrest Road 600–2, Alabama	500,000
Tamarac Courtyard, Florida	300,000
Tarpon Springs Community Redevelopment, Florida	500,000

Project Name	Amount
Tenth Street Menominee, Michigan	500,000
Terminal Access Road Right-of-Way Acquisition, Missouri	1,000,000
TH10, City of Anoka, Minnesota	500,000
TH23 bypass of Paynesville, Minnesota	3,000,000
The Hamilton Avenue/US 127 At I-275 Improvement, Ohio	500,000
The Maine Medical Center	1,000,000
Third Bridge, Salem, Oregon	750,000
Thomas Cole National Historic Site, New York	50,000
Thompson Road Widening, Pike County, Kentucky	1,000,000
Tienken Road Widening, Michigan	1,200,000
Tier One Environmental Impact Study—North Country Transportation Study, New York	1,000,000
Tillamook Railroad Tunnel #25, Oregon	500,000
Tiverton Stone Bridge Abutment Repairs, Rhode Island	375,000
Toledo Downtown Waterfront Redevelopment, Ohio	1,250,000
Town of Tribbey Road Improvements, Oklahoma	200,000
Town of Windermere, traffic calming, Florida	250,000
Traffic Calming in the City of Riviera Beach, Florida	500,000
Trailways Station Revitalization and Visitors Center, Georgia	1,000,000
Train-to-Mountain, WA	1,250,000
Transport 2020, Madison, WI	500,000
Transportation Project at the University of Arizona Science Center at Rio Nuevo, Arizona	500,000
Transportation Technology Center, Auburn University, Alabama	35,000,000
Trenton Channel Bridge, Michigan	1,200,000
Trinity River Vision Neighborhood Linkage, Texas	500,000
Trotwood Center City Roundabout, Ohio	1,000,000
Trunk Highway 241, St. Michael, Minnesota	2,000,000
Trunk Highway 610/10, Minnesota	1,000,000
Trunk Highway 610/10, Minnesota	2,000,000
Turquoise Trail Project (BIA 4), Arizona	1,000,000
Tuscaloosa Downtown Revitalization, Alabama	10,000,000
Twin Peaks Road Corridor, Arizona	4,500,000
US 19 Right Turn Lanes in Pasco County, Florida	1,000,000
US 41/I-176 Interchange Improvement Phase 1 study, Illinois	800,000
US 412 Mountain Home to Hwy. 101, Arkansas	2,000,000
US 412 Paragould to Big Slough Ditch, Arkansas	1,000,000
US 63 in Waterloo improvement, Iowa	2,500,000
US Highway 52/CSAH 42 Interchange, Minnesota	250,000
US Highway 101 Improvement Program, California	800,000
US Highway 12 Upgrade, Burbank to Walla Walla, Washington	1,000,000
US Highway 14 Corridor Expansion, Minnesota	500,000
US Highway 287, Wyoming	750,000
US Highway 287, Wyoming	4,000,000
US Highway 41A Hopkins County, Kentucky	1,000,000
US Highway 52 in Olmsted County, Minnesota	500,000
US Highway 54 Expressway Design Study, Missouri	400,000
US Highway 6 improvements Coralville, Iowa	1,000,000
US Highway 63 Bypass near Kirksville, Missouri	500,000
US Highway 87 Improvements—Value Added Commodity Processing Center, Montana	500,000
US Hwy 85 safety passing lanes, Wyoming	250,000
US Hwy 151 Dickeyville, Belmont, Wisconsin	2,000,000
US Route 13 Corridor Redevelopment, Pennsylvania	500,000
US Route 35 Improvements, Mason County, West Virginia	3,000,000
UCONN Hillside Road Extension, Connecticut	4,000,000
Union Passenger Terminal Planning and Master Plan, New Orleans Regional Planning Commission, LA	500,000
University of Kentucky Academy for Community Transportation Innovation	1,000,000
University of Southern Indiana Perimeter Road Project	1,500,000
UP/Sunset Avenue Grade Separation, Banning, California	500,000
Upgrade MO Rte 94—Page Ave Extension/Phase II, Missouri	1,000,000
Urban Center Access Improvement Project, Tukwila, Washington	1,000,000
US 113 Upgrade, Maryland	2,000,000
US 113, Maryland	1,500,000
US 17 & Bowman Road Interchange, Mount Pleasant, South Carolina	750,000
US 17-92/Horatio Ave, Maitland, Florida	800,000
US 18 from west of Okreek to Carter in Todd County	1,500,000
US 18 from West of Okreek to Carter in Todd County, South Dakota	2,000,000
US 20 Expressway, Webster County, Iowa	250,000
US 224—Mahoning County/Canfield Improvements, Ohio	1,700,000
US 231/I-10 Freeway Connector, Alabama	10,000,000
US 278 Corridor, South Carolina	1,000,000
US 278, South Carolina	1,000,000
US 287 Ennis Bypass, Texas	1,000,000
US 287–SH 116, Colorado	500,000
US 290 Improvements, Texas	1,000,000
US 301 and University Parkway Intersection, Manatee City, Florida	500,000
US 321 in Burke, Caldwell and Catawba Counties, North Carolina	1,000,000
US 321/US 11 Overpass project, Tennessee	1,000,000
US 49 from Florence to I–20, Mississippi	1,000,000
US 51-SR 43 Connector Road in Canton, Mississippi	1,500,000
US 54, Kingman County, Kansas	2,000,000
US 59 2.3 mi NE of US 181 to US 181, Texas	500,000
US 74 Bypass Monroe, North Carolina	1,000,000
US 74 Future I-74 in Robeson County, North Carolina	2,000,000
US 82 from FM 1417 to US 69, Texas	750,000
US 82—Mississippi River Bridge and Bypass	2,500,000
US 87 Big Spring Bypass, Texas	500,000
US 97 Redmond, Oregon bypass, Oregon	1,000,000
US-12 Widening, Wallula Junction to Walla Walla, Washington	1,250, 000
US-231/I–10 Freeway Connector, Alabama	1,000,000
US27, Indiana	500,000
US-278 expansion, downtown Cullman to East Point, Alabama	500,000
US-6, MP 256 Junction of US-6 and SR-123, Emery County, Utah	3,000,000
US-81 & Highway 30 Arterial, Columbus, Nebraska	1,000,000
US-89, Railroad Bridge Replacement, Pleasant Grove, Utah	2,000,000
US90 Construction, Texas	1,000,000
US-95 from Worley to Mica, Idaho	3,000,000
USH 53 (Eau Claire Bypass), Wisconsin	2,000,000
USH2 West County Line Beaser Avenue, Ashland County, Wisconsin	2,000,000
UW-Superior Invasive Species Ballast Water Research	500,000
Van Ness Avenue Project, California	1,000,000
Vasco Road Safety Improvments, California	500,000
Ventura County Farm Crossings, California	500,000
Vermont Police and Fire Academy Training Skid Pad	500,000
Vestavia Hills Pedestrian Walkway, Alabama	200,000
Veterans Field pedestrian walkway/bike path, New Jersey	625,000
Veterans Park Infrastructure, Rockdale County, Georgia	1,000,000
Victory Extension Project, CSAH 82, Mankato, Minnesota	500,000
Village of Mineola Road Evaluation, New York	20,000
Village of Schuylerville, New York	1,500,000
Wachusett Park and Ride, Massachusetts	750,000
Wake Forest Department of Health Sciences and PTRP Research Program, North Carolina	2,500,000

Project Name	*Amount*
Wakulla County: US 319 Improvements, Florida ...	3,000,000
Walden Point road (Metlakatla), Alaska	2,000,000
Waldron Road Widening Near I-24, Tennessee	500,000
Waldvogel Memorial Viaduct Improvement, Ohio	1,000,000
Walton Street Bridge, New York	800,000
Washington County Hardesty Road Bridge, Kentucky	525,000
Washington State Produce Rail Car Program, Washington	1,000,000
Water Street Bridge, Fitchburg, Massachussets	728,000
Waukee/West Des Moines I-80 Interchange, Iowa	1,500,000
Waverly, Ohio South Connector, Ohio	1,000,000
West Fork Road—Red Lodge, Montana	400,000
West Harlem Transportation and Revitalization Improvements, Manhattanville, NY	300,000
West Laredo Trade Corridor, Texas	3,000,000
West Philadelphia Streetscape/Gateway Improvements, Pennsylvania	1,500,000
Western Madison County Streetscape Development, Alabama	1,000,000
Western Placerville Interchanges, California	1,000,000
Western Route Project, Indiana	500,000
Westside Connector Project, Utah	1,000,000
WestStart Vehicular Flywheel Project, Washington	500,000
Whitefish Pedestrian and Bicycle Trails, Montana	191,000
Widen I-66 westbound inside the Capital Beltway, Virginia	1,000,000
Widening of SR 50 from US 27 to Orange County Line	1,000,000
Widening of Van Dyke Avenue, Michigan	1,000,000
Wilcox County Industrial Development Authority, Alabama	300,000
Wilmington-Newark Commuter Rail Improvements, Delaware	5,000,000
Winfield Pedestrian Tunnel, Illinois	1,000,000
Yakima Grade Separations, Washington	500,000
Yannuzi Drive/Bradford Street, Bradford County, Pennsylvania	100,000
Ygnacio Valley Road Pedestrian/Bike Improvements, California	800,000

Cook-DuPage, Multi-Modal Corridor.—The conferees understand that the Illinois Department of Transportation is considering reconstruction or expansion of the Eisenhower Expressway (I–290) that passes through Oak Park, Illinois. The conferees have provided $1,000,000 for further study of a cap over all or portions of 1–290 as it passes through Oak Park. If such a cap is determined to be feasible, the conferees intend for the cap to be funded concurrently with any project to reconstruct or expand I-290 through Oak Park.

The conference agreement includes a provision (Sec. 118) that rescinds transportation infrastructure finance and innovation act funds.

The conference agreement includes a provision (Sec. 119) that makes the Port of Anchorage eligible for certain highway programs, as proposed by the Senate.

The conference agreement includes a provision (Sec. 120) that relates to RETRAC project contingency fund for payment of projects.

The conference agreement includes a provision (Sec. 121) that names the Hoover Dam Bypass Bridge, as proposed by the Senate.

The conference agreement includes a new provision (Sec. 122) allowing Nevada and Arizona to reimburse debt service payment on the Bypass Bridge at Hoover Dam project with future apportionments, in accordance with title 23 United States Code.

The conference agreement includes a provision (Sec. 123) that prohibits funding for the development or dissemination of any programmatic agreement making the Interstate eligible under the National Register of Historic Places, as proposed by the House.

The conference agreement includes a provision (Sec. 124) that rescinds unobligated balances associated with completed demonstration or high priority projects from previous laws.

The conference agreement includes a provision (Sec. 125) that makes certain projects and activities eligible to receive fiscal year 2005 grants.

The conference agreement includes a provision (Sec. 126) that provides an appropriation for the replacement of the Belleair Causeway Bridge in Pinellas County, Florida.

The conference agreement includes a provision (Sec. 127) regarding the I–10 Bridge spanning Escambia Bay in Escambia and Santa Rosa Counties, Florida.

The conference agreement includes a provision (Sec. 128) that amends section 14003 of Public Law 108–287.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY

LIMITATION ON ADMINISTRATIVE EXPENSES

(HIGHWAY TRUST FUND)

The conference agreement includes a limitation of $257,547,000 for the Federal Motor Carrier Safety Administration's administrative expenses and grant programs, instead of $248,480,000 as proposed by the House and $260,000,000 as proposed by the Senate. The conference agreement provides funding in the following manner:

	Conference level
General and border operating expenses	$125,229,000
New entrant program (Federal portion)	3,000 000
New entrant (state grants portion)[1]	13,200,000
Hazardous materials permitting program	2,000,000
Conditional carrier review program	2,000 000
Household goods enforcement	1,300,000
Administrative infrastructure	8,000,000
Regulatory development ...	11,143,000
HAZMAT sampling	200,000
HAZMAT routing	500,000
Non-entrant initiative	1,000,000
Information Management	18,500,000
Crash data collection	7,400,000
Outreach and education	2,200,000
Commercial driver's license improvement grants	20,000,000
Total Northern and Southern border grants	33,000 000
Hotline	375,000
Research and technology ...	8,500,000

New entrant program.—The conference agreement provides a total of $30,200,000 for the new entrant program, of which $13,200,000 is provided under this limitation and an additional $17,000,000 is provided for state grants under the motor carrier safety assistance program. The conferees continue the program structure developed in fiscal year 2004 that provides the majority of funding for this program in the form of state grants, therefore, only $3,000,000 is for oversight and other Federal responsibilities. The conferees direct that FMCSA report to both the House and Senate Committees on Appropriations by March 1, 2005, regarding the use of this Federal portion of the program, and an explanation of the new entrant audit procedure improvements and plans to maximize the program's safety benefits and to enhance carrier compliance.

Household goods enforcement.—The conference agreement provides $1,300,000 for household goods enforcement. This is an adequate level to maintain seven FTE provided in fiscal year 2004. The agreement does not provide for five new safety specialists proposed by the Senate. The conferees direct FMCSA to report to both the House and Senate Committees on Appropriations regarding the use of the household goods enforcement funds by March, 1, 2005.

Outreach and education.—The conferees provide a total of $2,200,000 for outreach and education. Of this amount, $1,500,000 is for household goods outreach, $150,000 is for motorcoach and school bus transportation service selection, $50,000 is for the safety is good business program, and $500,000 is to increase safety belt usage among commercial motor vehicle drivers. No funds are provided for the share the road safely program; however, the conferees direct FMCSA to detail one FTE to NHTSA for the share the road safely program for a period ending on the date of enactment of a fiscal year 2006 Transportation and Treasury and Independent Agencies appropriations Act, other than a continuing resolution. No funds are provided for the public outreach and evaluation program as proposed by the Senate.

The conference agreement retains language proposed by the House directing FMCSA to develop strategies that link outreach and education program initiatives to each goal with a reporting date of April 10, 2005.

Working capital, fund (WCF) desktop services and electronic, government (E-gov).—The conferees provide no separate funding for WCF desktop services or e-gov, but direct FMCSA to absorb costs associated with these activities within funds provided under this limitation, other than grant funds, and report back to the House and Senate Committees on Appropriations on the planned amounts for these activities and funding sources with the 2005 operations plan, and actual amounts and funding sources in future budget justifications.

Safety Status Measurement, System (Safestat).—The conferees retain the House language directing FMCSA to implement the Inspector General's recommendation in its February 13, 2004 report Improvements Needed in the Motor Carriers Safety Status Measurement System.

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[1] In addition to the $13,200,000 provided in this account, another $17,000,000 is provided under the National motor carrier safety program.

Form M.—The conferees retain House and Senate language denying the request to transfer responsibility and funding for Form M from BTS to FMCSA.

Compliance Reviews and Safety Audits.—The conferees reiterate the House and Senate reporting requirements regarding compliance reviews and safety audits with a reporting date of February 7, 2005.

Research and Technology.—Within amounts for research and technology, the conferees direct $500,000 for the testing and evaluation of both stationary and mobile radiation detection devices, and, as proposed by the Senate, $200,000 to study the correlation between driver history and future safety violations.

Commercial drivers license (CDL) program.—The conference agreement provides $21,000,000 for the commercial driver's license improvement grants program, and retains the directive in both the House and Senate reports directing FMCSA to initiate a rule requiring all CDL applicants to provide proof of citizenship or legal presence in the U.S., consistent with the Inspector General recommendation. FMCSA shall initiate a rulemaking by May 30, 2005. The conference agreement retains the House language encouraging FMCSA to continue working to improve all aspects of the CDL program, including sponsoring pilot projects to ensure drivers who have been convicted of a disqualifying offense do not operate during the period of suspension or revocation.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(HIGHWAY TRUST FUND)

The conference agreement provides liquidating cash appropriation of $190,000,000 for the national motor carrier safety program as proposed by both the House and the Senate.

(LIMITATION ON OBLIGATIONS)

The conference agreement includes a limitation on obligations of $190,000,000 for motor carrier safety grants as proposed by both the House and the Senate.

The conference agreement provides funding for the national motor carrier safety program as follows:

	Amount
Motor carrier safety assistance program	$169,000,000
Basic motor carrier safety grants	(133,350,000)
Performance based incentive grant program	(7,100,000)
High-priority activities	(9,450,000)
New entrant grants	(17,000,000)
State training and administration	(2,100,000)
Crash causation (Sec. 224(f) MCSIA)	(1,000,000)
Information systems and strategic safety initiatives	20,000,000
Data analysis and information systems	(14,000,000)
Implementatiaon of PRISM	(5,000,000)
Driver programs (CDL grants)	(1,000,000)

Within the funds provided for FMCSA's high priority initiative program, the conference agreement provides $250.000 to Auburn University for using a genetic algorithm with computational fluid dynamic codes, validated using wind tunnel and water tunnel testing, in developing a comprehensive method for optimizing the shape of tractor-trailer rigs; $250,000 to continue the Hazardous Material Transportation safety and security testing, including conducting research on cost and benefits of using industry-standard truck disabling technologies, establishing best practices for safety and security applications of remote vehicle disabling technologies in trucking operations, and conducting field operational testing of this technology; $150,000 to the Transportation Research Center at Georgia Tech University; and $150,000 for FMCSA to conduct a survey of the States' entry level CDL programs to determine the adequacy of each State's CDL entry-level driving test. The conferees direct that FMCSA provide the findings of such a survey with recommendations to ensure each State administers a sufficiently demanding entry-level CDL driving test to the House and Senate Committees on Appropriations no later than June 1, 2005.

GENERAL PROVISIONS—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

The conference agreement includes a provision (Sec. 130) that subjects funds appropriated in this Act to the terms and conditions of section 350 of Public Law 107–87, including that the Secretary submit a report on Mexico-domiciled motor carriers. This provision was proposed by both the House and Senate.

The conference agreement includes a provision (Sec. 131) prohibits the use of funds in this Act to implement or enforce any provision of the Final Rule issued on April 16, 2003 as it applies to operators of utility service vehicles and motion picture and television production drivers working at a site within 100 air mile radius of the reporting location for the period ending December 31, 2005.

The conference agreement includes a provision (Sec. 132) that prohibits the use of funds in this Act to issue or implement a specific proposed regulation as it relates to a phase in period to bring vehicles into compliance. The conferees direct FMCSA to coordinate and communicate with trucking firms and manufacturers affected by this provision to ensure that they understand their responsibilities, potential deadlines, and consequences. The conferees direct FMCSA to notify the House and Senate Committees on Appropriations regarding the steps that will take place to meet this coordination requirement.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement provides a total program level of $232,986,000 for highway and traffic safety activities, instead of $223,114,000 as proposed by the House and $228,300,000 as proposed by the Senate. The limited amounts for obligation include $157,386,000 for operations and research, $72,000,000 for operations and research, and $3,600,000 for the national driver register.

The following table summarizes the conference agreement for operations and research by budget activity:

Salaries and benefits	$71,700,000
Travel	1,347,000
Operating expenses	23,801,000
Contract programs:	
Safety performance (rulemaking)	11,383,000
Safety assurance (enforcement)	18,277,000
Highway safety programs	51,493,000
Research and analysis	70,521,000
General administration	779,000
Grant administration reimbursements	−16,306,000
Total	232,986,000

OPERATING EXPENSES

The conference agreement provides no more than $2,900,000 for NHTSA computer support, $100,000 for harmonization efforts, and no funding for workforce development or e-gov initiatives from OST.

SAFETY ASSURANCE

The conference agreement provides an additional $250,000 for 2 additional full-time staff years for enforcement actions against non-compliant vehicles, as proposed by the House.

SAFETY PERFORMANCE

The conference agreement provides an additional $200,000 to accelerate the purchase schedules for NCAP vehicle testing, as proposed by the Senate.

HIGHWAY SAFETY PROGRAMS

The conference agreement provides the following funding levels for highway safety programs:

Impaired Driving	$13,145,000
Judicial and prosecutorial awareness	(1,500,000)
Target popluations	(500,000)
Drug Evaluation and Classification	0
Pedestrian/Bicycle safety	2,450,000
Pedestrian accident study	(50,000)
South Carolina DOT's Older Drivers & Pedestrian Signage Demonstration Project	(800,000)
WPI Center for Human Impact, Protection Systems	(400,000)
Motorcycle safety	744,000
National Occupant Protection	11,600,000
Enforcement and Justice Services	2,217,000
Emergency Medical Services	3,520,000
NEMSIS implementation	(250,000)
TraumaLink, Philadelphia PA	(500,000)
USA Center for Rural Vehicle Research	(500,000)
Records and Licensing	4,900,000
Interstate digital image exchange project	(2,300,000)
Highway Safety Research	8,050,000
Driver's Edge Safety Program, Nevada	(400,000)
FAMU—FSU Transportation Safety Research Center	(800,000)
Emerging Traffic Safety Issues	1,187,000
Share the Road Safely	100,000
NAS Tire Study	250,000
NOPUS	1,600,000
National Driver Register	2,000,000

Share the road safely program.—The conference agreement directs NHTSA to lead the implementation of the share the road safely program for fiscal year 2005, as proposed by the House and the Senate. In addition, FMCSA is directed to work cooperatively with NHTSA and to provide one full-time detailed to work with NHTSA staff, as proposed by the Senate.

NAS tire efficiency study.—The conferees direct NHTSA to provide an update to the

House and Senate Committees on Appropriations on the status of the NAS tire efficiency study by December 31, 2004, as proposed by the House.

Plastic and composite vehicles.—The conferees recognize the development of plastics and polymer-based composites in the automotive industry and the important role these technologies play in improving and enabling automobile performance. The conferees encourage NHTSA to develop a program to examine possible safety benefits of Lightweight Plastic and Composite Intensive Vehicles (PCIV). The program will help facilitate a foundation between DOT, the Department of Energy and industry stakeholders for the development of safety-centered approaches for future light-weight automotive design.

RESEARCH AND ANALYSIS

The conference agreement provides the following funding levels for research and analysis:

Crashworthiness	$25,675,000
Southern Consortium for Injury Biomechanics ...	(2,000,000)
University of Vermont & Fletcher Allen Healthcare	(1,000,000)
Crash Avoidance	10,198,000
Fatigue eye-tracking & monitoring research	(300,000)
Visual loss research	(100,000)
National Center for Statistics & Analysis	25,119,000
Additional FARS funding	(850,000)
Vehicle Research & Test Center	1,020,000
Crash Causation Study	7,000,000
Crash Avoidance Initiative	500,000
Early Fatality Notification System	1,000,000

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement limits obligations for operations and research to $72,000,000, as proposed by the Senate.

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement limits obligations for the national driver register to $3,600,000, as proposed by the House.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement limits obligations for highway traffic safety grants to $225,000,000, as proposed by both the House and the Senate.

Highway safety oversight.—The conference agreement does not agree to include language pertaining to highway safety grant oversight, as proposed by the Senate. This exclusion is based upon assurances that NHTSA will actively pursue their oversight responsibilities relating to state obligation of grant monies. Furthermore, NHTSA shall ensure that the House and Senate Committees on Appropriations are kept apprised of NHTSA's progress.

GENERAL PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

The conference agreement includes a provision (Section 140) allowing States to use highway traffic safety grant funds for highway safety public service messages, as proposed by the House and Senate. No more than 30% of funds for impaired driving media support may go to the 13 strategic states, instead of 60%, as proposed by the House.

The conference agreement includes a provision (Section 141) directing NHTSA to administer the share the road safely program and prohibiting funds from being transferred to any other Federal agency, as proposed by the Senate.

The conference agreement includes a provision (Section 142) allowing NHTSA to use the funds necessary to carry out provisions of section 157, as proposed by the Senate.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

The conference agreement provides $139,769,000 for Safety and Operations, instead of $137,738,000 as proposed by the House and $139,849,000 as proposed by the Senate. The conferees approve 17 new positions for FRA: 8 inspectors, 8 inspector trainees, and 1 passenger rail staff. The agreement provides $275,000 for a central training facility and $1,500,000 for a track geometry vehicle. The agreement denies $193,000 for e-gov initiatives requested by OST, $500,000 for a fatigue study, and $300,000 for workforce planning efforts.

RAILROAD RESEARCH AND DEVELOPMENT

The conference agreement provides $36,025,000 for Railroad Research and Development, instead of $33,289,000 as proposed by the House and $35,225,000 as proposed by the Senate. Within the amount provided, the conferees have provided $250,000 for the WVU constructed facility center, $2,000,000 for Marshall University and the University of Nebraska for safety and research programs in rail equipment, human factors, and track and rail safety related issues, and $6,800,000 for NDGPS.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

RRIF loan repayment.—The conferees include bill language directing Amtrak to repay the 2002 RRIF loan in five equal annual installments over a five-year period. The conferees are concerned that, in annually seeking deferral of its obligations to repay the Federal Government, Amtrak jeopardizes the future of the Railroad Rehabilitation and Improvement Financing Program. This program was established to meet the essential infrastructure investment needs of the rail industry, in particular the small and regional freight railroads that are essential to the economic competitiveness of many parts of rural and small town America. Continuation of such deferrals could set a dangerous precedent for Federal credit programs. The conferees believe that no one, including a quasi-governmental entity such as Amtrak, should be exempt from meeting its financial obligations to the Federal Government in a timely manner. Clearly, Amtrak agreed to a repayment schedule that it knew, or at least should have known, would jeopardize its ability to undertake infrastructure repairs critical to safe and reliable intercity and commuter passenger transportation, particularly in the Northeast Corridor. This is a lesson that should not be lost on Amtrak if it should again contemplate funding capital improvements with debt. The conferees direct Amtrak and the FRA to enter into a realistic repayment schedule that will permit repayment of the principal and interest of the RRIF loan owed to the Federal Government by Amtrak, while mitigating the impact of this debt obligation on Amtrak's capital program.

NEXT GENERATION HIGH-SPEED RAIL

The conference agreement provides $19,650,000 for Next Generation High-Speed Rail, instead of $11,000,000 as proposed by the House and $20,000,000 as proposed by the Senate. The agreement provides the following funding allocations:

Train Control Systems ...	$7,500,000
North American joint PTC project	(6,500,000)
Train Control—TTC	(1,000,000)
High-Speed Non-Electric Locomotives	1,700,000
DMU compliance and demonstration, Florida	(400,000)
DMU compliance and demonstration, New Jersey ..	(400,000)
Grade Crossing & Innovative Technologies	4,350,000
Alaska RR luminescent grade crossings	(1,000,000)
Vicksburg, MS Fairgrounds St grade crossing	(1,000,000)
Assembly Street, South Carolina	(600,000)
High-speed rail improvements between NYC and Albany, NY	(350,000)
Track/Structures Technology	1,000,000
Corridor Planning	3,100,000
Gulf Coast High Speed Rail Corridor Study	(1,000,000)
Memphis Region High Speed Rail Study	(400,000)
Spokane Region High Speed Rail Corridor Study	(1,000,000)
New England High Speed Rail Boston-Springfield-New Haven Corridor Study	(700,000)
Maglev	2,000,000
California-Nevada Interstate Maglev Project ...	(1,000,000)
Pennsylvania Maglev Deployment Project	(1,000,000)

Magnetic levitation.—Section 1218 of TEA–21 established a magnetic levitation deployment program to be administered by the FRA. Last year, the conferees requested that FRA perform a cost-benefit comparison report of magnetic levitation to other modes of travel. Although FRA has not completed the report, the conferees are awaiting the receipt of the final draft.

Rail-highway crossing hazard eliminations.—The conference agreement also provides the following funding allocations for rail-highway grade crossing mitigation:

Hamilton Boulevard, Mobile, Alabama	$1,000,000
City of Spartanburg rail crossing mitigation, South Carolina	1,075,000
Safety and Mitigation Rail Relocation in Auburn, Maine	500,000
Harrisburg CorridorOne Track Safety, Pennsylvania	550,000
McCord Road, Lucas County, Ohio, grade separation	1,000,000
Illinois statewide highway-rail crossing safety program	400,000
Vermont statewide highway-rail crossing safety	325,000
Wisconsin railway-highway crossing elimination	400,000

Rock Island rail line, Oklahoma.—The conferees are aware of an unused rail line, which runs from McAlester to Oklahoma City, Oklahoma, that has been the subject of acquisition negotiations for a number of years. The conferees encourage all parties involved to reach a reasonable settlement expeditiously, so that this important rail link can be rehabilitated and reopened as soon as possible.

ALASKA RAILROAD REHABILITATION

The conference agreement provides $25,000,000 for the rehabilitation expenses of the Alaska Railroad, as proposed by the Senate.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

The conference agreement provides $1,217,000,000 for quarterly grants to Amtrak, as proposed by the Senate. Of this amount, no less than $500,000,000 is provided for capital grants, as proposed by the House. The conference agreement retains report language proposed by the House regarding operating and capital plans, Amtrak financial information, monthly reporting requirements, state-assisted intercity rail service, and capital asset valuation.

Amtrak common stock redemption.—The Amtrak Reform and Accountability Act of 1997 (AARA) directed Amtrak to redeem all common stock at fair market value by October 1, 2002 in order to rid Amtrak of certain of its financial encumbrances so that Amtrak could position itself to seek and receive investor funds and other private financing. The date of the mandated redemption has passed, the redemption has not occurred, and the parties are not engaged in resolving the matter of evaluation of such stock at Fair Market Value, thwarting clear Congressional intent. The conferees urge these parties to resolve this matter expeditiously.

GENERAL PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

The conference agreement includes a provision (Section 150) that requires the Secretary of Transportation to continue development and implementation of a fair competitive bid procedure, as proposed by both the House and the Senate.

The conference agreement includes a provision (Section 151) that allows FRA to provide reimbursement to employees for home internet connections, as proposed by the House.

The conference agreement includes a provision (Section 152) that clarifies the intent of Federal funds provided to the Alaska Railroad, as proposed by the Senate.

The conference agreement includes a provision (Section 153) that directs DOT to award a grant included in P.L. 108-199 for KBS Railroad in Illinois, as proposed by the Senate.

The conference agreement includes a provision (Section 154) that expands the Northern New England High Speed Rail Corridor.

The conference agreement includes a provision (Section 155) that directs Amtrak to submit to the House and Senate Committees on Appropriations in fiscal year 2005 a report detailing Amtrak's obligations pursuant to 49 U.S.C. 24306(a).

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

The conference agreement provides $78,000,000 for administrative expenses, as proposed by the Senate. Within this total, the conference agreement provides the following funding levels for FTA offices:

Office of the Administrator	$900,000
Office of Administration ...	6,520,000
Office of Chief Counsel	4,100,000
Office of Communications & Congressional Affairs ..	1,243,000
Office of Program Management	7,396,000
Office of Budget and Policy	6,929,000
Office of Research, Demonstration and Innovation	4,645,000
Office of Civil Rights	3,013,000
Office of Planning and Environment	4,171,000
Regional Offices	20,150,000
Central Account	16,433,000
National Transit Database	2,500,000

Transfer authority.—The conference agreement provides transfer authority of 5% among administrative offices. The conferees direct FTA to provide quarterly updates to the House and Senate Committees on Appropriations on all transfers of funding within the administrative office structure.

FY06 budget request.—Within the FY06 budget request, the conferees direct FTA to submit an office-by-office breakdown, as proposed by both the House and Senate and an analysis of new start project technical assistance, as proposed by the House.

Full funding grant agreements (FFGAs).—The conference agreement retains language proposed by the House detailing notification of Congress of procedures prior to the execution of a FFGA. In addition, the conference agreement retains language proposed by the House regarding notification of advancement of projects into preliminary engineering or final design.

Revisions of Congressional intent.—The conference agreement retains language proposed by the House directing FTA to seek approval of the House and Senate Committees on Appropriations prior to revising Congressional intent.

FORMULA GRANTS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $4,032,175,000 for formula grants, as proposed by the Senate. The conference agreement transfers language regarding an intercity bus reporting requirement, as proposed by the House, to the Office of the Secretary.

UNIVERSITY TRANSPORTATION RESEARCH

The conference agreement provides $6,000,000 for university transportation research, as proposed by the House and Senate.

TRANSIT PLANNING AND RESEARCH

The conference agreement provides $128,000,000 for transit planning and research, as proposed by the Senate. From funds provided for national planning and research, the conference agreement provides the following funding levels;

Advanced Transportation Technology Institute	$125,000
Automation Alley BuSolutions	550,000
CALSTART/WestStart Advanced Transit Technology	2,000,000
Center for composite manufacturing, AL	950,000
Southern Fuel Cell Coalition—Center for Transportation and the Environment	450,000
Chester County transit security training facility, PA	125,000
Community Transportation Association of America Nationwide Joblinks	500,000
Fischer-Tropsch clean diesel technology demonstration, OK	875,000
Hennepin County Community Works	1,200,000
hOurCar, MN	75,000
Lehigh Carbon Community College transit first responder training facility	75,000
Low cost carbon fiber production technology, University of Tennessee	450,000
Nanostructured catalysts for hydrogen fuel cells (CATV UA)	950,000
National Bio-Terrorism Civilian Medical Response Center, PA	725,000
National Technical Assistance Center for Senior Transportation	2,000,000
NDSU Transit Center for Small Urban Areas, ND ..	400,000
Northern Wisconsin Rural Transportation Study	60,000
Oklahoma Transportation Center	2,000,000
Pawtucket train depot rehabilitation initiative, RI	235,000
Phillipsburg to Northeastern NJ/NYC commuter rail study, NJ	400,000
Project ACTION (TEA-21)	3,000,000
PVTA Electric Bus	640,000
Sitting Bull College bus facility planning, SD	65,000
Transit access CUMTD initiative, IL	500,000
Transit technology career ladder partnership training program	500,000
Transportation Research Program, Wichita State University	1,000,000
WVU exhaust emissions testing initiative, WV	1,400,000

TRUST FUND SHARE OF EXPENSES

The conference agreement provides $6,744,500,000 for the trust fund share of expenses, instead of $6,047,200,000 as proposed by the House and $6,764,976,000 as proposed by the Senate.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $3,338,825,000 for capital investment grants, instead of $2,852,647,000 as proposed by the House and $3,413,825,000 as proposed by the Senate.

Three year availability of section 5309 discretionary funds.—The conferees direct FTA to not reallocate funds provided in the fiscal year 2002 Department of Transportation and Related Agencies Appropriations Act or previous Acts for the following bus and bus facilities projects:

Alabama State Dock in intermodal passenger and freight terminal bus and bus related facilities

Binghamton Intermodal Transportation Center/terminal

Blue Water Area Transportation Commission bus facilities

Bronx Zoo Intermodal Transportation Facility

Cab Care paratransit facility

City of Monrovia natural gas vehicle fueling facility

Costa Mesa CNG facility

County of Calaveras bus fleet replacement

East Haddam transportation vehicles and transit facilities

Greater Minnesota Transit Authority bus, paratransit and transit hub (MNDOT)

Greater New Haven Transit District CNG vehicle project (ConnDOT)

Homer Alaska Maritime Wildlife Intermodal and welcome center
Indiana bus consortium buses and bus facilities
Indianapolis downtown transit facility
Las Cruces intermodal transit facility
Livermore Amador Valley Transit Authority buses and facility
Macon terminal intermodal station
Missouri Pacific Depot
Morgantown Parking Facility
North County Transit District, initial design and planning for new intermodal center
Norwich bus terminal and pedestrian access
Oglala Sioux Tribe buses and bus facilities
San Bernardino CNG/LNG buses
Sierra Madre Villa & Chinatown intermodal transportation centers/LA MTA bus and bus related facilities
Southern Teton Area Rapid Transit bus facility
Springfield Union Station intermodal facility
Station Plaza (NY) commuter parking lot
Tompkins Consolidated Area transit center
Ravalli County Council on aging bus facility
Area VII agency on aging bus facility
Statewise bus and bus facilities, MT
Wilkes-Barre Intermodal Facility

The conferees direct FTA to not reallocate funds provided in the fiscal year 2002 Department of Transportation and Related Agencies Appropriations Act or previous Acts for the following new start projects:

Greater Albuquerque mass rail transit project
Birmingham, Alabama, Transit Corridor
Dulles Corridor Project
Honolulu, Hawaii, Bus Rapid Transit Project
Kenosha-Racine-Milwaukee Rail Extension Project
Maryland (MARC) Commuter Rail Improvements Projects
Northeast Indianapolis, Indiana, Downtown Corridor Project
Philadelphia SEPTA Cross County Metro Project
Philadelphia, Pennsylvania-Schuylkill Valley Metro Project

BUS AND BUS FACILITIES

The conference agreement provides $675,000,000 for buses and bus facilities programs, together with $50,000,000 transferred from "Federal Transit Administration, Formula grants". Funds provided for buses and bus facilities are distributed as follows:

Project Name	*Amount*
Abilene bus and bus facilities, Texas	$750,000
Acadia National Park intermodal facility, Maine	250,000
Addicks Park & Ride Ramp, Texas	4,500,000
Alabama State Docks intermodal facility, Alabama	10,000,000
Alaska Mental Health Trust bus program, Alaska	1,000,000
Alaska Native Medical Center intermodal bus/parking facility, Alaska	2,000,000
Allegan County Transportation, Michigan	1,500,000
Alma Transit facility and replacement buses, Michigan	500,000
Alternative fuel replacement buses, Tucson, Arizona	1,000,000
Ames transit/bus facility, Iowa	1,000,000
Amesbury bus facility, Massachusetts	1,000,000
Amtran Bus Replacement, Altoona, Pennsylvania	300,000
Anaheim Resort Transit, California	300,000
Anchorage Museum/Transit intermodal depot, Alaska	1,500,000
Anchorage paratransit and disability improvements, Alaska	1,500,000,
Anchorage Ship Creek intermodal facility, Alaska	2,500,000
Ann Arbor Transit (AATA) transit center, Michigan	1,000,000
Ardmore transit center, Pennsylvania	6,000,000
Area Transit Authority, Pennsylvania	1,425,000
Area Transportation Authority of North Pennsylvania Central passenger terminal, Pennsylvania	1,250,000
Arkansas Statewide buses and bus facilities	8,000,000
Asheville City bus fleet replacement, North Carolina	300,000
Atlanta bus acquisition, Georgia	$3,500,000
Atlanta clean fuel shuttle buses, Georgia	1,000,000
Atlantic Station, Georgia	1,100,000
Attleboro Intermodal Transportation Center, Massachusetts	2,000,000
Barry County buses and bus facilities, Michigan	40,000
Bay Area Transportation Authority, Traverse City, Michigan	4,000,000
Belding buses and bus facilities, Michigan	50,000
Bellflower Dial-a-Ride, California	120,000
Bellows Falls Transit Improvements, Vermont	2,000,000
Ben Franklin Transit Facility Improvements, Washington	1,050,000
Bergen Intermodal - Stations and Park N'Rides, New Jersey	2,000,000
Berks Area Reading Transportation Authority (BARTA) facility, Pennsylvania	2,000,000
Berrien County transit, Michigan	100,000
Billings downtown bus facility, Montana	2,000,000
Billings public bus and medical transfer facility, Montana	2,500,000
Birmingham Intermodel Facility—Phase II, Alabama	3,500,000
Bloomington Public Transit Corporation, Indiana	750,000
Blue Water Area Transportation Commission Maintenance and Storage Facility, Michigan	3,000,000
BNMC replacement buses, New York	758,000
Boro Park JCC bus purchase, New York	200,000
Brazos Transit District passenger shelter program, Texas	500,000
Bridgeport Intermodal Transportation Center, Connecticut	7,000,000
Brockton Area Transit Bus Replacement, Brockton, Massachusetts	2,000,000
Brookhaven Town Senior Citizen Jitney Bus, New York	125,000
Broome County hybrid buses, New York	1,600,000
Broward/Palm Beach Count buses, Florida	750,000
BRTA Bus Replacement Program, Massachusetts	1,080,000
BRTA Bus Shelters, Massachusetts	150,000
BRTA Storage Facility Upgrade, Massachusetts	244,000
Bryan Intermodel Transit Terminal with Parking, Texas	400,000
Bryan/College Station Bus Replacement Program, Texas	1,296,000
Bucks County Intermodal Facility Improvements, Pennsylvania	2,117.000
Buffalo Niagra Medical Campus, New York	2,000,000
Burke Centre VRE Station Parking Expansion	1,000,000
Bus Facility, 65th Street Intermodal Station, New York	7,500,000
Bus Rapid Transit, Virginia Street Phase 1, Nevada	1,000,000
Cadillac/Wexford Transit, Michigan	100,000
Calabasas Transit, California	500,000
Cambria County Transit accessible buses, Pennsylvania	1,080,000
Cambria County Transit Facility rehabilitation, Pennsylvania	1,300,000
Cape Cod Regional Transit Authority Center/Bus Facility, Massachusetts	3,000,000
Capital Area Transit (CAT), Pennsylvania	1,000,000
Capital Area Transportation Authority, Lansing, Michigan	4,250,000,
Capital Metro North Operating Facility, Texas	1,200,000
Capitol Metro buses and bus facilities, Texas	2,000,000
Carolina Mini-Buses, Puerto Rico	1,900,000
Cass County transit, Michigan	40,000
CATA bus replacement, Arkansas	400,000
Catalina Transit Terminal, Redondo Beach, California	1,000,000
Central New York Regional Transportation Authority, New York	3,250,000
Central Ohio Transit Authority Paratransit Facility	550,000
Central Ohio Transity Authority ITS Phase III	200,000
Centre Area Transit Authority, Pennsylvania	850,000
Cerritos Clean Air Buses, California	850,000
Chapel Hill replacement buses, North Carolina	2,000,000
Charlotte Multi-modal Transportation Center, North Carolina	2,500,000,

Project Name	*Amount*
Cherry Street Multi-Modal Facility, Indiana	1,000,000
Cincinnati Local Community bus enhancements, Ohio	800,000
Citibus vans and alternative fuel buses, Texas	1,800,000
Citilink, Indiana	1,800,000
City Bus, Williamsport Bureau of Transportation, Pennsylvania	1,500,000
City of Orange Beach senior activity bus, Alabama	100,000
City of Santa Fe, Bus and Bus Facility Grant, New Mexico	1,500,000
Clare County Transit Corporation, Michigan	100,000
Claremont Intermodal Transit Village Project, California	200,000
Cleveland Avenue YMCA bus, Alabama	200,000
Cleveland Clinic Pedestrian Access Tunnel, Ohio	1,000,000
Clinton Area transit system, Michigan	1,250,000
CNG bus replacement, Texas	400,000
Coconino County—Flagstaff bus system, Arizona	1,400,000
Coconino County—Sedona bus system, Arizona	2,600,000
Collegian Avenue Busway, California	400,000
Colorado Statewide buses and bus facilities	7,125,000
Columbia Transit, Missouri	950,000
Community Transit Bus and Van Replacement, Washington	1,000,000
Commuter maintenance facility, New Hampshire	700,000
Como Rider program, Minnesota	1,500,000
Copper River Transit program, Alaska	1,500,000
Corpus Christi buses and bus facilities, Texas	800,00
County of Lebanon Transit Authority (COLT), Pennsylvania	360,000
Cruise Terminal Intermodal Facility, Pennsylvania	500,000
Cuyahoga County Plan for Senior Transportation, Ohio	1,000,000
Dallas bus shelters, Texas	750,00
Danville buses and bus facilities, Virginia	450,000
DeBary Intermodal Transportation Facility, Florida	250,000
Delaware Statewide buses and bus facilities	2,000,000
Denton Downtown multimodal transit facility, Texas	3,200,000
Des Moines MTA bus replacement, Iowa	2,000,000
Detroit DOT bus replacement and facilities, Michigan	3,000,000
Dial-a-Ride facility, Phoenix, Arizona	350,000
Downtown Centralized Intermodal Transfer Center, Nashville, Tennessee	1,000,000
Downtown Tempe Transit Center, Arizona	800,000
Downtown transit center ITS, California	100,000
Duluth Transfer Facility, Minnesota	1,000,000
East Side Transit Center, Ohio	500,000
East Valley bus maintenance facility, Arizona	6,950,000
Ed Roberts Campus/City of Berkeley, California	500,000
Edmonds Crossing Mulitmodal Transportation Project, Washington	1,000,000
El Garces Intermodal Station, Needles, California	1,000,000
El Paso buses Texas	3,000,000
Elk Grove Park and Ride Facilities California	1,000,000
Elmwood Facility Expansion, Rhode Island	2,000,000
Endless Mountain Transportation Authority, Pennsylvania	100,000
Englewood bus purchase, New Jersey	375,000;
Essex County buses, Massachusetts	150,000
Fairfield/Vacaville Intermodal Transit Station, California	500,000
Farmville buses and bus facilities, Virginia	200,000;
Fayette Area Coordinated Transportation (FACT) buses and bus facilities, Pennsylvania	900,000
Fixed Route Transportation System, Madison County, Kentucky	300,000
Flagler County buses and bus facilities, Florida	150,000
Flint MTA Intelligent Transportation System, Michigan	1,000,000
Fort Edward Intermodal Station, New York	300,000
Franklin County Transportation Council, Missouri	150,000
Fresno Area Express bus program, California	1,000,000
Ft. Worth Transportation Authority Fleet Modernization, Texas	2,400,000
Ft. Worth Transportation Authority Passenger Shelter Replacement, Texas	700,000
Fulton County Transit Authority, Kentucky	200,000
Gainesville Regional Airport multi-modal facility, Florida	300,000
Gainesville RTS buses and bus facilities, Florida	1,000,000
Glenmont Metrorail parking garage expansion, Maryland	500,000
Golden Empire Transit traffic signal priority, California	300,000
Grant Transit Authority vehicle replacement, Washington	800,000
Greater Minnesota Transit	3,225,000
Greater Ouachita Port and Intermodal Facility, Louisiana	3,000,000
Greenville Transit System, Michigan	50,000
GRTC Bus Facility, Richmond, Virginia	6,000,000
Hamiton clean fuels bus facility, Georgia	1,500,0001
Hampton Roads Transit New Maintenance Facilities, Virginia	2,250,000
Harbor Transit, Michigan	200,000
Harrisburg Transportation Center, Pennsylvania	1,000,000
Harrison County HOV/Bus rapid transit Canal Road intermodal connector, Mississippi	2,000,000
Hartford bus facility rehabilitation, Connecticut	500,000
Hartford/New Britain Busway, Connecticut	4,000,000
Hazleton intermodal facility, Pennsylvania	3,000,000
Hemet Transit Center bus facility, California	350,000
Henderson Area Rapid Transit Authority, Kentucky	80,000
High Point Project Terminals, North Carolina	2,000,000
Hillsborough Area Regional Transit (HART), Florida	500,000
Homestead East-West bus connector, Florida	250,000
Honolulu bus and paratransit replacement program, Hawaii	5,000,000
Honolulu Middle Street Intermodal Center, Hawaii	4,000,000
Houston METRO, Park and Rides, Texas	10,000,000
Howard Boulevard Intermodal Station, New Jersey	3,500,000
Howard County Transit repair facility, Maryland	500,000
Hunt County Committee on Aging Transit Terminal, Texas	1,200,000
Hunt County Committee on Aging Transit Vehicles, Texas	1,000,000
I–15 Managed Lanes/Bus Rapid Transit, San Diego, California	1,700,000
I–35 Fixed Guideway Project, Johnson County, Kansas	300,000
I–66/Vienna Metrorail Accessibility Improvements, Virginia	600,000
Idaho Transit Coalition Statewide buses and bus facilities	3,500,000
Illinois Statewide buses and bus facilities	7,000,000
Incline Plane Cable Replacement, Johnstown, Pennsylvania	120,000
IndyGo buses and bus facilities, Indiana	3,000,000
Intelligent Transportation System for The Rapid, Michigan	600,000
Intercity Transit Buses, Thurston County, Washington	1,000,000
Intermodal terminals in Downtown Reno and Sparks, Nevada	1,500,000
Ionia County Dial-A-Ride, Michigan	125,000
Iowa Statewide buses and bus facilities	5,000,000
Irvington Intermodal Upgrades, New York	250,000
Isabella County Transportation Commission, Michigan	300,000
Isanti Transit garage and operational facility, Minnesota	500,000

Project Name	Amount
ITP/The Rapid replacement and expansion buses, Michigan	1,250,000
Ivy Tech State College multmodal facility, Indiana	500,000
Jackson State University busing project, Mississippi	300,000
Jacksonville JTA transit rolling stock, Florida	500,000
Jacksonville State University buses, Alabama	2,000,000
Jacobi Transportation Facility, New York	1,000,000
Jamaica Intermodal Facilities, New York	2,000,000
James City County natural as buses, Virginia	3,000,000
JATRAN fixed route vehicles, Mississippi	3,000,000
JCC of Coney Island Bus Purchase, New York	100,000
Jefferson County Transit Facility Improvements, Texas	700,000
Jefferson Transit operations/maintenance facility, Washington	600,000
Johnson County Transit System Buses, Kansas	500,000
Juneau bus replacement, Alaska	1,000,000
Kalamazoo County Care A Van, Michigan	80,000
Kalamazoo Metro Transit, Michigan	3,000,000
Kalkaska Public Transit Authority, Michigan	50,000
Kansas City/Unified Govt. of Wyandotte Co. buses, Kansas	1,000,000
Kansas statewide bus and bus facilities	3,000,000
KCATA bus rapid transit, Missouri	4,500,000
Kearney RYDE Transit, Nebraska	1,050,000
Kenai Central Area Rural Transit System bus replacement, Alaska	1,400,000
Key West bus and bus facilities, Florida	2,000,000
King County Metro Clean Air Buses, Washington	5,000,000
King County Metro Park and Ride on First Hill, Seattle, Washington	2,000,000
King County Metro, King County Airfield Transfer Area, Washington	2,000,000
Kitsap Transit Bus Replacement, Washington	1,000,000
Knik Arm intermodal facility terminal, Alaska	1,500,000
Knoxville Electric Transit Intermodal Center, Tennessee	2,000,000
Lafayette City/Bus, Indiana	500,000
Lake Erie Transit maintenance prage expansion, Michigan	500,000
Lakeland Area Citrus Connection transit system, Florida	750,000
Lane County bus raid transit vehicles, Oregon	4,000,000
Laredo Bus Hub and Maintenance Facility, Texas	2,000,000
Las Vegas buses, Nevada	1,000,000
LAVTA buses and bus facilities, California	500,000
LAVTA satellite maintenance, operations and administrative facility, California	300,000
Lawrence Transit System maintenance facility, Kansas	400,000
Lawton buses and bus facilities, Oklahoma	207,000
Lechmere Station intermodal, Massachusetts	1,000,000
Lewis and Clark explorer shuttle parking, Oregon	500,000
Link Transit Low Floor Coach Purchases, Washington	800,000
Livingston Essential Transportation, Michigan	100,000
Long Beach Transit bus purchase, California	500,000
Los Angeles County MTA bus program, California	2,000,000
Los Angeles Trade Tech intermodal links with bus and Metro, California	500,000
Los Angeles Valley College bus station extension, California	500,000
Louisiana Statewide buses and bus facilities	5,000,000
Lowell Regional Transit Authority, Massachusetts	900,000
Macatawa Area Express Facility, Michigan	1,000,000
Macon Terminal Station, Georgia	750,000
Maine statewide bus program	2,500,000
Maintenance facility modernization project, Oregon	12,500,000
Mammoth Lakes Regional Transit operations facility, California	1,000,000
Manchester, Clay County Intermodal Facility, Kentucky	2,000,000
MART maintenance facility, Massachussets	2,400,000
MARTA Bus Acquisition Program, Georgia	1,500,000
MARTA clean fuel technology buses, Georgia	4,000,000
Maryland Statewide buses and bus facilities	4,000,000
Mass Transportation Authority, Flint, Michigan	3,000,000
Medical University of South Carolina	4,000,000
Memphis Airport Intermodal Facility, Tennessee	3,000,000
Metro Red Line Wilshire Vermont Station upgrade, California	750,000
Metro St. Louis, Missouri	1,250,000
Metro Transit buses and bus facilities, Minnesota	4,000,000
Miami Beach Intermodal Greenway Transit Facility, Florida	700,000
Miami Beach Intermodal Transit Facility, Florida	700,000
Miami Intermodal Center, Florida	6,000,000
Miami-Dade County bus procurement, Florida	500,000
Michigan Statewide buses and bus facilities	3,000,000
Mid Mon Valley Transit Authority, Charleroi, Pennsylvania	1,400,000
Mid-County Transit Authority Kittanning, Pennsylvania	220,000
Midland Dial-A-Ride, Michigan	125,000
Millinocket Airport transfer bus project, Maine	35,000
Miramar Parkway transit shelter enhancements, Florida	100,000
Mississippi Valley State University mass transit expansion, Mississippi	200,000
Missouri statewide bus and bus facilities	8,000,000
Modesto bus facility, California	1,000,000
Montgomery buses, Alabama	700,000
Montrey Salinas Transit buses, California	1,000,000
Moultrie Intermodal Facility, Georgia	500,000
Multi County Intermodal Park & Ride, New Jersey	3,000,000
Muncie Indiana transit system, Indiana	1,000,000
Municipal Transit Operators Coalition, California	1,000,000
Murray/Calloway County Transit Authority, Kentucky	1,800,000
Muskegon Area Transit System, Michigan	500,000
Napa Transit Center construction, California	500,000
Nassau County Long Island Bus, New York	1,000,000
National Center for Transportation Needs, Florida	600,000
Nebraska Statewide bus and bus facilities	2,000,000
New Castle Area Transit, Pennsylvania	1,000,000
New Mexico Statewide bus and bus facilities	1,000,000
New York Central Train Station, Elyria, Ohio	1,000,000
Newark Penn Station Intermodal Improvements, New Jersey	5,000,000
Norman buses and bus facilities, Oklahoma	3,000,000
North Carolina Statewide buses and bus facilities	5,000,000
North Dakota Statewide buses and bus facilities	3,000,000
North Florida and West Coast Transit Coalition Bus Acquisition	4,000,000
North Oakland Transit Authority, Michigan	80,000
Northern Michigan bus and bus facilities	500,000
Northern Oklahoma regional multimodal facilities and transit system, Oklahoma	5,000,000
Northern Winnebago County, Illinois	250,000
Northumberland County Transportation, Pennsylvania	100,000
Northwest Busway and facilities, Hennepin County, Minnesota	3,000,000
NW 7th Avenue Transit Hub, Florida	1,000,000
Oakwood College shuttle bus project, Alabama	150,000
Oakwood Intermodal Facility, Somerset, Kentucky	2,000,000
Ohio statewide buses and bus facilities	6,000,000

Project Name	*Amount*
Oklahoma DOT Transit Program, Oklahoma	5,500,000
Oklahoma Transportation Center, Oklahoma	2,000,000
Omaha Metro Area Transit Center Developments, Nebraska	4,000,000
Pacific Station Multimodal-Multiuse facility, California	1,500,000
Paducah Area Transit Authority, Kentucky	1,300,000
Pahoa/Hilo Bus routes, Hawaii	500,000
Palm Springs bus station relocation, California	30,000
Palo Alto Intermodal Transit Center, California	750,000
Paratransit District/Senior Call Center Brooklyn, Ohio	2,000,000
Park 8 Ride/Bus Facility Exit 2, Salem, New Hampshire	600,000
Park and Ride Bus Facility Exit 5, New Hamgshire	200,000
Park and Ride for the Edison Train Station, New Jersey	1,000,000
Pelham Intermodal Improvements, New York	500,000
Petersburg Multi-Modal Transportation Center, Virginia	500,000
Phoenix, Glendale, and Avondale bus replacement, Arizona	1,500,000
Phoenix/Glendale West Valley operating facility, Arizona	3,500,000
Pierce Transit Base expansion, Washington	1,000,000
Pinellas Suncoast Transit Authority, Florida	9,300,000
Port Angeles International Gateway Center, Washington	1,000,000
Port of Anchorage intermodal facility, Alaska	2,500,000
Potomac Yard Transit Way, Virginia	800,000
PRTC Bus Acquisitions, Virginia	800,000
Pulse Point Joint Development safety improvements, Connecticut	500,000
Putnam County RideSolutions buses and bus facilities, Florida	1,500,000
PVTA bus replacement program, Massachussets	4,000,000
Regional maintenance/paratransit scheduling facility, Kansas	800,000
Renaissance Square, New York	6,500,000
Rhode Island Public Transit Authority Statewide buses and bus facilities	4,000,000
Richmond Highway Transit Improvements, Virginia	1,000,000
Rio Rancho Senior Transit Program, New Mexico	250,000
Riverbank vehicle garage renovation, California	125,000
Riverside Transit Authority, California	125,000
Rochester Central Bus Terminal, New York	5,600,000
Rockville Town Center transit project, Maryland	1,000,000
Roscommon County Transit System, Michigan	50,000
Roseville Multitransit Center, California	650,000
Rural Bus Program, Hawaii	5,000,000
Sacramento bus replacement/facility expansion, California	500,000
Salem Intermodal Center improvement project, Massachussets	1,000,000
Salem-Keizer Transit, buses and bus facilities, Oregon	350,000
SamTrans Zero Emission bus project, California	750,000
San Antonio VIA Metropolitan Transit Bus Fleet Modernization, Texas	3,000,000
San Francisco Muni buses and bus facilities, California	4,000,000
San Luis Rey Transit Center, California	400,000
Santa Clara VTA bus signal priority project, California	750,000
SCAT CNG Fueling Station, California	500,000
Senior Bus Service Bus Replacement, North Hempstead, New York	300,000
SEPTA, Trackless Trolley Acquisition, Pennsylvania	1,000,000
Shisawassee Area Transportation Authority, Michigan	45,000
Sierra Madre Villa Gold Line Light Rail Station, California	1,000,000
Sistrunk transit & pedestrian access improvement, Florida	1,000,000
Sitting Bull College facilities, South Dakota	1,250,000
Skagway bus terminal development, Alaska	2,000,000
SMART buses and bus facilities, Michigan	3,000,000
Solana Beach Intermodal Facility, Solana Beach, California	650,000
Sonoma County CNG buses, California	300,000
South Amboy Intermodal Station, New Jersey	1,250,000
South Carolina Statewide buses and bus facilities	4,000,000
South Dakota Statewide buses and bus facilities	1,000,000
South Gate Clean Air buses, California	250,000
South Metro Area Rapid Transit park-and-ride facility and transit center, Oregon	500,000
Southeast Tennessee Human Resource Agency	750,000
Southern and Eastern Kentucky buses and bus facilities	3,000,000
Southern Maryland commuter bus initiative, Maryland	5,000,000
Southern Missouri buses and bus facilities	2,300,000
Southside bus facility PE, Virginia	4,000,000
Southwest Broward bus facility, Florida	1,200,000
Spring Valley Multi-Modal Center, California	800,000
Springfield Union Station, Springfield, Massachusetts	6,694,000
St. Johns County Council on Aging buses and bus facilities, Florida	750,000
St. George's Ferry Intermodal Terminal, New York	2,300,000
St. Lucie County bus purchase, Florida	400,000
St. Petersburg intermodal facility, Florida	500,000
Stamford Urban Transitway Phase II, Connecticut	6,000,000
Suffolk County Transit buses and bus facilities, New York	1,000,000
Sullivan County buses and bus facilities, New York	500,000
Sun Tran CNG replacement buses, Tucson, Arizona	2,750,000
Sunline Transit Agency CNG buses, California	500,000
TalTran Bus replacement project, Florida	800,000
TARTA/TARPS Intermodal Facility, Ohio	1,500,000
Temecula Park and Ride Facility, California	50,000
Temecula Transit Center, California	400,000
Tennessee Statewide buses and bus facilities	9,500,000
The Woodlands Capital Cost of Contracting Program, Texas	450,000
Tombigbee Regional Commission vehicle facility, Alabama	250,000
Tompkins County Hybrid Buses, New York	250,000
Transit Authority of Northern Kentucky (TANK) bus and bus facilities, Kentucky	500,000
Transit Authority of River City, Louisville, Kentucky	601,500
Transit First Implementation, California	750,000
Transit ITS, Utah	250,000
Transit Oriented Neighborhood Program, California	200,000
TRANSPO Bus Operations Center South Bend, Indiana	2,000,000
Trenton Intermodal Center, New Jersey	2,000,000
Triangle Transit Authority replacement buses, North Carolina	1,000,000
TriMet buses, Portland, Oregon	1,000,000
Trolley System, Boynton Beach, Florida	250,000
Tuckahoe Intermodal Improvements, New York	40,000
Tulsa Transit Multi-use facility in Tulsa, Oklahoma	2,000,000
Twin Cities Area Transportation Authority, Benton Harbor, Michigan	30,000
ULM Intermodal Facility, Louisiana	750,000
Ulster Count Hybrid Buses, New York	250,000
UMass Transit RTIC and training facility, Massachussets	4,000,000
UNI multimodal project, Iowa	3,000,000
Union City Intermodal Station, Phase 1, California	500,000

Project Name	*Amount*
Union Depot Transportation Hub, Minnesota ...	1,000,000
Union Station Intermodal Trade and Transit Center, Schuylkill County, Pennsylvania	2,000,000
Union Station Intermodal Transportation Center, Washington, DC	750,000
Union/Snyder Transportation Alliance, Union County Pennsylvania	1,500,000
University of Alabama at Huntsville Intermodal Facility, Alabama	4,000,000
University of Louisville bus shuttle program, Kentucky	2,500,000
UTA intermodal facilities, Utah	2,000,000
UTA Statewide buses and bus facilities	5,800,000
Vallejo Baylink Ferry Intermodal Center, California	1,250,000
Van Buren Public Transit, Michigan	30,000
Vans, CASA of Marshall County, Alabama	100,000
Vehicles for Senior Citizen Transportation in Alabama	1,000,000
Vermont Statewide buses and bus facilities	2,000,000
Vicksburg public transportation, Mississippi	500,000
Visalia bus operations facility, California	250,000
Visalia bus replacement, California	250,000
Waco Transit Alternative Fueled Bus Purchase, Texas	4,000,000
Wahiawa Transit Center and Parking Facility, Hawaii	2,500,000
Washington Small Bus System Program of Projects, Washington	4,000,000
Waterbury bus maintenance facility, Connecticut	500,000
West Haven/Orange Intermodal Facility, Connecticut	1,000,000
West Side transit facility, New Mexico	1,000,000
West Valley City Intermodal Terminal, Utah	400,000
West Virginia Statewide ...	5,000,000
Westchester County Bee Line Bus Replacement, New York	4,000,000
Westmoreland Count Transit Authority, Pennsylvania	500,000
Whatcom Transportation Authority, Lincoln Creek Transportation Center, Washington	2,000,000
White Earth Tribal Nation Transit Center, Minnesota	1,000,000
White Plains Downtown Circulator, New York	250,000
Whitehall Intermodal Ferry Terminal, New York	1,000,000
Whittier intermodal facility, Alaska	1,500,000
Wichita Transit Authority buses and bus facilities, Kansas	250,000
Winter Haven Transit Terminal, Florida	500,000
Wisconsin Statewide buses and bus facilities	15,000,000
WMATA bus purchase, Virginia	7,000,000
WMATA clean fleet buses, Maryland	1,500,000
Wonderland Station improvements, Revere, Massachussets	2,000,000
Yamhill County Transit bus and bus facilities, Oregon	150,000
Yates Township Dial-A-Ride Transportation System, Michigan	200,000
York County Transportation Authority buses, Pennsylvania	1,500,000
Yosemite Area Regional Transportation System, California	400,000

Washington statewide small transit-systems, bus and bus facilitie.—The conference agreement provides $4,000,000 to the Washington State Department of Transportation (WSDOT) for bus and bus facilities grants. The conferees expect WSDOT to fund the following projects: (1) $400,000 Clallam Transit; (2) $50,000 Columbia County Public Transportation (CCPT); (3) $50,000 Garfield County, (4) $400,000 Grant Transit; (5) $600,000 Grays Harbor Transportation Authority; (6) $400,000 Island Transit; (7) $750,000 Jefferson Transit; (8) $400,000 Mason County Transportation Authority; (9) $50,000 Pacific Transit; (10) $400,000 Twin Transit; and (11) $500,000 Valley Transit.

Illinois Statewide Buses.—The conferees provide $7,000,000 to the Illinois Department of Transportation (IDOT) for Section 5309 Bus and Bus Facilities grants. The conferees expect IDOT to provide at least $3,000,000 for Downstate Illinois replacement buses in Bloomington, Champaign-Urbana, Danville, Decatur, Peoria, Quincy, RIDES MTD, River Valley, Rockford, Rock Island, Springfield, and for the Bi-State Development/Metro Agency. Further, the conferees expect IDOT to provide appropriate funds for bus facilities in Bloomington, Galesburg, Macomb, Peoria, and Rock Island, including $750,000 for the Champaign Day Care Center/Park-n-Ride; $500,000 for the Richton Park Metra Intermodal Transit Park and Ride Facility; $750,000 for the City of Chicago's Free Trolley system; and $500,000 for the Downtown Normal Multimodal facility.

The conference agreement retains all language in the House and Senate reports allowing funds appropriated for a bus or bus facility project to be used for another eligible purpose, with the exception of Senate proposed language for South Bend Intermodal Facility, Indiana. Amounts previously obligated for the South Street Station Project in fiscal year 1996 and fiscal year 1997 shall be made available for the South Bend Bus Operations Center project in South Bend, Indiana. In addition, House retained language regarding Detroit bus and bus facilities should read "Public Law 106–69" instead of "Public Law 106–109".

Newton Rapid Transit Handicap Access Improvements, Massachusetts.—Amounts made available in fiscal year 2004 for Newton Rapid Transit Handicap Access Improvements, Massachusetts, shall be available for making handicap accessibility improvements to the Auburndale Station in Newton, MA.

Alameda Point Areil Transit Project, California.—Amounts made available in fiscal year 2004 for Alameda Point Areil Transit Project, California, shall be available for the Fairfield/Vacaville Intermodal Transit Station, California.

Utica Transit Authority Buses, New York.—Amounts made available in fiscal year 2003 for Utica Transit Buses, New York, shall be made available for Oneida County buses and transit items.

Statewide Bus and Bus Facilities, Montana.—Unobligated balances from amounts made available in fiscal year 2002 to Area VIII Agency on Aging Bus and Bus Facility and Ravalli County Council on Aging Bus and Bus Facility shall be combined with and made available for Statewide Buses and Bus Facilities.

New York City grant reprogramming.—The conference agreement includes a provision that allows urbanized area formula grant funds and capital investment or discretionary grant funds awarded to the New York City DOT to be made available to the New York Metropolitan Transportation Authority for eligible capital projects. The conferees are concerned that this provision in some way might facilitate the closure of current bus routes or the delaying of service improvements in certain New York City bus lines. This is not the intent of the conferees, and MTA should work to avoid any such harmful effects.

NEW STARTS

The conference agreement provides $1,449,425,000 for new starts programs, together with funds made available from reallocated new start projects from the fiscal year 2002 Act and previous Acts. Funds provided for new start projects are distributed as follows:

Atlanta, Georgia/North Springs (North Line Extension)	$265,410
Baltimore, Maryland, Central Light Rail Double Track	29,010,000
Birmingham—Transit Corridor, Alabama	1,000,000
Boston, Massachusetts, Silver Line III	3,000,000
Capital Metro—Bus Rapid Transit, Texas	1,000,000
CATRAIL RTC Rail Project, Nevada	1,000,000
Charlotte, North Carolina, South Corridor Light Rail Project	30,000,000
Chicago, Illinois, Douglas Branch Reconstruction ..	85,000,000
Chicago, Illinois, Ravenswood Line Extension	40,000,000
Cleveland. Ohio, Euclid Corridor Transportation Project	25,000,000
Dallas, Texas NW/SE Extension	8,500,000
Denver, Colorado, Southeast Corridor LRT	80,000,000
Dulles Corridor Rapid Transit Project, Virginia	25,000,000
Fort Lauderdale, Florida, South Florida Commuter Rail Upgrades	11,409,506
Harrisburg, Pennsylvania, Corridor One Rail MOS ...	2,000,000
Hawaii and Alaska Ferry Boats	10,296,000
Houston Advanced Metro Transit Plan, Texas	8,500,000
I–5/I–205/SR50, Transit Loop, Washington and Oregon	1,500,000
Las Vegas, Nevada, Resort Corridor Fixed Guideway Project	30,000,000

Little Rock River Rail, Arkansas	3,500,000
Los Angeles, California/MOS3 Metro Rail (North Hollywood)	675,103
Los Angeles, California, Eastside Light Rail Transit Project	60,000,000
Los Angeles, California, Gold Line Foothill Extension	500,000
Metra Commuter Rail Expansions and Extensions, Illinois	52,000,000
Minneapolis, Minnesota, Hiawatha Light Rail Project	33,698,453
Minneapolis, Minnesota, Northstar Commuter Rail Project	5,000,000
Nashville, Tennessee, East Corridor Commuter Rail	2,000,000
New Jersey Trans-Hudson Midtown Corridor	1,200,000
New Orleans, Louisiana, Canal Street Corridor Project	16,747,023
New York, New York Long Island Rail Road East Side Access	100,000,000
Norfolk, Virginia, Light Rail Transit Project	2,000,200
Northern New Jersey Hudson-Bergen Light Rail MOS2	100,000,000
New Jersey Newark Rail Link MOS 1	319,463
Northern New Jersey Newark-Elizabeth Rail Line MOS1	1,365,876
Philadelphia, Pennsylvania, Schuylkill Valley MetroRail	10,000,000
Phoenix, Arizona, Central Phoenix/East Valley Light Rail	75,000,000
Pittsburgh, Pennsylvania, North Shore Light Rail Connector	55,000,000
Pittsburgh, Pennsylvania, Stage II Light Rail	1,140,792
Portland, Oregon, Interstate Max Light Rail Extension	23,480,000
Raleigh, North Carolina, Triangle Transit Authority Regional Rail Project	20,000,000
Rhode Island Integrated Commuter Rail Project	6,000,000
Regional Commuter Rail (Weber County to Salt Lake City), Utah	8,000,000
Salt Lake City, Utah/CBD to University LRT	1,147,398
Salt Lake City, Utah/Medical Center Extension	8,836,110
San Diego, California, Mid-Coast Light Rail Extension	1,000,000
San Diego, California, Mission Valley East Light Rail Extension	81,640,000
San Diego, California, Oceanside-Escondido Rail corridor	55,000,000
San Francisco, California, BART Extension to San Fran International Airport	100,000,000
San Francisco, California, Muni Third Street Light Rail Project	10,000,000
San Juan, Puerto Rico, Tren Urbano Rapid Transit System	44,620,000
Santa Clara County, California, Silicon Valley Rapid Transit Corridor Project	2,500,000
Seattle, Washington, Central Link Initial Segment	80,000,000
Sound Transit Sounder Commuter Rail, Lakewood to Nisqually, Washington	4,000,000
South Shore Commuter Rail, Indiana	2,500,000
St. Louis, Missouri/Metrolink St. Clair Extension	60,436
Stamford, Connecticut Urban Transitway, Phase 2	3,000,000
Washington County, Oregon, Wilsonville to Beaverton Commuter Rail Project	9,000,000
Washington, DC/Largo Extension, Maryland	76,770,615

Resort corridor system extension, Las Vegas, NV.—The conferees expect the FTA to continue to set aside sufficient funds from the total amount of contingent commitment authority available for full funding grant agreements for fiscal year 2005 for the Resort Corridor System Extension project while the project works through a series of unanticipated technical problems. The conferees look forward to receiving the anticipated Full Funding Grant Agreement for this project once those technical problems have been resolved.

JOB ACCESS AND REVERSE COMMUTE GRANTS

The conference agreement provides $125,000,000 for JARC programs. Funds provided for JARC projects are distributed as follows:

Cleveland JARC Ohio	$750,000
Abilene JARC, Texas	150,000
AC Transit—Calworks Job Center (Bay Area), California	5,000,000
Akron METRO Job Access and Reverse Commute, Ohio	300,000
ARC of Madison County, Alabama	350,000
Bedford Ride, Virginia	60,000
Brockton Area Transit Authority JARC, Massachusetts	600,000
Broome County Transit, Binghamton, New York	250,000
Central New York Job Access Reverse Commute, New York	500,000
Chatham JARC, Georgia	2,000,000
Children's Health Fund JARC, Tennessee	500,000
City of Santa Fe, New Mexico	400,000
Colorado Transit Coalition JARC	3,250,000
Community Transportation JOBLINKS Demonstration	3,300,000
Connecticut Statewide JARC	2,500,000
Craig Transit JARC, Alaska	50,000
DCC Community Health & Safety Transport Project, Michigan	300,000
Delaware Statewide Welfare to Work	750,000
Detroit JARC, Michigan	1,750,000
Dooly-Crisp Unified Transportation System, Georgia	200,000
Easter Seals Central Alabama JARC	500,000
El Paso JARC, Texas	500,000
Family Service Centers of Clearwater Ways to Work, FL	500,000
Flint MTA JARC, Michigan	2,000,000
Gees Bend Ferry, Alabama	2,000,000
Georgetown, Washington, D.C. Metro Connection	1,250,000
Guaranteed Ride Program, California	600,000
Hillsborough Area Regional Transit JARC, Florida	100,000
hOurCar Car-Sharing Program, Minnesota	200,000
Illinois Statewide JARC	500,000
IndyFlex, Indiana	1,250,000
Iowa Statewide JARC	2,000,000
Island Transit JARC, Texas	600,000
Jefferson County JARC, Alabama	3,000,000
Job Access Transit, Hayward, California	500,000
Jumpstart, Wisconsin	290,000
Kenai Peninsula JARC, Alaska	600,000
Knox County CAC Transportation Program, Tennessee	500,000
Knoxville Area Transit Job Access Service, Tennessee	750,000
Louisiana Statewide JARC	2,500,000
Louisville JARC, Kentucky	1,150,000
Lubbock, Citibus JARC, Texas	350,000
Maine Statewide JARC Program	1,500,000
MARC, Kansas	500,000
Maryland Statewide JARC	2,700,000
MASCOT Mat-su Valley, Alaska	200,000
Metro St. Louis Downtown Shuttle Trolley, Missouri	950,000
Metropolitan Access to Jobs Initiative, Fargo, North Dakota	100,000
Metropolitan Access to Jobs Initiative, North Dakota	100,000
Metropolitan Council Job Access, Minneapolis, Minnesota	1,000,000
Missouri Statewide JARC	5,500,000
Mobile Association for Retarded Citizens, Alabama	250,000
Mobility Coalition, Alaska	500,000
Muncie Indiana Transit System JobConnection, Indiana	140,000
New Jersey Statewide JARC	5,250,000
New Mexico Statewide JARC	2,150,000
North Central Puget Sound Vehicle Trip Reduction Incentives, Washington	1,000,000
North Oakland Transportation Authority, Michigan	150,000
North Star Borough Transit JARC, Alaska	75,000
Okanogan County Senior Citizens JARC, Washington	226,430
Oklahoma Statewide JARC	8,000,000
Operation Ride DuPage, DuPage County, Illinois	500,000
Patrick Henry Community College, Virginia	25,000

Philadelphia Unemployment Project (PUP), Pennsylvania	1,500,000
Pittsburgh JARC, Pennsylvania	2,800,000
Platform Additions and Extensions on San Bernardino Line, California	2,000,000
Port Authority of Allegheny County JARC, Pennsylvania	6,250,000
Portland Regional JARC, Oregon	2,300,000
Poughkeepsie JARC, New York	50,000
Ray Graham Association for People With Disabilities, Illinois	130,000
Red Rose Transit Authority, Lancaster, Pennsylvania	633,000
Rhode Island Statewide JARC	1,650,000
Rochester-Genesee Regional Transportation Authority, New York	750,000
Rogue Valley Transit District JARC, Oregon	200,000
Sacramento Region JARC, California	2,000,000
Salem Keizer Transit JARC, Oregon	200,000
SEPTA JARC, Pennsylvania	3,500,000
Seward Transit JARC, Alaska	200,000
SRTA Elderly Van Service, Massachusetts	400,000
Statewide Statewide Small Urban and Rural Public/Specialized Transportation Services (JARC), Nevada	2,000,000
Suffolk County United Veterans, New York	200,000
Tennessee Statewide JARC	6,000,000
Toledo JARC, Ohio	350,000
Tompkins Consolidated Area Transit JARC, New York	100,000
Vermont Statewide JARC	1,000,000
Veterans Wheelchair Olympic Games, Alaska	100,000
VIA Metropolitan JARC, Texas	750,000
Washington Metro Job Access Initiative	2,500,000
Washington State Transit Car Sharing Job Access, Washingtion	2,000,000
Ways to Work, Minnesota	1,975,000
Ways to Work, Wisconsin	1,000,000
West Virginia Statewide JARC	1,000,000
Western Reserve Transit Job Access Program, Ohio	750,000
Wichita Transit Authority JARC, Kansas	400,000
Wisconsin Statewide JARC	2,600,000
WorkFirst Transportation Initiative, Washington	1,598,570
Wyandotte Co/KCK JARC, Kansas	500,000

Washington Metropolitan Area Transit Authority JARC.—The conferees direct FTA to permit WMATA to reprogram funds currently and previously appropriated for WMATA's JARC program to be used to provide ADA paratransit service to persons who are eligible for such service under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and the guidelines for WMATA's MetroAccess program.

GENERAL PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

The conference agreement includes a provision (Section 160) that exempts previously made transit obligations from limitations on obligations, as proposed by both the House and Senate.

The conference agreement includes a provision (Section 161) that allows funds for discretionary grants of the Federal Transit Administration for specific projects, except for fixed guideway modernization projects, not obligated by September 30, 2005, and other recoveries, to be used for other projects under 49 U.S.C. 5309, as proposed by both the House and Senate.

The conference agreement includes a provision (Section 162) that allows transit funds appropriated before October 2, 2003, that remain available for expenditure to be transferred, as proposed by both the House and Senate.

The conference agreement includes a provision (Section 163) that prohibits Federal transit grantees from obligating or expending funds after February 1, 2004, that would otherwise be available in the Act, if the grantee is involved directly or indirectly with any activity, including displaying or permitting to be displayed advertisements on its land, equipment, or in its facilities, that promotes the legalization or medical use of substances listed in schedule I of section 202 of the Controlled Substances Act, as proposed by the House.

The conference agreement includes a provision (Section 164) that allows the restoration of obligation authority to formula grants funds that were reduced due to FTA violations of the Antideficiency Act, as proposed by the House.

The conference agreement includes a provision (Section 165) that allows funds made available for Alaska and Hawaii ferry boats or ferry terminal facilities to be used to construct new vessels and facilities or to improve existing vessels and facilities, as proposed by the Senate.

The conference agreement includes a provision (Section 166) that allows unobligated funds for new projects under Federal Transit Authority to be used during this fiscal year to satisfy expenses incurred for such projects, as proposed by the Senate.

The conference agreement includes a provision (Section 167) that expands authorization allowing cooperative procurement of major capital equipment to 5 pilot projects, as proposed by the Senate.

The conference agreement includes a provision (Section 168) that allows amounts previously made available to the Port Authority of Allegheny County to be used for bus purchases, as proposed by the Senate.

The conference agreement includes a provision (Section 169) that allows a transfer of Greater New Haven Transit District bus funding for transit research, as proposed by the Senate.

The conference agreement includes a provision (Section 170) that allows amounts previously made available to Matanuska Susitna Borough for ferry boats to be used for an intermodal facility, as proposed by the Senate.

The conference agreement includes a provision (Section 171) that relates to bus funds for Honolulu, Hawaii, as proposed by the Senate.

The conference agreement includes a provision (Section 172) that allows the Navy to receive funds from Hawaii for ferry boats for transportation services for the Arizona War Memorial, as proposed by the Senate.

The conference agreement includes a provision (Section 173) that directs FTA to comply with the coordinated development and governmental funding requirements of Section 3042 of the Federal Transit Act of 1998, as proposed by the Senate.

The conference agreement includes a provision (Section 174) that modifies the calculation of the non-New Starts share of funding for the San Francisco Muni Third Street Light Rail Project, as proposed by the House.

The conference agreement includes a provision (Section 175) that allows a transfer of funding for Vermont Commuter Rail to upgrade an existing rail project, as proposed by the Senate.

The conference agreement includes a provision (Section 176) that allows unobligated funds made available to the Oklahoma Transit Association in Public Law 108-7 to instead be made available to the Metropolitan Tulsa Transit Authority and the Central Oklahoma Transportation and Parking Authority for any project or activity authorized under the JARC program, as proposed by the House.

The conference agreement includes a provision (Section 177) that allows urbanized area formula grant funds and capital investment or discretionary grant funds awarded to the New York City Department of Transportation to be made available to the New York Metropolitan Transportation Authority for eligible capital projects.

The conference agreement includes a provision (Section 178) that allows small urbanized areas that became part of the metropolitan Houston, Texas urbanized area, but lie outside the service area of the principal public transportation agency that serves that urbanized area to use funds made available to carry out 49 U.S.C. 5307 in fiscal year 2005.

The conference agreement includes a provision (Section 179) that allows funds made available to the Hawthorne-Warwick Commuter Rail Project to be reallocated for other projects.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

The conference agreement includes $15,900,000 for the Operations and Maintenance of the Saint Lawrence Seaway Development Corporation as proposed by both the House and Senate. The conferees designate that $1,500,000 of this total is for concrete replacement at Eisenhower and Snell Locks, as proposed by the House.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

The conference agreement includes $98,700,000 for the maritime security program as proposed by the House and Senate.

OPERATIONS AND TRAINING

The conference agreement includes $109,478,000 for MARAD's operations and training account, instead of $106,400,000 as proposed by the House and $110,910,000 as proposed by the Senate. The conference agreement allocates the funds for operations and training as follows:

Activity	*Conference level*
U.S. Merchant Marine Academy:	
Salary and benefits	$23,753
Midshipmen program	6,303
Instructional program	3,448
Program direction and administration	2,945
Maintenance, repair & operating requirements	6,327

Activity	*Conference level*
Capital improvements	13,138
Subtotal, USMMA	55,914
State Maritime Schools:	
Student incentive payments	1,200
Direct schoolship payments	1,200
Schoolship maintenance and repair	8,090
Subtotal, State Maritime Academies	10,490
MARAD Operations:	
Salaries and benefits	26,112
Non-salary base	10,448
Subtotal—Base operations	36,560
Enterprise architecture & IT security upgrades	150
DOT working capital fund (IT consolidation)	4,560
GSA space	94
DOT Electronic Government	100
Inland waterway conditions and performance report	1,000
Security Training Center	610
Subtotal, MARAD Operations	43,074
Subtotal, Operations and Training	109,478

The conferees provide $610,000 as a one-time appropriation for relocation and reconfiguration of the CAPE CHALMERS from the National Defense Reserve Fleet to the Federal Law Enforcement Training Center in Charleston, South Carolina to establish a maritime security professional training center. Funds shall not be used for training purposes or for administration purposes associated with the Federal Law Enforcement Training Center.

The conferees provide $1,000,000 to prepare a conditions and performance report and needs assessment for the inland waterways system. In developing the conditions and performance and needs assessment report, MARAD should consider and evaluate the potential for applying information technology and data management to the inland waterways infrastructure to address increased transportation demands.

Base Ops Breakout.—The conferees direct MARAD to comprehensively delineate the antecedent line item elements, along with their associated, requested funding levels, that encompass base operations within future, officially submitted budget justifications to the House and Senate Committees on Appropriations.

SHIP DISPOSAL

The conference agreement includes $21,616,000 for the disposal of obsolete vessels of the National Defense Reserve Fleet as proposed by the Senate, instead of $19,116,000 as proposed by the House.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $4,764,000 for administration expenses of the maritime guaranteed loan program (Title XI) as proposed by the House and Senate. This level is adequate to fund the three requested full time equivalents to improve the administration and oversight of the Title XI loan process, as recommended by the DOT Inspector General. Further, MARAD is prohibited from detailing any personnel overseeing the Title XI program to any other modal administration, including the Office of the Secretary, without the advance consent of both the House and Senate Committees on Appropriations. In addition, the conferees direct MARAD to implement the additional three recommendations detailed in the Inspector General's follow-up audit of the Title XI program dated September 28, 2004, and make available up to $2,000,000 of the Title XI funds provided under Public Law 108–11 to be used to develop and acquire a comprehensive computer-based financial monitoring system.

NATIONAL DEFENSE TANK VESSEL CONSTRUCTION PROGRAM

The conference agreement amends a provision included in the Senate bill and includes $75,000,000 for the National Defense Tank Vessel Construction Program authorized under Public Law 108–136.

SHIP CONSTRUCTION

(RESCISSION)

The conference agreement includes a rescission of unobligated balances totaling $1,979,000 from the dormant ship construction account as proposed by the House, instead of $1,900,000 as proposed by the Senate.

GENERAL PROVISIONS—MARITIME ADMINISTRATION

The conference agreement includes a provision (Sec. 180) that authorizes MARAD to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of MARAD, and allow payments received to be credited to the Treasury, as proposed by both the House and Senate.

The conference agreement includes a provision (Sec. 181) that does not allow obligations to be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

The conference agreement provides $47,115,000 for Research and Special Programs, instead of $46,790,000 as proposed by the House and $49,000,000 as proposed by the Senate. Funding for the Office of Emergency Transportation has been transferred to the Office of the Secretary, as proposed by the House. The agreement approves a staffing level of 225 and includes the following funding allocations:

Hazardous Materials Safety	$25,159,000
Research and Technology	2,434,000
Program Support	19,572,000

PIPELINE SAFETY

The conference agreement provides $69,769,000 for the Office of Pipeline Safety, instead of $68,466,000 as proposed by the House and $71,073,000 as proposed by the Senate. The conferees approve 4 additional pipeline inspectors, instead of 2 as proposed by the House and 6 as proposed by the Senate.

Oil Spill Liability Trust Fund.—The conferees strongly agree with language contained in both the House and Senate reports regarding the oil spill liability trust fund. The fiscal year 2006 budget justification should adequately address the allocation of resources, containing an itemization of how these funds are being allocated within OPS, as proposed by the House.

Natural Gas Distribution Pipeline Safety.—In lieu of directives proposed by the Senate, the conferees direct the Office of Pipeline Safety to report to the House and Senate Committees on Appropriations by May 1, 2005, detailing the extent to which integrity management plan [IMP] elements may be applied to the natural gas distribution pipeline industry in order to enhance distribution system safety. This report should detail the IMP implementation approach for operators of natural gas distribution pipelines, including development of guidance for adoption by states, and publication and promotion of best practices and development of national consensus standards and/or federal or state regulation. In addition, the report should include specific milestones and performance measures on the actions that will be necessary to carry out the IMP initiative and should examine the financial implications of an IMP and impacts on natural gas consumers. The Administrator shall provide quarterly updates to the House and Senate Committees on Appropriations regarding the status of the implementation.

Public Safety and Education Programs.—The conferees include $750,000 for RSPA to create a clearinghouse to evaluate public safety and education efforts, as proposed by the Senate.

Small Gas Distribution Systems.—The conferees encourage the Office of Pipeline Safety to work closely with and assist existing organizations and foundations in efforts to develop and deliver educational tools and materials to small gas utilities. The conferees support those efforts focused on operating and maintenance procedures that will help prevent incidents, rapidly and safely control hazards and restore service in the event of accidental or intentional damage to pipelines.

EMERGENCY PREPAREDNESS GRANTS

The conference agreement provides a total of $14,500,000 for Emergency Preparedness Grants, as proposed by both the House and the Senate.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement includes $59,000,000 for the Office of Inspector General, as proposed by the Senate.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

The conference agreement provides a funding level of $21,250,000 for the Surface Transportation Board to fund salaries and expenses from a direct appropriation, as proposed by the Senate. The conference agreement includes language that allows the Board to offset $1,050,000 of this appropriation from fees collected during the fiscal year, as proposed by the Senate.

The conference agreement approves a level of 150 FTE for the Board, as proposed by the Senate.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

(INCLUDING TRANSFER OF FUNDS)

Section 185 permits appropriations to the Department of Transportation to be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances by law, as proposed by the House and Senate.

Section 186 allows funds for the Department of Transportation to be available for services as authorized by 5 U.S.C. 3109, as proposed by the House and Senate.

Section 187 prohibits funds to be used for salaries and expenses of more than 106 political and Presidential appointees in the Department of Transportation, and requires that none of the personnel covered by this provision may be assigned on temporary detail outside DOT, as proposed by the House and Senate.

Section 188 prohibits funds from being used to implement section 404 of title 23, United States Code, as proposed by the House and Senate.

Section 189 prohibits the dissemination of personal information obtained by a State department of motor vehicles in connection with a motor vehicle record, as proposed by the House and Senate.

Section 190 permits funds received by specified DOT agencies from States or other private or public sources for expenses incurred for training to be credited to certain specified agency accounts, as proposed by the House and Senate.

Section 191 authorizes the Secretary of Transportation to allow the issuer of any preferred stock sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary, as proposed by the House and Senate.

Section 192 prohibits funds to be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations no less than 3 days in advance of any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000, as proposed by the House and Senate.

Section 193 allows certain rebates, refunds, and related payments to be credited to appropriations of the Department of Transportation, as proposed by the House and Senate.

Section 194 requires that amounts determined to represent recoveries of improper payments should be available for certain specified expenses, as proposed by the House and Senate.

Section 195 authorizes the Secretary of Transportation to transfer the unexpended balances available for the bonding assistance program from "Office of the Secretary, Salary and Expenses" to "Minority Business Outreach", as proposed by the House and Senate.

Section 196 prohibits funds from being obligated to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations, as proposed by the House and Senate.

Section 197 limits working capital fund obligations to $130,210,000.

Section 198 specifies that the City of Norman, Oklahoma shall be considered to be part of the Oklahoma City urbanized area for fiscal years 2004 and 2005.

Section 199 amends 49 U.S.C. 41716(b) relating to exemptions for air service to small and nonhub airports. The conferees believe the DOT and FAA should take steps to encourage airline service to small hub airports. Air service plays a critical role in the economic development of communities serviced by small hub airports. Continued economic growth for these communities and their airports is dependent upon having access to large hub airports. Therefore, DOT and FAA are urged to make it their highest priority to allocate permanent slots at LaGuardia Airport to allow the communities of Akron-Canton, Ohio and Newport News-Williamsburg, Virginia to each have permanent third roundtrips to LaGuardia with stage III aircraft with no less than 110 and no more than 125 seats.

TITLE II—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Appropriates $157,559,000 for departmental offices of the Treasury Department instead of $177,000,000 as proposed by the House and $161,313,000 as proposed by the Senate. The conferees direct the funds to be allocated as follows:

Executive Direction	$7,274,000
General Counsel	7,200,000
Economic Policies and Programs	31,657,000
Financial Policies and Programs	26,072,000
Terrorism and Financial Intelligence	10,633,000
Treasury Wide Management	16,760,000
Administration	57,963,000

Provides $100,000 for official representation and reception expenses instead of $75,000 as proposed by the House and $150,000 as proposed by the Senate. Fiscal year 2005 representation and reception expenses for the other bureaus and offices of the Department are provided under the specific appropriating paragraphs as proposed by the Senate.

Deletes the provision proposed by the House setting aside funds for the Office of Foreign Assets Control (OFAC). The conferees have provided resources for OFAC under a separate header as proposed by the Senate and retained the provision allowing for the transfer of funds to that account.

Deletes the provision proposed by the House limiting travel expenses to $2,750,000. The Senate did not include a similar provision. The conferees direct the Secretary to submit quarterly reports to the House and Senate Committees on Appropriations providing details, including expenses, for all Treasury employee foreign travel and the domestic travel for Treasury employees at the SES level and above.

Deletes the provision proposed by both the House and the Senate setting aside $2,900,000 for grants to state and local law enforcement to fight money laundering. While the conferees support the efforts of law enforcement, the Department has not obligated any of the funds provided in fiscal year 2004 for these activities. The conferees direct the Department to obligate the funds in a timely manner.

Modifies the provision proposed by the Senate allowing for the transfer of funds between Office activities through reprogramming actions. The conferees limit transfers to 2.5% instead of the Senate proposed 5%. The House did not include a similar provision.

As proposed by the Senate, the conferees deny the request to reimburse the Department of Homeland Security $2,400,000 for protective services.

Retains the Senate provisions specifying $1,900,000 and five FTE for the Office of Emergency Preparedness, $1,000,000 to promote basic financial literacy and education, and $1,000,000 for critical infrastructure protection research and development.

Modifies the direction proposed by the Senate under Financial Crimes Enforcement Network (FinCEN) regarding duplicative systems in FinCEN and the IRS. The conferees direct the Secretary to certify within 30 days of enactment of this Act that FinCEN's BSA information collection system is the only system of its sort under development. Further, none of the funds provided to the IRS for information technology projects may be obligated until the Secretary provides such certification.

OFFICE OF FOREIGN ASSETS CONTROL

SALARIES AND EXPENSES

Appropriates $22,291,000 for salaries and expenses as proposed by the Senate. The House proposed funding the office within the amounts provided for departmental offices. The conferees assume no less than 138 FTE will be funded under this resource level.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

Appropriates $32,260,000 for the Department's systems and capital investments. The conference agreement assumes $1,500,000 for appliance-based computer security technology as described in the House report, $400,000 for enterprise architecture, and $500,000 for certificate-based internet security as described under "Departmental Offices" in the House report. In addition, not to exceed $2,500,000 is available for e-gov activities.

The conferees direct the Department to better detail the e-gov activities in future budget justifications, including associated costs and Department-specific benefits. As proposed by the Senate, the conferees have not provided $275,000 as requested for information technology governance.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

Appropriates $16,500,000 for salaries and expenses of the Inspector General's office as proposed by the House, instead of $16,158,000 as proposed by the Senate. The conferees direct the Inspector General to allocate the amounts over the budget request evenly between audit and investigation activities.

Retains language allowing up to $2,500 to be used for official reception and representation expenses as proposed by the Senate. The House did not identify funds for such purposes.

The conferees direct the IG to complete the audit on the Treasury Building and Annex repair and restoration project, including building code compliance, and issue a final report by April 4, 2005. The conferees modify the direction of the House regarding employee-driven cost overruns and request that the IG identify costs associated with employee delays on planned moves into alternative space during restoration phases.

The conferees retain the directive in the House report regarding a status report on creation of the Financial Crimes Enforcement Network's Office of Compliance with a reporting date of March 11, 2005.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

Appropriates $129,126,000 for salaries and expenses of the Tax Inspector General's office as proposed by both the House and the Senate.

Retains language allowing up to $1,500 to be used for official reception and representation expenses as proposed by the Senate. The House did not identify funds for such purposes.

AIR TRANSPORTATION STABILIZATION PROGRAM ACCOUNT

Appropriates $2,000,000 for the air transportation stabilization program as proposed by both the House and the Senate.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

Appropriates $12,316,000 for the repair and restoration of the Treasury building and annex as proposed by the Senate instead of $20,316,000 as proposed by the House. The conference agreement does not include the House proposal to transfer funds to the Office of Inspector General.

EXPANDED ACCESS TO FINANCIAL SERVICES

(RESCISSION)

Rescinds $4,000,000 from unobligated balances as proposed by both the House and the Senate.

VIOLENT CRIME REDUCTION PROGRAM

(RESCISSION)

Rescinds $1,200,000 from the violent crime reduction program as proposed by the Senate. The House proposed rescinding $1,000,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

Appropriates $72,502,000 for the Financial Crimes Enforcement Network (FinCEN) as proposed by the Senate instead of $90,002,000 as proposed by the House. The conference agreement provides up to $14,000 for official representation and reception expenses and $7,500,000 for BSA Direct as proposed by the Senate, and a new provision allowing up to $350,000 from available funds to be used for costs associated with the 2005 Annual Plenary of the Egmont Group. The House did not include similar provisions. The conferees retain the requirement included in the Senate report directing the FinCEN Director to report to the Committees on Appropriations on any delay, deviation, or cost change to the BSA Direct program.

The conference agreement includes $3,000,000 over the budget request to hire no less than 18 full time equivalent positions for the Bank Secrecy Act (BSA) compliance program as proposed by the Senate. The conferees retain the directive proposed by the Senate that resources provided over the budget request may only be used by the Office of Compliance or the Office of Regulatory Support, and shall not be used for any other purpose without the written approval from the House and Senate Committees on Appropriations.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

Appropriates $230,930,000 for salaries and expenses as proposed by both the House and the Senate. In addition, the conference agreement allows for up to $2,500 to be used for official reception and representation expenses as proposed by the Senate. The House did not identify funds for such purpose.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

Appropriates $83,000,000 for salaries and expenses of the alcohol and tobacco tax and trade bureau as proposed by the Senate, instead of $82,542,000 as proposed by the House. Funds over the budget request are to be used to establish an information technology infrastructure independent from the Bureau of Alcohol, Tobacco and Firearms. The Bureau is to report to the Committees by March 1, 2005 as directed by the Senate.

In addition, the bill allows for up to $6,000 to be used for official reception and representation expenses as proposed by the Senate. The House did not identify funds for such purpose.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Limits expenditures from the Fund to $24,000,000 for operations, instead of $41,100,000 as proposed by both the House and the Senate.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

Appropriates $175,166,000 for the salaries and expenses of the bureau of public debt as proposed by both the House and the Senate. In addition, the bill allows for up to $2,500 to be used for official reception and representation expenses as proposed by the Senate. The House did not identify funds for such purpose.

INTERNAL REVENUE SERVICE

The conferees direct the Commissioner to include an IRS operating plan with the plan submitted by the Treasury 60 days after enactment of this Act as described in the House report.

Retains language regarding workforce alignment activities as proposed by Senate. The House included a similar provision with a difference in reporting dates.

PROCESSING, ASSISTANCE AND MANAGEMENT

Appropriates $4,089,574,000 for costs associated with processing, assistance and management of the Service instead of $4,071,824,000 as proposed by the House and $4,107,325,000 as proposed by the Senate. Of the funds provided, the conferees have set aside $4,100,000 for tax counseling for the elderly, $8,000,000 for low-income taxpayer clinics, and up to $25,000 for official representation and reception expenses. The conference agreement does not include provisions regarding postage as proposed by the Senate.

TAX LAW ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $4,398,729,000 for enforcement instead of $4,278,107,000 as proposed by the House and $4,519,350,000 as proposed by the Senate. Allows for the transfer of up to $10,000,000 from the Social Security Administration as proposed by the House.

The conferees direct the Commissioner to submit quarterly reports regarding IRS's progress on compliance activities as proposed by the Senate.

The conferees direct GAO to review IRS and FinCEN compliance with the requirements of the Bank Secrecy Act as proposed by the Senate.

INFORMATION SYSTEMS

Appropriates $1,590,492,000 for information systems instead of $1,622,093,000 as proposed by the House and $1,606,768,000 as proposed by the Senate.

BUSINESS SYSTEMS MODERNIZATION

Appropriates $205,000,000 for business system modernization instead of $285,000,000 as proposed by the House and $125,000,000 as proposed by the Senate. The conferees retain the requirement directed by both the House and the Senate regarding GAO review and Committee approval of the annual spend plan.

The conference agreement does not include a rescission of fiscal year 2004 funds proposed by the Senate.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

Appropriates $34,841,000 for administration of the health insurance tax credit program as proposed by both the House and the Senate.

GENERAL PROVISIONS—INTERNAL REVENUE SERVICE

Retains four general provisions proposed by the Senate. The House included similar provisions under the Department-wide general provision section.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

Retains nine general provisions proposed by the House. The Senate included similar provisions with minor grammatical differences.

Retains the provision proposed by the Senate extending authority for the Franchise Fund indefinitely. The House proposed extending the Fund for one year.

Retains the provision proposed by the Senate regarding the Check Forgery Insurance Fund. The House included a similar provision with a minor grammatical difference.

Retains the provision proposed by the Senate directing the Secretary to provide a report on currency manipulation to the Committees on Appropriations. The conferees direct the Secretary to also address the reporting requirements directed in the House and Senate reports, and include trade data of China's other trade partners in his analysis.

Includes a provision streamlining the process for official oversight of IRS field office operations by designated individuals.

Modifies the provision proposed by the Senate regarding the creation of the Office of Terrorism and Financial Intelligence in regard to reporting authority. The House did not include a similar provision.

Deletes the provision proposed by the Senate regarding Cuba travel.

TITLE III

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

The conference agreement provides $450,000 for compensation of the President as proposed by both the House and Senate.

WHITE HOUSE OFFICE

SALARIES AND EXPENSES

The conference agreement provides $62,000,000 instead of $59,525,000 as proposed by the House and $63,698,000 as proposed by the Senate. The conference agreement allows up to $9,975,000 in reimbursements to the White House Communications Agency as proposed by the Senate instead of $8,345,395 as proposed by the House. The bill specifies that, of the total funding provided, $2,475,000 is for the Homeland Security Council. The House had proposed a similar funding level in a separate appropriation. The Senate bill assumed $4,173,000 under this appropriation. The conferees agree to technical wording differences as proposed by the House.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

The conference agreement provides $12,760,000 as proposed by both the House and the Senate.

REIMBURSABLE EXPENSES

The conference agreement includes bill language on reimbursements as proposed by both the House and the Senate and identical to language carried in fiscal year 2004.

WHITE HOUSE REPAIR AND RESTORATION

The conference agreement provides $1,900,000 as proposed by both the House and the Senate.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

The conference agreement provides $4,040,000 as proposed by both the House and the Senate.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

The conference agreement provides $2,300,000 instead of $2,267,000 as proposed by the House and $2,392,000 as proposed by the Senate.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

The conference agreement provides $8,932,000 as proposed by both the House and the Senate.

HOMELAND SECURITY COUNCIL

SALARIES AND EXPENSES

The conference agreement deletes the appropriation of $2,475,000 proposed by the House. Funding is provided under "White House office, salaries and expenses".

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides $92,269,000 instead of $92,696,000 as proposed by the House and $92,869,000 as proposed by the Senate. The agreement withholds the obligation of $4,000,000 in capital investment plan funds until submission, review, and approval of a report on enterprise architecture, as proposed by the House. Adjustments to the budget estimate are as follows:

Adjustment	*Conference agreement*
Enterprise services program savings	–$400,00
Business process analysis and consulting	–200,000
Restoration of OMB to enterprise services program	+7,193,000

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

The conference agreement provides $68,411,000 as proposed by the Senate instead of $67,759,000 as proposed by the House. The bill limits reception and representation expenses to $1,500 as proposed by the House instead of $3,000 as proposed by the Senate, and incorporates changes to the limitation on transcript alteration proposed by the House. Further, the agreement modifies the proposal of the Senate concerning OMB's review of water resource project proposals of the Army Corps of Engineers by specifying that the limitations are applicable for fiscal year 2005 only.

Adjustments to the budget estimate are as follows:

Adjustment	*Conference agreement*
Staffing adjustment	–$1,600,000
Restoration of FASAB and JFMIP transfer	+639,000
Restoration of OMB to enterprise services program	–7,193,000

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

The conferees agree to provide $27,000,000 for salaries and expenses, as proposed by the Senate. Within this total, the conference agreement retains specific funding and staffing levels for ONDCP administrative offices as proposed in the Senate report. In addition, 2.5 new FTE are approved to be allocated to administrative offices at the Director's discretion.

The conference agreement provides the following funding levels for ONDCP offices:

Operations	$25,650,000
Office of the Director	(3,315,500)
Office of the Deputy Director	(1,125,500)
Office Management and Administration	(5,840,000)
Office of General Counsel	(1,065,000)
Office of Public Affairs	(2,130,000)
Office of Legislative Affairs	(700,000)
Counterdrug Tech. Assessment Center	(760,000)
Office of Planning and Budget	(2,700,000)
Office of Demand Reduction	(1,550,000)
Office of Media Campaign	(935,000)
Office of State and Local Affairs	(2,554,000)
Office of Supply Reduction	(2,310,000)
Office of Intelligence	(665,000)
Policy Research	1,350,000

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $42,000,000 for the counterdrug technology center, as proposed by the Senate. Of this amount, the conferees agree to provide $24,000,000 for the operation of the technology transfer program and $18,000,000 for counternarcotics research and development, as proposed by the Senate.

The conference agreement retains language proposed by the Senate directing the CTAC chief scientist to submit an expenditures report prior to the obligation of funds. The agreement also retains language directing CTAC to complete all on-going technology acquisition projects and adhere to its research and development spending plan, as proposed by the Senate. The conferees agree with language proposed by the Senate directing CTAC to expeditiously obligate all of its research funding in pursuit of functions for which it was appropriated.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $228,350,000 for the HIDTA program, as proposed by the Senate. Of the funds provided, no more than $2,000,000 shall be for the CPOT program and no less than $2,000,000 shall be for new counties. The conferees agree that HIDTAs designated as of September 30, 2004 shall be funded at no less than the fiscal year 2004 initial allocations, as proposed by the House.

The conferees encourage ONDCP to refocus the distribution of excess funding on enhancing the domestic interdiction of illegal drugs by launching additional investigations, by disrupting and dismantling local mid-level drug trafficking organizations and by supporting the HIDTA Intelligence Support Centers.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $213,700,000 for Other Federal Drug Control Programs, instead of $195,000,000 as proposed by the House and Senate. Within the amount provided, the agreement provides the following allocations:

National Youth Anti-Drug Media Campaign	$120,000,000
Drug Free Communities Support Program	80,000,000
Community Anti-Drug Coalitions	(2,000,000)
Counterdrug Intelligence Executive Secretariat	2,000,000
National Drug Court Institute	750,000
National Alliance for Model State Drug Laws	1,000,000
U.S. Anti-Doping Agency	7,500,000
World Anti-Doping Agency Membership dues	1,450,000
Performance Measures Development	1,000,000

The conference agreement directs ONDCP to maintain funding for nonadvertising services for the Media Campaign at no less than the FY03 ratio of service funding to total funds and to re-institute the corporate outreach program as it operated prior to its cancellation. The conferees direct ONDCP to obligate the appropriation for NAMSDL expeditiously, although not outside normal grant procedures. In addition, the conferees retain language as proposed by the Senate directing ONDCP to submit the planned performance measures development plan.

UNANTICIPATED NEEDS

The conference agreement provides $1,000,000 as proposed by both the House and the Senate.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

The conference agreement provides $4,571,000 as proposed by both the House and the Senate, and adopts the header as proposed by the Senate.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $333,000 as proposed by both the House and the Senate, and adopts the header as proposed by the Senate.

TITLE IV—INDEPENDENT AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

The conference agreement includes $5,686,000 as proposed by the House an Senate.

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Appropriates $14,000,000 for salaries and expenses of the Commission instead of $15,000,000 as proposed by the House and $10,000,000 as proposed by the Senate. The conferees direct the Commission to cap employment at 22 full time equivalent positions and that of the funds provided, no more than $2,515,000 shall be for personnel compensation and benefits.

Transfers $2,800,000 to the National Institute of Standards and Technology (NIST) as proposed by the Senate, instead of up to $2,500,000 as proposed by the House. The conferees direct the Commission to report by March 2, 2005 on the activities and resources planned in fiscal year 2005 on research and standards, including those at NIST. In addition, the conferees provide $200,000 for the national student parent mock election and $200,000 for the Help America Vote College Program.

The conferees did not retain the provision proposed by the House prohibiting funds from being used to lobby for an election date change. However, the conferees agree that the Commission should focus its efforts and resources on the priorities outlined in the Help America Vote Act of 2002 such as making grants and setting standards.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

Appropriates $52,159,000 for salaries and expenses of the Commission as proposed by both the House and the Senate.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

Appropriates $25,673,000 for salaries and expenses as proposed by the Senate, instead of $29,673,000 as proposed by the House.

RESCISSION

Rescinds $3,000,000 from unobligated balances of the Authority as proposed by the Senate. The House did not include a similar provision.

Federal Maritime Commission

SALARIES AND EXPENSES

The conference agreement includes $19,496,000 as proposed by the Senate, instead of $19,362,000 as proposed by the House.

General Services Administration

Real Property Activities

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

Provides resources from the Federal Buildings Fund in the aggregate amount of $7,217,043,000 instead of $6,996,741,000 as proposed by the House and $7,159,324,000 as proposed by the Senate. Modifies the provision proposed by the Senate regarding a Federal building in Tuscaloosa, Alabama to include authorization for construction and management. The House did not have a similar provision.

CONSTRUCTION

Limits funds for construction to $708,542,000 instead of $522,251,000 as proposed by the House and $710,823,000 as proposed by the Senate. The conference agreement provides funds for the following projects:

Courthouses:	
Los Angeles, CA	$314,385,000
San Diego, CA	3,068,000
El Paso, TX	63,462,000
Las Cruces, NM	60,600,000
Border Stations:	
Calais, ME	3,269,000
Madawaska, ME	1,760,000
Warroad, MN	1,837,000
Alexandria Bay, NY	8,884,000
Massena, NY	15,000,000
Dunseith, ND	2,301,000
Portal, ND	22,351,000
Del Norte, El Paso, TX	26,191,000
Ysleta, El Paso, TX	2,491,000
Derby Line, VT	3,190,000
Norton, VT	580,000
Richford, VT	589,000
Other:	
FBI Building, Los Angeles, CA	14,054,000
Southeast Federal Center Site Remediation, DC	2,650,000
10 West Jackson Place, Chicago, IL	53,170,000
FDA Consolidation, Montgomery County, MD	88,710,000
Nonprospectus Construction	10,000,000
Judgment Fund repayment	10,000,000

REPAIRS AND ALTERATIONS

Limits resources for repairs and alterations to $980,222,000 as proposed by the Senate instead of $931,211,000 as proposed by the House. The bill specifies funding levels for certain projects and various programs which were proposed in the House and Senate bills. The conferees have provided $2,000,000 for the steam distribution project in the District of Columbia as proposed by the House and modified the amount provided for design to $48,699,000 and the amount provided for basic repairs and alterations to $393,500,000.

INSTALLMENT ACQUISITION PAYMENTS

Limits $161,442,000 for installment acquisition payments as proposed by both the House and the Senate.

RENTAL OF SPACE

Limits $3,657,315,000 for rental of space instead of $3,672,315,000 as proposed by the House and $3,597,315,000 as proposed by the Senate.

BUILDING OPERATIONS

Limits $1,709,522,000 for building operations as proposed by both the House and the Senate.

General Activities

GOVERNMENT-WIDE POLICY

Appropriates $62,100,000 for government-wide policy activities as proposed by both the House and the Senate.

OPERATING EXPENSES

Appropriates $92,175,000 for operating expenses instead of $82,175,000 as proposed by the House and $85,175,000 as proposed by the Senate. Of the funds provided, the conferees direct GSA to make the following distributions:

Ruffner Mountain Educational Facility, AL	$500,000
Center for the Living Arts, AL	500,000
Alaska statehood celebration University of Alaska	250,000
Way of a Champion, VA	200,000
Washington State Border Communities Prosecution Initiative	1,000,000
University of North Dakota Government Services Rural Outreach	300,000
Walla Walla, WA surplus Federal property study	250,000
City of Maryville, MO for airport improvements	450,000
Web Wise Kids	200,000
American Revolution Historical Literacy Project	700,000
City of Desert Hot Springs Civic Center, CA	425,000
Oklahoma City National Memorial Foundation	3,000,000
Public Service Recognition Week	150,000
B&O Railroad Museum Restoration, MD	500,000
Center for Jewish History digitization project, NY	500,000
San Francisco, CA Muni Radio Replacement System	750,000
Kings County Hospital Redevelopment, NY	500,000
Aviation Education, NH Community Technical College, Nashua, NH	500,000

OFFICE OF INSPECTOR GENERAL

Appropriates $42,351,000 for the Inspector General as proposed by both the House and the Senate.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

Appropriates $3,000,000 for e-gov activities as proposed by the Senate instead of $5,000,000 as proposed by the House.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

Appropriates $3,106,000 for former presidents as proposed by the Senate instead of $3,449,000 as proposed by the House.

EXPENSES, PRESIDENTIAL TRANSITION

Due to the outcome of the 2004 Presidential election, no funds are needed for these purposes in fiscal year 2005. The conferees have not provided additional funds proposed by the House for activities associated with the President's second term. The resources for these activities should be funded out of the agencies and departments as necessary.

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING RESCISSION OF FUNDS)

Continues six general provisions proposed by both the House and the Senate and carved in prior Acts.

Retains the provision regarding the sale of the Middle River Depot at Middle River, Maryland in consultation with Baltimore County, Maryland officials as proposed by the Senate. The House contained a similar provision without the Baltimore County provision.

Retains the provision regarding contracts for property studies, deed inspection, and relocation expenses as proposed by both the House and the Senate.

Retains the provision rescinding $106,000,000 from the Federal Buildings Fund as proposed by the Senate. The House did not include a similar provision.

Retains the provision regarding changes to the Moss United States Courthouse Annex Project in Salt Lake City, Utah as proposed by the Senate. The House did not include a similar provision.

Deletes the provision proposed by the Senate regarding transfer of the Panama Canal Commission and associated revolving fund to GSA. The House did not include a similar provision and transfer was legislated in a prior Act.

Retains the provision regarding the conveyance of land to Baton Rouge, Louisiana as proposed by the Senate. The House did not include a similar provision.

Retains the provision allowing GSA to convey property and retain the proceeds in the Federal Buildings Fund as proposed by the House. The Senate did not include a similar provision.

Retains the provision regarding the conveyance of land in Nahant, Massachusetts as proposed by the House. The Senate did not include a similar provision.

Retains the provision regarding telecommunications services in Federal buildings as proposed by the Senate. The House did not include a similar provision.

Merit Systems Protection Board

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Appropriates $34,677,000, plus $2,626,000 from appropriate trust funds, for salaries and expenses of the Board as proposed by the Senate. The House proposed a funding level of $34,683,000, and a transfer of $2,620,000 from the trust funds.

Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation

MORRIS K. UDALL SCHOLARSHIP AND. EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $1,996,000 for the Morris K. Udall Trust Fund, as proposed by the Senate.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

The conference agreement provides $1,309,000 for the Environmental Dispute Resolution Fund, as proposed by the Senate.

National Archives and Records Administration

OPERATING EXPENSES

Appropriates $266,945,000 for operating expenses of the Administration as proposed by the Senate instead of $264,185,000 as proposed by the House.

ELECTRONIC RECORDS ARCHIVES

Appropriates $35,914,000 for the electronic records archives as proposed by both the House and the Senate. Retains the directive to GAO to report on program costs, schedule, and performance by May 25, 2005.

REPAIRS AND RESTORATION

Appropriates $13,432,000 for repairs and restoration instead of $7,182,000 as proposed by the House and $12,182,000 as proposed by the Senate. Retains bill language providing $3,000,000 for site preparation and construction management for the Pacific Alaska Regional Archives facility in Anchorage, Alaska and $2,000,000 for repair and restoration of the plaza of the Lyndon Baines Johnson Presidential Library in Austin, Texas.

The conferees reiterate the concern about the delay in repairing the plaza as stated in the Senate report. The conferees direct the Archivist to require the President of the University of Texas in Austin to submit a plan, including project milestones, for plaza repair prior to any transfer of funds to the University of Texas.

In addition, the conferees direct $500,000 for technical assistance to the Nixon Library in California, $750,000 for technical assistance to the Roosevelt Library in New York, and $1,000,000 for design and renovations to the Kennedy Library in Massachusetts.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION—GRANTS PROGRAM

Appropriates $5,000,000 for the grant program as proposed by the Senate instead of $3,000,000 as proposed by the House.

National Transportation Safety Board

SALARIES AND EXPENSES

The conferees agree to provide $76,700,000 instead of $76,925,000 as proposed by the House and $76,425,000 as proposed by the Senate. Consistent with both the House and Senate, the conferees direct NTSB to use funds over the requested level to hire accident investigators. None of these additional funds shall be used to enhance staffing at the Academy. The conferees direct NTSB to report to both the House and Senate Committees on Appropriations by April 4, 2005 regarding specific improvements to the budget justification materials the Board has made and will make in compliance with the directive contained in the statement of managers associated with the fiscal year 2004 Transportation and Treasury and Independent Agencies Appropriations Act.

(RESCISSION)

The conferees agree to rescind $8,000,000 in unobligated balances associated with Public Law 106–246 as proposed by both the House and Senate.

Office of Government Ethics

SALARIES AND EXPENSES

Appropriates $11,238,000 for salaries and expenses of the Office as proposed by both the House and the Senate.

Office of Personnel Management

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

Appropriates $125,500,000 for salaries and expenses instead of $120,444,000 as proposed by the House and $130,600,000 as proposed by the Senate. Transfers a total of $128,462,000 from appropriate trust funds for administrative expenses, of which $27,640,000 is for automated record keeping, as proposed by both the House and the Senate.

The conferees have not included bill language identifying specific resource levels for various e-gov projects as proposed by both the House and the Senate, but direct the Office not to exceed the funding levels for the following projects: $1,870,000 for the enterprise human resources integration project, $6,219,000 for the federal payroll project, $748,000 for the e-human resources information system project, and $1,887,000 for the e-clearance project. To accommodate the obligation rate of these projects, the conference agreement provides that $12,000,000 of the funds are made available until September 30, 2007. No funds are provided for the recruitment one stop project or the program evaluation and performance assessment project.

In addition, the conference agreement provides $250,000 to complete the retirement readiness project. The conferees urge the Office to expand the retirement readiness project to non-federal employees.

Of the funds provided, the conference agreement allows the Director the flexibility to allocate the budget resources consistent with the direction provided in this statement of the managers and the budget justifications. The conferees reiterate the direction in the House report to submit an operating plan within 60 days of enactment of this Act to the House and Senate Committees on Appropriations detailing program funding levels for fiscal year 2005.

Reiterates the House direction to the Director to respond to the Butner Low Security Correctional Institution petition within 30 days of enactment of this Act.

Modifies the House direction regarding pay and non-pay compensation of the Federal workforce. The conferees direct the Director to submit a report by March 4, 2005 comparing the pay and non-pay compensation packages of the Federal workforce and the private sector.

The conferees share the concerns expressed by the Senate regarding child care and expect OPM and GSA, with technical assistance from GAO, to work collaboratively to collect data on child care needs, analyze options to meet the identified needs, and provide the data and analysis to GAO. The conferees direct GAO to review the data and analyses and provide an evaluation of the results to the Committees on Appropriations. The conferees expect an update on the status of these efforts 90 days after enactment of this Act. In addition, the conferees reiterate the Senate direction to the Office to re-evaluate efforts to inform low-income employees of programs to assist with child care expenses.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

Appropriates $1,627,000, plus a transfer of $16,461,000 from appropriate trust funds for the Inspector General as proposed by both the House and the Senate.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

Appropriates such sums as may be necessary for health benefit payments, estimated to be $8,135,000,000, as proposed by both the House and the Senate.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES LIFE INSURANCE

Appropriates such sums as may be necessary for life insurance payments, estimated to be $35,000,000 as proposed by both the House and the Senate.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

Appropriates such sums as may be necessary for the fund, estimated to be $9,772,000,000, as proposed by both the House and the Senate.

HUMAN CAPITAL PERFORMANCE FUND

No funds are provided for the performance fund as proposed by the Senate, instead of $12,514,000 as proposed by the House.

GENERAL PROVISION—OFFICE OF PERSONNEL MANAGEMENT

Retains the provision regarding the detail of executive branch employees to the legislative branch as a general provision under title VI as proposed by the House, instead of under OPM as proposed by the Senate.

Office of Special Counsel

SALARIES AND EXPENSES

Appropriates $15,449,000 for salaries and expenses of the Counsel as proposed by both the House and the Senate.

United States Postal Service

PAYMENT TO THE POSTAL SERVICE FUND

The conference agreement provides $90,709,000 for the payment to the Postal Service Fund, as proposed by the Senate. Of this amount, $61,709,000 is provided as an advance appropriation for free mail for the blind and overseas voters to be available on October 1, 2005. The agreement also includes $29,000,000 for repayment for revenue forgone.

EMERGENCY PREPAREDNESS

The conference agreement provides $507,000,000 for emergency expenses to enable the Postal Service to protect postal employees and postal customers from exposure to hazardous materials in the mail, as proposed by the Senate. Of this amount, $7,000,000 is specified as an emergency requirement for the mail irradiation facility in Washington, D.C.

United States Tax Court

SALARIES AND EXPENSES

The conference agreement includes $41,180,000 as proposed by the House and Senate.

TITLE V—GENERAL PROVISIONS

This Act

(INCLUDING TRANSFERS OF FUNDS)

Section 501 permits funds for pay raises for programs funded in this Act, with a technical change as proposed by the Senate. The House bill contained a similar provision.

Section 502 prohibits funds to be used for the planning or execution of any program to pay the expenses of non-Federal parties, as proposed by the House and Senate.

Section 503 prohibits funds from remaining available for obligation beyond the current fiscal year unless expressly provided in this Act, as proposed by the House and Senate.

Section 504 limits consulting service expenditures in procurement contracts to those of public record, as proposed by the House and Senate.

Section 505 prohibits funds from being transferred to any department, agency, or instrumentality of the United States Government unless approved in an appropriations Act, as proposed by the House and Senate.

Section 506 prohibits funds for paying the salary of any government employee that would prohibit the enforcement of section 307 of the Tariff Act of 1930, as proposed by the House and Senate.

Section 507 protects the employment rights of Federal employees who return to their civilian jobs after assignment with the Armed Forces, as proposed by the House and Senate.

Section 508 prohibits funds from being provided to entities that fail to comply with sections 2 through 4 of the Buy America Act, as proposed by the House and Senate.

Section 509 prohibits the use of funds by any person or entity that has been convicted of violating the Buy America Act, as proposed by the House and Senate.

Section 510 modifies provisions proposed by the House and Senate related to the reprogramming process for agencies funded in this Act.

Section 511 provides that fifty percent of unobligated balances of funds provided in this Act remain available through fiscal year 2006, as proposed by the House and Senate.

Section 512 prohibits funds to be used by the Executive Office of the President to request official background investigation reports from the Federal Bureau of Investigations, as proposed by the House and Senate.

Section 513 exempts contracts under the Federal Employees Health Benefits Program from certain cost accounting standards, as proposed by the House and Senate.

Section 514 permits OPM to accept funds regarding the non-foreign area cost of living allowance program, as proposed by the House and Senate.

Section 515 prohibits Federal Employee Health Benefit Program funds from being used to cover an abortion, as proposed by the House.

Section 516 states that section 515 shall not apply when the life of the mother is endangered, or the pregnancy is the result of rape or incest, as proposed by the House.

Section 517 waives the Buy America Act provision for Federal information technology purchases, as proposed by the Senate.

Section 518 requires all Federal agencies to consult with Alaska Native corporations pursuant to Executive Order 13175, as proposed by the Senate.

Section 519 prohibits the use of funds for a proposed rule relating to the determination of real estate brokerage as a financial activity.

Section 520 amends the Securities Exchange Act of 1934 in regard to the Tennessee Valley Authority. The Senate included a similar provision.

Section 521 amends section 307 of the Denali Commission Act of 1998, as proposed by the Senate.

Section 522 requires each agency to establish a Chief Privacy Officer, to assume primary responsibility for privacy and data protection policy, as proposed by the Senate.

Section 523 prohibits funds for the essential air service local participation program, as proposed by the House and Senate.

Section 524 prohibits funds to produce an economic report including retail fast food employment under the definition of manufacturing employment, as proposed by the House.

Section 525 amends section 302 of the Federal Election Campaign Act of 1971, as proposed by the Senate.

Section 526 amends the Former Presidents Act to allow amounts provided for "Allowances and office staff for former Presidents" to be used for the review of Presidential records in connection with the transfer of such records to the National Archives and Records Administration, as proposed by the Senate.

Section 527 allows funds made available for various Buffalo, New York transit projects to be made available for the Buffalo Inner Harbor Redevelopment Project.

Section 528 allows funds made available for the Charleston Area Regional Transportation Authority to be made available for other transit purposes.

Section 529 allows funds made available for Tri-Met Interstate light rail extension to allow acquisition of up to a total of twenty-four light rail vehicles.

Section 530 extends an expiring statute exempting transit vehicle axle weight.

Section 531 allows amounts made available to North Country County Consortium JARC, New York, in fiscal year 2004 to be made available for North Country Bus and Bus Related Equipment.

Section 532 amends section 312 of the Federal Election Campaign Act of 1971, as proposed by the Senate.

Section 533 allows for 10% transfer authority among certain offices of the Executive Office of the President.

TITLE VI—GENERAL PROVISIONS

Departments, Agencies, and Corporations

Section 601 authorizes funds to be used for travel to the United States for the immediate families of Federal employees assigned to foreign duty in the event of a death or a life threatening illness of the employee, as proposed by the House and Senate.

Section 602 requires agencies to administer a written policy designed to ensure that all of its workplaces are free from the illegal use of controlled substances, as proposed by the House and Senate.

Section 603 limits the amount allowed per fiscal year for the purchase of any passenger motor vehicle to be purchased by the Federal Government, as proposed by the House and Senate.

Section 604 allows funds to be used for expenses of travel for quarters allowances and cost-of-living allowances, as proposed by the House and Senate.

Section 605 prohibits the government, with certain exceptions, from employing non-U.S. citizens whose posts of duty would be in the continental U.S. as proposed by the House and Senate.

Section 606 ensures that agencies will have authority to pay GSA bills for space renovation and other services, as proposed by the House and Senate.

Section 607 authorizes agencies to receive and use funds resulting from the sale of materials, and Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs, as proposed by the House and Senate.

Section 608 permits funds to be used for administrative expenses of the corporations and agencies subject to chapter 91 of title 31, U.S.C. shall be available for rent in the District of Columbia, as proposed by the House and Senate.

Section 609 prohibits funds to be used to pay any person filling a position which he or she has been nominated after the Senate has voted not to approve the nomination, as proposed by the House and Senate.

Section 610 prohibits funds to be used for interagency financing of boards (except Federal Executive Boards) that do not have prior statutory approval, as proposed by the House and Senate.

Section 611 allows funds to be available to the Postal Service Fund for employment of guards for all buildings and areas owned or occupied by the Postal Service, as proposed by the House and Senate.

Section 612 prohibits funds from being used for any regulation that has been disapproved pursuant to a resolution, as proposed by the House and Senate.

Section 613 limits the pay increases of certain prevailing rate employees described in section 5342 (a)(2)(A) of title 5, United States Code, as proposed by the House and Senate.

Section 614 prohibits funds from being obligated or expended in excess of $5,000 to furnish or redecorate the office of the head of any department or agency, as proposed by the House and Senate.

Section 615 permits funds to be used for interagency funding of national security and emergency preparedness telecommunications initiatives benefiting Federal agencies, as proposed by the House and Senate.

Section 616 prohibits funds to be used for the salaries and expenses of any employee appointed to a position without a certification to the Office of Personnel Management from an agency employing a Schedule C appointee that was created solely to detail the employee to the White House, as proposed by the House and Senate.

Section 617 requires agencies to administer a written policy designed to ensure that the workplace is free from discrimination and sexual harassment, as proposed by the House and Senate.

Section 618 prohibits the payment of any employee who prohibits, threatens or prevents another employee from communicating with Congress, as proposed by the House and Senate.

Section 619 prohibits Federal training not directly related to the performance of official duties, as proposed by the House and Senate.

Section 620 prohibits the expenditure of funds for implementation of agreements in nondisclosure policies unless certain provisions are included, as proposed by the House and Senate.

Section 621 prohibits propaganda, publicity and lobbying by executive agency personnel in support or defeat of legislative initiatives, as proposed by the House and Senate.

Section 622 prohibits any Federal agency from disclosing any employee's home address to any labor organization, absent employee authorization or court order, as proposed by the House and Senate.

Section 623 prohibits funds from being used to provide non-public information such as mailing or telephone lists to any person or organization outside the government, as proposed by the House and Senate.

Section 624 prohibits the use of funds for propaganda or publicity purposes not authorized by Congress, as proposed by the House and Senate.

Section 625 directs agency employees to use official time in an honest effort to perform official duties, as proposed by the House and Senate.

Section 626 authorizes that funds be available to finance an appropriate share of the Joint Financial Management Improvement Program administrative costs, as proposed by the House and Senate.

Section 627 authorizes agencies to transfer funds to GSA to finance an appropriate share of the Joint Financial Management Improvement Program, as proposed by the House and Senate.

Section 628 prohibits Federal funds from being used to prohibit any agency from independently contracting with private companies to provide online applications and processing services.

Section 629 permits breast-feeding in a Federal building or on Federal property if the woman and child are authorized to be there, as proposed by the House and Senate.

Section 630 permits interagency funding of specific projects of the National Science and Technology Council, as proposed by the House and Senate.

Section 631 requires documents involving the distribution of Federal funds to indicate the agency providing the funds and the amount provided, as proposed by the House and Senate.

Section 632 amends subsection (f) of section 403 of Public Law 103–356 by striking "October 1, 2004" and inserting "October 1, 2005", as proposed by the House and Senate.

Section 633 prohibits the use of funds to monitor personal information relating to the use of Federal internet sites, or to collect, review, or create any aggregate list that includes personally identifiable information relating to access to or use of any Federal Internet site, as proposed by the House and Senate.

Section 634 requires health plans participating in the FEHBP to provide contraceptive coverage and provides exemption for certain religious plans, as proposed by the House and Senate.

Section 635 recognizes the U.S. Anti-Doping Agency as the official anti-doping agency of the Olympic, Pan American, and Paralympic sport in the U.S, as proposed by the House and Senate.

Section 636 allows funds appropriated for official travel, if consistent with OMB Circular A-126, to participate in the fractional aircraft ownership pilot program, as proposed by the House and Senate.

Section 637 restricts Federal purchases from Federal Prison Industries, Inc. unless the agency determines such purchase provides the best value to the agency.

Section 638 prohibits funds to be used to implement or enforce restriction on the Coast Guard Congressional Fellowship Program or relating to the detail of Executive Branch employees to the Legislative Branch, as proposed by the House and Senate.

Section 639 relates to the agency management of government charge cards, as proposed by the House and Senate.

Section 640 states that the pay rate adjustment that takes effect in fiscal year 2005 should be a rate increase of 3.5% beginning the pay period on or after January 1, 2005, as proposed by the House and Senate.

Section 641 requires a report on articles purchased by agencies that were manufactured outside of the United States, as proposed by the Senate.

Section 642 restricts the use of funds for federal law enforcement training facilities, as proposed by the Senate.

Section 643 amends 26 U.S.C. 6402 regarding offset procedures for the collection of past due, legally enforceable state unemployment compensation debts, as proposed by the Senate.

Section 644 modifies a provision as proposed by the Senate to ensure the continued operation of the Midway Atoll Airfield. The conference agreement authorizes necessary intergovernmental funding transfers for the continued operation of the airfield and requires the Director of OMB to initiate such transfers so as to ensure the continuous, uninterrupted operation of the airfield. The conferees would welcome the receipt of any information from the Director as to whether certain capital investments on Midway Island might serve to lower the annual operating costs of the airfield.

Section 645 designates the courthouse at 95 Seventh Street in San Francisco, California as the "James R. Browning United States Courthouse".

Conference Total—With Comparisons

The total new budget (obligational) authority for the fiscal year 2005 recommended by the Committee of Conference, with comparisons to the fiscal year 2004 amount, the 2005 budget estimates, and the House and Senate bills for 2005 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2004	$46,141,907
Budget estimates of new (obligational) authority, fiscal year 2005	43,748,430
House bill, fiscal year 2005	43,540,159
Senate bill, fiscal year 2005	44,052,003
Conference agreement, fiscal year 2005	43,993,116
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2004	−2,148,791
Budget estimates of new (obligational) authority, fiscal year 2005	+244,686
House bill, fiscal year 2005	+452,957
Senate bill, fiscal year 2005	−58,887

DIVISION I—DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

The language and allocations set forth in House Report 108–674 and Senate Report 108–353 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not changed by the report of the Senate or the conference and Senate report language which is not changed by the conference is approved by the committee of the conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where the House or Senate have directed the submission of a report, such report is to be submitted to both House and Senate Committees on Appropriations.

Operating Plan Reprogramming Procedures

The conferees continue to have a particular interest in being informed of reprogrammings which, although they may not change either the total amount available in an account or any of the purposes for which the appropriation is legally available, represent a significant departure from budget plans presented to the Committees in an agency's budget justifications, the basis of this appropriations Act.

Consequently, the conferees direct the departments, agencies, boards, commissions, corporations and offices funded at or in excess of $100,000,000 in this Act, to consult with the Committee on Appropriations in both the House and Senate prior to each change from the approved budget levels in excess of $500,000 between programs, activities, object classifications or elements unless otherwise provided for in the statement of the managers accompanying this Act. For agencies, boards, commissions, corporations and offices funded at less than $100,000,000 in this Act, the reprogramming threshold shall be $250,000 between programs, activities, object classifications or elements unless otherwise provided for in the statement of the managers accompanying this Act. Additionally, the conferees expect the Committees on Appropriations to be promptly notified of all reprogramming actions which involve less than the above-mentioned amounts. If such actions would have the effect of significantly changing an agency's funding requirements in future years, or if programs or projects specifically cited in the statement of the managers or accompanying reports of the House and Senate are affected by the reprogramming, the reprogramming must be approved by the Committees on Appropriations regardless of the amount proposed to be moved. Furthermore, the conferees direct that the Committees on Appropriations be consulted regarding reorganizations of offices, programs, and activities prior to the planned implementation of such reorganizations.

The conferees also direct that the Departments of Veterans Affairs and Housing and Urban Development, as well as the Corporation for National and Community Service, the Environmental Protection Agency, the National Aeronautics and Space Administration, the National Science Foundation, the Consumer Product Safety Commission, and the Chemical Safety and Hazard Investigation Board shall submit operating plans, signed by the respective secretary, administrator, or agency head, for review by the Committees on Appropriations of both the House and Senate within 60 days of enactment of this Act. Other agencies within this Act should continue to submit operating plans consistent with prior year policy, or as directed in this statement of the managers.

The conferees reiterate the Committees' longstanding position that while the Committees reserve the right to call upon all offices in the departments, agencies, boards, and commissions, access to the budget offices is essential and shall in no way be hindered.

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

In addition to the directives above, the conferees direct that no changes may be made to any account or objective, except as approved by the Committees, if it is construed to be policy or change in policy. It is the intent of the conferees that all carryover funds in the various appropriations accounts are subject to the normal programming requirements outlined above. The Department is directed to notify the Committees on Appropriations should the loan limitation of any program administered by the Department be met or exceeded.

Veterans Benefits Administration

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

Appropriates $32,607,688,000 for compensation and pensions as proposed by both the House and the Senate, of which not more than $20,703,000 is to be transferred to general operating expenses and medical services for reimbursement of necessary expenses in implementing the Omnibus Budget Reconciliation Act of 1990 and the Veterans' Benefits Act of 1992.

READJUSTMENT BENEFITS

Appropriates $2,556,232,000 for readjustment benefits as proposed by both the House and the Senate.

VETERANS INSURANCE AND IDEMNITIES

Appropriates $44,380,000 for veterans insurance and indemnities as proposed by both the House and the Senate.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates such sums as may be necessary for costs associated with direct and guaranteed loans from the veterans housing benefit program fund program account as proposed by both the House and the Senate, limits obligations for direct loans to not more than $500,000 and provides that $154,075,000 is to be transferred to and merged with general operating expenses.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $47,000 for the costs of direct loans from the vocational rehabilitation loans program account as proposed by both the House and the Senate, plus $311,000 to be transferred to and merged with general operating expenses. Provides for a direct loan limitation of $4,108,000.

The conferees direct the Department to monitor carefully the program's loan activity and notify the Committees on Appropriations of the House and Senate during the year if it determines that it may exceed the loan level amount.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $571,000 for administrative expenses of the Native American veteran housing loan program account to be transferred to and merged with general operating expenses as proposed by both the House and the Senate. Provides a loan limitation of $50,000,000 for the program as proposed by both the House and the Senate.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

Provides up to $750,000 of the funds available in medical administration and general operating expenses to carry out the guaranteed transitional housing loans for homeless veterans program as proposed by the House instead of $600,000 as proposed by the Senate.

VETERANS HEALTH ADMINISTRATION

The conferees have agreed to provide total resources of $30,330,370,000 to fund the various operating programs of the Veterans Health Administration (VHA), an increase of $1,195,000,000 over the appropriation request level. None of the funds are contingent upon an emergency declaration as proposed by the Senate. Further, the conferees have agreed to fund VHA through the new account structure started in fiscal year 2004, comprised of four accounts: medical services, medical administration, medical facilities, and medical and prosthetic research. The conferees continue to believe this account structure will provide better oversight and achieve a more accurate accounting of funds.

MEDICAL SERVICES

(INCLUDING TRANSFERS OF FUNDS)

Provides $19,472,777,000 to finance medical services for all veterans and beneficiaries in VA, State, and contract medical facilities.

Retains bill language making $1,100,000,000 available until September 30, 2006, as proposed by both the House and the Senate.

Retains bill language providing the Secretary with the authority to establish a priority system for veterans seeking medical care as proposed by both the House and the Senate.

Retains bill language allowing the Secretary to give priority to medical services for priority 1–6 veterans, as proposed by both the House and the Senate.

Retains bill language allowing the transfer of up to $400,000,000 to the construction, major projects account for the purposes of implementing Capital Asset Realignment for Enhanced Services (CARES) recommendations. The conferees direct the VA to notify the Committees on Appropriations prior to the transfer of funds for this purpose as stated in Senate Report 108–353.

Modifies bill language proposed by the House, allowing the transfer of up to $125,000,000 to general operating expenses for Veterans Benefits Administration claims processing. The conferees direct the Secretary to notify the Committees on Appropriations of the House and Senate prior to any transfer.

Retains bill language proposed by both the House and the Senate, allowing the Secretary to fill privately written prescriptions from VA facilities for designated veterans. The conferees agree that such benefit should not result in additional cost to the VA.

Retains bill language proposed by both the House and Senate, providing $15,000,000 for the DoD/VA Health Care Sharing Incentive Fund.

The conferees are in agreement that the Department shall submit a report on the steps, funds, and staff assigned to improving the transition from DoD to VA for service members returning from conflicts in the Middle East and other areas. The report is to be submitted no later than March 15, 2005.

The conferees direct the continuation of the Joslin Vision Network at no less than the current level and encourage the VA to establish new pilot sites for the Network.

The conferees agree with the Senate direction that the Department shall report on the number and location of training slots for psychologists for post-doctoral training. The report is to be submitted to the House and Senate Committees on Appropriations by no later than February 4, 2005.

Retains the Senate provision providing $20,000,000 for a new Prosthetics and Integrative Health Care Initiative. This new initiative will ensure that returning war veterans with loss of limbs and other very severe and lasting injuries have access to the best of both modern medicine and integrative holistic therapies for rehabilitation, and will ensure continuity of care for veterans who transition from the DOD health system, including the Amputee Center at Walter Reed Army Medical Center. The Department is directed to report to the Committees on Appropriations of the House and Senate on the status of this new initiative by February 4, 2005.

Retains the Senate provision directing the VA to: (1) establish an advisory committee on complementary medicine; and (2) implement the recommendations of the White House Commission on Complementary and Alternative Medicine. The VA should report to the Committees on Appropriations of the House and Senate on the status of these issues by February 4, 2005.

The conferees direct the VA to comply with all recommendations of the August 11, 2004, report by the Inspector General regarding issues at the Bay Pines VA Medical Center in Florida, and to report to the Committees on Appropriations of the House and Senate detailing progress in this matter by February 4, 2005.

MEDICAL ADMINISTRATION

Appropriates $4,705,000,000, as proposed by both the House and Senate, for the expenses of the headquarters offices of the Veterans Health Administration as well as the costs of Veterans Integrated Service Network (VISN) offices and facility directors, all information technology hardware and software, legal services, billing and coding activities, procurement, and related activities.

Includes language allowing $250,000,000 of the funds to be available until September 30, 2006.

The conferees direct the Secretary to look at integrated medical asset tracking programs and conduct a pilot program to test the feasibility of the implementation of such programs.

The conferees direct the Secretary to review the need for the development of a web portal and implement a pilot program of the system, consistent with existing emergency response systems.

MEDICAL FACILITIES

Appropriates $3,745,000,000 for the operation, maintenance and security of VHA's capital infrastructure as proposed by both the House and Senate. Included under this heading are provisions for the costs associated with utilities, engineering, capital planning, leases, laundry and food services, grounds-keeping, garbage, housekeeping, facility repair, and property disposition and acquisition.

Retains language allowing $250,000,000 of the funds to be available until September 30, 2006 as proposed by the Senate.

The conferees reiterate the directive contained in the fiscal year 2004 Consolidated Appropriations Act that the Department of Veterans Affairs offer to transfer to the U.S. Army Corps of Engineers one residential property in Fort Thomas, Kentucky, to be used as the residence for the Commander of the Great Lakes and Ohio River Division, and appreciate the progress that has been made so far.

MEDICAL AND PROSTHETIC RESEARCH

Appropriates $405,593,000 for medical and prosthetic research as proposed by the Senate instead of $384,770,000 as proposed by the House. The conferees direct the Department to continue its technology transfer activities at the current level of effort through the West Virginia High Technology Consortium Foundation.

The conferees direct the Department to prioritize prosthetics in its research agenda and report to the Committee on Appropriations of the House and Senate by March 15, 2005 on its efforts.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

Appropriates $1,324,753,000 for general operating expenses instead of $1,319,753,000 as proposed by the House and $1,399,753,000 as proposed by the Senate.

Provides not less than $1,027,193,000 for the Veterans Benefits Administration (VBA) as proposed by the House instead of $1,102,193,000 as proposed by the Senate.

Provides two-year availability for $66,000,000 as proposed by both the House and Senate.

The conferees direct VA to proceed with information technology initiatives supporting the Department's enterprise architecture and continuity of operations capabilities and direct that not less than $25,000,000 be allocated for these activities Department-wide. Additionally, the conferees direct that all cyber-security and enterprise architecture activities continue to be centrally managed by the Chief Information Officer. Finally, the conferees reiterate the House position that the Department report quarterly on key information technology objectives and efforts to meet these objectives.

NATIONAL CEMETERY ADMINISTRATION

Appropriates $148,925,000 for the National Cemetery Administration as proposed by both the House and Senate. Provides two-year obligation authority for $7,400,000 of the appropriated funds.

OFFICE OF INSPECTOR GENERAL

Appropriates $69,711,000 for the Office of Inspector General as proposed by the House instead of $64,711,000 as proposed by the Senate.

CONSTRUCTION, MAJOR PROJECTS

Appropriates $458,800,000 for construction, major projects as proposed by both the

House and Senate. The conferees have included bill language proposed by both the House and Senate which defines a major construction project as one where the estimated cost is more than the amount set forth in 38 U.S.C. 8104(a)(3)(A).

The conference agreement includes $370,709,000 for construction projects supporting the fiscal year 2005 recommendations of the Secretary's National CARES plan as identified in the May 20, 2004 report entitled "CARES Major Construction Projects, Fiscal Year 2004–2010." The specific projects are also identified in both the House and Senate reports.

Additional recommendations of the conferees are as follows:

Description	House report 108–674	Senate report 108–353	Conference agreement
CARES	$370,709,000	$370,709,000	$370,709,000
VHA Advance Planning Fund	14,000,000	14,000,000	14,000,000
VHA Asbestos	3,000,000	3,000,000	3,000,000
VHA Claims	1,000,000	1,000,000	1,000,000
VHA Judgment	8,091,000	8,091,000	8,091,000
VHA Hazardous Waste	2,000,000	2,000,000	2,000,000
Emergency Response Security Study	2,000,000	2,000,000	2,000,000
NCA Phase I Development: Sacramento, CA	21,600,000	21,600,000	21,600,000
NCA Expansion: Barrancas, FL	20,000,000	20,000,000	20,000,000
NCA Expansion: Rock Island, IL	10,200,000	10,200,000	10,200,000
NCA Design Funds	3,200,000	3,200,000	3,200,000
NCA Advance Planning Fund	1,000,000	1,000,000	1,000,000
Staff Offices	2,000,000	2,000,000	2,000,000

The conferees agree with the Senate direction that the Department update its 5-year strategic plan for capital asset management on a periodic basis.

The conferees direct the Department to review the financial status of all existing major construction projects and the major working reserve account. The Department shall provide information on any unobligated and unexpended funds that may be recaptured and spent on other CARES projects.

The conferees agree with the direction contained in the Senate report regarding the establishment of an independent CARES advisory body.

As part of the CARES initiative, the Department will, in some cases, depend on contracting with local providers to deliver health care services. The Department is to provide a business plan to the Committees on Appropriations of the House and Senate that will address the issues raised in the Senate report. This plan should be submitted no later than March 15, 2005.

Finally, the conferees agree with the Senate direction that the Department submit a business plan for excess infrastructure that details disposition strategy and budgetary impacts.

CONSTRUCTION, MINOR PROJECTS

Appropriates $230,779,000 for construction, minor projects as proposed by the Senate instead of $230,799,000 as proposed by the House. The conferees have included bill language proposed by both the House and Senate which defines a minor construction project as one where the estimated cost is equal to or less than the amount set forth in 38 U.S.C. 8104(a)(3)(A).

The conference agreement provides $182,100,000, for construction projects implementing CARES recommendations, as proposed by the Senate instead of $162,100,000 as proposed by the House. Additional amounts may be used for CARES activities upon notification of and approval by the Committees on Appropriations of the House and Senate.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

Appropriates $105,163,000 for grants for construction of state extended care facilities as proposed by both the House and the Senate.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

Appropriates $32,000,000 for grants for construction of state veterans cemeteries as proposed by both the House and the Senate.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

Retains the first eleven administrative provisions which were carried in both the House and Senate bills, and which have been carried in previous years.

Retains section 112 as proposed by the House allowing the Secretary to manage effectively the billing and collection process to third party insurers. The Senate had proposed similar language.

Retains section 113 as proposed by the House providing $25,000,000 of VA's total information technology budget for enterprise architecture activities under the Office of the Chief Information Officer. The Senate did not include this provision.

Retains section 114 as proposed by the House regarding implementation of Public Law 107–287 by prohibiting funds for implementation of section 2 and section 5. The Senate had proposed similar language.

Retains the provision proposed by the Senate regarding the Secretary's authority in depositing receipts from various funds into the Medical Care Collections Fund. The House had proposed similar language.

Retains the provision proposed by both the House and Senate directing the Secretary to conduct a recovery audit program.

Retains the provision proposed by both the House and Senate allowing the Secretary to transfer enhanced-use lease revenue from the Medical Care Collections Fund to the construction accounts.

Retains the provision proposed by both the House and Senate allowing the Secretary to furnish recreation services and pay funeral expenses.

Retains the provision proposed by both the House and Senate transferring all balances in the Medical Care Collections Fund to medical services.

Retains the provision proposed by both the House and Senate allowing the transfer of funds among Veterans Health Administration accounts.

Retains the provision proposed by the House providing for the transfer of funds from general operating expenses to Veterans Housing Benefit Program Fund Program Account for a nationwide property management contract. The Senate had proposed a similar provision.

Retains the provision proposed by the House authorizing the Department to expend such sums as are available in the unobligated balances of the funds originally appropriated to medical care for emergency expenses resulting from the January 1994 earthquake in Southern California, for the same purposes of the medical services account until expended. The Senate had proposed a similar provision.

Deletes the provision proposed by the Senate which would have made funds transferred pursuant to Public Law 108–199 from medical services to construction, major projects, available until expended.

Modifies the provision proposed by the Senate which allows eligible veterans who reside in Alaska to obtain medical services from medical facilities supported by the Indian Health Service.

Adds a new administrative provision which allows the Secretary to transfer up to $19,800,000 appropriated in Public Law 108–324 from construction, minor projects to medical facilities for non-recurring maintenance expenses related to hurricane and tropical storm damage. Neither House nor Senate bills had included this language.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The conferees restate the reprogramming requirements with respect to amounts approved for each appropriations account within this title. The Department must limit the reprogramming of funds between the programs, projects, and activities within each account to not more than $500,000 without prior approval of the Committees on Appropriations. Unless otherwise identified in this statement of managers or committee reports, the most detailed allocation of funds presented in the budget justifications shall be considered to be approved, with any deviation from such approved allocation subject to the normal reprogramming requirements outlined above. Further, it is the intent of the conferees that all carryover funds in the various accounts, including recaptures and deobligations, are subject to the normal reprogramming requirements outlined above. Further, no changes may be made to any program, project, or activity if it is construed to be policy or a change in policy, without prior approval of the Committees. Finally, the conferees expect to be notified regarding reorganizations of offices, programs or activities prior to the planned implementation of such reorganizations, as well as be notified, on a monthly basis, of all ongoing litigation, including any negotiations or discussions, planned or ongoing, regarding a consent decree between the Department and any other entity.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

The conference agreement adopts the account structure proposed by the House to fund tenant-based section 8 activities and project-based section 8 activities in two separate accounts to provide better transparency and oversight of expenditures in these programs that now represent over fifty percent of the Department's budget. The Senate proposed to continue to fund both tenant-based and project-based Section 8 activities in the Housing Certificate Fund.

The joint explanatory statement of the managers herein reflects the agreement of the conferees on tenant-based and project-based section 8 programs and activities. The language and direction included in this joint explanatory statement of the managers replaces any language included in the Senate report regarding these programs, including Senate language under the Housing Certificate Fund account, and replaces any language included in the House report regarding these programs, including House language under the Tenant-Based Rental Assistance, Project-Based Rental Assistance, and Housing Certificate Fund accounts.

The conference agreement appropriates $14,885,000,000 for tenant-based section 8 (voucher) activities under the Tenant-Based Rental Assistance account instead of $14,677,019,000 as proposed by the House. The Senate proposed $15,359,019,000 for these activities within the Housing Certificate Fund account. Language is included designating funds provided as follows:

Activity	*Conference agreement*
Voucher Renewals	$13,462,989,000

Activity	*Conference agreement*
Tenant Protection Vouchers	163,000,000
Administrative Costs:	1,259,011,000
(Administrative Fees)	(1,210,107,000)
(Family Self-Sufficiency Coordinators)	(46,000,000)
(Working Capital Fund)	(2,904,000)
Total, Tenant Based Rental Assistance	14,885,000,000

Section 8 Voucher Renewals.—The conference agreement includes $13,462,989,000 to fund tenant-based section 8 vouchers in calendar year 2005, instead of $13,303,177,000 as proposed by the House. The Senate proposed $13,787,115,000 within the Housing Certificate Fund. New language is included setting forth the distribution of renewal funds as described herein.

The Department is provided $13,462,989,000 to fund tenant-based vouchers in calendar year 2005. HUD shall not use recaptures from any source or any project-based carryover to augment total 2005 funding for this account. HUD shall provide all public housing agencies (PHAs) with a fixed, annual budget that each agency must manage their voucher programs within for 2005. HUD shall determine such annual budgets for public housing agencies using the average of the May, June and July 2004 Voucher Management System (VMS) data (for leasing and costs) as reported to, verified, and determined to be complete by HUD. Moving To Work (MTW) agencies shall be funded based on their agreements and are subject to the same adjustments made to all other PHA annual budgets based on funding availability. If an agency failed to report verifiable data into VMS during the May–July time period, HUD shall use the complete three-month submission of VMS data averaged for the period of February, March and April 2004. If an agency has not submitted VMS data for the previously referenced periods, HUD shall use the agency's year-end financial statement for fiscal years ending no later than March 31, 2004. HUD shall then adjust the VMS costs for each agency by applying HUD-published 2005 annual adjustment factors (AAFs) to determine an annual funding eligibility for each agency. HUD may make any necessary adjustments for the costs associated with the first-time renewals of tenant protection and HOPE VI vouchers in 2005. The Department is to obligate the entire amount of funds provided for voucher renewals to the public housing authorities at the time annual budgets of the public housing authorities are established pursuant to the formula prescribed herein and in the Act. Finally, HUD will, to the extent necessary, pro rate each public housing agency's budget to stay within the amount appropriated.

The voucher program is strictly a dollar-based, or budget-based program in 2005. This new structure is designed to provide flexibility for PHAs to manage their voucher programs, so long as such flexibility meets current legal requirements and PHAs manage within their annual budgets. This could include lowering eligible rents in order to expand utilization to no greater than their authorized levels. PHAs are expected to manage utility costs, decreased tenant contributions and protect the most at-risk families within these budgets. HUD is not provided a central fund or any other funds to address increased leasing or costs in 2005. Furthermore, HUD is not provided any funding to replenish program reserves in 2005, nor can carryover or recaptures be used for this purpose. Agencies must manage within their annual budget as determined by HUD, pursuant to the formula prescribed herein and in this Act. HUD must issue a notice implementing the tenant-based provisions of this Act, including details on the eligibility for the $25,000,000 in administrative fees set aside under this Act, within 30 days of enactment of this Act. HUD will also communicate all agencies' annual budget amounts directly to each agency within 45 days of enactment of this Act. This is intended to provide agencies with as much advanced notice as possible in order to manage their budgets successfully in 2005. HUD shall also provide agencies with flexibility to adjust payment standards and portability policies as necessary to manage within their 2005 budgets. Agencies shall ensure that current elderly and disabled voucher families be protected against significant impacts resulting from adjustments made by agencies to maintain their voucher programs within their 2005 budgets.

The conference agreement does not include language proposed by the Senate to allow recaptures to be used to augment funds appropriated for section 8 vouchers. Instead the conference agreement includes language elsewhere in this title that prohibits the use of recaptures for this purpose, similar to language proposed by the House.

The conference agreement does not include language proposed by the Senate to allow funds to be used to amend a public housing agency's voucher renewal amount. The House did not include similar language.

The conference agreement does not include language proposed by the Senate to allow the Secretary to transfer funds among various activities. The House did not include similar language.

The conference agreement does not include language proposed by the Senate to allocate renewal funds based upon information submitted to the public housing agency as of October 1, 2004, adjusted by an inflation factor established by the Secretary, and further adjusted based on certain other factors. The House did not include similar language.

The conference agreement does not include language proposed by the Senate requiring that all units be subject to a rent reasonableness test. The House did not include similar language. The conferees note that public housing agencies are statutorily required to determine and ensure rent reasonableness and expect this requirement to be followed.

The conference agreement does not include $100,000,000 for a Central Fund as proposed by the Senate. The House did not include similar language or funding.

Language is included, as proposed by the House, prohibiting funds from being used to fund a public housing agency for vouchers in excess of their authorized level. The Senate bill included similar language.

Tenant Protection.—The conference agreement includes $163,000,000 for rental subsidies for tenant protection activities to replace project-based section 8 assistance with section 8 vouchers, for conversion of section 202 and section 23 projects to section 8 assistance, for the family reunification program and for the witness protection program, as proposed by the House and the Senate.

The conference agreement assumes that new vouchers under the Revitalization of Severely Distressed Housing Program (HOPE VI) will continue to be provided within that account as proposed by the House. The Senate did not address this matter.

Administrative Fees.—The conference agreement includes $1,210,107,000 for public housing agencies' administrative costs and other expenses, instead of $1,161,938,000 as proposed by the House and $1,256,000,000 as proposed by the Senate.

Modified language is included, similar to language proposed by the House, designating $1,185,107,000 to be allocated to public housing agencies for the calendar year 2005 funding cycle on a pro rata basis based on the amount the public housing agencies were eligible to receive in calendar year 2004. In addition, new language is included making up to $25,000,000 available to the Secretary to allocate to public housing agencies that need additional funds to administer their programs. The conferees direct the Department to specify the activities eligible for this funding in the notice to be issued within thirty days of enactment of this Act. The Senate did not include similar language.

Language is included as proposed by the Senate to allow section 8 administrative fees to be used for section 8 rental assistance activities, including related development activities. The House limited the use to section 8 rental assistance activities.

Family Self Sufficiency Coordinators.—The conference agreement includes $46,000,000 for public housing agencies family self-sufficiency coordinator staff as proposed by the House instead of $48,000,000 as proposed by the Senate.

Working Capital Fund.—The conference agreement includes $2,904,000 for transfer to the Working Capital Fund, instead of no less than $2,904,000 as proposed by the House. Modified language is included to broaden the uses of these funds to include other departmental information technology needs.

Language proposed by the Senate is not included to require all public housing agencies to submit accounting data for funds provided under this account in this Act or any other Act by source of funds and purpose of such funds. This requirement was made permanent in the fiscal year 2004 Act. The House did not include similar language.

Language is also included elsewhere in this Act rescinding funds provided in previous years under the Housing Certificate Fund, including funds previously made available for certain tenant-based rental assistance activities.

PROJECT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $5,341,000,000 for project-based rental assistance activities instead of $5,340,745,000 as proposed by the House. The Senate proposed $5,348,785,000 for these activities within the Housing Certificate Fund account.

The conference agreement provides funds as follows:

Activity	*Conference agreement*
Project-Based Contract Renewals	$4,990,100,000
Moderate Rehabilitation Renewals and Administrative Costs	227,000,000
Section 441 Renewals and Administrative Costs	20,000,000
Contract Administrators	101,900,000
Working Capital Fund	2,000,000
Total, Project-Based Rental Assistance	5,341,000,000

Language is included, similar to language proposed by the House, designating $5,237,100,000 for renewals and amendment of section 8 project-based contracts, section 8 moderate rehabilitation contracts (including associated PHA administrative expenses), Emergency Low-Income Housing Preservation Reform Act (ELIHPRA) and Low-Income Housing Preservation Reform Act (LIHPRA) contracts, and section 441 single room occupancy contracts (including associated PHA administrative expenses). The Senate included similar language under the Housing Certificate Fund.

Language is included, as proposed by the House, designating $101,900,000 for performance-based contract administrators. The Senate included a similar provision under the Housing Certificate Fund.

Language is included designating $2,000,000 for transfer to the Working Capital Fund. Modified language is included to broaden the uses of these funds to include other departmental information technology needs.

The conference agreement assumes that project-based section 8 contract amendment funding requirements for fiscal year 2005 will be met through the use of recaptures available in the Housing Certificate Fund as proposed in the budget request. Language is included elsewhere in this title making funds available for such purpose.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

Appropriates $2,600,000,000 for the public housing capital fund, instead of $2,580,000,000 as proposed by the House and $2,700,000,000 as proposed by the Senate.

Includes $38,700,000 for technical assistance including up to $12,500,000 for remediation services to certain troubled PHAs and for rent surveys. The House proposed $37,850,000, including $12,440,000 for remediation services and rent surveys and the Senate proposed $50,000,000, including up to $15,000,000 for such activities. The Department is directed to use no less than $4,750,000 of these funds for activities related to fair market rent surveys as proposed by the House.

Does not include language proposed by the Senate making such funds available for lease adjustments to section 23 projects. The House did not include a similar provision.

Includes $10,150,000 for information technology systems needs instead of not less than $10,150,000 as proposed by the House and $4,500,000 as proposed by the Senate. Modified language is included to broaden the uses of these funds to include other departmental information technology needs.

Includes up to $30,000,000 for emergency capital needs resulting from unforeseen emergencies or natural disasters in fiscal year 2005, instead of $38,000,000 as proposed by the House and $50,000,000 as proposed by the Senate. Language is included as proposed by the House to allow funds to be awarded non-competitively and only for unforeseen activities. The Senate proposed similar language.

Includes $53,500,000 for the Resident Opportunity Self-Sufficiency (ROSS) program, instead of $52,300,000 as proposed by the House and $55,000,000 as proposed by the Senate.

Includes modified language to allow up to $3,000,000 to support the costs of existing administrative and judicial receiverships in effect as of the date of enactment of this Act. The House proposed language allowing such funds to be used for current and future receiverships while the Senate did not include funds for such purpose. The Department is directed to submit a proposed spending plan for the use of these funds prior to expenditure.

Includes modified language designating $15,000,000 for Neighborhood Networks grants similar to language proposed by the Senate. Language is also included allowing up to $1,000,000 to be made available for technical assistance and to allow centers established under these grants to serve individuals receiving housing assistance under other programs funded in this Act. Language is included as proposed by the Senate, requiring such funds to be competitively awarded. The conferees remind HUD that these funds, and all other funds provided in this Act, are to be awarded on a competitive basis in accordance with the requirements set forth in section 205 under administrative provisions in this title, except where explicitly authorized. The House did not include similar language.

The conference agreement does not designate $30,000,000 for demolition, relocation and site remediation for obsolete and distressed public housing units as proposed by the Senate. The House did not address this matter.

PUBLIC HOUSING OPERATING FUND

Appropriates $2,458,000,000 for the public housing operating fund, instead of $3,425,000,000 as proposed by the House and $2,610,000,000 as proposed by the Senate.

Modified language is included, similar to language proposed by the Senate, to synchronize the funding cycles for all public housing authorities' operating subsidy payments to the same calendar year. The conferees believe that this conversion will simplify and improve administration and oversight of the program. This change results in a one-time savings to this account. The House did not include similar language.

Includes modified language designating $8,000,000 for programs to assist in the investigation, prosecution and prevention of criminal activities in public housing to be administered through a cooperative agreement with the Department of Justice (DOJ) similar to language proposed by the House. The Senate did not propose a similar provision.

Includes language designating $10,000,000 for a program to provide bonus funding for PHAs that assist families in moving away from dependency on housing assistance programs, instead of $15,000,000 as proposed by the Senate. The House did not propose a similar provision. The conferees expect the Department to allocate these funds through a Notice of Funding Availability that provides clear eligibility criteria for this program.

Language proposed by the Senate to designate $30,000,000 for transition costs associated with synchronization to a calendar year funding basis is not included. The House did not address this matter.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

Appropriates $144,000,000 for the revitalization of severely distressed public housing program (HOPE VI), instead of $150,000,000 as proposed by the Senate and $143,000,000 as proposed by the House.

Language is included making funds available for obligation until September 30, 2006 as proposed by the House, instead of making funds available for one year as proposed by the Senate.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $627,000,000 instead of $622,000,000 as proposed by the House and $650,241,000 as proposed by the Senate.

Includes $4,500,000 for inspections, training, and technical assistance and $2,200,000 for the National American Indian Housing Council for technical assistance and capacity building as proposed by the Senate. The House proposed $4,300,000 and $2,100,000 respectively for these activities.

Includes $2,000,000 for guaranteed loans to subsidize a total guaranteed loan principal of up to $17,926,000 as proposed by the Senate instead of $1,914,000 to subsidize a total loan volume of up to $17,155,000 as proposed by the House.

Includes $2,600,000 for information technology systems instead of no less than $2,600,000 as proposed by the House and $500,000 as proposed by the Senate. Modified language is included to broaden the uses of these funds to include other departmental information technology needs.

The conference agreement also includes language elsewhere in this title rescinding $21,000,000 from prior year unobligated balances remaining for title VI loan guarantees. Both the House and Senate proposed this rescission.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $5,000,000 to subsidize a total loan principal of up to $145,345,000 as proposed by the House instead of $1,000,000 to subsidize a total loan principal of $29,069,767 as proposed by the Senate.

The conference agreement also includes language elsewhere in this title rescinding $33,000,000 from prior year unobligated balances remaining from this program. Both the House and Senate proposed this rescission.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $1,000,000 for guaranteed loans for Native Hawaiian housing to subsidize a total guaranteed loan principal of up to $37,403,000 as proposed by the House and Senate.

Community Planning and Development

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

Appropriates $284,000,000 for housing opportunities for persons with AIDS (HOPWA) instead of $282,000,000 as proposed by the House and $294,800,000 as proposed by the Senate.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

Appropriates $24,000,000 for rural housing and economic development as proposed by the House instead of $25,000,000 as proposed by the Senate. Language is included requiring funds to be awarded competitively by September 1, 2005. The Senate had proposed that funds be awarded by June 1, 2005.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

Appropriates $10,000,000 for grants to the second round of empowerment zones. The House had proposed $14,250,000 for this account and the Senate did not include funding for this activity. The Conferees direct that funding in this account be distributed equally among the 15 Enterprise Zones and Enterprise Communities (EZ/ECs) designated in Round II.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $4,709,000,000 for various activities funded in this account as proposed by the House instead of $4,950,000,000 as proposed by the Senate. The conferees agree to the following:

—$4,150,035,000 for formula grants under the Community Development Block Grant program (CDBG), instead of $4,304,900,000 as proposed by the House and $4,547,700,000 as proposed by the Senate. The amount provided for CDBG includes grants to Insular areas as proposed by the House. The Senate had proposed funding Insular areas as a Section 107 set-aside;

—$69,000,000 for grants to Indian tribes, including up to $4,000,000 for emergencies as proposed by the House, instead of $72,000,000 as proposed by the Senate;

—$3,300,000 for the Housing Assistance Council as proposed by the Senate instead of $3,200,000 as proposed by the House;

—$2,400,000 for the National American Indian Housing Council as proposed by the House instead of $2,500,000 as proposed by the Senate;

—$43,700,000 for section 107 grants, instead of $36,700,000 as proposed by the House and $51,000,000 as proposed by the Senate. Within the amount provided for section 107 grants, the conference agreement provides the following:

$10,000,000 for historically black colleges and universities, of which up to $2,000,000 may be used for technical assistance;

$2,900,000 for community development work study;

$6,700,000 for Hispanic Serving Institutions;

$6,700,000 for the Community Outreach Partnerships program;

$3,000,000 for tribal colleges and universities;

$4,000,000 for Alaska Native-Serving Institutions and Native Hawaiian-Serving Institutions;

$9,000,000 for assistance under the Hawaiian Homelands Homeownership Act of 2000; and

$1,400,000 for technical assistance.

Does not provide $7,000,000 for insular areas within section 107 activities. Instead, insular areas are funded within Community Development Block Grants.

—$4,800,000 for the National Housing Development Corporation for continuation of its program of acquisition, rehabilitation, and preservation of at-risk affordable housing, including $2,000,000 for operating expenses as proposed by the House. The Senate did not propose funding for this program;

—$4,800,000 for the National Council of La Raza HOPE Fund, of which $500,000 is for technical assistance and fund management and $4,300,000 is for investments and financing as proposed by the House. The Senate did not propose funding for this program;

—$25,000,000 for grants to eligible grantees under section 11 of the Self-Help Housing Opportunity Program (SHOP) as proposed by the Senate instead of $26,000,000 as proposed by the House;

—$34,500,000 for capacity building, of which $30,000,000 is for the Community Development and Affordable Housing program for LISC and the Enterprise Foundation for activities as authorized by section 4 of the Department of Housing and Urban Development Demonstration Act, as in effect before June 12, 1997, including $5,000,000 for rural areas; and of which $4,500,000 is for Habitat for Humanity International. The House proposed $33,500,000 for capacity building including $28,800,000 for LISC and the Enterprise Foundation and $4,700,000 for Habitat for Humanity; and the Senate proposed $33,500,000 for such activities including $30,000,000 for LISC and the Enterprise Foundation and $3,500,000 for Habitat for Humanity;

—$62,000,000 for Youthbuild as proposed by the House instead of $65,000,000 as proposed by the Senate. Within amounts available for Youthbuild, the agreement provides $9,000,000 for underserved and rural areas;

—$262,000,000 for economic development initiatives instead of $136,500,000 as proposed by the House and $126,000,000 as proposed by the Senate. This amount is 5% below the amounts appropriated for EDI grants in fiscal year 2004. Language is included prohibiting funds from being used for program operations as proposed by both the House and the Senate. The conferees note that projects receiving funds must comply with the environmental review requirements set forth in section 305(c) of the Multifamily Housing Property Disposition Act of 1994 (42 U.S.C. 3547). The conferees will not entertain waivers of such requirements. In addition, funds provided for projects shall not be used for reimbursement of expenses incurred prior to the receipt of economic development initiative funding. Modified language is included, similar to language proposed by the House and Senate, to target funds made available under this program. Targeted grants shall be made as follows:

1. $1,900,000 for the City of Tuscaloosa, Alabama for the Urban Renewal Project in Tuscaloosa, Alabama;

2. $300,000 for the City of Livingston, Alabama for downtown revitalization in Livingston, Alabama;

3. $500,000 to the Crenshaw County Economic/Industrial Development Authority for industrial site preparation in Crenshaw County, Alabama;

4. $250,000 to the City of Fairhope, Alabama for development of the Fairhope Library;

5. $400,000 to the University of South Alabama for the Mitchell College of Business Library in Mobile, Alabama;

6. $500,000 for the Selma YMCA for facilities improvements in Selma, Alabama;

7. $450,000 for the Town of Double Springs, Alabama for community development;

8. $150,000 for Alaska Botanical Garden in Anchorage for expansions and renovations;

9. $150,000 for Friends of Eagle River Nature Center, Inc. in Eagle River, Alaska for costs associated with the construction of a community/visitor center;

10. $500,000 for the Kincaid Park for Training Center, Anchorage, Alaska for costs associated with construction;

11. $950,000 for the Municipality of Anchorage, Alaska for costs associated with the construction of a recreational facility;

12. $300,000 for the North Star Council on Aging in Fairbanks, Alaska for costs associated with the construction of the Fairbanks Senior Center;

13. $175,000 for Love Social Services in Fairbanks, Alaska for expansion;

14. $1,000,000 for the Kenai Peninsula Borough, Alaska for housing upgrades;

15. $900,000 for the City of Ketchikan, Alaska for costs associated with the construction of the Tongass Coast Aquarium;

16. $350,000 for Community Association of Hyder, Alaska for costs associated with the construction of a high speed water plant;

17. $300,000 for the Juneau Family Birth Center, Alaska for the construction of a one-stop family resources center;

18. $200,000 for Alzheimer Disease Resource Agency of Alaska in Anchorage, Alaska for capital improvements to its facility to provide in home care services, respite care, and training of personal care attendants;

19. $525,000 for the Bering Straits Native Corporation in Nome, Alaska for Cape Nome Quarry Upgrade;

20. $500,000 for Shishmaref, Alaska for the construction of barriers;

21. $500,000 for the Special Olympics, Anchorage, Alaska for costs associated with the construction of a training center for disabled children;

22. $275,000 for the National History Museum of the Adirondacks in Tupper Lake, New York for the design and construction of museum;

23. $500,000 for the City of Conway, Arkansas for downtown revitalization;

24. $250,000 for the Old Independence Regional Museum in Batesville, Arkansas for costs associated with expansion;

25. $250,000 for Mountain Home, Arkansas for the construction of the Vada Sheid Community Development Center;

26. $250,000 for the City of Malvern, Arkansas for the completion of the Ouachita River Millennium Park Pavillion;

27. $500,000 for the Sacramento Housing and Development Agency, California for the construction of new low income housing;

28. $750,000 for the City of Inglewood, California for the construction of a senior center;

29. $250,000 for the City of Stockton, California for costs associated with construction of the Eldorado Teen Center;

30. $250,000 for the City of San Francisco, California for the Old Mint Redevelopment Project;

31. $350,000 for the City of Davis, California for the construction of a senior center;

32. $300,000 for the Los Angeles Harbor/Watts Economic Development Corporation, California for the development of a park and recreation site;

33. $200,000 for the City of Riverside, CA for costs associated with the completion of the Arlanza Neighborhood Center;

34. $200,000 to California State University at Fresno for costs associated with the Fresno Regional Jobs Initiative;

35. $250,000 for the Denver Art Museum, Center for American Indian Art, Denver, Colorado for expansion;

36. $250,000 for the Weld Food Bank in Greeley, Colorado for expansion and renovation;

37. $250,000 for the La Gente Youth Sports Recreation Center in Pueblo, Colorado for the expansion of facilities;

38. $250,000 for the Town of Mountain Village, Colorado for construction of the Affordable Housing Initiative;

39. $250,000 for the Town of Montrose, Colorado for the Montrose Pavillion/Senior Center renovation;

40. $215,000 for the Town of Ignacio, Colorado for affordable housing development;

41. $250,000 for Foodshare, Inc., in Hartford County, Connecticut for the construction of a new distribution center;

42. $250,000 for the Main Street Development Corporation in Ansonia, Connecticut for the Lower Naugatuck Valley Economic Development Initiative;

43. $500,000 for the Mark Twain House and Museum in Hartford, Connecticut for costs associated with restoration and development;

44. $250,000 for the Town of Plainfield, Connecticut for the InterRoyal Facility Remediation Initiative;

45. $250,000 for the Riverfront Development Corporation in Wilmington, Delaware for construction of a pedestrian bridge as part of the efforts to redevelop the Christina riverfront;

46. $250,000 for Sacred Heart Village, Inc. in Wilmington, Delaware for costs associated with renovations;

47. $250,000 for City of Ocilla, Georgia, for the renovations of the Old Ocilla School;

48. $250,000 for Tubman African American Museum, Macon, Georgia for costs associated with renovations;

49. $500,000 for the City of Coral Gables, Florida for the Biltmore Complex Restoration Project;

50. $250,000 for the Washington County, Florida Chamber of Commerce Economic Development Council for outreach and technical assistance;

51. $250,000 for the Boys and Girls Club of Hawaii in Honolulu for costs associated with construction of the Nanakuli site on Hawaiian Homelands;

52. $250,000 for Poamoho Camp Community Association in Wahiawa, Hawaii for infrastructure improvements;

53. $350,000 for Binhi At Ani in Wailuku, Hawaii for the construction of the Maui Filipino Community Center;

54. $400,000 for Friends of Drug Court in Honolulu, Hawaii for the acquisition of a building;

55. $250,000 for Kauai Economic Opportunity, Inc., in Kauai, Hawaii for improvements and renovations to a homeless shelter;

56. $250,000 for the Hawaii Island Community Development Corporation in Hilo for the construction of low-income elderly housing;

57. $1,000,000 for the Clearwater Economic Development Association, Idaho, for implementation of the Lewis and Clark Bicentennial plan;

58. $900,000 for Boise State University in Idaho, for planning, design, and construction for the Center for Environmental Science and Economic Development;

59. $900,000 for the University of Idaho, at Moscow, Idaho, for planning and design for a science and new technologies laboratory;

60. $350,000 for the Field Museum, Chicago, Illinois for improvements;

61. $150,000 for the Chicago Botanic Garden, Glencoe, Illinois for the expansion of the School of the Botanic Garden;

62. $750,000 for the City of Springfield, Illinois for the design and construction of a community center on the city's east side;

63. $250,000 for the Campbell Center for Historic Preservation in Mount Carroll, Illinois to complete the planning, feasibility, and design phase of its program expansion and rehabilitation project;

64. $200,000 for the Northwest Illinois Chapter of the American Red Cross in Freeport, Illinois for the acquisition of property and construction of a new chapter office;

65. $200,000 for the Chicago Food Depository, Illinois for capacity expansion and related programs;

66. $200,000 for the Chicago House and Social Service Agency in Illinois to develop and construct a social services community center and programs on the West Side of Chicago, in partnership with Vital Bridges/Open Hand;

67. $250,000 for The Community Foundation of Muncie and Delaware County, Inc., Anderson, Indiana for expansion of its food bank facilities;

68. $250,000 for the City of Anderson, Indiana for the completion of the Anderson Fiber Network;

69. $250,000 for the City of Indianapolis, Indiana for the construction of the Holmes Court Housing Development;

70. $250,000 for the City of Jefferson, Indiana for costs associated with the redevelopment of Spring Street;

71. $250,000 for the City of Waterloo, Iowa for the acquisition of the Cedar Valley TechWorks Facility;

72. $200,000 for the City of Fort Dodge, Iowa for the Lincoln Neighborhood Initiative;

73. $250,000 for the City of Fort Dodge, Iowa for the Lincoln Neighborhood Redevelopment Project;

74. $250,000 for the City of Storm Lake, Iowa for costs associated with the construction of the Destination Park Interpretative Center;

75. $250,000 for the City of Bettendorf, Iowa for the River's Edge Redevelopment Project;

76. $200,000 for the Mid America Housing Partnership in Cedar Rapids, Iowa for the housing trust fund;

77. $200,000 for the Scott County Housing Council, Davenport, Iowa for the construction and rehabilitation of housing;

78. $200,000 for the City of Waterloo, Iowa for the Rath Housing Initiative;

79. $200,000 for Homeward Inc., in Iowa for construction of low income housing;

80. $250,000 for the Kansas Chapter of National Korean War Veterans Association, Overland Park, Kansas for the construction of a Korean War Memorial;

81. $500,000 for the City Vision Ministry, Kansas City, Kansas for Rosedale neighborhood affordable housing;

82. $650,000 for the City of Great Bend, Kansas for construction of an environmental education center;

83. $1,225,000 for Haskell Indian Nations University in Kansas for the construction of a science center;

84. $500,000 for the City of Topeka, Kansas for infrastructure construction at the Center Point Commerce Park;

85. $300,000 for the Veterans Memorial Park of Wichita, Kansas for renovation project;

86. $200,000 for TLC for Children and Families, Inc. in Olathe, Kansas for the construction of residential, educational, and therapy facilities for homeless teens, foster care youth and parents, and teens in the Juvenile Justice System;

87. $275,000 for Sedgwick County, Kansas for the construction of the Oaklawn Community Center;

88. $1,500,000 for the City of Bowling Green, Kentucky, for purchasing equipment for the South Central Kentucky Training and Development Project;

89. $800,000 for the City of Bowling Green, Kentucky for costs associated with the development of the Lost River Cave Improvement Project;

90. $250,000 for Paducah Area Community Reuse Organization in Graves County, Kentucky for costs associated with the construction of the PACRO Industrial Park;

91. $300,000 for the Owen County Industrial Authority, Kentucky for the Owen County Gas Line;

92. $250,000 for the Edmonson County, Kentucky for costs associated with the construction of the Edmonson Technology and Economic Development Center;

93. $500,000 for Catholic Charities, Archdiocese of New Orleans, Louisiana for costs associated with construction for the West Bank Senior Services Continuum;

94. $250,000 for the City of Grand Isle, Louisiana for the construction of a community center;

95. $250,000 for the City of Jean Lafitte, Louisiana for the construction of a community center and emergency shelter;

96. $250,000 for Lafourche Parish, Louisiana for the construction of a Seniors Center and recreation development;

97. $250,000 for the Audubon Nature Institute in New Orleans, Louisiana for facility improvements;

98. $300,000 for the City of Baton Rouge, Louisiana Recreation Commission for downtown recreation development;

99. $250,000 for the City of Dequincy, Louisiana for downtown revitalization;

100. $250,000 for St. Tammany Parish, Louisiana for the construction of a maritime training center;

101. $300,000 for the City of Baltimore, Maryland, for costs associated with the relocation of the Central Garage;

102. $250,000 for Associated Catholic Charities, Inc., in Baltimore, Maryland to build a new facility and renovate an existing facility for Our Daily Bread Employment Center and My Sister's Place Women's Center;

103. $300,000 for St. Ambrose Housing, for purchase and rehabilitation of houses in northeast Baltimore, Maryland;

104. $400,000 for Baltimore County, Maryland, for the rehabilitation of the Dundalk Community Center;

105. $400,000 for Baltimore County, Maryland, for the Randallstown Community Center;

106. $250,000 for the Charles County Economic Development Commission in Maryland for the design of the Energetics Technology Center;

107. $200,000 for Montgomery County, Maryland for pedestrian enhancements and safety improvements in Long Branch;

108. $200,000 for Montgomery County, Maryland for Fenton Street Village pedestrian linkages;

109. $200,000 for Easter Seals, in Silver Spring, Maryland for the construction of the Easter Seal Inter-Generational Center;

110. $500,000 for Prince Georges' County, Maryland, for the renovation of the Employment and Training Center and the Multicultural Academy;

111. $500,000 for St. Mary's County, Maryland, for the acquisition and redevelopment of Lexington Manor;

112. $1,000,000 for the Mandel Center for Nonprofit Organizations in Cleveland, Ohio, to capitalize a scholarship endowment established in memory of Art Naparstek;

113. $500,000 for the National Council of Negro Women, in Washington, DC, for the construction and renovation of 633 Pennsylvania Avenue, in Northwest, Washington, DC;

114. $250,000 for the City of Brewer, Maine to acquire and redevelop eight parcels of land on the Penobscot River;

115. $250,000 for the City of Caribou, Maine to improve and repair a gymnasium and related facilities in the Armory building;

116. $250,000 for the City of Auburn, Maine to construct the Great Falls Parking Garage;

117. $250,000 for the People's Regional Opportunity Program [PROP] for the construction of affordable housing units and a neighborhood center in Portland, Maine;

118. $270,000 for the Attleboro Redevelopment Authority, Massachusetts for the Attleboro Redevelopment Authority Manufacturing Site Remediation and Redevelopment;

119. $310,000 for the Greater Boston Food Bank, Massachusetts for expansion of its distribution center;

120. $270,000 for the City of Lawrence, Massachusetts for the demolition and remediation of the Lawrence In-Town Mall building;

121. $200,000 for the City of Northampton, Massachusetts for the redevelopment of blighted land;

122. $200,000 for the City of North Adams, Massachusetts for the redevelopment and renovation of the Mohawk Theater;

123. $300,000 for the A.E. Seaman Mineral Museum in Houghton, Michigan for costs associated with the relocation of the Museum;

124. $300,000 for the Motown Center in Detroit, Michigan for costs associated with the relocation of the center;

125. $300,000 for the City of Detroit, Michigan for costs associated with the restoration of the riverfront;

126. $350,000 for the State Theatre of Bay City/Bay County, Michigan for the restoration of the State Theatre;

127. $350,000 for the City of Port Huron, Michigan for revitalization;

128. $250,000 to the Minnesota Housing Finance Agency for supportive housing for homelessness in St. Paul, Minnesota;

129. $250,000 to the City of St. Paul, Minnesota for rehabilitation needs at the Ames Lake Neighborhood/Phalen Place Apartments;

130. $700,000 for Neighborhood House in St. Paul, Minnesota for construction of the Paul and Sheila Wellstone Center for Community Building;

131. $250,000 for the Organization of Liberians in Minnesota in Brooklyn Park for costs associated with the construction of The Liberian Cultural and Community Center;

132. $1,000,000 for the Area Development Partnership in Hattiesburg, Mississippi for costs associated with the construction of the Hattiesburg Innovation Commercialization Center;

133. $1,850,000 to Mississippi State University for renovation of the Lloyd-Ricks building in Starkville, Mississippi;

134. $750,000 to Lafayette County for restoration of the Lafayette County Courthouse in Oxford, Mississippi;

135. $300,000 to the City of Waynesboro for relocation of the Police Department in Waynesboro, Mississippi;

136. $300,000 to the City of Brookhaven for renovation of the Fire House in Brookhaven, Mississippi;

137. $300,000 to the City of Holly Springs for the North Memphis Street Redevelopment project in Holly Springs, Mississippi;

138. $250,000 to Kemper County for infrastructure improvements in Kemper County, Mississippi;

139. $200,000 for the City of Booneville, Mississippi for community development;

140. $250,000 to the Martin Luther King Foundation for the rehabilitation of the community center in Pickens, Mississippi;

141. $800,000 to the City of Jackson for the remediation and renovation of historic King Edward Hotel in Jackson, Mississippi;

142. $250,000 to the City of Pascagoula for public library repairs in Pascagoula, Mississippi;

143. $250,000 to the City of Ellisville for the renovation and construction of the public library in Ellisville, Mississippi;

144. $250,000 for St. Patrick Center for the Homeless Partnership Center in St. Louis, Missouri for construction;

145. $250,000 for the Green Hills Regional Planning Commission for construction of renewable energy and rural economic development projects in Putnam County, Missouri;

146. $250,000 for Joplin Area Chamber of Commerce Foundation in Missouri for the Joseph Newman Business and Technology Innovation Center;

147. $250,000 for Greene County, Missouri for developing a natural history museum in Springfield, Missouri;

148. $1,000,000 to St. Charles County Association for Retarded Citizens for Family Support Center construction in St. Charles County, Missouri;

149. $1,000,000 to the City of St. Joseph, Missouri for construction associated with the St. Joseph Community Riverfront Redevelopment Project;

150. $1,000,000 to the St. Louis Science Center for visitor center construction in St. Louis, Missouri;

151. $1,000,000 to the Ozarks Development Corporation to provide infrastructure improvements to a development park in West Plains/Pamona, Missouri;

152. $1,000,000 to the City of St. Joseph, Missouri for demolition of the Heartland Regional Medical Center;

153. $1,000,000 to the City of St. Louis, Missouri for construction of a truck entrance at Broadway and St. Louis Avenue, utility relocation, rail track relocation and perimeter fencing;

154. $500,000 to the Bartley-Decatur Neighborhood Center, Inc. to restore/re-construct home for use as revitalized neighborhood center in Springfield, Missouri;

155. $500,000 for the Northern Rockies Center for Senior Health, Billings, Montana, for construction of a senior citizens facility;

156. $700,000 for the Big Sky Economic Development Authority, Billings, Montana, for economic development outreach;

157. $300,000 for the Great Falls Development Authority, Great Falls, Montana, for economic development outreach;

158. $350,000 for the Chippewa Cree Tribe, Box Elder, Montana, for a housing construction project;

159. $300,000 for the Story Mansion, Bozeman, Montana for historical renovations and improvements;

160. $300,000 for the Rocky Mountain Development Council/PenKay Eagle Manor Renovation, Helena, Montana, for renovations and improvements;

161. $300,000 for the Rocky Mountain Elk Foundation, Missoula, Montana for construction projects;

162. $300,000 for the City of Billings, Montana West Side planning and development project;

163. $250,000 for the Billings Child and Family Intervention Center, Billings, Montana for construction projects;

164. $250,000 for the Montana Technology Enterprise Center in Missoula, Montana for a revolving loan fund;

165. $250,000 for the Family Service, Inc. of Omaha, Nebraska, for construction of the Sarpy County Family Service Center;

166. $250,000 for Metropolitan Community College of Omaha, Nebraska, for construction of a Health Careers Center;

167. $250,000 for the Davey Area Community Center in Davey, Nebraska for costs associated with construction;

168. $500,000 for the Penacook Tannery in Concord, New Hampshire for restoration;

169. $500,000 for the Claremont Mill in Claremont, New Hampshire for redevelopment;

170. $400,000 for the Tilton Riverfront Park in Tilton, New Hampshire for development;

171. $250,000 for the Old New Hampshire State House Planning Project in Concord, New Hampshire for planning of reconstruction of the first New Hampshire State House;

172. $450,000 for the New Hampshire Main Street Center in Concord, New Hampshire for the development of downtown areas;

173. $350,000 for the Souhegan Boys and Girls Club in Milford, New Hampshire for the construction of a new center;

174. $350,000 for the Manchester Historical Association in Manchester, New Hampshire for the renovation of the Center for Preserving Manchester's History;

175. $250,000 for the Northern Community Investment Corporation, Colebrook, New Hampshire for rural broadband telecommunications project;

176. $250,000 for the Tri-County Community Action Program/City of Berlin, New Hampshire, for elimination of blighted and unsafe buildings,

177. $250,000 for the City of East Orange, New Jersey for construction of a senior center;

178. $250,000 for the Town of Hammonton, New Jersey for the construction of a community center complex;

179. $250,000 for La Casa de Don Pedro in Newark, New Jersey for renovations in relation to the Lower Broadway Improvement Zone project;

180. $250,000 for the City of Woodbine, New Jersey for renovations in relation to the Woodbine Community Center Complex project;

181. $250,000 for the Borough of Carteret, New Jersey for the construction of an International Trade and Logistics Center;

182. $250,000 for the South Jersey Economic Development District for economic revitalization in Atlantic, Cape May, Cumberland, and Salem counties;

183. $400,000 for the Office of the New Mexico State Fire Marshal, Santa Fe, New Mexico, to support improved fire service, training services, infrastructure, and/or information systems in the State of New Mexico and at the New Mexico State Fire Academy in Socorro, New Mexico;

184. $500,000 for Goodwill Industries of New Mexico, Albuquerque, New Mexico, for renovation of its headquarters and client training center;

185. $275,000 for the Village of Tijeras, New Mexico, for purchase of a fire pumper truck to serve the community and Federal installations in the area;

186. $1,175,000 for Presbyterian Medical Services, Santa Fe, New Mexico, for the construction of Santa Fe County Head Start and Early Head Start facilities;

187. $400,000 for the City of Clovis Fire Department, New Mexico, for purchase of emergency medical vehicles to serve the community and Federal installations in the area;

188. $750,000 for the City of Hobbs, New Mexico, for infrastructure associated with the development of the Hobbs Industrial Air Park;

189. $500,000 for Eastern New Mexico University, Portales, New Mexico, for purchase of telecommunications equipment for its communications program and public radio station KENW;

190. $250,000 for the Albuquerque Hispano Chamber of Commerce, New Mexico for the expansion of the Barelas Job Opportunity Center;

191. $250,000 for the Town of North Hempstead, New York for the New Cassel Revitalization and Redevelopment Project;

192. $250,000 for the City of Buffalo, New York for the renovation of a building to create housing for the Buffalo Arts Homesteading Program;

193. $250,000 for The Olana Partnership in Hudson, New York for costs associated with construction;

194. $250,000 for the City of Poughkeepsie, New York for costs associated with replacing the roof on the Historic Luckey, Platt Building;

195. $350,000 for Pucho's, Inc., in Buffalo, New York for the construction of a new recreational and educational resource room;

196. $350,000 for the United Jewish Organizations of Williamsburg, Inc. in Brooklyn, New York for the construction of a new community services building;

197. $300,000 for the Burchfield Penney Art Center in Buffalo, New York for construction of a new museum;

198. $800,000 for the City of Las Vegas, Nevada for improvements to a historic building;

199. $250,000 for the City of Reno, Las Vegas for the Reno Fourth Street Corridor Enhancements which include but are not limited to streetscape improvements, safety upgrades, and the installation of lighting;

200. $250,000 for Nevada Partners, Home of the Culinary Training Institute in North Las Vegas, Nevada for the expansion of the

Southern Nevada Strategic Vocational Training Center;

201. $250,000 for the Urban Chamber of Commerce in Las Vegas, Nevada for costs associated with the construction of a multi-use and instructional center;

202. $250,000 for the North Las Vegas Library District, Nevada for costs associated with the construction of a full service library;

203. $250,000 for East Las Vegas Community Development Corporation, Nevada for equipment;

204. $200,000 for Ethel-Willia, Incorporated in Nevada for the Smart Start Child Care Center;

205. $200,000 for the Town of Pahrump, Nevada for costs associated with the construction of the Pahrump/Nye County Fairground;

206. $500,000 for the City of Reno/Good Shepherd Clothes Closet Project, Reno, Nevada;

207. $200,000 for the National Whitewater Center in Charlotte, North Carolina for costs associated with construction;

208. $200,000 for the Wake County Library Foundation in Raleigh, North Carolina for costs associated with construction;

209. $200,000 for the Blowing Rock Performing Arts in Blowing Rock, North Carolina for construction;

210. $250,000 for Ashe County, North Carolina to develop a Business Incubator in the Family Central Complex;

211. $250,000 for Our Children's Place in Granville County, North Carolina to construct a facility;

212. $350,000 for the Northwest Ventures Communities Inc., Minot, North Dakota for the construction of the Northwest Career and Technology Center;

213. $350,000 for the Three Affiliated Tribes Tourism Department, New Town, North Dakota for a cultural interpretive center;

214. $300,000 for the United Tribes Technical College in Bismarck, North Dakota for the construction of family housing;

215. $300,000 for the NDSU Research and Technology Park Inc., in Fargo, North Dakota for the Advanced Technology Career Center;

216. $250,000 for the Minot Area Community Foundation, North Dakota for the Prairie Community Development Center;

217. $250,000 for the Franklin County Metro Parks, Franklin County, Ohio for the purchase of land in the Darby Creek Watershed;

218. $250,000 for the Springfield Center City Association, Springfield, Ohio for the construction of a business incubator;

219. $250,000 for Improved Solutions for Urban Systems, Inc., Dayton, Ohio to create a new model for economic, community and workforce development;

220. $250,000 for the Toledo-Lucas County Port Authority for the Northwest Ohio Brownfield Restoration Initiative;

221. $250,000 for the Youngstown Central Area Community Improvement Corporation, Youngstown, Ohio for construction of the Advanced Technology Incubator for Market Ready Applications;

222. $250,000 for First Frontier, Inc., Xenia, Ohio for revitalization of the amphitheatre;

223. $550,000 for Cleveland Playhouse Square, Cleveland, Ohio for IDEA Center;

224. $450,000 for Development Projects, Inc., Dayton, Ohio for Downtown Dayton Northeast Quadrant;

225. $300,000 for CAMP, Cleveland, Ohio for Cleveland Manufacturing Technology Complex;

226. $500,000 for the Standing Bear Native American Foundation, Ponca City, Oklahoma for creation of the Standing Bear Museum and Education Center;

227. $250,000 to Washington County, Oregon for costs associated with the construction of a homeless shelter;

228. $450,000 to the Portland Development Commission, Oregon, for the North Macadam affordable housing project;

229. $250,000 to the City of Gresham, Oregon for costs associated with the construction of a cultural arts center;

230. $250,000 to the City of Brookings Harbor, Oregon for the redevelopment of the boardwalk;

231. $500,000 for the City of Portland, Oregon for development of the Portland Streetcar;

232. $200,000 for the Bean Foundation, Inc. in Bend, Oregon for costs associated with the construction of the Madras Center for Education and Workforce Training;

233. $200,000 for Brookings Harbor, Oregon for costs associated with the construction of the Brookings Harbor Seafood Processing Plant;

234. $300,000 for the Urban Redevelopment Authority of Pittsburgh, Pennsylvania, for the redevelopment of South Side Works;

235. $300,000 for the City of Scranton, Pennsylvania, for the Cedar Avenue Revitalization;

236. $300,000 for Bucknell University, Lewisburg, Pennsylvania for the Lewisburg Downtown Theater rehabilitation;

237. $250,000 for the Allegheny West Foundation, Philadelphia, Pennsylvania, for the Budd Plant rehabilitation project;

238. $250,000 for the Indiana County Development Corporation, Indiana, Pennsylvania, for the Indiana Springs development project;

239. $250,000 for the City of Erie, Pennsylvania, for site preparation and redevelopment of the vacant and blighted Koehler Brewery Building;

240. $250,000 for the City of Greensburg, Pennsylvania, for construction of a Center for the Arts;

241. $250,000 for Our City Reading, in Reading, Pennsylvania, for the rehabilitation of abandoned houses and parks to provide quality home ownership opportunities to low-income families;

242. $250,000 for the Greater Wilkes-Barre Chamber of Business and Industry, in Wilkes-Barre, Pennsylvania, for the acquisition and redevelopment of the historic Irem Temple;

243. $250,000 for the City of Lancaster, Pennsylvania, for the rehabilitation and renovation of the Lancaster Central Market;

244. $250,000 for Eagles Mere Village, Inc., in Eagles Mere, Pennsylvania, for the acquisition and rehabilitation of downtown buildings;

245. $250,000 for the Allegheny County Department of Community and Economic Development, in Pittsburgh, Pennsylvania, for the planning, design, and construction of Schenley Plaza;

246. $250,000 for the Greene County Department of Planning and Development, in Franklin Township, Pennsylvania, for construction of a multi-tenant facility at EverGreene Technology Park;

247. $200,000 for Universal Community Homes in Philadelphia, Pennsylvania, for the conversion of land into for-sale units to low- and moderate-income families;

248. $200,000 for the Borough of Lewistown, Pennsylvania, for the rehabilitation and renovation of the Lewistown Municipal Building;

249. $200,000 for the Darby Borough Community Development Corporation, in Darby, Pennsylvania, for a Main Street revitalization initiative including acquisition, renovation, and demolition of downtown buildings;

250. $200,000 for the Chester County Industrial Development Authority, in East Whiteland and Tredyffrin Townships, Pennsylvania, for the redevelopment of the Atwater Brownfields site;

251. $200,000 for the Inglis Foundation, in Philadelphia, Pennsylvania, for the planning, design, and construction of housing for individuals with disabilities;

252. $250,000 to the Pawtucket Armory Association in Pawtucket, Rhode Island for renovation of the armory into a performing arts and arts education center;

253. $250,000 to Westbay Community Action in Warwick, Rhode Island for the purchase and renovation of a building for use as a child care center;

254. $250,000 to the Providence Neighborhood Investment Program in Providence, Rhode Island for economic revitalization projects in distressed communities;

255. $250,000 for the Meeting Street National Center of Excellence in Providence, Rhode Island for the construction of a new facility and recreation space;

256. $250,000 for Rhode Island College in Providence, Rhode Island for the renovation of the former State Home and School;

257. $250,000 to the Old Slater Mill Association in Pawtucket, Rhode Island for improvements to the exhibitry and the building;

258. $400,000 for Meeting Street in Providence, Rhode Island for a recreational facility;

259. $200,000 for the West Warwick Senior Center, Inc. in Rhode Island for the costs associated with construction of affordable housing and community center;

260. $200,000 for Crossroads Rhode Island in Providence, Rhode Island for building renovations;

261. $200,000 for the United Methodist Elder Care in East Providence, Rhode Island for fire, life safety, security and communications systems;

262. $250,000 for City of Anderson, South Carolina for costs associated with the construction of the Murray/Franklin Street Project;

263. $250,000 for American College of the Building Arts, Charleston, South Carolina for training and skills;

264. $400,000 for EngenuitySC in Columbia, South Carolina for building renovations and purchasing of technology equipment;

265. $1,400,000 for the Wakpa Sica Historical Society in Fort Pierre, South Dakota for the Wakpa Sica Reconciliation Center;

266. $400,000 for the City of Mobridge, South Dakota for the Missouri River riverfront economic development project;

267. $250,000 for the Sioux Empire Housing Partnership in Sioux Falls, South Dakota for development of low income housing;

268. $250,000 for City of Sioux Falls, South Dakota for a day care center;

269. $400,000 for the Sioux Falls Family YMCA, South Dakota for construction of a facility;

270. $250,000 for Tea, South Dakota for costs associated with construction of a city hall;

271. $250,000 for the Cheyenne River Youth Project, Eagle Butte, South Dakota for the construction of a teen center;

272. $400,000 for the Oglala Sioux Tribe in Pine Ridge, South Dakota for the construction of a veterans center;

273. $400,000 for the Cheyenne River Sioux Tribe in Eagle Butte, South Dakota for the construction of a veterans center;

274. $250,000 for the Central States Fair Inc., in Rapid City, South Dakota for infrastructure improvements;

275. $200,000 for the Cobscook Bay Resource Center in Eastport, Maine to develop a marketing co-operative;

276. $500,000 for City of Brookings, South Dakota for Growth Partnership Research Park;

277. $250,000 for Rapid City YMCA, South Dakota for the construction of a teen wellness center;

278. $500,000 for the City of Sturgis, South Dakota, for the Sturgis Industrial Park;

279. $250,000 for the Rapid City Arts Council, Rapid City, South Dakota, for the Dahl Arts Center;

280. $1,600,000 for the Memphis Biotech Foundation in Memphis, Tennessee for planning, design, construction, and equipment associated with the Memphis Biotech Foundation;

281. $500,000 for the City of Huntingdon, Tennessee for land acquisition;

282. $500,000 for the Rolling Mill Hill Revitalization Project in Nashville, Tennessee for the revitalization of distressed urban areas;

283. $500,000 for the Big South Fork Visitors Center,.Scott County, Tennessee to develop new visitors facilities;

284. $250,000 for the Chattanooga Public Housing Authority to support the Economic Self Sufficiency and 21st Century Work Skills program in Chattanooga, Tennessee;

285. $250,000 for the Native American Indian Association of Tennessee, Nashville, Tennessee for construction of a cultural center;

286. $250,000 for the Lauderdale County Industrial Park, Lauderdale County, Tennessee for industrial site development;

287. $250,000 for the Country Music Hall of Fame and Museum, Nashville, Tennessee to support community programs;

288. $250,000 for the Chattanooga African American Chamber of Commerce, Tennessee to construct the Martin Luther King Business Solutions Center;

289. $250,000 for the Appalachian Service Project, Johnson City, Tennessee to support the Summer Home Repair Program;

290. $500,000 for Covenant House Texas in Houston to evaluate the structural and mechanical systems of the current emergency shelter and upgrade the agency's infrastructure;

291. $400,000 for the Acres Home Economic Development Initiative in Houston, Texas to redevelop the Acres home-community;

292. $250,000 for the World Congress on Information Technology in Austin, Texas for renovations to the Austin Convention Center;

293. $200,000 for the Beaumont Downtown Improvement Program in Beaumont, Texas for downtown redevelopment;

294. $200,000 for the Texas Theater Renovations in Dallas, Texas for renovations to the building;

295. $250,000 for Caritas of Austin, Texas for the Austin Basic Needs Collaboration Economic Development Initiative;

296. $200,000 for the Fort Worth Urban Villages Revitalization initiative in Fort Worth, Texas for downtown improvements;

297. $200,000 for the Houston Freedman's Town African American Archive in Houston, Texas for continued renovations to the Gregory School;

298. $200,000 for the San Angelo Home Loan Program in San Angelo, Texas to continue helping low and moderate income families with housing needs;

299. $200,000 for the East Austin Improvements project in Austin, Texas to provide improvements to the Central East Austin neighborhood;

300. $200,000 for the Denton Downtown Redevelopment project in Denton, Texas for downtown square improvements;

301. $200,000 for the Plaza Theater Renovations in Laredo, Texas to renovate the Plaza Theater;

302. $200,000 for the Corpus Christi Downtown Redevelopment in Corpus Christi, Texas to provide streetscape improvements;

303. $100,000 for the St. Phillips Neighborhood Redevelopment Initiative in Dallas, Texas to provide improvements to the community;

304. $200,000 for the Vermont Institute of Natural Science, Woodstock, Vermont for the construction of a wildlife rehabilitation facility;

305. $200,000 for Vermont Housing and Conservation Board for the development of affordable housing in Rutland, Vermont;

306. $750,000 for the Vermont Center on Emerging Technologies, Burlington, Vermont for development of a technology incubator;

307. $600,000 for the Preservation Trust of Vermont, Burlington, Vermont for the Village Revitalization Initiative;

308. $450,000 for the Vermont Housing and Conservation Board, Montpelier, Vermont for development of affordable housing and downtown revitalization in Burlington, Vermont;

309. $250,000 for the Art Museum of Western Virginia in Roanoke, Virginia for planning and construction of a new museum;

310. $250,000 for the George C Marshall Foundation in Lexington, Virginia for renovation and repair;

311. $700,000 for Christopher Newport University Real Estate Foundation, Newport News, Virginia for the Warwick Boulevard Commercial Corridor Redevelopment project;

312. $500,000 for the Woodrow Wilson Presidential Library, Staunton, Virginia for planning, construction, and renovation of the facility;

313. $300,000 for Virginia Economic Bridge, Inc., Radford, Virginia for development and operation of programs to address employment and economic development in Southwest Virginia;

314. $650,000 for Wayne County, Utah for the Wayne County Community Center;

315. $250,000 for West Jordan, Utah for the West Jordan Pioneer Hall Renovation;

316. $900,000 for USF Elizabethan Theater, Cedar City, Utah for design and construction of an Elizabethan theater;

317. $1,000,000 for Brigham City, Utah for the Academy Building Renovation;

318. $500,000 for Salt Lake City, Utah for renovation of Historic Pioneer Park;

319. $250,000 for the Boys and Girls Club of South Puget Sound in Tacoma, Washington for costs associated with construction of new community centers;

320. $250,000 for the SWIFT Cyber Group in Richland, Washington for the SWIFT Initiative I—Elimination of Broadband Gaps;

321. $200,000 for the Washington Technology Center in Seattle for the Washington Nanotechnology Initiative;

322. $200,000 for the City of Burien, Washington for the acquisition and redevelopment of the Burien Highline Senior Center;

323. $500,000 for the Delridge Development Association in Seattle, Washington for renovations of the Old Cooper School;

324. $500,000 for Yakima Valley Farmworkers Clinic in Toppenish, Washington for costs associated with the construction of Science and Technology Partnership Center;

325. $300,000 for the Edmonds Public Facilities District in Washington for costs associated with the construction of the Edmonds Center for the Arts;

326. $300,000 for St. Anne's Children/Family Center in Spokane, Washington for costs associated with construction;

327. $250,000 for the Northwest Maritime Center in Port Townsend, Washington for construction;

328. $250,000 for the Washington Public Ports Association in Olympia, Washington for the WPAA Education Foundation;

329. $1,250,000 for the Raleigh County Commission, West Virginia for further development at the Raleigh County Airport Industrial Park;

330. $1,250,000 for West Virginia University for the development of a facility to house forensic science research and academic programs;

331. $1,250,000 for the McDowell County Commission, West Virginia for infrastructure and site development at the Indian Ridge Industrial Park;

332. $750,000 for the City of Beckley, West Virginia for downtown revitalization;

333. $300,000 for the Redevelopment Authority of the City of Milwaukee, Wisconsin for the Riverwest Neighborhood Housing Initiative;

334. $250,000 for the Redevelopment Authority of the City of Milwaukee, Wisconsin for the redevelopment of the Tower Automotive site;

335. $300,000 for the City of Madison, Wisconsin for the South Madison Redevelopment Project;

336. $300,000 for the Town of Madison, Wisconsin for the continued work on the Novation Technology Campus;

337. $300,000 for the City of Kenosha, Wisconsin for the Brass Redevelopment Project;

338. $250,000 for the Menomonee Valley Partners of Milwaukee, Wisconsin for the redevelopment of a former rail yard;

339. $250,000 for the City of Manitowoc, Wisconsin for economic development activities;

340. $300,000 for the West Central Wisconsin Regional Planning Commission in Eau Claire for technology start ups and expansions;

341. $250,000 for Riverfront Inc., in La Crosse, Wisconsin for the construction of work centers for the disabled;

342. $750,000 for the University of Wyoming, Laramie, Wyoming for the construction of the Wyoming Technology Business Center;

343. $250,000 for the Cottonwood Park Estates, Gillette, Wyoming for the removal of asbestos for senior housing construction;

344. $100,000 to the City of Gadsden, Alabama for construction of the facility for the New Centurions Substance Abuse Program for Women;

345. $200,000 to the City of Hanceville, Alabama for construction of the Wallace State Center for Automotive Manufacturing and Plastics;

346. $200,000 to the City of Rainsville, Alabama for construction of the Rainsville Agricenter;

347. $150,000 to the City of Guntersville, Alabama for renovation of the Old Rock School Whole Backstage Theater;

348. $100,000 to the City of Hokes Bluff, Alabama for construction of a Senior Center;

349. $60,000 to the City of Arab, Alabama for construction of the Lola Boyd Outdoor Education and Wildlife Area facility;

350. $50,000 to the City of Gordo, Alabama for construction of a public library;

351. $50,000 to the City of Fayette, Alabama for renovation of the historic old Post Office;

352. $20,000 to Winston County, Alabama for facilities construction and renovation of the Historic Houston Jail;

353. $20,000 to Winston County, Alabama for facilities construction and renovation of the Winston County Local Government Record Depository;

354. $250,000 for the City of Birmingham, Alabama for renovations to the Birmingham Zoo;

355. $200,000 to the City of Mobile, Alabama for renovations to the Saenger Theater;

356. $200,000 to Wallace Community College for construction for the Southeast Alabama Nursing Initiative in Dothan, Alabama;

357. $150,000 to the Chris Hammond Youth Foundation for construction of a youth sports complex in Wedowee, Alabama;

358. $150,000 to the City of Tuskgee, Alabama for downtown revitalization;

359. $590,000 for Covenant House in Anchorage, Alaska for capital improvement needs;

360. $150,000 to North Arkansas College in Harrison, Arkansas for facilities construction of the North Arkansas College Health Sciences Education Center;

361. $150,000 to Monticello-Drew County in Arkansas for Phase II of the Regional Sports Complex;

362. $150,000 to the City of Phoenix, Arizona for construction of the Bob Stump Veteran's Museum;

363. $150,000 for the Marc Center in Mesa, Arizona for construction of the Marc Day Treatment and Training Center;

364. $250,000 to Patronato Sax Xavier for facilities renovation at Mission San Xavier del Bac in Tucson, Arizona;

365. $430,000 to the Fox Tucson Theatre Foundation for the preservation of the Fox Tucson Theatre in Tucson, Arizona;

366. $100,000 to the Town of Springerville, Arizona for renovations to the historic Old Springerville Elementary School;

367. $250,000 to the Riverside Community College in Riverside, California for facilities construction and renovation improvements;

368. $200,000 to the Riverside Community College for construction of the School of Nursing in Riverside, California;

369. $330,000 to HomeAid America for the construction of HomeAid America Temporary homeless shelters in Costa Mesa, California;

370. $250,000 to the San Diego Food Bank in San Diego, California for facilities improvements;

371. $850,000 to the City of Lincoln, California for construction and renovation of a Cultural and Business Center;

372. $100,000 to the Auburn Peforming Arts Center for the purchase, demolition and reconstruction of the city's State Theater in adjoining properties in downtown Auburn, California;

373. $575,000 to the City of Sierra Madre, California for the construction of the Sierra Madre Youth Activity Center;

374. $100,000 to the Lompoc Boys & Girls Club for facilities renovation of the Lompoc Boys & Girls Clubhouse;

375. $150,000 to the Thousand Oaks Boys & Girls Club for construction of a new clubhouse on the campus of Colina Middle School in Thousand Oaks, California;

376. $200,000 to the City of Redding, California for industrial park development at the Stillwater Business Park;

377. $355,000 to the Boys and Girls Club of East San Diego County for construction of a new clubhouse in Santee, California;

378. $250,000 to the City of Oceanside, California for construction of a new Senior Center;

379. $100,000 to the town of Yucca Valley, California for the Civic Center Park;

380. $150,000 to the City of Twentynine Palms, California for facilities and land acquisition for the Joshua Tree National Park Visitors Center;

381. $250,000 for the City of Desert Hot Springs, California for the development and construction of the Civic and Community Center;

382. $250,000 to the City of Banning, California for construction and renovation of the city pool;

383. $280,000 to the National Orange Show in San Bernardino, California for facilities construction and renovation of the stadium;

384. $625,000 to the City of Apple Valley, California for construction of the Civic Center Park project;

385. $250,000 to the City of Lancaster, California for land acquisition for the North Downtown Transit Village Project;

386. $200,000 to the City of Whittier, California for the expansion and remodeling of the Whittwood Branch Library;

387. $200,000 to the International Agri-Center in Tulare, California for facilities construction;

388. $200,000 to the City of Citrus Heights, California for the Auburn Boulevard Commercial Corridor Enhancements;

389. $225,000 to the City of Livermore, California for facilities construction and renovations for the Tri-Valley Homeownership Clearinghouse;

390. $250,000 to the North Fork Community Development Council for industrial park development in North Fork, California;

391. $200,000 to the City of Westminster, California for construction of the Community Cultural and Education Center;

392. $200,000 to Kern County, California for infrastructure improvements of the Imperial Way Industrial Park;

393. $280,000 to the City of Bakersfield, California for sidewalks, street furniture and faade improvements;

394. $475,000 to the University of California for facilities construction and renovation to the Shafter Cotton Research and Extension Center in Shafter, California;

395. $150,000 to the Bowers Museum of Cultural Art in Santa Ana California for facilities expansion and renovation;

396. $100,000 to the City of Aurora, Colorado for facilities construction and renovation of the Fitzsimmons Redevelopment Authority;

397. $100,000 to Jefferson County, Colorado for facilities and construction of an early childhood development center;

398. $150,000 for the City of Arvada, Colorado for the design phase of the community's arts and humanities center;

399. $100,000 to the Bent of the River Audubon Center for facilities renovation of the Visitor's Center in Connecticut;

400. $150,000 for Trinity-On-Main in New Britain, Connecticut for the Trinity-On-Main Arts Education and Community Center for property acquisition and renovation;

401. $100,000 to Progressive Training Associates in Bridgeport, Connecticut for facilities construction;

402. $100,000 to the Stamford Center for the Arts for facilities construction of Little Theater & Arts Education Center;

403. $200,000 to the Stamford Yerwood Center in Stamford, Connecticut for facilities renovation;

404. $280,000 to the City of Bridgeport, Connecticut for facilities construction and renovation of the Music and Arts Center for Humanity;

405. $100,000 to the Town of Willington, Connecticut for construction of the Willington Senior Center;

406. $150,000 to the City of Norwich, Connecticut for the development of Harbor Park;

407. $100,000 for the Beebe School of Nursing in Lewes, Delaware for facilities construction and renovation;

408. $150,000 to the National Children's Museum in Washington, DC for facilities construction and relocation costs;

409. $250,000 for the City of Clearwater, Florida for facilities construction and renovation improvements for the Clearwater Homeless Intervention Project;

410. $475,000 for Volunteer Jacksonville for the construction of the Volunteer Jacksonville Facility in Jacksonville, Florida;

411. $280,000 for the South Florida Goodwill for facility renovations in Miami, Florida;

412. $475,000 to the Centro Mater Head Start Facilities for construction of a new facility in Hialeah, Florida;

413. $100,000 to Orange County, Florida for expansion of the Marks Street Senior Center;

414. $625,000 to the Office of Farmworker Ministries in Apopka, Florida for facilities construction;

415. $150,000 to the Sebring Airport Authority for industrial park development in Sebring, Florida;

416. $475,000 to the City of Fort Myers, Florida for the restoration of Edison & Ford Winter Estates;

417. $200,000 to the City of Sarasota, Florida for the Fredd "Glossie" Atkins park expansion;

418. $150,000 to the City of Ocoee, Florida for facilities construction for a senior citizen veterans services center;

419. $200,000 to the City of Palatka, Florida for the Palatka Riverfront improvements;

420. $100,000 to the City of Miami, Florida for the Elderly Assistance Program for facilities construction;

421. $250,000 to the City of Boca Raton, Florida for sidewalks, street furniture, and façade improvements;

422. $150,000 to the City of Gainesville, Florida for facilities improvements and upgrades of the Depot Regional Stormwater Park;

423. $150,000 for Alachua County, Florida for streetscape improvements for the Partners for a Productive Community Enhancement Initiative;

424. $610,000 to Hubbs/Sea World for facilities construction of a marine and coastal research center in Brevard County, Florida;

425. $610,000 to Shands/Jacksonville for facilities construction and renovation of an emergency room/trauma center in Jacksonville, Florida;

426. $610,000 to the Orlando Regional Medical Center for facilities construction and renovation of the Pediatric Trauma Center in Orlando, Florida;

427. $50,000 to Crosswinds Youth Services for facilities construction of a youth center in Brevard County, Florida;

428. $200,000 to the City of Largo, Florida for Central Park facilities improvements;

429. $850,000 to the City of Clearwater, Florida for streetscape improvements for the Beachwalk project;

430. $250,000 to Pinellas County, Florida for facilities construction and renovation of the Urban League Community Center;

431. $850,000 to the Salvador Dali Museum in St. Petersburg, Florida for planning, design, and construction of facilities;

432. $850,000 to the City of Dunedin, Florida for facilities construction and renovation of the city community center;

433. $100,000 to the National Armed Services and Law Enforcement Memorial Museum, in Dunedin, Florida for facilities construction and renovation;

434. $850,000 to the City of St. Petersburg, Florida for facilities renovation and expansion of the Florida Museum of Fine Arts;

435. $375,000 to the City of Palm Harbor, Florida for the downtown revitalization project;

436. $375,000 to the City of Treasure Island, Florida for the community development project;

437. $475,000 to the City of St. Petersburg, Florida for restoration of the Jordan School;

438. $575,000 to the City of St. Petersburg, Florida for the Tangerine Avenue community development project;

439. $275,000 for the City of Coral Gables, Florida for the Biltmore Complex Restoration Project;

440. $280,000 to the City of St. Petersburg, Florida for Dome Industrial Park facilities renovation and construction;

441. $280,000 to the City of St. Petersburg, Florida for facilities construction and improvements at Bartlett Park;

442. $250,000 to the City of Tampa, Florida for facilities construction and renovation for the Bay History Center;

443. $625,000 to Eckerd College in St. Petersburg, Florida for construction of the Youth Opportunity Center;

444. $280,000 to the City of St. Petersburg, Florida for facilities construction and renovation for the Mid-Pinellas Science Center;

445. $375,000 to the City of St. Petersburg, Florida for construction and renovation for the Catholic Charities Mercy House;

446. $75,000 for Antioch Micro-Enterprise Network in August, Georgia for the Antioch Micro-Enterprise Network's Entrepreneur Training Program;

447. $100,000 to Cobb County, Georgia for construction of the Marietta, Georgia Senior Center;

448. $100,000 to the City of Marietta, Georgia for capitalization of the Marietta Growth Fund;

449. $100,000 to the Local Housing Assistance Program in the city of Smyrna, Georgia for construction;

450. $75,000 to the Joint Development Authority of Ben Hill and Irvin Counties, Georgia for industrial park development;

451. $475,000 to the Coastal Heritage Society for construction of the Savannah Battlefield Interpretive Center in Savannah, Georgia;

452. $250,000 to Cherokee County, Georgia for construction of the Cherokee County Emergency Children's Shelter in Canton;

453. $100,00 to the Clearwater Economic Development Association, Idaho, for an economic planning study for the Lewis and Clark Bicentennial Project;

454. $475,000 to the City of Blackfoot, Idaho for land acquisition and improvements at the Jensen Grove City Park and Jensen Grove Lake;

455. $150,000 to Franklin County, Idaho for the moving, renovation, restoration of the Oneida Stake Academy building in Preston, Idaho;

456. $200,000 to Idaho State University for facilities construction for the L.E. and Thelma E. Stephens Performing Arts Center;

457. $100,000 to Power County, Idaho for the Fort Hall Reservation/Power County Joint Economic Redevelopment Initiative;

458. $200,000 to the City of Crest Hill, Illinois for facilities construction and renovation of Our Children's Homestead Foster Home Development;

459. $475,000 to the City of DeKalb, Illinois for industrial park infrastructure improvements;

460. $330,000 to the Ray Graham Association for People With Disabilities in Downers Grove, Illinois, for capital improvements;

461. $100,000 to the World War II Black Navy Veterans of Great Lakes Memorial Foundation for the North Chicago Veterans' Memorial in North Chicago, Illinois;

462. $275,000 to the St. Francis Medical Center in Peoria, Illinois for improvements, including consolidation of ambulatory care;

463. $275,000 to the Lakeview Regional Museum in Peoria, Illinois for facilities construction and renovation of a new building;

464. $275,000 for PeoriaNEXT in Peoria, Illinois for facilities construction and renovation of the Innovation Center business incubator;

465. $250,000 for Illinois College in Jacksonville, Illinois for facilities construction and renovation of Whipple Hall;

466. $275,000 for Glen Oak Zoo in Peoria, Illinois for facilities construction and renovation of a new Africa exhibit;

467. $100,000 Eureka College, Eureka, IL, for continued construction of Science and Technology Center;

468. $100,000 Northfield Park District, IL, for facilities renovation and rehabilitation;

469. $150,000 to the City of Havana, Illinois for facilities construction and renovation of the Havana Rural Center;

470. $100,000 to the Rockford Literary Council for facilities construction in Rockford, Illinois;

471. $280,000 to the Burpee Museum-Discovery Center museum campus expansion project in Rockford, Illinois;

472. $375,000 to the City of Joliet, Illinois for the continued restoration of the Rialto Square Theater;

473. $330,000 to the City of Marion, Indiana for refurbishing the City of Marion Memorial Coliseum;

474. $100,000 to Madison Township, Indiana for construction of the Madison Township Community Center;

475. $250,000 to the City of South Bend, Indiana for industrial park development at the Studebaker Corridor;

476. $250,000 to the South Bend Heritage Foundation in South Bend, Indiana for facilities construction and renovation;

477. $150,000 to the City of Anderson, Indiana for industrial park development;

478. $100,000 to the City of Fort Wayne, Indiana for facilities construction for the Hanna-Creighton Community Enhancement Initiative;

479. $200,000 to the Tri-State University in Angola, Indiana, for facilities construction for the Center for Technology and Online Resources;

480. $150,000 to the City of Storm Lake, Iowa for the construction of the Storm Lake Destination Park;

481. $100,000 to the Housing Trust Fund of Johnson County in Iowa City, Iowa, for capitalization of loan funds;

482. $200,000 to the City of Waterloo, Iowa for industrial park development;

483. $125,000 to the City of Des Moines, Iowa for land acquisition for a technology park;

484. $250,000 to Historic Abilene, Inc., in Kansas for the revitalization of New Old Abilene Town;

485. $100,000 to the City of Ottawa, Kansas for improvements to the Municipal Swimming Pool;

486. $200,000 to the City of Topeka, Kansas for industrial park development at the Center Point commerce park;

487. $250,000 to the City of Wichita, Kansas for the renovations at the Veterans Memorial Park;

488. $330,000 to the City of Wichita, Kansas for facilities construction for the development of the 21st Street Community Development Corporation;

489. $100,000 to the City of Radcliff, Kentucky for streetscape improvements;

490. $150,000 to the Trinity Family Life Center of Louisville, Kentucky for facilities construction of a multi-purpose center;

491. $625,000 to the Louisville Metro Government in Kentucky for the Newburg neighborhood revitalization;

492. $100,000 to Dream Foundation, Inc. in Louisville, Kentucky for playground construction;

493. $250,000 to Breathitt County Fiscal Court for the construction of an intergenerational community entertainment center in Jackson, Kentucky;

494. $250,000 to the Roy F. Collier Community Center for computer hardware, equipment, and furniture needs in Inez, Kentucky;

495. $200,000 to Metcalfe County Fiscal Court for construction of the Metcalfe County Enrichment Center in Edmonton, Kentucky;

496. $250,000 for the YMCA of Franklin County, Kentucky for facilities construction;

497. $150,000 to the City of St. Francisville, Louisiana for facilities construction and renovation;

498. $280,000 to the Biomedical Research Foundation of NW Louisiana for industrial park development in Shreveport, Louisiana;

499. $250,000 to St. John the Baptist Parish, Louisiana for facilities renovations to the Louisiana War Veterans Home;

500. $330,000 to Boysville of Michigan for facilities construction and renovations;

501. $150,000 to Global Enterprises for Water Technology for building acquisition and renovation at Clearwater Plaza in Grand Rapids, Michigan;

502. $250,000 to the Grand Valley State University for acquisition of a research facility, training and education space for the Annis Water Resource Institute in Muskegon, Michigan;

503. $475,000 to the Michigan Jewish Institute for facilities construction and renovation at the College Academic Center in West Bloomfield, Michigan;

504. $100,000 to the Boys and Girls Club of Troy, Michigan for facilities construction and renovation;

505. $100,000 to the Oakland Livingston Human Service Agency for facilities construction and renovation in Pontiac, Michigan;

506. $250,000 for Focus: Hope in Detroit, Michigan for the renovation of a new workforce development center;

507. $200,000 to the City of Durand, Michigan for downtown streetscape improvements;

508. $100,000 to the St. Cloud Housing & Redevelopment Authority for in Minnesota for renovations to Germain Towers;

509. $150,000 to Scott County, Minnesota for renovation of affordable housing at the Belle Haven Apartment Preservation;

510. $100,000 to the Cornerstone Advocacy Service in Bloomington, Minnesota for facilities construction;

511. $100,000 to Laderdale County, Mississippi for facilities construction for Mississippi Scrimber Wood Project;

512. $100,000 to the LeFleur Lakes Development Foundation in Rankin and Hinds Counties, Mississippi for an economic planning study;

513. $125,000 to Mississippi State University for Phase II expansion of its Research, Technology and Economic Development Park in Mississippi State, Mississippi;

514. $330,000 to the City of Holly Springs, Mississippi for the North Memphis Street Redevelopment Revitalization Project;

515. $150,000 to the Show-Me Aquatics for facilities construction in Saint Charles, Missouri;

516. $80,000 to Greene County, Missouri for the development of an industrial park;

517. $250,000 to the City of Springfield, Missouri for the construction of a community multipurpose center;

518. $475,000 for the Gillioz-Ronald Reagan Theatre in Springfield, Missouri for facilities renovation;

519. $200,000 for the Missouri Soybean Association for construction of the Missouri Soybean Association's Discovery Research Institute;

520. $200,000 to the Southeast Missouri State University for construction of the Southeast Missouri State University River Campus in Cape Girardeau, Missouri;

521. $150,000 to the Missouri Soybean Association for renovations to the New Generation Agribusiness Incubation Center in Kansas City, Missouri;

522. $200,000 to the Brookfield Industrial Development Authority in Brookfield, Missouri, for industrial park development;

523. $200,000 to the Montana State University-Northern for facilities equipment and technology upgrades in Havre, Montana;

524. $375,000 to the Boys and Girls Home of Nebraska for Columbus Hospital renovations;

525. $200,000 to Nye County, Nevada for facilities renovation of the Pahrump/Nye County Fairgrounds;

526. $100,000 to the City of Henderson, Nevada for downtown revitalization;

527. $200,000 to Boulder City, Nevada for the Historic Boulder City Hotel Rehabilitation;

528. $100,000 to the City of Concord, New Hampshire for facilities restoration and improvements to the Bicentennial Square;

529. $250,000 to the City of Nashua, New Hampshire for facilities restoration and improvements to Thoreau's Park;

530. $150;000 to the Currier Art Museum for facilities construction and renovation of the Currier Museum Gallery in Manchester, New Hampshire;

531. $250,000 for the Girls and Boys Town USA in Newark, New Jersey, Jersey City, New Jersey, Portsmouth, Rhode Island, Las Vegas, Nevada and New Orleans, Louisiana for construction at the national priority projects of Girls and Boys Town USA;

532. $100,000 to the Children's Specialized Hospital for facility renovations in Mountainside, New Jersey;

533. $100,000 to the City of Bernardsville, New Jersey for the downtown streetscape project;

534. $100,000 to the Hunterdon County YMCA for construction of a child care facility in Hunterdon County, New Jersey;

535. $100,000 to the Town of Dover, New Jersey for an economic development planning study;

536. $100,000 to the Borough of Somerville in New Jersey for an economic development planning study;

537. $100,000 to the Borough of Wanaque, New Jersey for improvements to the Haskell Business District Redevelopment;

538. $175,000 to the Borough of Washington, New Jersey for sidewalks, street furniture and façade improvements;

539. $250,000 to the City of Mount Holly, New Jersey for facilities construction and renovation to the Mt. Holly Workforce Development & Economic Revitalization Center;

540. $250,000 to the City of Greater Trenton, New Jersey for the construction of the Greater Trenton YMCA;

541. $150,000 for the Association de Comerciantes Latinos de Nuevo Mexico in Albuquerque, New Mexico, for facilities construction;

542. $200,000 to the City of Albuquerque, New Mexico for construction of the Santa Barbara/Martineztown Learning Center;

543. $25,000 to the Town of Mentz, New York for renovations to the Senior Center;

544. $50,000 to the City of Auburn, New York for facilities construction and renovation of Willard Chapel;

545. $50,000 to the United Cerebral Palsy in Utica, New York for development of children's campus in Rome, New York at the Griffiss Business and Technology Park;

546. $75,000 to the City of Auburn, New York for renovations of the Merry Go Round Playhouse;

547. $200,000 to the City of Geneva, New York for facilities construction and renovation of the Cornell Agriculture and Food Technology Park;

548. $280,000 to the City of Utica, New York for facilities construction and renovation of the Science and Technology Center at Utica College;

549. $280,000 to the City of Utica, New York for facilities construction and renovation of the Stanley Theater Expansion and Modernization Project;

550. $50,000 to Brooklyn Remembers Inc. for construction of the Brooklyn Remembers Memorial in Brooklyn, New York;

551. $150,000 to the Saint Vincent Catholic Medical Centers for facilities construction and renovation of a Primary Care Outpatient Center in Stapleton, New York;

552. $150,000 to Yeled V'Yalda for construction of the Yeled V'Yalda Treatment Center for Children with Disabilities in Brooklyn, New York;

553. $475,000 to the Roberts Wesleyan College in Rochester, New York for construction of a new Library and Information Resource Center;

554. $250,000 to the Town of Monroe, New York for construction of the Monroe Free Library;

555. $250,000 to the North Shore-Long Island Jewish Health System for facilities construction and renovations to expand the Emergency Department in Bay Shore, New York;

556. $280,000 to Paul Smith's College in Franklin County, New York for construction of the Joan Weil Student Center;

557. $50,000 to the Village of Hamilton, New York for industrial park development at the Hamilton Industrial Park;

558. $50,000 to the Cheektowaga Senior Center in Cheektowaga, New York for facilities improvements;

559. $268,000 to the Genesee Country Village and Museum in Mumford, New York for facilities improvements;

560. $250,000 to the Catskill Mountain Foundation for the renovation of the Orpheum Theatre and Sugar Maples Resort in Hunter, New York;

561. $250,000 to the Warren County Economic Development Corp. in North Creek, New York for facilities construction of the North Creek Ski Bowl;

562. $475,000 to the City of Syracuse, New York for facilities construction and renovations of the Amos Block Redevelopment Project;

563. $250,000 to the City of Syracuse, New York for renovations and streetscape improvements to the ARC of Onondaga facility for developmentally disabled adults;

564. $250,000 to the City of Syracuse, New York for renovations to P.E.A.C.E. Inc. facilities in Central New York;

565. $75,000 to Onondaga County, New York for the Greater Syracuse Sports Hall of Fame for facilities expansion and renovation;

566. $375,000 to the City of Syracuse, New York for facilities renovations to Syracuse Stage;

567. $250,000 to the City of Syracuse, New York for facilities expansion and renovation of Vera House;

568. $100,000 to the City of Rochester, New York for planning and expansion of the High Falls Film Festival;

569. $950,000 to St. John Fisher's College in Rochester, New York for construction of a new School of Pharmacy;

570. $200,000 to the Town of Penfield, New York for renovations to the Camp Haccamo facilities for the disabled;

571. $575,000 to the Metropolitan Development Association in Syracuse, New York for the Essential New York Initiative;

572. $100,000 to the Town of Palmyra, New York for renovations to the Palmyra Community Center;

573. $75,000 to the Wayne County, New York for planning and marketing of an alternative use strategy for the Savannah Elementary School Building;

574. $375,000 to the Metropolitan Development Association in Syracuse, New York for construction and renovations of the Electronics Park complex;

575. $150,000 to the City of Syracuse, New York for building renovations and stablization at the Mizpah Tower facility;

576. $50,000 to the City of Syracuse, New York for facilities construction and renovation to the North Area Athletic & Education Center, Inc.;

577. $475,000 to the New York State Olympic Regional Development Authority for facilities construction;

578. $250,000 to the Simon Wiesenthal New York Tolerance Center in New York City for facade restoration improvements;

579. $475,000 to the Metropolitan Museum of Art in New York City for facade restoration improvements;

580. $500,000 to the National Center for Disabilities Services in Albertson, New York for facilities construction and renovation;

581. $500,000 to Jazz at Lincoln Center in New York City for facilities construction;

582. $150,000 to the Natural History Museum of the Adirondacks for construction of a new museum in New York State;

583. $50,000 to the State University of New York (SUNY) Canton for facilities construction;

584. $50,000 to the Lewis County General Hospital in Lewis County, New York for facilities construction and modernization;

585. $475,000 to Brooklyn Public Library in New York for restoration of the central plaza;

586. $250,000 to the Rivers and Estuaries Center on the Hudson in New York for facilities construction;

587. $330,000 to Daemon College in Amherst, New York for facilities improvement;

588. $250,000 to the State University of New York (SUNY) for the SUNY Delhi Center of Excellence in Watershed Applications and Technology-Based Economic Revitalization for facilities construction and equipment;

589. $150,000 to the Southeastern Center for Contemporary Art for facilities construction

and renovation in Winston-Salem, North Carolina;

590. $200,000 to the Blowing Rock Community Arts Center Foundation in Blowing Rock, North Carolina for construction of the Blowing Rock Performing Arts Center;

591. $100,000 to the City of Charlotte, North Carolina for facilities construction and renovation at Grier Heights;

592. $150,000 to the City of Raeford, North Carolina for streetscape improvements;

593. $150,000 to Scotland County, North Carolina for demolition of the Scotland County Hospital;

594. $100,000 to the Graveyard of the Atlantic Museum in Hatteras, North Carolina for facilities construction;

595. $100,000 to Gaston County, North Carolina, for industrial park development for the Gaston County Technology Park Expansion;

596. $100,000 to Gaston County, North Carolina to establish a revolving loan for investment in downtown Gastonia;

597. $50,000 for the City of Etowah, North Carolina for the Etowah community park for streetscape improvements;

598. $475,000 for the Education and Research Consortium at Brevard College in Brevard, North Carolina for science building facilities construction and renovation;

599. $475,000 for the Education and Research Consortium at Brevard College in Brevard, North Carolina for dormitory facilities construction and renovation;

600. $475,000 to Brevard, North Carolina for the Brevard Public Library for facilities construction and renovation;

601. $150,000 to the Victory Videos Ministry in the City of Forest Park, Ohio for the construction of a youth center;

602. $250,000 to the Westcott House Foundation for facilities construction and renovations to the Westcott House in Springfield, Ohio;

603. $275,000 to the Lancaster Campus of Ohio University for facilities construction of a Community Event and Conference Center in Lancaster, Ohio;

604. $100,000 to Fairfield County, Ohio for facilities construction and renovations at the new location for Fairfield Industries;

605. $50,000 to the Ohio Wesleyan University for facilities construction and renovations in Delaware, Ohio;

606. $275,000 for the Springfield—Clark County Community Improvement Corporation for land acquisition to expand the Applied Research Technology Park (ARTP);

607. $200,000 to the City of Willowick, Ohio for site preparation and construction of the Willowick Lakefront Development;

608. $200,000 to Newbury Township, Ohio for sidewalks, street furniture and facade;

609. $330,000 to the Hocking Athens Perry Community Action in Glouster, Ohio for renovations to the community center;

610. $330,000 for the 14th Street Community Center in Portsmouth, Ohio for facilities construction and renovation;

611. $1,430,000 for the Canton Regional Chamber of Commerce's Foundation in Canton, Ohio for industrial park development;

612. $257,000 to the City of Columbus, Ohio for construction of the YWCA Family Center;

613. $250,000 to Development Projects, Inc. for site preparation for the Downtown Dayton Northeast Quadrant in Dayton, Ohio;

614. $250,000 to the St. Mary's Development Corporation for land acquisition for the Multi-Family Housing Project in Dayton, Ohio;

615. $150,000 to the City of Moore, Oklahoma for the expansion of Buck Thomas Park;

616. $250,000 to the Harrah Industrial and Economic Development Authority for industrial park infrastructure development in Harrah, Oklahoma;

617. $200,000 to the City of Perkins, Oklahoma for development of the Oklahoma Territorial Plaza;

618. $150,000 to the City of Tulsa, Oklahoma for facilities construction and renovation of the Tulsa Hispanic Family Resource Center;

619. $200,000 to the Southern Oregon Rehabilitation Center for facilities renovations in White City, Oregon;

620. $150,000 to Gannon University, Erie, Pennsylvania for construction of the Erie Technology Incubator;

621. $250,000 to the Montgomery County Community College for facilities construction of the Small Business Development & University Transfer Center in Pottstown, Pennsylvania;

622. $250,000 to ARC of Montgomery County, Pennsylvania for facilities construction of a MARC building;

623. $200,000 to the Vietnam Veterans Leadership Program of Western Pennsylvania for facilities expansion in Pittsburgh, Pennsylvania;

624. $100,000 for the Westmoreland County Industrial Development Authority for industrial park development in Hempfield Township, Pennsylvania;

625. $150,000 to Allegheny County Department of Economic Development for site preparation and construction of Clinton Industrial Park in Findlay Township, Pennsylvania;

626. $100,000 to the Punxsutawney Weather Museum for improvements in Punxsutawney, Pennsylvania;

627. $100,000 to the Brookville YMCA in Brookville, Pennsylvania for facilities renovations;

628. $150,000 to Tabor Community Services in Lancaster, Pennsylvania for property acquisition and renovation;

629. $150,000 to the York Street Center and Stillmeadow Child Care Center in York, Pennsylvania for facilities renovations;

630. $200,000 to Sayre Borough, Pennsylvania for renovation of the Enterprise Center;

631. $200,000 to Trehab Center in Montrose, Pennsylvania for facilities construction;

632. $70,000 for the Morrison's Cove Memorial Park Recreation Center in Blair County, Pennsylvania for facilities improvements;

633. $100,000 for the Penn's Woods Council, Boy Scouts of America for camp upgrades in Tyrone, Pennsylvania;

634. $105,000 for Indiana University of Pennsylvania for construction of a Regional Development Complex in Indiana, Pennsylvania;

635. $25,000 for improvements to Nitterhouse Community Park in Chambersburg, Pennsylvania;

636. $250,000 to the University Technology Park in Chester, Pennsylvania to develop parking facilities for its first and second phase buildings;

637. $200,000 to the South Carolina School for the Deaf and Blind for renovations of a dormitory building in Spartanburg, South Carolina;

638. $100,000 to the City of Columbia, South Carolina for capitalization of the Enterprise Revolving Loan Fund;

639. $100,000 to the City of Columbia, South Carolina for industrial park development;

640. $100,000 to the City of Williamson County, Tennessee for the planning and improvements for the Cool Springs Life Sciences Center;

641. $250,000 to East Tennessee Historical Society for construction of the East Tennessee History Center in Knoxville, Tennessee;

642. $475,000 to the East Tennessee Veterans Memorial Association for construction of an East Tennessee Veterans Memorial in Knoxville, Tennessee;

643. $100,000 to the Second Harvest Food Bank of Northeast Tennessee for facilities renovations;

644. $100,000 to the Oak Ridge Center for Entrepreneurial Growth in Knoxville, Tennessee to expand successful business counseling programs and to prepare new technology companies to qualify for financing at various stages of their development;

645. $250,000 to Hamilton County, Tennessee for facilities construction for a Center for Entrepreneurial Growth Incubator;

646. $250,000 to the City of Arlington, Texas for facilities construction and land acquisition and including up to $100,000 for an economic development planning study;

647. $250,000 to the City of Arlington, Texas for facilities construction and renovation of the Central Arlington Housing Development Corporation;

648. $950,000 for Texas A&M International University for facility improvements in the City of Laredo, Texas;

649. $200,000 to the City of Houston, Texas for the Super Block renovations;

650. $725,000 to the City of Fort Worth, Texas for construction of the Trinity River Vision project;

651. $150,000 to the City of Leonard, Texas for streetscape infrastructure including sidewalks projects;

652. $200,000 to the Audie Murphy/American Cotton Museum in Greenville, Texas for facilities construction and renovation;

653. $100,000 to Breedlove Dehydrated Foods in Lubbock, Texas for facilities expansion;

654. $100,000 to the South Plains Food Bank in Lubbock, Texas for facilities upgrades;

655. $100,000 to the Science Spectrum Museum in Lubbock, Texas for facilities upgrades;

656. $250,000 to the City of Dallas, Texas for renovation to the Texas Theatre;

657. $100,000 for the World Congress on Information Technology in Austin, Texas for facilities construction and renovation of the International Center;

658. $150,000 to Brigham City, Utah for facilities construction and renovation of the Box Elder Dance Academy;

659. $150,000 for the Virginia Holocaust Museum in Richmond, Virginia for facilities renovation;

660. $475,000 to the Virginia Performing Arts Foundation for construction of the Virginia Performing Arts Foundation Education Center in Richmond, Virginia;

661. $150,000 to the Mary Washington College Foundation for facilities construction and renovation of the Maury Center Project;

662. $200,000 to the City of Fairfax, Virginia for the City of Fairfax Downtown Redevelopment Project;

663. $250,000 to the Lutheran Housing Services, Inc. in Burke, Virginia for facilities construction;

664. $100,000 to the Town of Smithfield, Virginia for the Smithfield Downtown Revitalization Project;

665. $100,000 for the Franklin County Library in Rocky Mount, Virginia for facilities renovation and equipment replacement;

666. $100,000 for Piedmont Arts Association for technology improvements in Martinsville, Virginia;

667. $150,000 to the Town of Appomattox, Virginia for facilities construction of an African-American cultural and heritage museum at the Carver-Price building;

668. $100,000 for the Town of South Boston, Virginia for renovations and creation of a community arts center at the Prizery;

669. $125,000 for the City of Moneta, Virginia for facilities construction and renovation of an art, education and community outreach center;

670. $150,000 to Kenbridge, Virginia for facilities and construction at the Kenbridge Town Center;

671. $75,000 to the Town of Boydton, Virginia for revitalization efforts of the central business district;

672. $99,000 for Patrick Henry Community College in Henry County, Virginia for equipment to train students in the motorsports industry;

673. $51,000 for the Robert E. Lee Community Center in Chase City, Virginia to assist with renovations to the Robert E. Lee Auditorium;

674. $75,000 to the City of Big Island, Virginia for the Sedalia Center restoration;

675. $475,000 to the Total Action Against Poverty to restore and revitalize the Dumas Center for Artistic and Cultural Development in downtown Roanoke, Virginia;

676. $75,000 to the Transitional Housing Program, Inc. in the city of Front Royal, Virginia for construction for a transitional housing program;

677. $100,000 to Loudon Cares in Leesburg, Virginia for facilities construction and renovation;

678. $250,000 for the Good Shephard Alliance in Leesburg, Virginia to build a homeless and poverty center;

679. $250,000 to Dodona Manor in Leesburg, Virginia for construction and renovation;

680. $475,000 to the Museum of Shenandoah Valley in Winchester, Virginia for facilities construction;

681. $200,000 for facilities expansion and renovation of the Virginia Historical Society;

682. $280,000 to the Walter Clore Wine and Culinary Center in Prosser, Washington for facilities construction;

683. $100,000 for the Spokane Symphony for renovations to the Fox Theater in Spokane, Washington;

684. $100,000 to the Business and Industrial Development Corporation for economic development planning study related to the DOW Technology Park;

685. $50,000 to the Business and Industrial Development Corporation for laboratory and office renovations;

686. $130,000 to the Fremont County Association of Governments for improvements to the Fremont County War Memorial;

687. $70,000 to the Paper Industry International Hall of Fame in Appleton, Wisconsin for facilities construction and renovation;

688. $100,000 to the City of Green Bay, Wisconsin for the National Railway Museum for exhibits;

689. $250,000 to the City of Cedarburg, Wisconsin for the Cedarburg Site revitalization project;

690. $48,500 to the City of Decatur, Alabama for improvements to Delano Park;

691. $48,500 to the Muscle Shoals Regional Center at the University of North Alabama for a feasibility study;

692. $48,500 to the Morgan County Child Advocacy Center in Decatur, Alabama for facilities construction and renovation;

693. $48,500 to the Bankhead Educational Foundation, Inc. for facilities planning and construction in Lawrence County, Alabama;

694. $72,750 to Parents and Children Together in Decatur, Alabama for facilities construction, renovation, and upgrades to its center;

695. $72,750 to the Princess Theatre Center for Performing Arts in Decatur, Alabama for facilities renovations;

696. $97,000 to the Madison County Commission in Alabama for countywide planning;

697. $97,000 to Athens State University for facilities renovation of McCandless Hall;

698. $97,000 to the 1856 Memphis and Charleston Railroad Freight Depot in Huntsville, Alabama, for repairs and renovations;

699. $97,000 to the Huntsville Museum of Art in Alabama for facilities upgrades;

700. $97,000 to the Northwest Alabama Children's Advocacy Center for facilities improvements, expansions, and upgrades;

701. $121,250 to the Huntsville-Madison County Botanical Gardens in Alabama for improvements to facilities;

702. $121,250 to the Helen Keller Birthplace Foundation for restoration of Ivy Green in Tuscumbia, Alabama;

703. $72,750 to the City of Hueytown, Alabama for construction of the Hueytown Community Center;

704. $97,000 to the Old Independence Regional Museum in Arkansas for facilities renovation;

705. $194,000 to the Arkansas State University for facilities construction and renovation of the Vada Sheid Community Development Center in Mountain Home, Arkansas;

706. $72,750 to the City of Prescott, Arkansas for construction of a public swimming pool;

707. $121,250 to the City of Conway, Arkansas for sidewalks, street furniture, and facade improvements the Conway Redevelopment project;

708. $72,750 to the Dunbar Coalition for the Dunbar Project in Tucson, Arizona for playground equipment, restoration of the school ramada, and renovation of the auditorium;

709. $72,750 to the Buillion Plaza Museum Association in Miami, Arizona for renovation of the museum building;

710. $97,000 to the Boys and Girls Clubs of Metro Phoenix for a new facility for the Glendale Boys & Girls Club in Phoenix, Arizona;

711. $242,500 to Chicanos Por La Causa for land acquisition at the Buckeye Road Site Development in Phoenix, Arizona;

712. $72,750 to the City of San Bernardino, California for expansion of its senior center;

713. $48,500 to the Optimist Youth Homes and Family Services in Highland Park, Los Angeles, California for facilities construction;

714. $121,250 to the City of Los Angeles, California for rehabilitation of the Echo Park Boathouse;

715. $97,000 to the Sylmar Recreation and Park Center in Sylmar, California for facilities construction and renovation;

716. $97,000 to the Valley Economic Development Center in Pacoima, California for facilities construction of the Pacoima Community Development Federal Credit Union;

717. $121,250 to the City of Santa Barbara, California for construction and restoration associated with the Arroyo Burro Beach Park;

718. $72,750 to the City of Stockton, California for renovation of the El Dorado Teen Center;

719. $72,750 to the Vietnam Veterans of San Diego for the construction of a new homeless shelter in San Diego, California;

720. $72,750 to the City of Fresno, California for improvements in the Southern Fresno Industrial Park;

721. $169,750 to the City of Palo Alto, California for restoration of the Palo Alto Children's Library;

722. $291,000 to the Second Harvest Food Bank in Santa Cruz and San Benito Counties, California for facilities construction and renovations;

723. $97,000 to the County of Imperial, California for project planning of the Imperial County Eco Park;

724. $72,750 to the City of Los Angeles, California for land acquisition and development of the East Wilmington Park;

725. $72,750 to the City of San Jose, California for renovations and upgrades to a shopping district;

726. $121,250 to the County of Alameda Public Works Agency for sidewalks improvements in Cherryland and Ashland, California;

727. $97,000 to the City of San Jose, California for construction of a multipurpose community center;

728. $291,000 to the Sacramento Area Regional Technology Alliance for an economic development planning study and facility construction and renovation;

729. $121,250 to the City of Long Beach, California for renovation and expansion of the Museum of Latin American Art;

730. $72,750 to the South Montebello Irrigation District in Montebello, California for construction of a community center;

731. $291,000 to the International Museum of Women in San Francisco, California for rehabilitation and buildout;

732. $388,000 to the Filipino Cultural Center in San Francisco, California for construction and buildout;

733. $72,750 to the El Proyecto Pastoral for construction of a pre-school center in Los Angeles, California;

734. $121,250 to the East Los Angeles Community Corporation for renovation of office space in Boyle Heights, Los Angeles, California;

735. $121,250 to the El Pueblo de Los Angeles Historic Park for restoration of a mural in Los Angeles, California;

736. $97,000 to the City of Anaheim, California for the reconstruction and lighting of the Magnolia High School athletic fields;

737. $72,750 to the City of Burbank, California for construction of the Ovrom Recreation Center and Community Day School;

738. $72,750 to the City of Porter Ranch, California for facility expansion of the North Valley YMCA;

739. $97,000 to the City of Azusa, California for construction of a health care clinic;

740. $97,000 to the City of Duarte, California for construction of a new library;

741. $97,000 to the City of Fremont, California for facilities renovations to the Kidango Rix Child Care Center;

742. $97,000 to the City of San Leandro, California for the construction of the San Leandro Senior Citizens Center;

743. $121,250 to the City of Lafayette, California for the construction of a veterans memorial building;

744. $72,750 to the City of American Canyon, California for construction of the Veterans Memorial Park;

745. $72,750 to the City of Windsor, California for the rehabilitation of Keiser Park;

746. $97,000 to the City of Lawndale, California for construction of the Lawndale Senior Center;

747. $169,750 to the City of Inglewood, California for construction of the Inglewood Senior Center;

748. $72,750 to the City of Los Angeles, California for renovation of the Barnsdall House and Park;

749. $266,750 to the City of Santa Monica, California for facilities construction and renovation of the Santa Monica National Mountains Gateway Visitors Center;

750. $97,000 to the Valley of the Moon Children's Home for construction in Santa Rosa, California;

751. $97,000 to Center Point, Inc. in Marin County, California for renovation of a treatment facility for youth;

752. $72,750 to the Denver Department of Human Services for renovations and buildout of a homeless shelter in Denver, Colorado;

753. $121,250 to the Greater Dwight Development Corporation for construction of the Dwight Community Child Care Center in New Haven, Connecticut;

754. $145,500 to the City of Derby, Connecticut for the Sterling Opera House renovation;

755. $194,000 to the Main Street Development Corporation for land acquisition, planning and facilities construction associated with the Naugatuck Valley Economic Growth Initiative in Naugatuck Valley, Connecticut;

756. $121,250 to the University of Hartford, Connecticut for renovations to the Hartt Performing Arts Center;

757. $97,000 to Gonzaga High School in Washington, District of Columbia for facilities renovation and construction;

758. $145,500 to the Tri-County Ag Complex in Altha, Florida for construction of a multipurpose center;

759. $145,500 to the City of Carrabelle, Florida for construction of a recreation park;

760. $194,000 to the City of Orlando, Florida for land acquisition in the Parramore Neighborhood;

761. $72,750 to the City of St. Petersburg, Florida to rehabilitate the Jordan School;

762. $72,750 to the Urban League of Broward County, Florida for construction of a community building resource center;

763. $72,750 to Hendry County, Florida for sidewalks, street furniture, and facade improvements at Hendry LaBelle Community Civic Park;

764. $72,750 to the Miami-Dade County Empowerment Zone Trust for facility construction of the Poinciana Biopharmaceutical Park;

765. $145,500 to the Office of Farmworker Ministry in Apopka, Florida for facilities construction;

766. $72,750 to the SOWEGA Council on Aging for construction of senior center in Albany, Georgia;

767. $72,750 to America's Second Harvest of Georgia for facility buildout in centers;

768. $72,750 to Lowndes Association Ministries to People (LAMP) for renovation of a multipurpose center in Valdosta, Georgia;

769. $72,750 to the East Baker Historical Society/21st Century Community Corporation in Georgia for facility repairs;

770. $97,000 to the City of Plains, Georgia for construction and facilities buildout of the Plains Rural History Resource Center;

771. $97,000 to Phoebe Putney Memorial Hospital in Dougherty County, Georgia for building renovation;

772. $97,000 to the National Infantry Foundation in Columbus, Georgia for construction of New National Infantry Museum and Heritage Park;

773. $97,000 to Morris Brown College in Atlanta, Georgia for renovation of a building;

774. $97,000 to the Flint River Auditorium Alliance for renovation of an auditorium in Flint River, Georgia;

775. $97,000 to the Albany Theater in Albany, Georgia for facilities renovations;

776. $194,000 to the Miller County Development Authority for construction of a sound stage in Colquitt, Georgia;

777. $145,500 to the Covenant House of Atlanta, Georgia to purchase and construct a new crisis shelter for homeless youth;

778. $145,500 to Spelman College in Atlanta, Georgia for renovations to Rockefeller Hall;

779. $121,250 to the Tubman Museum in Macon, Georgia for construction;

780. $97,000 to the City and County of Honolulu, Hawaii for expansion and renovation of the Makiki Library;

781. $121,250 to the City of Des Moines, Iowa for land acquisition for a technology park;

782. $169,750 to the City of Benton, Illinois for construction of a new library;

783. $242,500 to the Night of Ministry in Chicago, Illinois for rehabilitation and construction of the Night of Ministry Homeless Youth Housing Shelter;

784. $970,000 to the Rush-Presbyterian-St. Luke's Medical Center in Chicago, Illinois for facilities construction;

785. $72,750 to the Academy for Urban School Leadership for construction of a gymnasium and playing fields in Chicago, Illinois;

786. $194,000 to the City of Grafton, Illinois for development of the marina and harbor, including construction of sidewalks;

787. $194,000 to the Western Illinois University for construction of the Quad City Campus in Moline, Illinois;

788. $194,000 to the Chicago Park District for the Davis Square Park reconstruction in Chicago, Illinois;

789. $121,250 to The Inner Voice/A Little Bit of Heaven for facility upgrades to homeless shelters on the South Side of Chicago, Illinois;

790. $169,750 to the Calumet Area Redevelopment Initiative for land acquisition and restoration of the Lake Calumet area;

791. $339,500 to the Greater Chicago Food Depository for construction of a new foodbank and training facility

792. $388,000 to the Village of Western Springs, Illinois for land acquisition and construction of a parking lot;

793. $72,750 to the Chicago Board of Education for construction and renovations for a high school in Chicago, Illinois;

794. $72,750 to the City of Des Plaines, Illinois for expansion of the Des Plaines Community Senior Center;

795. $145,500 to the University of Indianapolis for facility expansion in Indianapolis, Indiana;

796. $266,750 to the City of Whiting, Indiana for renovation of the Whiting Social Center Facility;

797. $485,000 to the Town of Schererville, Indiana for construction of a recreational facility;

798. $72,750 to El Centro, Inc. for facilities construction and renovation in a business park;

799. $121,250 to the Kansas Chapter, National Korean War Veterans' Association for construction of the Korean War Memorial of Overland Park, Kansas;

800. $121,250 to Morehead State University for construction and expansion of classrooms in Mt. Sterling, Kentucky;

801. $121,250 to the St. Mary's Women and Infants Center for renovations to its facilities for homeless women and children in Boston, Massachusetts;

802. $97,000 to the Town of Barnstable, Massachusetts for site preparation, design, sidewalks, street furniture, and façade improvements;

803. $72,750 to the Town of Dedham, Massachusetts for parks improvements;

804. $220,500 to the Mystic Valley Development Corporation in Medford, Massachusetts for the development of a technology and research center;

805. $145,500 to the Malden Immigrant Center in Malden, Massachusetts for facilities construction, upgrades and buildout;

806. $97,000 to the City of Worcester, Massachusetts for facilities construction and renovation of the Worcester Center for the Performing Arts;

807. $121,250 to the Lowell, Massachusetts Boys and Girls Club for facility improvements;

808. $145,500 to the City of Springfield, Massachusetts for construction of the Springfield Public Market;

809. $169,750 to the American International College in Springfield, Massachusetts for increased classroom space at the Reed Mansion and Breck Hall;

810. $194,000 to the New England Log Homes Redevelopment for demolition in Great Barrington, Massachusetts;

811. $485,000 to the Food Bank of Western Massachusetts in Hatfield, Massachusetts for facilities expansion;

812. $145,500 to Salem State College in Salem, Massachusetts for construction and renovation of its Art Glass Works Facility;

813. $72,750 to the Enterprise Foundation for a feasibility study in Annapolis, Maryland;

814. $145,500 to the Baltimore School for the Arts for building upgrades in Baltimore, Maryland;

815. $60,000 to the Ministers Alliance of Charles County and Vicinity in Waldorf, Maryland for facilities renovation and buildout for a minority business center;

816. $194,000 to the Town of North Beach, Maryland for construction of a gym and multipurpose room at the Bayside Boys and Girls Club;

817. $194,000 to the Girl Scout Council of the Nation's Capital for the Girl Scout Camp construction, in Charles and Prince Georges Counties, Maryland;

818. $242,500 to St. Mary's County for land acquisition and demolishment at the Lexington Manor Northern Parcel in Leonardtown, Maryland;

819. $72,750 to the Cal Ripken Senior Foundation for construction of a stadium in Aberdeen, Maryland;

820. $72,750 to Prince Georges County, Maryland for facilities construction and renovation of the Permanent Employment & Training Center and Multicultural Academy;

821. $121,250 to the Anacostia Watershed Society for facilities renovation of the George Washington House in Prince George's County;

822. $121,250 to the Gulf of Maine Research Institute for facilities construction and renovation in Portland, Maine;

823. $97,000 to the City of Lewiston, Maine for renovation of a public theatre;

824. 97,000 to the City of Lewiston, Maine for renovation of the Franco-American Heritage Center;

825. $121,250 to the City of Greenville, Maine for rehabilitation of the Junction Wharf;

826. $121,250 to the City of Detroit, Michigan for demolition;

827. $169,750 to the Arab Community Center for Economic and Social Services in Dearborn, Michigan for construction of a museum;

828. $72,750 to Genesee County, Michigan for demolition, rehabilitation, and site preparation;

829. $72,750 to the Tuscola Human Development Commission for construction of an intergenerational day care facility in Caro, Michigan;

830. $315,250 to the City of Detroit, Michigan for sidewalks, street furniture, and façade improvements to the Detroit RiverWalk, East River Front;

831. $48,500 to the Cities of Manistique and Charlevoix, Michigan for the Northern Michigan Senior Centers Renovation Project;

832. $145,500 to Marquette General Hospital in Marquette, Michigan for construction of a trauma and emergency center;

833. $72,750 to the City of South St. Paul, Minnesota for site preparation at Port Crosby Park;

834. $97,000 to Leech Lake Tribal College for facilities construction and renovation in Cass Lake, Minnesota;

835. $145,500 to the City of Royalton, Minnesota for the renovation of a multi-purpose community facility;

836. $145,500 to the City of Park Rapids, Minnesota for Teamworks for a new industrial park;

837. $97,000 to the City of Willmar, Minnesota for redevelopment of a closed airport into the City of Willmar Industrial Park;

838. $97,000 to the City of Canby, Minnesota for construction of the Prairie Farm Preservation Education and Exhibit Center;

839. $218,250 to the Neighborhood Involvement Program in Minneapolis, Minnesota for rehabilitation of a multipurpose community center;

840. $339,500 to the Ritz Theater Foundation in Minneapolis, Minnesota for renovations to the Ritz Theater;

841. $72,750 to the City of St. Louis, Missouri for construction of the Northside Recreation Center;

842. $97,000 to the City of St. Louis, Missouri for streetscape improvements, façade improvements, and street furniture in the commercial district;

843. $97,000 to the Lemay Development Corporation in St. Louis, Missouri for land and site acquisition, demolition, streetscape improvements and renovation of St. Louis neighborhoods;

844. $194,000 to the Missouri Sheriff's Association for construction of an indoor firing range in Jefferson City, Missouri;

845. $97,000 to Clarke County, Mississippi for development of an industrial park;

846. $121,250 to Wayne County, Mississippi for development of an industrial park;

847. $72,750 to the Mississippi Valley State University for a feasibility study of the recreation areas at the Boys and Girls Club facilities in Itta Benna, Mississippi;

848. $97,000 to the Mississippi Valley State University in Itta Benna, Mississippi for the renovation and expansion of current facilities for the Center for Rural and Small Town Development;

849. $72,750 to the City of Henderson, North Carolina for facilities construction associated with downtown revitalization;

850. $97,000 to the Raleigh Area Development Authority in Raleigh, North Carolina for capitalization of a loan fund;

851. $145,500 to Duplin County, North Carolina for retrofitting and upgrades to the West Park Business Technology Center;

852. $72,750 to the Wake County Library Foundation for construction of a downtown library in Raleigh, North Carolina;

853. $72,750 to the Music Maker Relief Foundation Inc. for acquisition, renovation, and buildout of a facility in Orange County, North Carolina.;

854. $97,000 to the North Carolina Community Development Initiative, Inc. for construction and buildout of a community center in Apex, North Carolina;

855. $97,000 to Durham County, North Carolina for renovation and buildout of a community health center;

856. $97,000 to the Center for Community Self-Help in Durham, North Carolina for construction and buildout of a farmer's market facility;

857. $97,000 to the Summit House, Inc. for construction and buildout of a residential facility for incarcerated mothers and their children in North Carolina;

858. $145,500 to Triangle Residential Options for Substance Abusers, Inc. for expansion and buildout of substance abuse treatment facilities in Durham, North Carolina;

859. $145,500 to the Town of Holly Springs, North Carolina for construction and buildout of a performing and cultural arts center;

860. $145,500 to the Town of Fuquay-Varina, North Carolina for renovation, expansion, and buildout of a community center;

861. $145,500 to the Town of Apex, North Carolina for renovation, expansion, and buildout of a performing and cultural arts center;

862. $97,000 to the East Market Street Development Corporation for facility renovations to the old post office site in Greensboro, North Carolina;

863. $121,250 to the Bennett College Science Center for facilities construction and renovation in Greensboro, North Carolina;

864. $121,250 to the Three Affiliated Tribes at Fort Berthold, North Dakota for construction of a cultural interpretive center;

865. $194,000 to the LEAP Academy University Charter High School for facilities construction and renovation in Camden City, New Jersey;

866. $121,250 to the Township of Franklin in Somerset County, New Jersey for acquisition of a building to be renovated into a museum;

867. $97,000 to Hudson County Community College for construction of Union City Campus in Union City, New Jersey;

868. $97,000 to the Jersey City Medical Center in New Jersey for facilities construction and expansion of a heart institute;

869. $169,750 to the City of Perth Amboy, New Jersey for rehabilitation and construction of the Jewish Renaissance Medical Center;

870. $145,500 to Monmouth University in West Long Beach, New Jersey for renovation of the Guggenheim Memorial Library;

871. $97,000 to the County of Essex, New Jersey for expansion of the Essex County Environmental Center in Roseland, New Jersey;

872. $145,500 to the City of Newark, New Jersey for land acquisition for the University Heights Science Park;

873. $145,500 to the Newark Museum in Newark, New Jersey for renovation and expansion of an existing facility;

874. $72,750 to the Fort Lee Senior Center in Fort Lee, New Jersey for expansion;

875. $72,750 to the Town of Hackensack, New Jersey for streetscape renovation;

876. $72,750 to Rowan University in Mantua, New Jersey for construction of a technology park;

877. $97,000 to the Saint Peter's College Campus Community Center in Jersey City, New Jersey for a feasibility study;

878. $72,750 to Mora County, New Mexico for construction of the David Cargo Public Library;

879. $97,000 to the Nevada Partners, Inc. for facilities construction and expansion of a training facility in North Las Vegas, Nevada;

880. $72,750 to the North Shore Child and Family Guidance Center for expansion of a building in Long Island, New York;

881. $121,250 to the City of Holtsville, New York for facilities construction of the Brookhaven/Patchogue Family YMCA;

882. $48,500 to Truman High School in the Bronx, New York for facilities renovation;

883. $72,750 to Elmcor Youth and Adult Activities for construction of an economic development center in Queens, New York;

884. $145,500 to the City of Mt. Vernon, New York for restoration of an abandoned building into a job training and cultural center;

885. $72,750 to Johnson City, New York for facilities construction and renovations to the Goodwill Theater;

886. $121,250 to the City of Kingston, New York for the Ulster Performing Arts Center for renovations, upgrades, and repairs;

887. $121,250 to the Rural Ulster Preservation Company in Kingston, New York for renovations to the Kirkland Hotel;

888. $72,750 to the City of Northport, New York for construction of the Northport American Legion facility;

889. $72,750 to the Village of Dobbs Ferry, New York for streetscape improvements;

890. $97,000 to the Volunteer Counseling Services of Rockland County, New York for renovations to its building;

891. $97,000 to the City of Greenburgh, New York for upgrades and renovations to make facilities in Webb Park;

892. $97,000 to the Village of West Haverstraw, New York for sidewalk improvements;

893. $145,500 to the Village of Port Chester, New York for construction of a senior center;

894. $72,750 to the Queens Borough Public Library System for construction of a library in Queens, New York;

895. $121,250 to the Lower East Side Tenement Museum for facilities construction, renovation and buildout;

896. $121,250 to the Town of North Hempstead, New York for renovation of blighted properties in New Castle, New York;

897. $97,000 to the City of Albany, New York for the South End Demolition Project;

898. $97,000 to the City of Albany, New York for expansion of the Palace Theater stage;

899. $97,000 to the City of Albany, New York for the Corning Preserve Albany Waterfront Development;

900. $121,250 to Jamaica Hospital in New York, New York for land acquisition;

901. $72,750 to the Federation of Italian-American Organizations for expansion and renovation of its community center in Brooklyn, New York;

902. $97,000 to the City of Brooklyn, New York for construction of a computer lab;

903. $121,250 to the Brooklyn Public Library for renovation and development of the library's Central Plaza in Brooklyn, New York;

904. $97,000 to the Aaron Davis Hall, Inc. for restoration and renovation of the hall into a performing arts building in Harlem, New York;

905. $145,500 to The Armory Foundation for facilities renovation in New York;

906. $145,500 to the Amigos del Museo del Barrio, Inc. in New York, New York for capital improvements to the Heckscher Building;

907. $121,250 to the Pregones Theater in Bronx, New York for interior structural renovation work;

908. $344,000 to the City of New York Department of Parks & Recreation for renovations to the Bath House at Crotona Park;

909. $585,000 to the Mary Mitchell Family & Youth Center for construction of a multipurpose center in Bronx, New York;

910. $72,750 to the Town of Tonawanda, New York for repairs to a training facility;

911. $72,750 to Group 14621 Community Association for renovations to the Pulaski Library in Rochester, New York;

912. $97,000 to the City of Buffalo, New York for renovations to the Broadway Market;

913. $194,000 to the Brooklyn Academy of Music Local Development Corporation for design, construction, and streetscape improvements to the District's South Site in Brooklyn, New York;

914. $169,750 to the Brooklyn Economic Development Corporation to rehabilitate a building for business and economic development activities in Brooklyn, New York;

915. $72,750 to the Education Center for Russian Jewry in Rego Park, Queens, New York for facilities construction;

916. $121,250 to the City of Broadview Heights, Ohio for demolition;

917. $72,750 to Stella Maris, Inc. in Cleveland, Ohio for construction of a community recovery center;

918. $97,000 to the City of Toledo, Ohio for economic development planning for the Reynolds Road Green Corridor project;

919. $97,000 to the Lagrange Development Corporation in Toledo, Ohio for construction of a community center;

920. $242,500 to the City of Toledo, Ohio for building construction and streetscape improvements along Detroit Avenue;

921. $630,500 to the City of Toledo, Ohio for the Erie Street Market for Facilities reconstruction;

922. $72,750 to the Board of County Commissioners in Portage County, Ohio for construction of a veteran memorial in Ravenna, Ohio;

923. $97,000 to Washington State Community College in Marietta, Ohio for construction of a conference center;

924. $72,750 to the City of Portland, Oregon for the Central City Eastside Streetcar project;

925. $72,750 to the Oregon Museum of Science and Industry for land acquisition in East Portland, Oregon;

926. $218,250 to the Port of Brookings Harbor, Oregon for construction of a seafood processing plant;

927. $72,750 to the City of Salem, Oregon for facility improvements to the Salem Conference Center;

928. $121,250 to the City of Salem, Oregon for industrial park development at the Mill Creek Industrial and Employment Center;

929. $121,250 to the City of Philadelphia, Pennsylvania for renovations to the Rock School;

930. $72,750 to the Bloomfield Preservation and Heritage Society for construction of its Education, Research, and Development Center in Pittsburgh, Pennsylvania;

931. $72,750 to the Breachmenders Mentoring Grants Program in Pittsburgh, Pennsylvania for facility renovations and upgrades;

932. $72,750 to the Neighborhood Centers Association's Childcare/Early Childhood Education Center for facilities construction of a childhood education center in Pittsburgh, Pennsylvania;

933. $72,750 to the Homeless Children Education Fund/Learning Centers' homeless shelters for facility revitalization and renovations in Allegheny County, Pennsylvania;

934. $72,750 to North Hills Community Outreach in the Borough of Millvale, Pennsylvania for facilities construction and renovation;

935. $97,000 to the C.C. Mellor Memorial Library in Pittsburgh, Pennsylvania for infrastructure repairs;

936. $48,500 to the American Theater Arts for Youth, Inc. in Philadelphia, Pennsylvania for facility enhancements;

937. $48,500 to the Potters House Mission in West Philadelphia, Pennsylvania for land acquisition;

938. $48,500 to The Inglis Foundation for facility upgrades in Philadelphia, Pennsylvania for enhanced services;

939. $97,000 to the Pinn Business Development Center in Philadelphia, Pennsylvania for building renovations;

940. $97,000 to the Mann Center for Performing Arts in Philadelphia, Pennsylvania for rehabilitation and expansion of the performance hall;

941. $97,000 to the Greater St. Matthew Community Development Center in Philadelphia, Pennsylvania for construction of child development center;

942. $97,000 to the United Way of Philadelphia, Pennsylvania for facility upgrades of the People's Emergency Center West Philadelphia Digital Community Inclusion Project;

943. $194,000 to the Center in the Park in Philadelphia, Pennsylvania for facility enhancements for a senior housing facility;

944. $416,750 to the Educational Advancement Alliance in Philadelphia, Pennsylvania for acquisition or facilities construction of a multipurpose facility;

945. $97,000 to the Borough of Tremont, Pennsylvania for sidewalks and streetscape lighting;

946. $218,250 to the City of Harrisburg for capital costs associated with the CorridorOne Regional Rail Program of the Modern Transit Partnership in downtown Harrisburg, Pennsylvania;

947. $72,750 to the City of Scranton, Pennsylvania for land acquisition, facilities renovation, and demolition;

948. $145,500 to the City of Wilkes-Barre, Pennsylvania for land acquisition, facilities renovation, and demolition;

949. $97,000 to Washington County, Pennsylvania for engineering and design of improvements at the Alta Vista Business Park;

950. $97,000 to Westmoreland County, Pennsylvania for design, engineering and construction of the Rostraver Veterans Memorial Park;

951. $121,250 to Armstrong County, Pennsylvania for planning and renovation of buildings for reuse associated with the IUP Kittening Campus Reuse Project;

952. $121,250 to Westmoreland County, Pennsylvania for acquisition and reuse of a facility in the Lenox Building Rehabilitation project;

953. $145,500 to the Cambria County, Pennsylvania War Memorial Authority for construction of a stage and sports floor;

954. $194,000 to the Greene County Community Center for construction of a new community center in Greene County; Pennsylvania;

955. $242,500 to Armstrong County, Pennsylvania for construction of replacement facilities at the Belmont Complex;

956. $242,500 to the Waynesburg College Center for Economic Development in Greene County, Pennsylvania for facilities construction and renovations;

957. $291,000 to Fayette County, Pennsylvania for development of a business park;

958. $388,000 to Cambria County, Pennsylvania for facility construction and improvements to the Johnstown Regional Technology Complex;

959. $485,000 to the Winnie Palmer Nature Reserve in Westmoreland County, Pennsylvania for facilities construction and development;

960. $485,000 to Fayette County, Pennsylvania for renovation, revitalization, and improvement associated with the Downtown Uniontown Revitalization Project;

961. $72,750 to the Please Touch Museum in Philadelphia, Pennsylvania for facilities construction;

962. $48,500 to the World War II Memorial Commission of Rhode Island for the construction of the Rhode Island World War II Memorial;

963. $121,250 to the Cornerstone Adult Services/Bristol Center for renovation of a mill building in Bristol, Rhode Island;

964. $145,500 to the City of East Providence, Rhode Island for facilities construction and renovation of the East Providence Senior Center;

965. $72,750 to the City of West Warwick, Rhode Island for construction of the West Warwick Senior Center;

966. $242,500 to Salve Regina University in Newport, Rhode Island for facilities renovations;

967. $145,500 to the Five Rivers Community Development Corporation for the acquisition of land for a community training site in Georgetown County, South Carolina;

968. $145,500 to the South Sumter Resource Center for facilities construction and renovation in Sumter, South Carolina;

969. $97,000 to the Lee County Public Library in Lee County, South Carolina for facilities expansion and relocation;

970. $291,000 to Clinton Junior College in Rock Hill, South Carolina for construction of a new library/classroom facility;

971. $121,250 to the Cheyenne River Youth Project for construction of a teen center in Eagle Butte, South Dakota;

972. $72,750 to Fisk University in Nashville, Tennessee for development of a physical facilities master plan;

973. $121,250 to the Arts Center of Cannon County in Woodbury, Tennessee for construction and renovation of the Cannon County Cultural Tourism Complex;

974. $72,750 to the Southwest Tennessee Community College for expansion of a biotechnology building in Memphis, Tennessee;

975. $169,750 to the Arts Center of Cannon County for expansion and construction of the Cannon County Cultural Tourism Complex in Woodbury, Tennessee;

976. $145,500 to the Lauderdale County Economic Development Board in Ripley, Tennessee for industrial park development at the North Industrial Park;

977. $97,000 to the NABA International Park for the construction and renovations of its visitor center;

978. $97,000 to Southwest Key in Austin, Texas for facilities construction;

979. $97,000 to the City of Killeen, Texas for construction of a senior citizens center;

980. $436,500 to Quinn Campus, Inc. for construction, renovation and upgrades at Paul Quinn College in Waco, Texas;

981. $145,500 to Harris County, Texas Precinct 2 for the Harris County Unincorporated Area Revitalization Program in Harris County, Texas to enhance economic development in the area;

982. $145,500 to the City of Houston, Texas for construction and buildout of the Mason Park Family Center;

983. $72,750 to Texas A&M University in Kingsville, Texas for facility expansion of the Center for Young Children;

984. $72,750 to the City of Houston, Texas for the renovation of a school building to house an African-American archive and cultural center;

985. $121,250 to the City of Houston, Texas for capital improvements to the Guadalupe Plaza Park;

986. $72,750 to the City of Dallas, Texas for facilities construction and buildout of the Joppa Rodeo;

987. $121,250 to the City of Dallas, Texas for rehabilitation of the Black Dance Theater;

988. $169,750 to the Corpus Christi Regional Transportation Authority for the sidewalk improvements in Corpus Christi, Texas;

989. $121,250 to the Canutillo, Texas Independent School District for construction of a Science and research center;

990. $97,000 to Salt Lake County, Utah for construction of the East Side Senior Center;

991. $121,250 to the Utah Shakespearean Festival for architectural and engineering design and construction of a performance facility;

992. $194,000 to the Dabney S. Lancaster Community College for construction of the Virginia Packaging Applications Center;

993. $97,000 to the Boys and Girls Club of Alexandria, Virginia for renovation and expansion of its facility;

994. $97,000 to the Shirlington Incubation Center in Arlington, Virginia for construction of an incubator;

995. $97,000 to the Arlington Housing Corporation in Arlington County, Virginia for property acquisition, building demolition, and facilities renovation;

996. $169,750 to the Northern Virginia Urban League for rehabilitation of the Freedom House in Alexandria, Virginia;

997. $145,500 to the National Park Foundation for site preparation and construction of a New Market Heights memorial and visitor's center in Henrico County, Virginia;

998. $291,000 to Edgehill Recovery Retreat Center in Winchester, Virginia for facilities construction;

999. $72,750 to the Central Vermont Council on Aging in Barre, Vermont for construction and rehabilitation of senior centers;

1000. $72,750 to the Vermont Network Against Domestic Violence and Sexual Assault in Montpelier, Vermont for construction and rehabilitation of domestic violence shelters;

1001. $97,000 to the Vermont Employee Ownership Center in Burlington, Vermont for capitalization of a loan fund;

1002. $72,750 to the Fire Mountain Arts Council for renovation of the Morton Theater in Morton, Washington;

1003. $72,750 to the City of Hoquiam, Washington for renovation of the Senior Nutrition Center;

1004. $194,000 to the Port of Bremerton, Washington for expansion of a marina;

1005. $388,000 to the Town of Port Townsend, Washington for construction on the Northwest Maritime Center;

1006. $72,750 to the Edmonds Public Facilities District for renovations at the Edmonds Center for the Arts in Edmonds, Washington;

1007. $121,250 to the City of Bellingham, Washington for renovations to the Mount Baker Theater;

1008. $72,750 to the Boys and Girls Club of King County, Washington for renovation of the Greenbridge Community Center in white Center;

1009. $72,750 to the Asian counseling and Referral Service for construction of a new building in Seattle, Washington;

1010. $72,750 to the City of Federal Way, Washington for the West Hylebos Wetlands Boardwalk Replacement;

1011. $169,750 to the City of Beloit, Wisconsin for sidewalks, street furniture, and façade improvements;

1012. $97,000 to Dakota County Technical College and Chippewa Valley Technical College for construction of the Center of Technology Innovation and Learn Lab in Eau Claire, Wisconsin and Rosemount, Minnesota;

1013. $242,500 to the Wisconsin Rapids Heart of Wisconsin Chamber of Commerce for a loan fund;

1014. $940,000 to the Ashwabay Outdoor Education Foundation in Washburn, Wisconsin for acquisition of land;

1015. $1,000,000 to the Marshfield Clinic for construction of the Melvin R. Laird Center for Applied Sciences;

1016. $97,000 to Forward Southern West Virginia in Beckley, West Virginia for land acquisition, planning, design and construction;

1017. $657,000 to the Greenbrier Valley Economic Development Corporation in Lewisburg, West Virginia for facilities construction and buildout;

1018. $970,000 to the 4-County Economic Development Corporation in Oak Hill, West Virginia for facilities construction;

1019. $72,750 to the Mountaineer Area Council in Fairmont, West Virginia for facilities construction;

1020. $72,750 to the Wetzel County 4-H Camp in New Martinsville, West Virginia for facilities renovation and buildout;

1021. $72,750 to the Grant County Library Commission in Grant county, West Virginia for facilities construction and renovation;

1022. $97,000 to Alderson-Broaddus College in Philippi, West Virginia for facilities construction, upgrades and buildout;

1023. $97,000 to the Tyler County Commission in Tyler County, West Virginia for facilities construction and renovations;

1024. $97,000 to the Monongalia County Schools Foundation, Inc. in West Virginia for construction of recreational facilities;

1025. $97,000 to the Marion County Commission in Marion County, West Virginia for planning, renovation and construction;

1026. $97,000 to West Liberty State College in West Liberty, West Virginia for planning and construction;

1027. $97,000 to Glenville State College in Glenville, West Virginia for planning and design of a science center;

1028. $97,000 to the Strand Theatre Preservation Society in Moundsville, West Virginia for theatre renovations;

1029. $242,500 to Wheeling Hospital in Wheeling, West Virginia for facilities upgrades and buildout;

1030. $1,386,600 to Vandalia Heritage Foundation, Inc. for land acquisition;

1031. $1,090,900 to the West Virginia High Technology Consortium Foundation, Inc. for facilities construction; and

1032. $1,940,000 to Glenville State College in Glenville, West Virginia for the construction of a new campus community education center.

—$42,000,000 for the Neighborhood Initiatives program instead of $21,735,000 as proposed by the House and $22,000,000 as proposed by the Senate. Modified language is included, similar to language proposed by the House and Senate, to target funds made available under this program. Targeted grants shall be provided as follows:

1. $250,000 for the reconstruction of Newell Hall at the University of Florida;

2. $300,000 for Lokahi Pacific in Wailuku, Hawaii for costs associated with the construction of the Blue Hawaii Building Projects and the Wailuku Small Business Center;

3. $200,000 for the Patriot's Gateway Center in Rockford, Illinois for continuation of programs and neighborhood revitalization in Rockford;

4. $500,000 for the City of Terre Haute, Indiana for the Terre Haute Business Incubator;

5. $500,000 for the Iowa Department of Economic Development for the enhancement of regional economic development capabilities;

6. $300,000 for the City of Council Bluffs, Iowa for downtown revitalization;

7. $500,000 for Catholic Housing of Wyandotte County, Kansas, Inc. for construction of low-cost housing and economic development activities as part of the Bethany Redevelopment Project in Wyandotte County, Kansas;

8. $1,000,000 for the Casey County Fiscal Court, Kentucky for the Central Kentucky Agriculture and Exposition Center in Casey County, Kentucky;

9. $1,000,000 for East Baltimore Development Inc., in Baltimore, Maryland for redevelopment activities in East Baltimore;

10. $1,300,000 for the Denali Commission for economic development in remote Native and rural villages in Alaska;

11. $300,000 for the Cambridge Redevelopment Authority, Massachusetts for the Kendall Square Renewal Area Project;

12. $300,000 for the Detroit Riverfront Conservancy, Michigan for costs associated with the restoration of Detroit riverfront west;

13. $1,000,000 to the B.B. King Museum Foundation for the B.B King Museum in Indianola, Mississippi;

14. $300,000 to Mississippi State University for the Capacity Development Initiative in Starkville, Mississippi;

15. $250,000 to Jackson State University for the Lynch Street Development Corridor Redevelopment in Jackson, Mississippi;

16. $250,000 to the City of Grenada for the Taylor Hall renovation in Grenada, Mississippi;

17. $350,000 for the LeFleur Lakes Development Foundation for an Economic Development Plan in Rankin and Hinds County, Mississippi;

18. $350,000 to Lincoln County for the restoration of the Boys & Girls Club in Lincoln County, Mississippi;

19. $5,000,000 for the Grace Hill Neighborhood Health Centers, Inc. shall be spent on primary prevention activities with no less than $4,000,000 spent on remediation and abatement activities of housing in St. Louis, Missouri;

20. $500,000 to the Urban League of Kansas City, Missouri for programs to support at-risk youth in the urban core of Kansas City;

21. $260,000 to the Central Missouri Food Bank in Columbia, Missouri for capital campaign project;

22. $90,000 to the Special Learning Center in Jefferson City, Missouri for staffing, training, equipment, supplies and renovations;

23. $50,000 to the Children's Therapy and Early Education School in Mexico, Missouri for an indoor exercise and gym area and to provide location for occupational and physical therapy for children with developmental delays and special needs;

24. $250,000 for the Urban Institute in Washington, DC for HOPE VI related research activities;

25. $1,000,000 for the Georgia Museum of Art in Athens, Georgia for completion of phase II;

26. $250,000 for the City of North Las Vegas, Nevada for a neighborhood beautification project;

27. $500,000 for the City of Rugby, North Dakota to continue work on information technology and energy projects;

28. $400,000 for Charleston Housing Trust Incorporated in South Carolina for the development of affordable housing;

29. $300,000 for Mercy Housing, Inc. for improvements to rural housing in Yakima, Washington; and

30. $1,000,000 for the Girl Scouts of the USA for youth development initiatives in public housing;

31. $1,000,000 for Shepherd University in Shepherdstown, West Virginia for construction, related activities, and programs at the Scarborough Library;

32. $500,000 for the Boys and Girls Clubs of America to establish programs for youth living in Public and Indian housing communities;

33. $800,000 to Swope Community Builders in Kansas City, Missouri for the redevelopment of the Brush Creek Neighborhood;

34. $100,000 to Tri-State University in Angola, Indiana for facilities construction and renovation of the Center for Technology and Online Resources;

35. $250,000 to Bradley University in Peoria, Illinois for facilities construction and renovation of Bradley Hall;

36. $250,000 to Pathway Services in Jacksonville, Illinois for facilities construction and renovation of a respite care facility;

37. $100,000 to Teen Challenge in Decatur, Illinois for facilities construction and renovation;

38. $100,000 to Quincy University in Quincy, Illinois for design and construction of a science building;

39. $100,000 to Tazewell/Woodford Head Start in East Peoria, Illinois for facilities construction and renovation of a new facility;

40. $100,000 to the City of Peoria, Illinois for Southern Gateway revitalization project;

41. $275,000 to the First Gethsemane Center for Family Development in Louisville, Kentucky for the purchase of a multi-purpose facility;

42. $600,000 to Maryhurst, Inc. in Louisville, Kentucky for facilities construction and renovation of a multi-purpose youth activities center;

43. $675,000 to the YMCA of Greater Louisville, Kentucky for renovations to the Chestnut Street facility;

44. $200,000 to the Visually Impaired Preschool Services in Louisville, Kentucky for facilities renovation;

45. $735,000 to the Monroe County Heritage Christian Home for costs associated with construction of the Springdale Farm Demonstration Project located in Ogden, Monroe County, New York;

46. $500,000 to NYSERNET for optical networking infrastructure;

47. $550,000 to the Central New York Regional Planning and Development Board for Finger Lakes Open Lands Conservation Project;

48. $475,000 to the Genesse/Finger Lakes Regional Planning Council for the Finger Lakes Open Lands Conservation Project;

49. $5,540,000 to the City of Syracuse, New York for the Neighborhood Initiative Program;

50. $1,000,000 for The Ohio State University in Columbus, Ohio for facilities construction and renovation in the Community Properties of Ohio Initiative.

51. $2,910,000 to the Institute for Scientific Research for construction related to a high-technology diversification initiative

52. $2,660,000 to the West Virginia High Technology Consortium Foundation, Inc. for mission purposes and economic development initiatives;

53. $2,910,000 to the Vandalia Heritage Foundation, Inc. for community and neighborhood revitalization and economic diversification initiatives; and

54. $970,000 to the City and County of San Francisco for capital; and improvements, upgrades and buildout for a senior homeless facility.

Includes modified language making technical corrections to certain targeted economic development initiative grants funded under this heading in prior appropriations Acts, similar to language proposed by the House and the Senate.

Includes language proposed by the House transferring up to $3,465,000 to the Working Capital Fund for development of and modifications to information technology systems. Modified language is included to broaden the uses of these funds to include other Departmental information technology needs. The Senate had proposed $500,000 for this transfer.

Includes language limiting the use of funds provided under this heading for planning, management and administration to not more than 20 percent of the funds provided except for amounts provided for certain activities as proposed by the House and the Senate.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $7,000,000 for costs associated with section 108 loan guarantees, including administrative costs, to subsidize a total loan principal of up to $275,000,000 as proposed by the House. The Senate had proposed $7,325,000 for this account.

BROWNFIELDS REDEVELOPMENT

Appropriates $24,000,000 for brownfields redevelopment as proposed by the House. The Senate had proposed $25,000,000 for this account.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

Appropriates a total of $1,915,000,000 for this account, instead of $1,920,000,000 as proposed by the House and $2,050,000,000 as proposed by the Senate.

The conference agreement includes $1,865,000,000 for the HOME Investment Partnerships program, instead of $1,835,000,000 as proposed by the House and $2,000,000,000 as proposed by the Senate. Within this account, funds are allocated as follows:

$42,000,000 is for housing counseling. The House had proposed $38,000,000 for housing counseling and the Senate had proposed $45,000,000;

$18,000,000 is for technical assistance as proposed by the Senate. The House had proposed $17,400,000 for technical assistance. Of amounts made available for technical assistance, $7,500,000 is for qualified non-profit intermediaries to provide technical assistance to Community Housing and Development Organizations (CHDOs) instead of $7,000,000 as proposed by the House and $8,000,000 as proposed by the Senate; and

$2,000,000 as a transfer to the Working Capital Fund as proposed by the House instead of $500,000 as proposed by the Senate. Modified language is included to broaden the uses of these funds to include other Departmental information technology needs.

In addition, the conference agreement includes $50,000,000 to provide down-payment assistance to low-income families to help them achieve homeownership as proposed by the Senate, instead of $85,000,000 as proposed by the House.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

Appropriates $1,250,515,000 for homeless assistance grants, instead of $1,206,000,000 as proposed by the House and $1,260,000,000 as proposed by the Senate. Language is included designating up to $11,500,000 for the national homeless data analysis project and for technical assistance as proposed by the House. The Senate had proposed $12,000,000 for these activities. Includes modified language proposed by the House transferring $2,500,000 to the Working Capital Fund. Modified language is included to broaden the uses of these funds to include other Departmental information technology needs. The Senate had proposed $500,000 for this transfer.

The conferees reiterate language proposed by the Senate directing HUD to provide flexibility in the types of activities that qualify in meeting the match requirement under the Supportive Housing Program. The conferees also reiterate the direction in the Senate report that HUD is to include 5–year projections for the cost of renewing the permanent housing component of the Supportive Housing Program and Shelter Plus Care grants in its fiscal year 2006 budget justification.

HOUSING PROGRAMS

HOUSING FOR THE ELDERLY

(INCLUDING TRANSFER OF FUNDS)

Appropriates $747,000,000 for this account instead of $741,000,000 as proposed by the House and $773,800,000 as proposed by the Senate.

The conference allocates funds as follows:

—$650,550,000 for new capital and PRAC contracts;

—$3,000,000 for one-year renewals of expiring PRAC payments;

—$50,000,000 for service coordinators and the continuation of congregate services grants. The House had proposed $48,000,000 for service coordinators and congregate services and the Senate had proposed $53,000,000;

—up to $25,000,000 for assisted living conversion grants and emergency capital repairs. The House proposed $20,000,000 for assisted living conversion grants and emergency repairs, and the Senate proposed $30,000,000 for assisted living conversion grants, emergency capital repairs, and substantial rehabilitation;

—$18,000,000 for competitive grants for planning, design and development activities for section 202 projects. The House had proposed $15,000,000 for these activities and the Senate had proposed $20,000,000. These funds are to be allocated for project planning, preliminary design, site control activities and other development costs, including gap financing if appropriate, directly related to section 202 projects in order to facilitate timely completion of such projects. The conferees do not intend for these funds to be used for technical assistance but instead expect such funds to be used for start-up costs associated with such projects; and

—$450,000 for transfer to the Working Capital Fund for information technology activities as proposed by the House instead of $75,000 as proposed by the Senate. Modified language is included to broaden the uses of these funds to include other Departmental information technology needs.

Bill language is included to clarify language included in the fiscal year 2004 bill which provided for the transfer and merger of all unexpended balances previously appropriated for the section 202 program into the new Housing for the Elderly account.

The conferees reiterate language proposed by the Senate directing the Department to work with the Department of Health and Human Services' Office of Aging to coordinate expertise and resources to strengthen naturally occurring retirement communities, known as "NORCs."

The conferees direct the Department to submit the report required in the statement of managers accompanying H.R. 2673 on the long-term conditions and needs of the section 202 and 236 stock by December 15, 2004. This report was due on August 15, 2004, but to date has not been submitted. The conferees are very concerned about the state of this housing stock and are disappointed that the Department has not only failed to prioritize those repair needs, but has also failed to meet the reporting requirement.

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement recommends a total program level of $240,000,000 for the section 811 program instead of $238,000,000 proposed by the House and $250,000,000 proposed by the Senate.

Includes bill language proposed by the Senate to ensure that housing assistance made available under this account remains available to persons with disabilities upon turnover.

The conference agreement allocates funds as follows:

—$148,311,000 for new capital grants and PRAC;

—$50,000,000 for one-year renewal costs of section 811 rental assistance;

—$2,349,000 for PRAC renewals;

—$10,000,000 for incremental tenant-based assistance as proposed by the House. The Senate had provided up to 25% of amounts provided, other than amounts for renewal of expiring project-based assistance, for tenant-based rental assistance;

—$28,890,000 for amendments to tenant-based contracts entered into prior to fiscal year 2004, as proposed by the House; and

—$450,000 for transfer to the Working Capital Fund as proposed by the House. The Senate had proposed $75,000 for transfer to the Working Capital Fund. Modified language is included to broaden the uses of these funds to include other Departmental information technology needs.

Bill language proposed by the House is included to clarify authority provided in fiscal year 2004 transferring and merging all unexpended balances previously appropriated for the section 811 program to this account.

The conferees reiterate language included in the House report directing HUD to issue program guidance for the Section 811 mainstream program by March 15, 2005, including guidance on (1) targeting rental assistance eligibility criteria; (2) maintaining vouchers exclusively for eligible persons; and (3) retaining a meaningful role for non-profit disability organizations. The Senate report had also included language to ensure that all tenant-based assistance made available under this account is to remain available to persons with disabilities upon turnover.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

Includes language permanently transferring excess rental charges to this fund as proposed by the Senate. The House included similar language.

MANUFACTURED HOUSING FEES TRUST FUND

Appropriates up to $13,000,000 for authorized activities from fees collected in the Fund as proposed by the House and Senate.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Establishes an $185,000,000,000 limitation on commitments to guarantee single-family loans during fiscal year 2005 as proposed by the House and the Senate. Retains language applying this limitation to commitments to guarantee loans as proposed by the House. The Senate applied this limitation to loan guarantees.

Establishes a $50,000,000 limitation on direct loans to nonprofits and governmental entities in connection with the sale of HUD-owned single-family properties as proposed by the House and the Senate.

Appropriates $356,906,000 for administrative expenses, of which $352,906,000 is for transfer to the salaries and expenses account and not to exceed $4,000,000 is for transfer to the Office of Inspector General. The House proposed $352,906,000 including transfers of $356,882,000 and $3,976,000, and the Senate proposed $366,000,000 including transfers of $362,000,000 and $4,000,000.

Appropriates $78,000,000 for administrative contract expenses, of which $15,000,000 is for information technology systems. The House proposed $78,000,000 including no less than $15,000,000 for information technology systems and the Senate proposed $70,002,000 including no less than $7,002,000 for such systems. Modified language is included to broaden the uses of these funds to include other departmental information technology needs.

Language is also included allowing up to an additional $30,000,000 to be made available for such expenses in certain circumstances as proposed by both the House and Senate.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Establishes a $35,000,000,000 limitation on multifamily and specialized loan guarantees during fiscal year 2005 as proposed by the House and the Senate.

Appropriates $10,000,000 for subsidy costs to support certain multifamily and special purpose loan guarantee programs as proposed by both the House and Senate.

Appropriates $227,767,000 for administrative expenses, of which $207,767,000 is for transfer to the salaries and expenses account and not to exceed $20,000,000 is for transfer to the Office of Inspector General. The House proposed $227,649,000 including transfers of $207,767,000 and $19,882,000, and the Senate proposed $234,000,000 including transfers of $214,000,000 and $20,000,000.

Appropriates $86,000,000 for administrative contract expenses, of which $9,600,000 is for information technology systems. The House proposed $86,000,000 including no less than $9,600,000 for information technology systems and the Senate proposed $81,600,000 including no less than $5,200,000 for such systems. Modified language is included to broaden the uses of these funds to include other departmental information technology needs.

Language is also included allowing up to an additional $14,400,000 to be made available for such expenses in certain circumstances as proposed by both the House and Senate.

Language is also included elsewhere in this title rescinding $30,000,000 from prior year unobligated balances of credit subsidy appropriations. Both the House and Senate proposed this rescission.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $10,695,000 for administrative expenses to be transferred to the salaries and expenses account as proposed by the House instead of $10,986,000 as proposed by the Senate.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

Appropriates $45,500,000 for research and technology instead of $45,000,000 as proposed by the House and $46,700,000 as proposed by the Senate.

The agreement includes $7,000,000 for the Partnership for Advancing Technology in Housing (PATH) initiative as proposed by the House, instead of $7,500,000 as proposed by the Senate. The conferees have included language which exempts $3,500,000 of the funds available in the PATH program from the competitive requirements included in the Administrative Provisions under this title. The Senate had proposed to exempt the entire PATH program from this requirement. The conferees expect HUD to undertake an evaluation of the PATH program, including an assessment of the benefits or drawbacks of competitive requirements in this program.

The conferees reiterate the direction included in the Senate report denying demonstration authority without prior congressional approval.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

Appropriates $46,500,000 for this account instead of $46,000,000 as proposed by the House and $47,700,000 as proposed by the Senate.

Of this amount, $26,500,000 is for the Fair Housing Assistance Program (FHAP) and $20,000,000 is for the Fair Housing Initiatives Program (FHIP). The House proposed $26,500,000 for FHAP and $19,500,000 for FHIP. The Senate proposed $27,000,000 for FHAP and $20,700,000 for FHIP.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

Appropriates $168,000,000 for the lead hazard reduction program instead of $167,000,000 as proposed by the House and $175,000,000 as proposed by the Senate.

The conferees agree to allocate funds as follows:

—$92,600,000 for the lead-based paint hazard control grant program to provide assistance to State and local governments and Native American tribes for lead-based paint abatement in private low-income housing;

—$8,000,000 for Operation LEAP;

—$9,500,000 for technical assistance and support to State and local agencies and private property owners;

—$9,900,000 for the Healthy Homes Initiative for competitive grants for research, standards development, and education and outreach activities to address lead-based paint poisoning and other housing-related diseases and hazards; and

—$47,000,000 for an initiative to target lead abatement funds to areas with the highest lead paint abatement needs.

The agreement includes bill language proposed by the House delegating authority and responsibility for performing environmental reviews for lead programs to governmental entities familiar with local environmental conditions.

The agreement includes modified language proposed by the Senate making available

$47,000,000 on a competitive basis to those areas with the highest lead paint abatement needs. The conferees reiterate concerns noted by the Senate regarding the problem of lead risks in housing and direct the Department to carry out the lead demonstration program according to terms specified in the Senate report and in the same manner as fiscal year 2004.

The conferees agree with Senate direction to the Department to continue mold and moisture initiatives within the Healthy Homes program and direct the Department to report to the Committees on Appropriations by March 1, 2005 on lessons learned and strategies for disseminating best practices on controlling and preventing household mold and moisture. The report should include a discussion of the unique needs in Native American housing.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes language requiring funds provided under this heading to be allocated in the manner specified in the joint explanatory statement of the managers accompanying this Act unless the Committees on Appropriations are notified and approve of any changes in the operating plan or through a reprogramming. The object classification distribution, which shall also serve as the basis for operating plan and reprogramming changes, is as follows:

Personal Services	$912,409,000
Travel and Transportation of Persons	17,031,000
Transportation of Things	548,000
Rent, Communications and Utilities	131,791,000
Printing and Reproduction	2,740,000
Other Services	48,058,000
Supplies and Materials	4,687,000
Furniture and Equipment	2,511,000
Indemnities	225,000

The conference agreement does not include a specific allocation of funding and staffing among offices as was proposed in the House report. The conferees understand that adjustments to these allocations will be necessary to remain within the funds appropriated in the account and to reflect the latest Resource Allocation and Estimation Process (REAP) studies. The conferees direct the Department to include in its operating plan a proposal to distribute the funds and FTE among offices based on these adjustments. Until the operating plan is approved by the Committees, the Department is to manage its staffing ceilings in accordance with the Corrective Action Plan completed in September, 2004.

Public and Indian Housing Division of Quality Assurance.—The conferees direct that the Department provide no less than 75 FTE to the Section 8 Quality Assurance Division within the Office of Public and Indian Housing.

Operating Plans/Reprogramming Requirements.—The conferees appreciate the need for management flexibility to allocate management and administrative resources or reorganize offices and programs to address changing requirements at the departments and agencies funded in the bill, including HUD. To provide such flexibility, while ensuring appropriate consultation and oversight, all Departments within the Subcommittee's jurisdiction are required to submit operating plans and reprogramming letters and reorganization proposals for Committee approval. The conferees reiterate that HUD is directed to follow the Committees' requirements regarding operating plans, reprogrammings and reorganizations as outlined in the House report. Unless otherwise specified in this Act or the accompanying report, the approved level for any program, project, or activity is that amount detailed for that program, project, or activity in the Department's annual detailed budget justification document. These requirements apply to all funds provided to the Department.

Includes language as proposed by the Senate placing a limitation on the number of GS–14 and GS–15 positions at the Department. The House did not propose similar language.

In lieu of the direction included in the Senate report requiring the Department to submit quarterly travel reports, the conferees direct HUD to report on all travel by Senate-confirmed Presidential Appointees (PAS) and non-career senior executive service personnel located at HUD headquarters beginning from October 1, 2004 through September 1, 2005, including all names, locations and costs. This report shall be submitted to the Senate and House Committees on Appropriations no later than September 15, 2005.

The conferees appreciate the Department's cooperation to make its fiscal year 2005 budget justification submission more useful and informative. The conferees reiterate the direction included in the House report regarding the fiscal year 2006 submission. Language is included again this year under Administrative Provisions requiring the fiscal year 2006 justification materials to be submitted in the traditional structure with sufficient detailed information to satisfy the Committees' needs.

WORKING CAPITAL FUND

Appropriates $270,000,000 for the Working Capital Fund instead of $234,000,000 as proposed by the Senate and $100,000,000 as proposed by the House.

In addition, the conference agreement includes $51,725,000 in transfers from the following accounts to the Working Capital Fund as proposed by the House instead of $23,762,000 as proposed by the Senate:

FHA, Mutual mortgage insurance fund	$15,000,000
FHA, General and special risk insurance fund	9,600,000
Community development fund	3,465,000
HOME investment partnerships program	2,000,000
Homeless assistance	2,500,000
Public housing capital fund	10,150,000
Native American Indian block grants	$2,600,000
Tenant-based rental assistance	2,904,000
Project-based rental assistance	2,000,000
Housing for the elderly	450,000
Housing for the disabled	450,000
Interagency Services	306,000
Office of Inspector General	300,000

Modified language is included elsewhere in the Act to broaden the uses of these transferred funds to include departmental information technology needs as well as program specific needs. Language is also included, similar to language proposed by the Senate, to broaden the uses of previously appropriated program transfers to meet departmental information technology requirements. The House did not include similar language. Language is also included under the salaries and expenses account to allow the transfer of up to $20,000,000 to the Working Capital Fund.

The conferees are concerned that delays in the successful award of a new contract for HUD's department-wide information technology infrastructure has resulted in the Department significantly overspending for outdated technology in fiscal year 2004, has created a potentially significant funding shortfall for fiscal year 2005, and has prohibited the Department from needed modernization to its infrastructure. The conference agreement includes additional funds above the levels proposed in the House and Senate and the budget request to cover a portion of the potential shortfall. The conferees expect the Department to use the funds provided to address its need for a modernized information technology infrastructure in a manner that is fiscally responsible and in the best interest of the Department, the Federal government and the taxpayer. The conferees expect the Department and the Office of Management and Budget to request sufficient funds in their fiscal year 2006 budget request to meet their information technology requirements.

The conferees reiterate the direction included in the House report on continued development and definition of a five-year information technology plan consistent with the format previously provided to the Department and direct such updated plan be submitted no later than February 1, 2005.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

Appropriates $104,000,000 for the Office of Inspector General instead of $100,858,000 as proposed by the House and $107,500,000 as proposed by the Senate. Of this amount, $24,000,000 is provided by transfer from the various funds of the Federal Housing Administration as proposed by the House and the Senate.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Appropriates $59,209,000 for the Office of Federal Housing Enterprise Oversight (OFHEO) to be derived from collections available in the Federal Housing Enterprise Oversight Fund as proposed by the House and the Senate.

Language proposed by the Senate is included requiring not less than 80 percent of the total amount made available under this heading shall be used only for examination, supervision and capital oversight to ensure that the enterprises are operating in a financially sound manner and comply with statutory capital requirements.

The conferees have not included a Senate provision that holds back $10 million until the Director is replaced through Senate confirmation. This deletion is not a vote of support; instead, the conferees believe that hiring decisions at this level belong to the President. Nevertheless, the conferees urge the President to take swift action in replacing the Director and his Deputy, both in consideration of the very poor decision making of these individuals over the last few years as well the serious issues raised by the HUD IG's Report of Investigation (Case# SID-04-0034–I).

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(RESCISSION)

Includes a rescission of $1,557,000,000 from unobligated balances and recaptures from prior-year appropriations provided under this account or any other account in this title to be effected no later than September 30, 2005 as proposed by the House and in the budget request. The Senate proposed a rescission of $2,588,172,000 to be effected no later than June 30, 2005.

Includes language proposed by the House making any balances governed by statutory reallocation provisions available for this rescission. The Senate did not include similar language.

Modified language is included, similar to language proposed by the House, to prohibit any recaptures from tenant-based and project-based rental assistance and any project-based rental assistance carryover from being used to augment calendar year 2005 funding for Section 8 vouchers. The Senate proposed language to allow recaptures and carryover to be used to augment 2005 tenant-based rental assistance funding.

Modified language is included, similar to language proposed in the House, allowing recaptures from amounts previously provided for project-based rental assistance to be used for amendments to project-based rental assistance contracts and for contract administrators. The Senate did not include similar language.

The conferees direct that a portion of this rescission be met by reducing public housing agencies' program reserves to no more than one week as assumed in the budget request.

The conference agreement does not include language proposed by the Senate to require that, to the extent funds are not available from unobligated balances and recaptures in the Housing Certificate Fund, all other accounts, programs, projects and activities in this Act are to be reduced on a proportionate basis except the Department of Veterans Affairs Medical Services account. The conference agreement does not include language proposed by the Senate to require that the Government Accountability Office (GAO) to audit of the availability of funds for recapture. The House did not include similar language.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

(RESCISSION)

Includes a rescission of $5,000,000 from prior year unobligated balances remaining in this account as proposed by both the House and Senate.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(RESCISSION)

Includes a rescission of $21,000,000 from prior year balances of credit subsidy appropriations for the title VI loan guarantee program as proposed by both the House and Senate.

INDIAN HOUSING LOAN GUARANTEE PROGRAM ACCOUNT

(RESCISSION)

Includes a rescission of $33,000,000 from prior year balances of credit subsidy appropriations for the section 184 loan guarantee program as proposed by both the House and Senate.

Housing Programs

RENTAL HOUSING ASSISTANCE

(RESCISSION)

Includes a rescission of up to $675,000,000 from unobligated balances previously provided to fund amendment requirements for current State-aided, non-insured rental housing contracts as proposed by the House and Senate and included in the budget request.

Federal Housing Administration

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(RESCISSION)

Includes a rescission of $30,000,000 from unobligated balances of prior year credit subsidy appropriations for the FHA multifamily and specialized programs as proposed by the House and Senate.

Administrative Provisions

Includes modified language regarding the distribution of certain HOPWA funds, similar to language proposed by the House and the Senate.

Includes language requiring all funds to be awarded competitively except as explicitly provided for otherwise in statute as proposed by the House. The Senate proposed similar language.

Includes language proposed by the House to require the Secretary to continue to provide project-based rental assistance for units in properties that are managed, owned, or disposed of by the Department if such properties are primarily occupied by elderly or disabled families, or contract for new project-based rental assistance with other owners if such properties are not preserved. The Senate proposed language to expand this to require that project-based rental assistance be continued for units in all properties or contract for new project-based rental assistance with other owners if such properties are not preserved.

Includes language as proposed by the Senate to permanently allow the Secretary to maintain and dispose of certain elderly and disabled projects upon foreclosure. The House included similar language.

Includes language proposed by the House setting forth requirements regarding the fiscal year 2006 budget justification submission to the Committees on Appropriations. The Senate did not include similar language.

Includes language proposed by the House requiring that, to the extent practicable, incremental section 8 vouchers previously provided for non-elderly disabled families should continue to be provided to other nonelderly disabled families upon turnover. The Senate included similar language elsewhere in this title.

Includes language as proposed by the House clarifying an equitable title issue in the section 202 program. The Senate did not include similar language.

Includes language proposed by the Senate requiring the Secretary to submit an annual report to the Committees on Appropriations regarding the number of Federally-assisted units under lease and the per unit costs to the Federal government of such units. The House did not include similar language.

Does not include language proposed by the Senate to expand the FHA hospital insurance program to include the purchase of existing facilities. The House did not include similar language. The Government Accountability Office (GAO) is directed to conduct a review of the HUD FHA Hospital and Nursing Home Mortgage Insurance programs by August 15, 2005. The review is to be designed to assess the financial risk of the program to the insurance fund as well as to review the management and design of the program, including the nature of the relationship between HUD and HHS in approving insurance for hospital mortgages.

Does not include language proposed by the Senate to amend section 683(2) of the Housing and Community Development Act of 1972 to authorize service coordinators in section 811 projects. The House did not include similar language.

Includes language proposed by the Senate to amend the National Housing Act to make certain changes related to submission of mortgagors financial statements and the criteria and penalties for violations of certain requirements. The House did not include similar language.

Includes language proposed by the Senate to amend the Housing and Community Development Act of 1987 to expand the applicability of certain damages and remedies to include FHA-insured health care facilities. The House did not include similar language.

Includes language as proposed by the Senate to amend the National Housing Act to make certain changes to the Asset Control Area program. The House did not include similar language.

Includes language proposed by the Senate to amend the National-Housing Act to make a technical correction to premium requirements for rehabilitation loans. The House did not include similar language.

Includes language proposed by the Senate to limit repayment of certain upfront premiums. The House did not include similar language.

Does not include language under Administrative Provisions as proposed by the Senate related to allocation of funds under the Partnership for Advancing Technology in Housing (PATH) but instead has addressed this matter under the Policy Development and Research account elsewhere in this title. The House did not include similar language.

Does not include language under Administrative Provisions as proposed by the Senate making technical corrections regarding the transfer of funds from the old Housing for Special Populations account, but instead has addressed this matter within the Housing for the Elderly and Housing for Persons with Disabilities accounts as proposed by the House.

Does not include bill language proposed by the Senate to limit the expenditure of housing funds on partisan election activities. The House did not include similar language. The conferees agree that no funds provided to the Department can be used by public housing authorities for partisan political activities.

Includes modified language, similar to language proposed by the Senate, regarding the treatment of athletic scholarships for purposes of determining eligibility for college students to receive subsidized rental assistance. The House did not include similar language.

Includes language as proposed by the Senate regarding the allocation of Native American Housing Block Grant funding among Native Alaskan recipients. The House did not include similar language.

Does not include language proposed by the Senate to allow public housing authorities to convert up to 50 percent of their section 8 voucher funding to project-based assistance. The House did not include similar language.

Does not include language proposed by the Senate to authorize the Secretary to transfer project-based assistance, debt, and income restrictions, notwithstanding current statutory prohibitions on such transfers. The House did not include similar language.

TITLE III—INDEPENDENT AGENCIES

American Battle Monuments Commission

SALARIES AND EXPENSES

Appropriates $41,100,000 for salaries and expenses as proposed by the House instead of $46,100,000 as proposed by the Senate.

In addition, the conference agreement includes a separate appropriation of $12,000,000 for the Commission's foreign currency fluctuations account to address declines in exchange rates instead of $9,000,000 as proposed by the House. The Senate proposed to address these changes within the salaries and expenses account.

The conferees concur with the concerns expressed in the Senate report regarding the failure of the Office of Management and Budget (OMB) to address adequately foreign currency rate fluctuations for the Commission in its original budget submission or through a budget amendment. The conferees are concerned that the current OMB methodology for addressing fluctuations does not adequately address the impact of the volatility of such changes to smaller agencies such as the Commission. Therefore the conferees request that the Government Accountability Office review the past and current methodology used by OMB and the Commission and recommend changes if warranted to improve such estimates.

While the conference agreement has not included bill language proposed by the Senate, the conference agreement includes $9,100,000 for the Normandy Interpretive Center. The conferees understand that exchange rate fluctuations may impact construction costs for the Center and expect the Commission's fiscal year 2006 budget request to include the necessary funds to accommodate such changes..

Language is included as proposed by the House allowing not to exceed $7,500 for official reception and representation expenses. The Senate did not include similar language.

The conferees reiterate the direction in the House report regarding an annual report on the financial position of the World War II Memorial Fund.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

Appropriates $12,000,000 to re-capitalize the Commission's foreign currency fluctuations account, instead of $9,000,000 as proposed by the House. The Senate addressed this matter under the salaries and expenses account. The conference agreement reflects the latest estimate necessary to maintain Commission operations and activities based on current exchange rates.

Chemical Safety and Hazard Investigation Board

SALARIES AND EXPENSES

Appropriates $9,100,000 instead of $9,451,000 as proposed by the House and $9,000,000 as proposed by the Senate. The amount proposed by the Senate had included $400,000 for emergency funds. The conference agreement provides emergency funds as a separate account as proposed by the House, which is consistent with the fiscal year 2004 bill.

EMERGENCY FUND

Provides $400,000 for an Emergency Fund as proposed by the House. The Senate had proposed a set-aside of $400,000 as emergency funds in the salaries and expenses account.

Department of the Treasury

Community Development Financial Institutions

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

Appropriates $55,522,000 for the community development financial institutions fund program account, instead of $55,000,000 as proposed by the Senate and $60,640,000 as proposed by the House.

Includes $4,000,000 for technical assistance designed to benefit Native American communities as proposed by both the House and Senate.

Provides that up to $14,900,000 to be used for administrative expenses as proposed by the Senate instead of $15,321,000 as proposed by the House.

Provides for a cost limitation on direct loans of $6,000,000 with $250,000 for administrative expenses as proposed by both the House and Senate.

Provides for a limitation on the amount of direct loans of $11,000,000 as proposed by both the House and Senate.

The conferees are in agreement that the Bank Enterprise Award program should be continued at not less than $10,000,000 in fiscal year 2005.

Consumer Product Safety Commission

SALARIES AND EXPENSES

Appropriates $62,650,000 as proposed by the House and the Senate. The conferees urge the CPSC to expand its relationship with the Home Safety Council and its Great Safety Adventure Program.

Corporation for National and Community Service

The conference agreement appropriates $577,884,000 for the Corporation for National and Community Service. The House had proposed $572,000,000 and the Senate had proposed $590,061,000.

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The agreement provides $545,884,000 for the Corporation for National and Community Service operating expenses, including the Trust. The House proposed $541,000,000 for operating expenses and the Senate proposed $558,311,000. The agreement provides $290,000,000 for AmeriCorps State and National grants (authorized under subtitle C) and education awards only grants (authorized under subtitle H), plus an additional $144,000,000 for the Trust, as proposed by the House. The Senate had proposed $291,933,000 for AmeriCorps grants and $150,500,000 for the Trust. Within amounts provided for the Trust, $3,900,000 is for President's Freedom Scholarships and $13,000,000 is to be held in reserve. Within the amount provided for AmeriCorps State and National grants, the conferees have provided up to $55,000,000 for national direct grants, as proposed by the Senate. The total funding level for AmeriCorps grants and the Trust will support 70,000 new volunteers.

The agreement includes language proposed by the Senate which prohibits funds provided for quality and innovation activities to be used for salaries and related expenses attributable to Corporation employees. The conferees include bill language proposed by the House allowing up to one percent of grant funds to be used to defray the cost of conducting grant reviews. The conferees direct the Corporation to provide an estimate of the funds that would be used for this purpose in its fiscal year 2005 operating plan. The agreement also includes language proposed by the Senate regarding matching funds and in-kind contributions.

The conference agreement includes the following program levels:

	House	Senate	Conference
Learn and Serve	$40,000,000	$43,000,000	$43,000,000
National Civilian Community Corps	25,500,000	26,000,000	25,500,000
Innovation and Demonstration	12,000,000	16,328,000	13,334,000
Evaluation	3,000,000	3,550,000	3,550,000
State Commissions	12,000,000	12,000,000	12,000,000
Points of Light Foundation	9,700,000	10,000,000	10,000,000
America's Promise	4,800,000	5,000,000	4,500,000

The conferees direct that the increase provided for National Civilian Community Corps (NCCC) be used to address its most critical capital improvement needs at NCCC facilities.

The agreement reiterates the direction by the Senate that the Corporation report to the Committees on the impact of the two-term limitation on service. This report is to be submitted to the Committees no later than February 4, 2005.

The conferees provide $13,334,000 for subtitle H grants, innovation, demonstration and assistance activities, with the funding distribution as follows: $4,000,000 for challenge grants; $1,500,000 for next generation grants; $600,000 for MLK day grants; $725,000 for the Service Learning Clearinghouse and Exchange; $2,000,000 for TA; and $4,509,000 for disability programs. The House proposed $12,000,000 for subtitle H activities and the Senate proposed $16,328,000.

The agreement modifies language proposed by the Senate directing the Corporation to comply with challenge grant requirements in the FY 2003 conference report by directing the Corporation also to allow past grant recipients to compete for challenge grants in FY 2005.

The conference agreement provides $3,550,000 for audits and evaluations, as proposed by the Senate. The House had proposed $3,000,000 for these activities. Audit and evaluation funds are to be distributed as follows (identical to the distribution proposed by the Senate): $1,200,000 for performance measures; $1,000,000 for a longitudinal study of volunteers; $100,000 for national partners; $150,000 for data archives; $150,000 for indicator archives; $450,000 for a capacity study; and $500,000 to continue a National Academy of Public Administration study on the Corporation's leadership, operations and management.

The conferees have included bill language, identical to language that has been included in previous conference reports and proposed by the Senate, regarding Federal costs per participant and certain requirements for funds provided under subtitle C.

The agreement includes Senate language directing the Corporation to list in its budget justification recipients that have received more than $500,000 and the amount and source of other Federal and non-federal funds received by each recipient.

SALARIES AND EXPENSES

Appropriates $26,000,000 for salaries and expenses associated with the administrative activities of the Corporation. The House had proposed $25,000,000 for this account, and the Senate had proposed $25,500,000. The funding increase provided in this account is to be directed to ongoing personnel compensation and benefits needs and should not augment the current level of marketing and outreach activities.

OFFICE OF INSPECTOR GENERAL

Appropriates $6,000,000 for Office of Inspector General, as proposed by the House instead of $6,250,000 as proposed by the Senate. The conferees direct the Inspector General to continue to review the Corporation's management of the National Service Trust.

ADMINISTRATIVE PROVISIONS

The conference agreement continues a number of administrative provisions carried in the fiscal year 2004 appropriations Act and proposed by both the House and the Senate, including: (1) language regarding qualified student loans eligible for education awards; (2) language regarding the availability of funds for the placement of volunteers with disabilities; and (3) language directing the Inspector General to levy sanctions in accordance with standard Inspector General audit resolution procedures, which include, but are not limited to, debarment of any grantee found to be in violation of AmeriCorps' program requirements, including using grant or program funds to lobby the Congress. In addition, the conference agreement continues an administrative provision proposed by the Senate and carried in the fiscal year 2004 appropriations Act, which requires the Corporation to ensure that significant changes to program requirements or policy are made only through public notice and comment rulemaking. The agreement also includes a provision carried in the fiscal year 2004 appropriations Act and proposed by the Senate prohibiting an officer or employee of the Corporation from disclosing any grant selection information to any person not authorized to receive such information.

U.S. COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

Appropriates $17,250,000 for salaries and expenses instead of $17,623,000 as proposed by the Senate and $16,725,000 as proposed by the House. Both the House and the Senate provided $1,100,000 for the pro bono program.

The conferees are in agreement that the Court shall work with the General Services Administration (GSA) on a feasibility study to evaluate the Court's space needs and the options to meet those needs. The results of this feasibility study shall be provided to the Committees on Appropriations of the House and Senate. The Court is authorized only to enter into agreement with GSA for a feasibility study and is specifically prohibited from undertaking a Program Development Study or any other action beyond the feasibility study at this time. The Committees on Appropriations will address the need for follow-on studies and possible construction milestones in future legislation and reports.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

Appropriates $29,600,000 for salaries and expenses as proposed by the House and Senate. The conferees reiterate the direction included in the House report regarding the Cemetery's automation project with the report due no later than December 15, 2004, and request that such plan be updated in the fiscal year 2006 budget submission.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Appropriates $80,486,000 as proposed by the House and the Senate.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

Appropriates $76,654,000 for toxic substances and environmental public health as proposed by both the House and Senate.

ENVIRONMENTAL PROTECTION AGENCY

The conference agreement includes $8,088,189,000 for programs administered by the Environmental Protection Agency. This is an increase of $335,120,000 above the amount provided in the House bill and $412,219,000 below the level in the Senate bill.

The conferees direct EPA to round all programs to the nearest thousand dollar in the budget submission for fiscal year 2006.

SCIENCE AND TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

Appropriates $750,061,000 for science and technology instead of $729,029,000 as proposed by the House and $758,179,000 as proposed by the Senate. Additional resources of $36,097,000 are transferred to this account from the Hazardous Substance Superfund for a total resource level of $786,158,000 for Science and Technology.

The conferees have agreed to specific Agency program levels as follows:

	House	Senate	Conference
Arsenic Removal Research	$4,274,000	$10,000,000	$8,274,000
Building Decon. Research	4,000,000	0	0
Clean Air Allowance Trading Prog.	4,750,000	9,000,000	9,000,000
Fed. Vehicle and Fuels Standards	58,000,000	63,000,000	58,000,000
Indoor Air: Radon Program	399,000	0	399,000
Indoor Air: Schools and Workplace	906,000	0	850,000
Pesticides: Registration of New Pest.	2,403,000	2,265,000	2,403,000
Pesticides: Review/Reregistration	2,417,000	2,370,000	2,417,000
Research: Air Toxics	17,639,000	17,000,000	17,000,000
Research: Computational Toxicology	13,029,000	11,805,000	11,805,000
Research: Drinking Water	44,500,000	46,118,000	44,500,000
Research: Endocrine Disruptor	10,887,000	10,000,000	10,000,000
Research: Global Change	20,690,000	20,000,000	20,000,000
Research: Human Health and Eco.	177,408,000	170,000,000	177,408,000
Research: Land Protection and Restoration	8,842,000	9,000,000	9,000,000
Research: Particulate Matter	59,000,000	62,000,000	61,000,000
Research: Troposphere Ozone	4,901,000	4,000,000	4,000,000
Research: Water Quality	45,000,000	46,810,000	45,000,000

The conferees have agreed to the following increases above the budget request:

1. $2,450,000 for EPSCoR;
2. $3,900,000 for the Water Environmental Research Foundation;
3. $4,900,000 for the American Water Works Association Research Foundation;
4. $1,950,000 for the National Decentralized Water Resource Capacity Development Project, in coordination with EPA, for continued training and research and development program;
5. $1,000,000 to the Florida Department of Citrus to provide for the manufacture of an adequate amount of abscission chemical compound for testing and to provide for any comprehensive environmental and toxicological studies and other relevant research required by the Federal Government in order to register this product for use as an abscission chemical agent for citrus;
6. $1,500,000 for the Mickey Leland National Urban Air Toxics Research Center in Houston, Texas;
7. $1,500,000 for the clean automotive technology program for advanced diesel, hybrid, and high efficiency, low emission vehicle development;
8. $500,000 for the Consortium for Plant Biotechnology Research;
9. $500,000 for the New England Green Chemistry Consortium;
10. $200,000 to the Arkansas State University in Jonesboro, Arkansas for the Delta Center for water quality;
11. $150,000 to the University of Arkansas for environmental resource management to develop watershed technologies and management tools;
12. $350,000 to the University of California Riverside for the Center for Environmental Research and Technology in Riverside, California.
13. $200,000 to Florida International University for Research activities in the greater Everglades in Miami, Florida;
14. $250,000 for the Florida Gulf Coast University for the Novel Early Detection and Detoxification Technologies for Toxic Red Tide in Fort Myers, Florida;
15. $200,000 for New College, Florida for ecotoxicology training;
16. $750,000 for the University of South Florida Study, Protection and Amelioration of Coastal Environments;
17. $200,000 for the management of waste from navigating vessels in U.S. tidal waters;
18. $250,000 for the Iowa Foundation for Education Administration for the Bus Emissions Education Program;
19. $100,000 to the Metropolitan Mayors Caucus for the Clean Air Counts Campaign in Chicago land Metropolitan Area, Illinois;
20. $1,000,000 for the Karmanos Cancer Institute to create a National Center for Vermiculite-Related Cancers in the Detroit metropolitan area;
21. $400,000 to the Lawerence Technology University for sustainable alternative energy technologies Green Building in Southfield, Michigan;
22. $750,000 to the National Center for Manufacturing Sciences for Life Cycle Analysis in Ann Arbor, Michigan;
23. $1,250,000 to the National Center for Manufacturing Sciences for the sustainable produce initiative in Ann Arbor, Michigan;
24. $200,000 to Green Hills Regional Planning in Princeton, Missouri for the Biomass Processing System;
25. $150,000 for the University of Nebraska for the Nebraska Water Resources Model in Lincoln, Nebraska;
26. $250,000 to Ramapo College in Mahwah, New Jersey for a new Sustainability Education Center;
27. $150,000 to the State University of New York at Brockport for the Center of Excellence for Great Lakes Research;
28. $450,000 to the State University of New York Environmental School of Forestry for research and demonstration of contaminant mitigation strategies for rural/suburban runoff affecting water quality along the rural-urban interface in Central New York watersheds;
29. $500,000 to the Center for Environmental Information in Rochester, New York for continued research, planning and environmental remediation for the Lake Ontario Coastal Initiative;
30. $7,000,000 for the Environmental Systems Center of Excellence at Syracuse University for research and technology transfer in the fields of indoor environmental quality and urban ecosystems sustainability;
31. $750,000 to the Syracuse Research Corporation in Syracuse, New York for a Microbial Risk Assessment Center;
32. $1,500,000 to Onondaga County's Metropolitan Water Board for a demonstration project to determine the feasibility of bringing naturally chilled water from Lake Ontario to Onondaga and Oswego County;
33. $300,000 to the State University of New York Environmental School of Forestry for training, education and research related to the Summer Eco-Science Camp Initiative;
34. $500,000 to Alfred University, New York for the Center for Environmental and Energy Research;
35. $575,000 to Orbital Research Inc., Fuel Efficient Diesel Sensor for Advanced Vehicle Emission Reduction (FED-SAVER), for research that may reduce fuel consumption and will help diesel engines meet EPA standards, Ohio;

36. $600,000 to the Ohio Air Quality Development Authority/Ohio Coal Development Office for research and development of the Jupiter Oxy-Fuel Technology, Ohio;

37. $650,000 to the University of Toledo for the Lake Erie Center in Toledo, Ohio;

38. $250,000 to the University of Tulsa, University of Oklahoma, University of Arkansas, and Oklahoma State University for the Integrated Petroleum Environmental Consortium;

39. $100,000 for the Oregon Department of Human Services for the View Master Water Contamination Study in Washington County, Oregon;

40. $225,000 for California University of Pennsylvania for the Monongahela Valley River Research Project in California, Pennsylvania;

41. $200,000 to the Middle Tennessee State University for research in Development and Transmission of Emerging Diseases;

42. $500,000 for the University of Houston, Texas for the GulfStar Grid Program in Houston, Texas;

43. $1,700,000 for the Canaan Valley Institute to continue to develop a regional sustainability support center and coordinated information system in the Mid-Atlantic Highlands;

44. $1,000,000 for the Canaan Valley Institute in close coordination with the ORD Restoration Plus program to demonstrate, validate and report on critical ecological hubs and corridors within the Mid-Atlantic Highlands and approaches to Highlands ecological prioritization, restoration and conservation Research and educational tools are to be developed using integrative technologies to predict future environmental risks and support informed, proactive decision-making to be undertaken in conjunction with the Highlands Action Program;

45. $650,000 to the Polymer Alliance Zone's MARCEE Initiative with oversight provided by the Office of Solid Waste;

46. $250,000 for Carnegie Mellon University's Sustainable Oxidation Chemistry Clean Water Project;

47. $500,000 for Utah State University to continue monitoring and assessment activities related to freshwater ecosystems;

48. $2,100,000 for the Mine Waste Technology program at the National Environmental Waste Technology, Testing, and Evaluation Center;

49. $400,000 to enhance and improve EPA's Tribal Portal program, and to implement this program on a nationwide basis;

50. $750,000 for the Environmental Lung Disease Center at the National Jewish Medical Center;

51. $500,000 for the University of Maine-Orono to develop Source Water Warning and Analysis Technology;

52. $1,500,000 for Boise State University to continue research on multi-purpose sensors to detect and analyze contaminants and time-lapse imaging of shallow subsurface fluid flow;

53. $500,000 for the North Carolina State University Turfgrass Research Center;

54. $2,000,000 for the National Environmental Respiratory Center at the Lovelace Respiratory Research Institute in New Mexico;

55. $1,000,000 for the Desert Research Institute for western Nevada regionally-based clean water activities;

56. $1,000,000 for the University of Tennessee at Knoxville Natural Resources Policy Center;

57. $1,000,000 for the University of Louisville/Illinois Waste Management and Research Center;

58. $750,000 for the Integrated Petroleum Environmental Consortium [IPEC];

59. $1,000,000 for the water and wastewater training program at the Alabama Department of Environmental Management;

60. $1,000,000 for the Center for Estuarine Research at the University of South Alabama;

61. $425,000 for the Connecticut River Airshed-Watershed Consortium;

62. $425,000 for the Center for the Study of Metals in the Environment;

63. $900,000 for the Center for Air Toxic Metals at the Energy and Environmental Research Center;

64. $700,000 for Clean Air Counts of Northeastern Illinois to develop an innovative and cost effective method to reduce smog-causing emissions in the Chicago metropolitan region—the funding will provide support for an ongoing partnership involving EPA, the Metropolitan Mayors Caucus, Illinois EPA, and the Delta Institute;

65. $200,000 for acid rain research at the University of Vermont;

66. $200,000 for the University of Vermont's Proctor Maple Research Center to continue mercury deposition monitoring effects;

67. $500,000 for the University of Vermont's Aiken Center Greening Initiative;

68. $700,000 for Families in Search of the Truth to investigate the incidence of cancer in Fallon, Nevada;

69. $500,000 for the demonstration of an integrated approach to perchlorate remediation and treatment in the City of Rialto, California;

70. $200,000 for the Central California Ozone Study;

71. $700,000 for Southeastern Louisiana University for the Turtle Cove research station;

72. $200,000 for the State of New Jersey's Smart Growth Initiative;

73. $200,000 for ecology research at Fordham University;

74. $200,000 for expansion of the Roots and Shoots program headquartered at Western Connecticut State University;

75. $200,000 for water resource modeling at the University of Nebraska-Lincoln;

76. $1,500,000 for the Healy Zero Air Emission Tecnology;

77. $1,000,000 for the Donald Danforth Plant Science Center in St. Louis, Missouri for a Parasitic Nematodes Controls research project designed to reduce pesticide use; and

78. $1,000,000 to the Missouri Pork Producers Federation for development of technology and creation of Innoventor process to decrease environmental impacts of animal waste by conversion into energy sources.

The conferees have included bill language to authorize $1,000,000 to be transferred from EPA to the Council on Environmental Quality for an environmental study.

The conferees direct EPA to fund the fellowship programs including the STAR fellowships at as close as possible to the fiscal year 2004 level.

The conferees direct EPA to continue its technology transfer activities initially funded in fiscal year 2000 at not less than the current level of support and that those activities be carried out through the West Virginia High Technology Consortium Foundation.

The conferees agree that funding provided under this heading in H. Report 108–401 for project #57 should be redirected to the Montana Physical Sciences Foundation to research pilot scale enzyme catalyzed processes.

There is no general reduction to this account.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

Appropriates $2,313,409,000 for environmental programs and management instead of $2,241,476,000 as proposed by the House and $2,310,263,000 as proposed by the Senate.

The conference agreement does not include the language proposed by the House to make funds available for Public Law 108–199 to carry out paragraph (c)(12) of section 118 of the Federal Water Pollution Control Act, to remain available until September 30, 2007.

The conferees have agreed to specific Agency program levels as follows:

	House	Senate	Conference
Alternative Dispute Resolution	$1,015,000	$937,000	$937,000
Brownfields	23,000,000	25,000,000	25,000,000
Climate Protection Program	91,961,000	90,849,000	90,849,000
Commission for Environmental Coop	3,949,000	3,881,000	3,881,000
Compliance Assistance and Centers	27,759,000	37,000,000	27,759,000
Compliance Incentives	9,195,000	9,035,000	9,035,000
Congressional, Intergovernmental	48,366,000	46,415,000	46,415,000
Criminal Enforcement	31,370,000	54,450,000	39,370,000
Drinking Water Programs	94,000,000	95,000,000	94,000,000
Enforcement Training	3,302,000	6,000,000	3,302,000
Environment and Trade	1,723,000	1,616,000	1,616,000
Environmental Education	9,200,000	5,000,000	9,000,000
Environmental Justice	5,900,000	4,231,000	5,900,000
Exchange Network	22,000,000	23,000,000	22,000,000
Facilities Infrastructure and Ops.	308,000,000	309,000,000	317,955,000
Fed. Support for Air Quality Manage.	87,000,000	90,000,000	87,000,000
Federal Stationary Source Regs.	24,302,000	21,944,000	21,944,000
Financial Assistance Grants/IAG	20,000,000	20,329,000	20,000,000
Geographic Program: Chesapeake B.	20,817,000	22,817,000	22,817,000
Geographic Program: Great Lakes	19,000,000	19,500,000	21,195,000
Geographic Program: Long Island S.	2,300,000	2,300,000	2,300,000
Geographic Program: Other	6,790,000	6,069,000	6,790,000
Great Lakes Legacy Act	10,000,000	25,000,000	22,500,000
Human Resources Management	40,000,000	39,109,000	39,109,000
Indoor Air: Asthma Program	11,197,000	9,999,000	11,197,000
Indoor Air: Environment Tobacco	3,695,000	3,030,000	3,030,000
Indoor Air: Radon Program	5,667,000	5,073,000	5,073,000
Indoor Air: Schools and Workplace	10,352,000	9,425,000	9,425,000
International Capacity Building	6,854,000	5,500,000	5,500,000
IT/Data Mangement	103,000,000	105,000,000	105,000,000
Legal Advice: Environmental Program	34,679,000	34,404,000	34,404,000
Legal Advice: Support Program	12,522,000	12,370,000	12,370,000
Marine Pollution	12,296,000	11,779,000	11,779,000
National Estuary Program/Coastal	25,000,000	20,000,000	25,000,000
NEPA Implementation	12,654,000	12,136,000	12,136,000
Pesticides: Field Programs	27,186,000	25,217,000	25,217,000
Pesticides: Registration for New Pesticides	42,907,000	40,773,000	40,773,000
Pesticides: Review/Reregistration	52,000,000	51,714,000	51,714,000
Pollution Prevention Program	17,000,000	16,822,000	16,822,000
POPS Implementation	2,235,000	2,147,000	2,235,000
Radiation: Protection	11,812,000	11,285,000	11,812,000
Radiation: Response Preparedness	2,611,000	2,188,000	2,611,000
RCRA: Corrective Action	40,976,000	40,000,000	39,100,000
RCRA: Waste Management	67,422,000	67,000,000	67,000,000
RCRA: Waste Minimization and Rec.	11,000,000	12,000,000	11,000,000
Regional Geographic Initiatives	8,800,000	7,500,000	7,500,000
Regional Science and Technology	3,626,000	3,368,000	3,368,000
Regulatory Innovation	18,000,000	17,338,000	17,338,000
Regulatory/Economic-Management	18,552,000	17,934,000	17,934,000
Science Advisory Board	4,757,000	4,396,000	4,396,000
Science Policy and Biotechnology	1,707,000	1,651,000	1,651,000
Small Business Ombudsman	3,839,000	3,742,000	3,742,000
Stratospheric Ozone: Domestic Prog.	5,840,000	5,000,000	5,000,000
Stratospheric Ozone: Multilateral	11,000,000	10,000,000	10,000,000

	House	Senate	Conference
Surface Water Protection	188,000.000	185,000,000	188.000,000
Toxic Substances: Chemical Risk Management	9,514,000	9,252,000	9.252,000
Toxic Substances: Chemical Risk Reduction	45,879,000	44,454,000	44,454,000
Toxic Substances: Lead Risk Reduc.	14,800,000	11,083,000	11,083,000
TRI/Right to Know	15,941,000	14,670,000	14,670,000

There is no general reduction to this account.

The conferees have agreed to the following increases to the budget request:

1. 8,000,000 for the criminal enforcement;

2. 2,000,000 for EPA Region 10 for environmental compliance;

3. $18,375,000 for rural water technical assistance activities and groundwater protection with distribution as follows: $9,800,000 for the National Rural Water Association; $3,900,000 for Rural Community Assistance program, to be divided equally between assistance for water programs and assistance for wastewater programs; $735,000 for Ground Water Protection Council; $1,960,000 for Small Flows Clearinghouse; $980,000 for the National Environmental Training Center; and $1,000,000 for the Water Systems Council Wellcare Program.

4. $980,000 for the National Biosolids Partnership Program;

5. $2,000,000 for source water protection programs;

6. $2,940,000 for EPA's National Computing Center to provide for the remote mirroring of all critical information and related systems to achieve a Continuity of Operations (COOP)/Disaster Recovery capability.

7. $5,000,000 for America's Clean Water Foundation for implementation of on-farm environmental assessments for livestock operations;

8. $5,000,000 to support a demonstration project for deployment of idle reduction technology including advanced truck stop electrification, as part of the Agency's Smartway Transport Program.

9. $1,000,000 for the Lake Pontchartrain Basin Restoration Program for a total of $2,000,000;

10. $200,000 for the Northeast States for Coordinated Air Use Management [NESCAUM];

11. $200,000 for the Northeast Waste Management Officials Association [NEWMOA];

12. $1,540,000 for the Lake Champlain Basin program, for a total of $2,500,000;

13. $1,823,000 for the Long Island Sound program, for a total of $2,300,000;

14. $2,000,000 for Chesapeake Bay small watershed grants. The Committee expects that the funds provided for this program, managed by the Fish and Wildlife Foundation, shall be used for community-based projects including those that design and implement on the ground and in the water environmental restoration or protection activities to help meet Chesapeake Bay program goals and objectives. This will result in a total of $22,817,000 available in fiscal year 2005 for the Chesapeake Bay program.

15. $1,000,000 to the Environmental Monitoring and Assessment Program within the State of Alaska;

16. $100,000 to the Salton Sea Authority in Salton Sea, California for air quality mitigation projects;

17. $250,000 to Calleguas Municipal Water for the Calleguas Creek Watershed Management Plan Implementation in Ventura County, California;

18. $100,000 to the University of Redlands in California for the Salton Sea Database;

19. $300,000 for the City of Highland, California for developing and implementing displays and exhibits for the City of Highland Environmental Learning Center;

20. $200,000 for the Operation Clean Air Advocates, Inc. in San Joaquin Valley, California for Operation Clean Air;

21. $100,000 for the California State University-Fullerton, California for the National Center for Water Hazard Mitigation;

22. $175,000 to the Central California Ozone Study;

23. $100,000 to the University of Connecticut Health Center to implement a model asthma intervention program for the State of Connecticut;

24. $250,000 to the University of North Florida for the Real-Time Regional Environmental Modeling in Jacksonville, Florida;

25. $900,000 to Osceola County, Florida for abatement and prevention of hydrilla and hygophila;

26. $150,000 to the Spokane Region Chamber of Commerce for the Rathdrum Prairie/Spokane Valley Aquifer Study in Spokane County, Idaho;

27. $1,700,000 to Boise State University for research projects aimed at developing and demonstrating multi-purpose sensors to detect and analyze contaminants and time-lapse imaging of shallow subsurface fluid flow;

28. $300,000 for the Selenium Information System Project at the Idaho National Engineering and Environmental Laboratory;

29. $100,000 to the City of Rexburg, Idaho for the Teton River Mill Site Redevelopment and Learning Project;

30. $150,000 to the City of Chicago, Illinois for the Beach Contamination Identification/Elimination Study;

31. $100,000 for PRIDE in the 2nd District of Kentucky for PRIDE in the Heartland of Kentucky;

32. $500,000 to the Olmsted Parks Conservancy in Louisville, Kentucky to remove invasive species and correct erosion in Cherokee and Seneca Parks;

33. $1,000,000 to the Olmsted Parks Conservancy in Louisville, Kentucky to correct riverbank erosion in Chickasaw Park;

34. $550,000 to the Olmsted Parks Conservancy in Louisville, Kentucky to correct erosion in Iroquois Park;

35. $850,000 to the Louisville Waterfront Development Corporation, Kentucky for anti-erosion strategies;

36. $200,000 to the Louisiana State University in Shreveport, Louisiana for the Red River Watershed Management Institute;

37. $100,000 to Prince George's County, Maryland for the Low Impact Development demonstration project in the Anacostia River Watershed;

38. $100,000 to Wayne County, Michigan for the Lead Prevention Initiative;

39. $100,000 to Wayne County, Michigan for the lead prevention initiative;

40. $200,000 for the Michigan Biotechnology Institute in East Lansing, Michigan for the Michigan Biotechnology Institute International's Nanocomposite Surfaces;

41. $100,000 to the New Hampshire Department of Environmental Services to develop a statewide water resources management plan;

42. $250,000 to the Ten Towns Great Swamp Watershed Management Committee in New Jersey for a water quality monitoring program in the Great Swamp National Refuge;

43. $100,000 to Monmouth University for the Coastal Watershed Program in West Long Branch, New Jersey;

44. $150,000 for Monmouth University for the Center for Coastal Watershed Management in West Long Beach, New Jersey;

45. $200,000 to Madison County, New York for the Landfill Gas to Electricity Project;

46. $250,000 for the New York University in Bronx, New York for health disparity studies;

47. $1,500,000 for continued work on water management plans for the Central New York Watersheds in Onondaga and Cayuga counties;

48. $750,000 to Cortland County, New York for continued work on the aquifer protection plan, of which $350,000 is for continued implementation of the comprehensive water quality management program in the Upper Susquehanna Watershed;

49. $250,000 to Wayne County, New York for continued work on a county-wide lakeshore embankments resource preservation and watershed enhancement plan;

50. $300,000 for the NADO (National Association of Development Organizations) Research Foundation for environmental training and information dissemination related to rural brownfields, air quality standards and water infrastructure;

51. $200,000 to the Ohio River Valley Water Sanitation Commission for the Ohio River Watershed Pollutant Reduction Program;

52. $250,000 to Lake Erie Coastal Ohio for planning, research, and analysis of coastal Lake Erie community, environmental, and educational efforts;

53. $200,000 to the Oklahoma State University, the University of Oklahoma, the University of Tulsa, and the University of Arkansas for the Integrated Petroleum Environmental Consortium in Tulsa, Oklahoma;

54. $1,500,000 to the American Cities Foundation (ACF) for the Neighborhood Environmental Action Team program and other community environmental efforts;

55. $700,000 to Caribbean American Mission for Education Research and Action, Inc. (CAMERA), to support a youth environmental stewardship program in Bala Cynwyd, Pennsylvania;

56. $700,000 to the Environment and Sports Inc., of Philadelphia to continue support of an environmental awareness program in Philadelphia, Pennsylvania;

57. $350,000 for the Concurrent Technologies Corp for the Small Partner Environmental Information Exchange Network;

58. $100,000 to Cabrini College in Radnor, Pennsylvania for the Center for Science Education and Technology;

59. $100,000 to the University of Memphis for Environmental Programs Hazard Management in Memphis, Tennessee;

60. $250,000 to the Tarrant County Watershed District in Tarrant County, Texas to develop and implement an integrated watershed protection plan;

61. $750,000 to the University of Texas at Austin for environmental resource management and technical assistance activities for the Rio Bravo-Rio Grande Physical Assessment Program;

62. $250,000 to the University of North Texas for the Texas Institute for Environmental Assessment and Management;

63. $200,000 to the City of Lubbock, Texas for a comprehensive study to address regional water and wastewater concerns;

64. $75,000 to the Brazos River Authority for the Brazos/Navasota Watershed Management Project in Texas;

65. $200,000 to the Puget Sound Action Team of Hood Canal, Washington for the Hood Canal Depleted Oxygen Study;

66. $100,000 for the Spokane Regional Chamber of Commerce for the Spokane Valley/Rathdrum Prairie Aquifer Study;

67. $200,000 to the Upper Kanawha Valley Enterprise Community for the Shrewsbury

Riverbank Erosion Project in Shewsbury, West Virginia;

68. $2,000,000 for on-going activities at the Canaan Valley Institute, including activities relating to community sustainability;

69. $1,500,000 to support and implement the Highlands Action Program (HAP) of the Agency, including, but not limited to, federal personnel and related costs;

70. $150,000 for Marshall University, Center for Environmental, Geotechnical and Applied Sciences for Environmental Management Incubator in Huntington, West Virginia;

71. $200,000 to the City of Cedarburg, Wisconsin for ongoing surface water treatment and general environmental remediation of Cedar Creek;

72. $4,000,000 for the Small Public Water System Technology Centers at Western Kentucky University, the University of New Hampshire, the University of Alaska-Sitka, Pennsylvania State University, the University of Missouri-Columbia, Montana State University, the University of Illinois, and Mississippi State University;

73. $500,000 for the City of Boulder's Sustainability Center;

74. $300,000 for the State Review of Oil and Natural Gas Environmental Regulations [STRONGER] program;

75. $200,000 for the Utah Watershed Coordinator's Council;

76. $250,000 for the City of Covington Riverfront Planning Project in Covington, Kentucky;

77. $600,000 for the University of Southern Mississippi's Gulf of Mexico program to evaluate bacterial source tracking in three Gulf Coast watersheds;

78. $350,000 for the Greater Houston Partnership/Houston Advanced Research Center for an air quality study;

79. $400,000 to the Baylor University for a Lake Whitney comprehensive assessment;

80. $1,500,000 for the Rathdrum Prairie/Spokane Valley Aquifer study with matching funds to be provided by the State of Idaho and Washington;

81. $300,000 for the Selenium Information System project at the Idaho National Engineering and Environmental Laboratory;

82. $2,500,000 for the Southwest Center for Environmental Research and Policy;

83. $500,000 for the Lake Tahoe Environmental Improvement program;

84. $1,000,000 for the City of Maryville, Tennessee to implement an environmental protection and education project;

85. $250,000 for the Center for Environmental Citizenship at Luther College in Decorah, Iowa;

86. $250,000 for a comprehensive storm and irrigation-water management initiative for Orem, Utah;

87. $5,000,000 for the Oklahoma Department of Environmental Quality for ongoing surface water treatment and general environmental remediation in collaboration with other involved state and Federal entities of the effects of mine-waste tailings in the Tar Creek and Spring Creek watersheds and area in Ottawa County, Oklahoma;

88. $500,000 for the U.S.-Mexico Border Environmental Protection program at the University of Arizona;

89. $600,000 for the Western Kentucky University Center for Wastewater Research;

90. $400,000 for the Green River Biological Diversity Monitoring project at Western Kentucky University;

91. $300,000 for Auburn University to develop a Mobile Delta Initiative;

92. $750,000 for the City of Wilsonville, Oregon to develop an innovative rainwater management system;

93. $500,000 for the Ozarks Environmental and Water Resources Institute at Southwest Missouri State University;

94. $750,000 for the Lake Pontchartrain Basin Foundation for Lake Pontchartrain water quality improvement;

95. $250,000 for the Maryland Bureau of Mines for an acid mine drainage remediation project;

96. $1,000,000 for projects demonstrating the benefits of Low Impact Development along the Anacostia Watershed in Prince Georges County, Maryland, including

97. $500,000 for storm drains and trash traps;

98. $750,000 for the City of Waukesha, Wisconsin, for a radium removal research and study project;

99. $250,000 for the Northwest Straits Commission for Washington State University's beach watchers program;

100. $500,000 for the Columbia Basin Groundwater Management Area;

101. $300,000 for the Walker Lake Working Group in Nevada for scientific, analytical, and other technical assistance to evaluate solutions for the restoration of Walker Lake;

102. $250,000 for the Friends of Old Maui School and Community Work Day in Hawaii for environmental assessments;

103. $350,000 for the County of Hawaii for the Honomolino Irrigation Cooperative surface and ground water project;

104. $250,000 for the Hawaii Nature Center East Kauai watershed improvement initiative;

105. $500,000 for the Metropolitan Water District of Southern California for a study of the effectiveness of biological treatment for the removal of perchlorate from groundwater;

106. $250,000 for the Fresno County Council of Governments in California for a non-point source water quality management program;

107. $500,000 for the Storm Lake, Iowa, water quality project;

108. $250,000 for the Iowa Stormwater Runoff Council for the development and implementation of improved urban stormwater control practices;

109. $300,000 for the Vermont Department of Agriculture Steven's Brook watershed project;

110. $250,000 for the City of Warwick, Rhode Island, for design and engineering of the Potowomut wastewater collection system;

111. $400,000 for the City of Las Vegas, New Mexico, for a mechanical biological treatment initiative;

112. $750,000 for the University of West Florida's PERCH program;

113. $400,000 for the County of Ventura, California, Calleguas Creek Watershed Management Plan;

114. $400,000 for a storm water research initiative at the University of Vermont;

115. $700,000 for Plimoth Plantation in Plymouth, Massachusetts, for environmental education initiatives;

116. $400,000 for the City of Norwalk, Connecticut, for the FILTER project to prevent runoff into the Long Island Sound;

117. $500,000 for the State of Nevada to replace or retrofit school buses to lower emissions;

118. $250,000 for Chautauqua County, New York, for a sewerage mapping project;

119. $400,000 for the Right Place in Grand Rapids, Michigan, for the West Michigan Regional Sustainable Manufacturing Initiative;

120. $400,000 for Deschutes County, Oregon, for the Upper Deschutes River water quality and monitoring program;

121. $200,000 for pollution prevention of Wreck Pond and nearby beaches in Spring Lake, New Jersey;

122. $200,000 for the City of Vineland, New Jersey, for the demonstration of an environmentally sound disabled vehicle removal pilot project;

123. $400,000 for the King County, Washington, molten fuel cell demonstration project;

124. $200,000 for the North Carolina Rural Economic Development Center for a statewide water and wastewater assessment;

125. $750,000 for continued research and watershed activities at the Kenai River Center in Kenai, Alaska;

126. $375,000 for regional haze monitoring in the State of Alaska;

127. $1,500,000 to the Environmental Resources Coalition for the Southwest Missouri Water Resources Assessment Project; and

128. $1,000,000 for the Missouri Department of Natural Resources for the Low Sulfur Coal Emissions Reduction Pilot Project.

The Conference has included $8,000,000 more than the budget request for EPA Criminal Enforcement for a total of $39,370,000 for FY05, an increase of a little more than $8,000,000 above the 2004 level. The Conference believes that a strong criminal enforcement program is essential to reducing pollution and protecting public health. The Conference believes that the EPA does not devote adequate resources to the program, which has led to staffing declines and case backlogs. The Conference directs EPA to submit to the House and Senate Committees on Appropriations a plan to reduce case backlogs and ensure adequate resources and staffing levels by March 15, 2005. In addition to this increase, the conference agreement includes sufficient funds to maintain the level of staffing at other enforcement activities throughout the agency at not less than the fiscal year 2004 level.

The Conferees consider that a strong relationship between EPA and the Department of Homeland Security (DHS) is critical if the Nation is going to have a comprehensive and effective plan for protecting our homeland. The conferees understand that the EPA has negotiated two memorandums of understandings (MOUs) with DHS. The first, between DHS and EPA's Office of Research and Development, provides for joint research projects. The second, between DHS and EPA's Office of Air and Radiation, is designed to provide coordination and funding for field operations of the biowatch monitoring network. Nevertheless, the Conferees remain concerned that the Agency's responsibilities as to homeland security are not well articulated. Therefore, the Conferees direct EPA to enter into a comprehensive MOU with DHS no later than August 1, 2005 that will define the relationship and responsibilities of these entities with regard to the protection and security of our Nation. The Conferees expect the MOU to specifically identify areas of responsibilities and the potential costs (including which entity pays, in whole or part) for fully meeting such responsibilities. EPA shall submit to the House and Senate Committees on Appropriations a plan no later than September 15, 2005 that details how the agency will meet its responsibilities under the MOU, including a staffing plan and budget.

The conference agreement provides the budget request of $2,000,000 for the Water Information Sharing and Analysis Center

(Water ISAC) to gather, analyze, and disseminate sensitive security information to water and wastewater systems. The conferees direct that the Water ISAC shall be implemented through a grant to the Association of Metropolitan Water Agencies.

The conferees have, within available funds, provided $2,000,000 for nine Environmental Finance Centers, the same as for fiscal year 2004.

The conferees have provided the full budget request for the Endocrine Disruptor Screening Program. The High Production Volume (HPV) Chemical Challenge Program and the Voluntary Children's Chemical Evaluation Program have been funded at the fiscal year 2004 level and the conferees urge that no reductions be proposed in the operating plan submission for these important programs.

The conferees support EPA's promotion of environmental management systems (EMSs), codes established by a variety of industry sectors to ensure superior environmental performance, and urge the agency to examine additional regulatory incentives to be provided to organizations that have implemented an EMS.

The conferees have also provided the fiscal year 2004 appropriation level for activities and programs of the Office of Pesticide Programs (OPP).

The conferees direct EPA to provide for the Pesticide Applicator Training program the same amount as available in fiscal year 2004.

The conferees support the Agency's electronics recycling initiative, and encourage the Agency to support pilot projects through the Polymer Alliance Zone's MARCEE Initiative to develop a market-based sustainable electronics recycling infrastructure.

OFFICE OF INSPECTOR GENERAL

Appropriates $38,000,000 for the Office of Inspector General, an increase of $1,000,000 over the amount proposed by the House, and the same amount proposed by the Senate. In addition to amounts appropriated directly to the OIG, $13,000,000 is also available by transfer from funds appropriated for Hazardous Substance Superfund. Of the total funding, $750,000 shall be used to carry out the duties of Inspector General for the Chemical Safety and Hazard Investigation Board.

BUILDINGS AND FACILITIES

Appropriates $39,000,000 for buildings and facilities, instead of $40,000,000 as proposed by the Senate and the same as proposed by the House.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $1,257,537,000 for Hazardous Substance Superfund as proposed by the House instead of $1,381,416,000 as proposed by the Senate. Bill language provides that such sums as are available from the Superfund trust fund upon the date of enactment are available for this activity, with the remainder to be derived from general revenues of the Treasury. Additional language provides for the transfer of $13,000,000 to the Office of Inspector General, and for the transfer of $36,097,000 to the Science and Technology account.

The conferees direct EPA to develop a standard test method for naturally occurring asbestos that will provide reproducible results and provide a risk analysis using the existing EPA Airborne Asbestos Health Assessment Update.

The conferees remain concerned about the effective implementation of the Superfund program. The EPA IG is conducting an ongoing evaluation of Superfund expenditures at the request of the House and Senate Committees on Appropriations. It is clear, however, that there is little coordination of best practices at Superfund sites and the conferees urge EPA to develop a best practices approach which will ensure that there will be better coordination in managing sites and that those Superfund procedures that work best for the least cost will be implemented.

The conferees have agreed to the following fiscal year 2005 funding levels:

1. $879,100,000 for Superfund response and cleanup activities;
2. $146,514,000 for enforcement activities;
3. $145,000,000 for management and support;
4. $13,000,000 for transfer to the Office of Inspector General;
5. $36,097,000 for research and development activities, to be transferred to the Science and Technology account; and
6. $37,826,000 for reimbursable interagency activities, including $27,150,000 for the Department of Justice and $10,676,000 for OSHA, FEMA, NOAA, the United States Coast Guard, and for the Department of the Interior.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

Appropriates $70,000,000 for the leaking underground storage tank program as proposed by the Senate, instead of $74,000,000 as proposed by the House.

OIL SPILL RESPONSE

Appropriates $16,000,000 for oil spill response as proposed by the House and the Senate.

STATE AND TRIBAL ASSISTANCE GRANTS

Appropriates $3,604,182,000 for state and tribal assistance grants instead of $3,359,027,000 as proposed by the House and $3,886,550,000 as proposed by the Senate. Bill language specifically provides $1,100,000,000 for Clean Water State Revolving Fund (SRF) capitalization grants, of which up to $50,000,000 is to be made available for use by States that choose to make loans, including interest-free loans, that increase non-point and non-structural, decentralized alternatives, expanding the choices available to communities in their fight for clean water. The conferees again strongly encourage States that can do so to pursue innovative technologies in this regard, but emphasize that this program is voluntary and that States not participating in the program will nevertheless continue to receive their normal level of funding through the established SRF formulas.

Additional bill language provides $850,000,000 for Safe Drinking Water SRF capitalization grants; $50,000,000 for the United States-Mexico Border program; $45,000,000 for grants to address drinking water and wastewater infrastructure needs in rural and native Alaska communities; $4,000,000 for remediation of above ground leaking fuel tanks in Alaska pursuant to Public Law 106–554; $90,000,000 for Brownfields infrastructure grants; $1,145,757,000 for categorical grants to the states and tribes, including $50,000,000 for Brownfields categorical grants and $19,500,000 for the Environmental Information Exchange program; $7,500,000 for Clean School Bus grants; and $309,925,000 for cost-shared grants for construction of water and wastewater treatment facilities and infrastructure and for groundwater protection infrastructure.

The conferees have included bill language which: (1) for fiscal year 2005, authorizes the Administrator of the EPA to use funds appropriated pursuant to the Federal Water Pollution Control Act (FWPCA) to make grants to Indian tribes pursuant to section 319(h) and 518(e) of FWPCA; (2) will permit the states to include as principal amounts considered to be the cost of administering SRF loans to eligible borrowers, with certain limitations; (3) for fiscal year 2005, authorizes the states to transfer funds between the Clean Water and Safe Drinking Water SRF programs; and (4) stipulates that no funds provided in the Act to address water infrastructure needs of colonias within the United States along the United States-Mexico border shall be made available to a county or municipal government unless that governmental entity has established an enforceable ordinance or rule which prevents the development or construction of any additional colonia areas, or the development within an existing colonia of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

As in previous years, the conferees have included bill language that stipulates that none of the funds provided in this or any previous years' Act for the Safe Drinking Water SRF may be reserved by the Administrator for health effects studies on drinking water contaminants. The conferees have instead provided significant resources for such studies within EPA's Science and Technology account.

The conferees have included, as proposed by the Senate, bill language which sets certain requirements for Alaska Native Village grants, including: (1) a 25% cost share from the State of Alaska; (2) a limitation on administrative expenses; and (3) the establishment of a statewide priority list and a set-aside for regional hub communities.

The conferees have not included language proposed in the Senate bill that created a new $3,000,000 construction program that was designed to begin building the needed infrastructure to reduce the risk of arsenic in drinking water as required by the arsenic in drinking water rule (66 FR 6979). In 2006, both community water systems and non-transient, non-community water systems are expected to be in compliance with these new arsenic in drinking water requirements. The conferees are concerned that many communities, especially rural communities in the West, will be unable to meet these new requirements which could become a huge financial hardship on these communities. This may mean that clean water systems could be abandoned in favor of untreated well water or that communities may be forced to spend very tight resources on new water infrastructure while abandoning other critical priorities such as maintaining local school systems. The conferees direct EPA to submit a study no later than August 15, 2005 on the extent to which the communities will be impacted by the arsenic in drinking water rule, the likely cost to these communities for meeting the requirements of the rule, alternatives to meeting the requirements of the rule and recommendations for, but not limited to, ways to minimize the cost.

The conferees have included bill language that makes technical corrections and changes to grants approved in previous fiscal years.

Of the funds provided for the United States-Mexico Border program, $5,000,000 is for continuation of the El Paso, Texas desalination and water supply project, and $2,000,000 is for the Brownsville, Texas water supply project.

The conferees provide $18,000,000 for making competitive Targeted Watershed grants;

within these funds, $8,000,000 is for a regional pilot program for the Chesapeake Bay that shall demonstrate effective non-point source nutrient reduction approaches that target small watersheds and accelerate nutrient reduction in innovative, sustainable, and cost-effective ways. Partners in the effort to protect the Bay include Maryland; Pennsylvania; Virginia; the District of Columbia; the Chesapeake Bay Commission, a tri-state legislative body; EPA, which represents the Federal Government; and, participating citizen advisory groups.

The conferees direct EPA under the "school bus" program to treat all school districts equally, regardless of whether the buses are owned by the district or owned by a contractor. In either case, the grantee is a school district. In cases where the school district contracts with an outside entity for the provision of school buses, the school district is expected to contract with its contractor to ensure the buses are as environmentally sound as possible at the least possible cost. Any use of funds must be consistent with the program requirements. School districts can apply jointly for a grant where the contractor provides student busing services to more than one district.

Within the State and Tribal Categorical Grant program, the conference agreement includes:

	House	Senate	Conference
State and Local Air Quality Assistance	225,000,000	228,550,000	225,000,000
Tribal Air Quality Assistance	10,830,000	11,000,000	10,830,000
Radon	8,000,000	7,000,000	7,000,000
Pollution Control (Section 106)	200,000,000	210,000,000	210,000,000
Beaches Protection	10,000,000	10,000,000	10,000,000
Nonpoint Source (Section 319)	235,250,000	215,000,000	209,000,000
Wetlands Program Development	14,500,000	15,000,000	15,000,000
Wastewater Operator Training	1,500,000	1,500,000	1,500,000
Water Quality Cooperative Agreements (Sec. 104(3)(b))	18,620,000	17,000,000	17,000,000
Targeted Watersheds	14,500,000	20,000,000	18,000,000
Public Water System Supervision (PWSS)	100,550,000	102,500,000	100,550,000
Underground Injection Control (UIC)	10,780,000	9,000,000	10,780,000
Drinking Water Homeland Security	5,000,000	5,000,000	5,000,000
RCRA Financial Assistance	104,300,000	106,400,000	104,300,000
Brownfields	50,000,000	50,000,000	50,000,000
Underground Storage Tanks	12,000,000	13,000,000	12,000,000
Pesticides Program Implementation	13,000,000	13,100,000	13,000,000
Lead Risk Reduction	13,500,000	13,700,000	13,500,000
Toxic Substances Compliance	5,047,000	5,150,000	5,047,000
Pesticides Enforcement	19,500,000	19,900,000	19,500,000
Environmental Information	19,500,000	20,000,000	19,500,000
Pollution Prevention	6,000,000	5,000,000	5,000,000
Sector Program (Enforcement & Comp Assurance)	2,250,000	2,250,000	2,250,000
Tribal General Assistance Program	62,000,000	62,500,000	62,000,000

The conferees have not included language that directed EPA to deduct from grants to state associations for a state that does not wish to participate in the association, as proposed by the Senate. The conferees believe that current recipients of such grants have administratively addressed this issue.

The conferees have provided $309,925,000 for a targeted program making grants to communities for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection. As in past years, these grants shall be accompanied by a cost-share requirement whereby 45 percent of a project's cost is the responsibility of the community or entity receiving the grant. In those few cases where such cost-share requirement poses a particular financial burden on the recipient community or entity, the conferees support the Agency's use of its long-standing guidance for financial capability assessments to determine reductions or waivers from this match requirement.

With the exception of the limited instances in which an applicant meets the criteria for a waiver, the conferees have provided no more than 55% of an individual project's cost, regardless of the amount appropriated below. The phrase 'terms and conditions' referenced in the bill language includes the maximum 55% federal share, as well as the intended recipients and the specific project descriptions, as listed below. The distribution of funds under this program is as follows:

1. $400,000 to the City Falkville, Alabama for sewer infrastructure improvements;
2. $750,000 to the City of Albertville, Alabama for sewer infrastructure improvements;
3. $180,000 to the City of Boldo, Alabama for water infrastructure improvements;
4. $200,000 to the City of Addison, Alabama for sewer infrastructure improvements;
5. $220,000 to Lamar County, Alabama for infrastructure improvements to the Lamar County Reservoir;
6. $350,000 to the City of Arley, Alabama for water infrastructure improvements;
7. $200,000 to the City of Eva, Alabama for sewer infrastructure improvements;
8. $200,000 to the City of Guin, Alabama for water infrastructure improvements;
9. $250,000 to the City of Phil Campbell, Alabama for water infrastructure improvements;
10. $500,000 to Blount County, Alabama for water infrastructure improvements;
11. $500,000 to the DeKalb-Jackson Water Supply District in Ider, Alabama for construction of a water treatment plant;
12. $150,000 to Fort Payne, Alabama for a pump station at Wills Valley Industrial Park;
13. $250,000 to the Helena Utility Board in Helena, Alabama for sewer infrastructure improvements;
14. $250,000 to the City of Jackson, Alabama for water and wastewater infrastructure improvements;
15. $200,000 to the City of Athens, Alabama for wastewater infrastructure improvements;
16. $500,000 to Lawrence County, Alabama for the Bankhead Forest Water Project;
17. $250,000 to the City of Huntsville, Alabama for water infrastructure improvements;
18. $400,000 to Hartselle Utilities for wastewater infrastructure improvements in Hartselle, Alabama;
19. $100,000 to Harvest-Monrovia Water, Sewer, and Fire Protection in Alabama for a master plan to accomplish the establishment of a sewer system within the service area;
20. $300,000 to the Limestone County Water and Sewer Authority in Alabama for water infrastructure improvements;
21. $400,000 to the Waterworks Boards of the Towns of Section and Dutton, Alabama for water infrastructure improvements;
22. $500,000 to the Scottsboro Waterworks, Sewer, and Gas Board in Scottsboro, Alabama for construction and rehabilitation of a sanitary sewer collection system;
23. $600,000 to the City of Sheffield, Alabama for water and wastewater infrastructure improvements;
24. $200,000 to the West Morgan-East Lawrence Water and Sewer Authority for water and wastewater system infrastructure improvements;
25. $50,000 to Jackson County, Alabama for water and wastewater infrastructure improvements;
26. $400,000 to the City of Muscle Shoals, Alabama for water and wastewater infrastructure improvements;
27. $100,000 to the community of Overlook Hills in Dallas County, Alabama for wastewater infrastructure improvements;
28. $100,000 to the Town of Fulton, Alabama to construct a wastewater treatment facility;
29. $150,000 to the Town of Red Level, Alabama for Phase II water infrastructure improvements;
30. $150,000 to the City of Valley, Alabama to purchase Langdale Mill and Fairfax Utilization Plant;
31. $100,000 for the Millerville Water Authority (Clay County Commission) for water infrastructure improvements in Millerville, Alabama;
32. $200,000 for the Smiths Station Water Authority in Alabama for water infrastructure improvements;
33. $30,000 for City of Piedmont Water and Utilities Board to extend water lines to the Terrapin Cove/Borden Springs area in Cleburne County, Alabama;
34. $250,000 to the City of Fayetteville, Arkansas for water infrastructure improvements;
35. $250,000 for the Faulkner County Public Facilities Board for Lake Conway Sewer Improvements in Faulkner County, Arkansas;
36. $200,000 for the City of Goodyear, Arizona for water infrastructure improvements;
37. $250,000 to the City of Avondale, Arizona for wastewater infrastructure improvements;
38. $150,000 to the City of Chandler, Arizona for the Chandler Arsenic Mitigation Program;
39. $1,000,000 to the University of Arizona, College of Pharmacy for the US-Mexico Border Environmental Protection Program;
40. $250,000 to the City of Stafford, Arizona for construction of a wastewater treatment plant;
41. $500,000 to the City of St. Johns, Arizona for new water transmission pipeline construction;
42. $150,000 to the City of Rialto, California for water infrastructure improvements;
43. $250,000 to the Box Springs Mutual Water Company of the City of Moreno Valley, California for installation of a sewer system;
44. $200,000 to the City of Oxnard, California for the Headworks Expansion Project and Redwood Trunk Project;
45. $150,000 to the City of Modesto, California for the neighborhood storm water, sewer, and water infrastructure project (Ninth Street Corridor Storm Drain Project);
46. $600,000 to the Orange County Sanitation District for wastewater infrastructure improvements in Fountain Valley, California;
47. $500,000 to the City of Laguna Beach, California for emergency sewer repairs;
48. $1,000,000 to the City of Solana Beach, California for wastewater treatment improvements in the municipal sewer system;
49. $250,000 to the City of Roseville, California for water infrastructure improvements;
50. $400,000 to the City of Monrovia, California for water and wastewater infrastructure improvement;
51. $1,000,000 to the Cities of Arcadia and Sierra Madre, California for the Joint Water Infrastructure Restoration Program;
52. $200,000 to the City of East Palo Alto, California for the storm water infrastructure improvements;

53. $350,000 to the Monterey County Water Resource Agency for the Salinas Valley Water Project in Monterey County, California;

54. $100,000 to the Sweetwater Authority for the water quality monitoring in Chula Vista, California;

55. $250,000 to the City of El Segundo, California for wastewater infrastructure improvements for Smoky Hollow;

56. $350,000 for the City of Redding, California for water infrastructure improvements;

57. $750,000 to the San Diego County Water Authority for the San Diego County Water Authority Regional Seawater Desalination Initiative in San Diego, California;

58. $350,000 to the City of Brisbane, California for water and wastewater infrastructure improvements;

59. $100,000 for the Bighorn Desert Water Agency for water infrastructure improvements in Yucca Valley, California;

60. $450,000 to the City of San Bernardino, California for Lakes and Stream Project;

61. $250,000 to the City of Hesperia, California for water infrastructure improvements;

62. $200,000 to the City of Lake Arrowhead, California for the Community Services District;

63. $500,000 for Mission Springs Water District for the Groundwater Protection, Supply Enhancement/Reuse Program in Desert Hot Springs, California;

64. $450,000 to the City of Banning, California for the Brinton Reservoir;

65. $300,000 for the Hi-Desert Water District in Yucca, Valley, California for the Warren Valley Recharge Facility;

66. $300,000 for the Santa Ana Watershed Project Authority in California for the Santa Ana Regional Interceptor (SARI) Enhancement;

67. $200,000 for the City of San Jose, California for water and wastewater infrastructure improvements;

68. $500,000 to the City of Sacramento, California for combined sewer system improvement rehabilitation project;

69. $250,000 for the Castaic Lake Water Agency in California for wastewater infrastructure improvements;

70. $250,000 to the City of Barstow, California for a sewer master plan implementation project;

71. $250,000 to the City of Victorville, California for water infrastructure improvements;

72. $200,000 for the California State University, Dominguez Hills for the Center for Urban Environmental Research in Carson, California;

73. $200,000 to the City of Brea, California for sewer infrastructure improvements;

74. $200,000 to the City of Mission Viejo, California for the Oso Creek Barrier Project;

75. $300,000 to the City of Vallejo, California for the Mare Island Sanitary Sewer and Storm Drain Improvement Project;

76. $250,000 to the City of Norwalk, California for the Balancing Facility Project;

77. $150,000 to the Strathmore Public Utility District for a wastewater treatment plant;

78. $250,000 to the City of Folsom, California for the sewer rehabilitation project;

79. $1,000,000 to the City of San Francisco, California for water and wastewater infrastructure improvements;

80. $800,000 for the Santa Clara Valley Water District in Santa Clara County, California for Perchlorate Cleanup;

81. $200,000 to the City of Westminster, California for the Westminster Water Quality Pilot Project;

82. $300,000 to the City of Huntington Beach, California for the Wintersberg Channel Urban Run-Off Treatment;

83. $250,000 to the City of Downey, California for storm water infrastructure improvements;

84. $150,000 for the Municipal Water District of Orange County, California for an Orange County water reliability study;

85. $200,000 for the Orange County Sanitation District for a new secondary treatment facility in Fountain Valley, California;

86. $250,000 to the City of Eurka, California for the Martin Slough Interceptor;

87. $250,000 to the City of Gardena, California for water and wastewater infrastructure improvements;

88. $250,000 to the City of Santa Monica, California for water infrastructure improvements;

89. $200,000 for Sonoma County, California for the Monte Rio sanitation project in Monte Rio, California;

90. $250,000 to Jefferson County, Colorado to implement a new storm water improvement program;

91. $250,000 to the City of Ouray, Colorado for water infrastructure improvements;

92. $150,000 to the City of Meriden, Connecticut for the City Center Initiative Flood Control and Demolition;

93. $300,000 to the City of New Britain, Connecticut for water infrastructure improvements;

94. $500,000 to the City of Southington, Connecticut for the Southington Water Supply Improvement Project;

95. $200,000 to the City of Stamford, Connecticut for storm water infrastructure improvements;

96. $350,000 to the City of Groton, Connecticut for water and sewer line extension;

97. $500,000 to the District of Columbia Government for drinking water infrastructure improvements to address lead problems;

98. $400,000 for the City of Wilmington, Delaware for wastewater infrastructure improvements;

99. $250,000 to the City of Tarpon Springs, Florida for water and wastewater infrastructure improvements;

100. $200,000 to the City of Gainesville, Florida for the depot regional storm water park;

101. $250,000 to Citrus County, Florida for the Chassahowitzka Area Wastewater Collection and Drinking Water Distribution System;

102. $200,000 to Hillsborough County, Florida for the Hillsborough County Alternative Water Supplies—Phase III;

103. $750,000 to the City of Miami Beach, Florida for storm water infrastructure improvements;

104. $250,000 to the City of Key West, Florida for storm water infrastructure improvements

105. $200,000 to the City of Pemroke Pines, Florida for water treatment expansion;

106. $250,000 to the City of Homestead, Florida for water and wastewater infrastructure improvements;

107. $150,000 for the South Seminole & North Orange County Wastewater Transmission Authority for the replacement of wastewater pipes and mechanical equipment;

108. $200,000 to the Southwest Florida Water Management District for the Peace River & Myakka River Water Initiative in Polk County, Florida;

109. $300,000 to the Village of Wellington, Florida for the reconfiguration of storm water system project;

110. $350,000 for the County of Sarasota, Florida for wastewater infrastructure improvements;

111. $200,000 to the City of Rivera Beach, Florida for the storm water management plan;

112. $200,000 to the Town of Windermere, Florida for storm water management improvements;

113. $250,000 to the City of Miami Gardens, Florida for water, wastewater, storm water, and sewer infrastructure improvements;

114. $200,000 to the City of Bunnell, Florida for the Wastewater Collection, Treatment and Disposal System Rehabilitation Project;

115. $500,000 for St. Johns County, Florida for the College Park Drainage Improvement Project in West Augustine, Florida;

116. $250,000 for the Escambia County Utility Authority for Wastewater Treatment/water Reclamation Partnership in Escambia County, Florida;

117. $350,000 to the City of Davenport, Florida for wastewater infrastructure improvements;

118. $200,000 to the City of Lakeworth, Florida for water infrastructure improvements;

119. $200,000 to the City of Davie, Florida for water main replacement;

120. $300,000 for the South Central Regional Wastewater Treatment and Disposal Board for the 100 percent Wastewater Reuse Project in the Cities of Delray Beach and Boynton Beach, Florida;

121. $300,000 to the City of Starke, Florida for the Water Quality Improvement Program;

122. $500,000 to Osceola County, Florida for drainage basin improvements;

123. $2,500,000 to the St. Johns River Water Management District for water infrastructure improvements in Central and East Florida;

124. $4,000,000 to the Southwest Florida Water Management District for continuation of the Tampa Bay Reservoir Project;

125. $1,200,000 to the Southwest Florida Water Management District for Tampa Bay Reclaimed Water and Downstream Augmentation Project;

126. $300,000 to the Southwest Florida Water Management District for the Peace River and Myakka River Watershed Restoration Initiative;

127. $500,000 to the City of Clearwater, Florida for the Wastewater and Reclaimed Water Infrastructure Project:

128. $1,300,000 to the City of Tampa, Florida for sediment removal from estuaries of the headwaters at the canals;

129. $500,000 to the City of Treasure Island, Florida for wastewater and sewer system upgrades;

130. $900,000 to the City of Albany, Georgia storm water infrastructure improvements;

131. $400,000 to the City of Americus, Georgia for sewer service expansion;

132. $1,000,000 to the City of Atlanta, Georgia for the McDaniel Basin Combined Sewer Overflow Separation project;

133. $1,000,000 for Columbus Water Works, Columbus, Georgia for its Biosolids Flow-Through Thermophilic Treatment Demonstration Project;

134. $250,000 to the City of Plains, Georgia for water infrastructure improvements;

135. $100,000 to the City of Social Circle, Georgia for water and wastewater infrastructure improvements;

136. $100,000 to the City of Thomasville, Georgia for extension of sewer lines;

137. $150,000 to the City of Moultrie, Georgia for wastewater infrastructure improvements;

138. $150,000 to the City of Summerville, Georgia for water and wastewater infrastructure improvements;

139. $200,000 to Polk County, Georgia for the Polk County Wastewater Collection System;

140. $250,000 to the City of Roswell, Georgia for the Big Creek Watershed Project;

141. $750,000 to the City of Atlanta, Georgia for wastewater infrastructure improvements;

142. $750,000 to the City of Moultrie, Georgia for wastewater infrastructure improvements;

143. $700,000 for the Metropolitan North Georgia Planning District for water infrastructure improvements in North Atlanta Metropolitan Area, Georgia;

144. $150,000 to the City of Byron, Georgia for water and wastewater infrastructure improvements;

145. $250,000 to the City of Social Circle, Georgia for water and wastewater infrastructure improvements;

146. $250,000 to the Guam Waterworks Authority for water and wastewater infrastructure improvements in the Territory of Guam;

147. $150,000 to the Maui County Department of Water Supply for the lead reduction in Upcountry Maui in Upcountry Maui, Hawaii;

148. $200,000 to the City of Castleford, Idaho for water infrastructure improvements;

149. $450,000 to the City of Castleford, Idaho for water infrastructure improvements;

150. $600,000 to the City of Twin Falls, Idaho for wastewater infrastructure improvements;

151. $750,000 to the City of Pocatello, Idaho for water infrastructure improvements;

152. $150,000 to the City of Lockport, Illinois for water and wastewater infrastructure improvements;

153. $450,000 to the Village of Johnsburg, Illinois for wastewater infrastructure improvements;

154. $300,000 to the Lake County Storm water Management Community for the Lake County Watershed Plan in Lake County, Illinois;

155. $200,000 to the City of Silvis, Illinois for water infrastructure improvements;

156. $200,000 to the Village of Newark, Illinois for wastewater infrastructure improvements;

157. $200,000 to the Village of Paw Paw, Illinois for construction of an elevated water storage tower;

158. $200,000 to the Village of Annawan, Illinois for water and wastewater infrastructure improvements;

159. $650,000 to the Salt Creek Sanitary District in Villa Park, Illinois for water and wastewater infrastructure improvements;

160. $300,000 to the Village of East Hazel Crest, Illinois for water infrastructure improvements;

161. $200,000 to the City of Lexington, Illinois for wastewater infrastructure improvements;

162. $400,000 to Lake County, Illinois for wastewater infrastructure improvements on the Des Plaines River;

163. $500,000 to the City of Peoria, Illinois for stormwater management;

164. $542,500 to the Village of Bartonville, Illinois for storm sewer improvements in Broadmoor Heights;

165. $500,000 to the Village of Arenzville, Illinois for water infrastructure improvements;

166. $500,000 to the Village of Argenta, Illinois for water infrastructure improvements;

167. $500,000 to the Village of North Pekin, Illinois for water infrastructure improvements;

168. $357,500 to the City of Spring Valley, Illinois for water infrastructure improvements;

169. $250,000 to the City of Virginia, Illinois for water infrastructure improvements;

170. $500,000 to the City of Pekin, Illinois wastewater infrastructure improvements;

171. $250,000 to the City of Lincoln, Illinois to repair and slip line Pulaski Street sewer line;

172. $350,000 to the Village of La Grange, Illinois for water infrastructure improvements;

173. $550,000 to the Village of Fox River Grove, Illinois for Phase II sewer plant infrastructure improvements;

174. $250,000 to the City of Shelbyville, Illinois for wastewater infrastructure improvements;

175. $250,000 to the City of Breese, Illinois for construction of the Breese Water Plant;

176. $100,000 to the Village of Mazon, Illinois for water infrastructure improvements;

177. $200,000 for Will County, Illinois for the feasibility study for sanitary district expansion;

178. $300,000 to the City of Marion, Indiana for water infrastructure improvements associated with the Water Loop Project in Grant County, Indiana;

179. $200,000 to the City of Crawford, Indiana for the design and construction phases of the Crawfordsville Eastside Sanitary Sewer Project;

180. $500,000 to the City of Frankfort, Indiana for construction of the Eastside Drainage/Detention Facility;

181. $150,000 to the City of Indianapolis, Indiana for sewer rehabilitation in northeast Indianapolis;

182. $300,000 to the City of Evansville, Indiana for the Pigeon Creek Enhancement Project;

183. $200,000 to the City of New Castle, Indiana for the sanitary sewer and sanitary forcemain project;

184. $330,000 to the City of Lowell, Indiana for construction of additional water lines;

185. $400,000 to the City of Hebron, Indiana for water infrastructure improvements;

186. $150,000 to the City of Des Moines, Iowa for storm water infrastructure improvements to the Closes Creek Watershed;

187. $250,000 to the City of Storm Lake, Iowa for water infrastructure improvements;

188. $250,000 to the City of Postville, Iowa for the completion of the Postville wastewater facility;

189. $500,000 to the City of Mason City, Iowa for completion of the Mason City water treatment plant;

190. $450,000 to the City of Ft. Madison, Iowa for water and wastewater infrastructure improvements;

191. $450,000 to the City of Ottumwa, Iowa for the South Ottumwa Sewer Separation project;

192. $500,000 to the City of Davenport, Iowa for the Westside Diversion Tunnel;

193. $250,000 to the City of Mission, Kansas for construction and expansion of a storm water flow management system;

194. $350,000 to the City of Harper, Kansas for water infrastructure improvements;

195. $150,000 to the Town of North Middletown, Kentucky for North Middletown water and sewer improvements;

196. $100,000 to the City of Shepherdsville, Kentucky for storm water compliance;

197. $100,000 to the City of Hillview, Kentucky for the Hillview Storm water Compliance;

198. $550,000 to the Louisville/Jefferson County Metropolitan Sewer District, Kentucky to construct a gravity interceptor sewer in Shively;

199. $225,000 Louisville/Jefferson County Metropolitan Sewer District, Kentucky for wastewater infrastructure improvements in Beechwood Village;

200. $225,000 Louisville/Jefferson County Metropolitan Sewer District, Kentucky for wastewater infrastructure improvements at Canoe Lane;

201. $700,000 to the City of Whitesburg, Kentucky for construction of a wastewater treatment plant;

202. $1,200,000 for the Perry County Fiscal Court in Hazard, Kentucky for the construction of a wastewater treatment plant;

203. $100,000 to the City of Morehead, Kentucky for the renvoation and expansion of a wastewater treatment plant;

204. $150,000 to the City of Jamestown, Kentucky for the water treatment plant;

205. $150,000 to the City of Monroe for the Monroe Wastewater Improvement Program in Monroe, Louisiana;

206. $200,000 to the Village of Slaughter, Louisiana for wastewater infrastructure improvements;

207. $200,000 to the West Baton Rouge Parish, Louisiana for wastewater infrastructure improvements;

208. $250,000 to the City of Shreveport, Louisiana for the Municipal Water Distribution System—Backflow Prevention;

209. $200,000 to the City of Shreveport, Louisiana for watershed protection;

210. $500,000 for the South Central Planning & Development Commission for water and wastewater infrastructure improvements in New Iberia, St. Charles, Morgan City, St. Bernard and St. James, Louisiana;

211. $250,000 to the City of Slidell, Louisiana for storm water infrastructure improvements;

212. $200,000 to the Town of Windham, Maine for wastewater infrastructure improvements;

213. $500,000 to the City of Brewer, Maine for the sewer improvements project;

214. $250,000 to the City of Salisbury, Maryland for wastewater infrastructure improvements;

215. $250,000 to the City of Cambridge, Maryland for wastewater infrastructure improvements;

216. $250,000 to the City of Elkton, Maryland for wastewater infrastructure improvements;

217. $100,000 to Prince George's County, Maryland for the Livable Community Initiative in Brentwood, North Brentwood, Edmonston and Cottage City, Maryland;

218. $250,000 for Prince George's County, Maryland for the Anacostia Trash Reduction Program and Removal of Floatable Trash for the Cities of Brentwood and Edmonston, Maryland;

219. $500,000 to the YMCA Camp Letts in Edgewater, Maryland for water infrastructure improvements;

220. $200,000 to the City of Boston, Massachusetts to continue efforts to address deteriorating groundwater levels in the Greater Boston area;

221. $200,000 for the Towns of Braintree, Holbrook and Randolph in Massachusetts for water and wastewater infrastructure improvements;

222. $950,000 to the Cities of Fall River and New Bedford, Massachusetts for combined sewer overflow projects;

223. $200,000 to the City of Lawrence, Massachusetts for combined sewer overflow mitigation;

224. $400,000 to the City of Leomister, Massachusetts for the Rockwell Village revitalization initiative for water infrastructure improvements;

225. $250,000 for wastewater projects for communities in Essex County, Massachusetts

226. $500,000 to the Pioneer Valley Planning Commission in West Springfield, Massachusetts for the Connecticut River combined sewer overflow;

227. $900,000 to Wayne County, Michigan for the Rouge River National Wet Weather Demonstration Project;

228. $500,000 to the City of Grand Rapids, Michigan for combined sewer overflows;

229. $250,000 to the Genesee County Drain Commission for the Northeast Relief Sewer/Kearsley Creek Interceptor project in Genesee County, Michigan;

230. $350,000 to the City of Detroit, Michigan for the Woodmere Sewage Pump Station Rehabilitation;

231. $1,000,000 to the Oakland County Drain Commission for Evergreen-Farmington Sanitary Sewer Overflow control project in Farmington Hills, Michigan;

232. $500,000 to the Oakland County Drain Commission for Footing Drain/Sewer Lead Excess Flow Prevention demonstration project in Waterford, Michigan;

233. $200,000 for Oakland County, Michigan to identify and eliminate sewage contributions from older urban areas in the Clinton River;

234. $200,000 to the City of Westland, Michigan for water infrastructure improvements;

235. $650,000 for Macomb County and St. Clair County, Michigan to implement a comprehensive water quality monitoring program;

236. $300,000 to Brighton Township, Michigan for a waterline construction;

237. $300,000 for the Livingston County Drain Commission for drain construction in Livingston County, Michigan;

238. $250,000 to L'Anse Township, Michigan for water and sewer infrastructure improvements;

239. $250,000 to the City of Roseau, Minnesota for storm water infrastructure improvements;

240. $600,000 to the City of Minneapolis, Minnesota for the combined sewer overflow;

241. $200,000 to the Mississippi Band of Choctaw Indians for an Academic Wetlands and Wetlands Mitigation Project in Neshoba County, Mississippi;

242. $300,000 for Lamar County, Mississippi for water and sewer infrastructure improvements;

243. $500,000 to the City of Belmont, Mississippi for wastewater infrastructure improvements;

244. $500,000 to the City of Pontotoc, Mississippi for wastewater infrastructure improvements;

245. $350,000 to the City of Joplin, Missouri for the Crossroads Parallel Sewer Phase 4 upgrades;

246. $200,000 to the City of St. Louis, Department of Public Utilities for the Columbia Bottoms Wellfield Development water project in St. Louis, Missouri;

247. $250,000 to the Clarence Cannon Wholesale Water Commission for water infrastructure improvements in Monroe County, Missouri;

248. $250,000 to the Duckett Creek Sanitary District in Missouri for wastewater infrastructure improvements;

249. $150,000 for the Rosodyn Corporation in Butte, Montana for a waste recovery from municipal waste treatment plant;

250. $300,000 to the City of Lincoln, Nebraska for water and wastewater infrastructure improvements;

251. $550,000 to the City of Omaha, Nebraska for the Combined Sewerage Overflow Project;

252. $400,000 to the City of Fallon, Nevada for wastewater infrastructure improvements;

253. $400,000 to the City of Henderson, Nevada for wastewater infrastructure improvements;

254. $150,000 to the City of Nashua, New Hampshire for wastewater infrastructure improvements;

255. $200,000 to the New Hampshire Department of Environmental Services for sewer system expansion in Franklin, New Hampshire;

256. $200,000 to the City of Somerworth, New Hampshire for wastewater infrastructure improvements;

257. $1,000,000 to the Township of Parsippany, New Jersey for water infrastructure improvements;

258. $250,000 to the City of Wildwood, New Jersey for storm sewer outflow reconstruction;

259. $250,000 to the New Jersey Municipal Utilities Authority for the Peninsula at Bayonne Harbor Water Infrastructure Improvement Project in Bayonne, New Jersey;

260. $400,000 for the Passaic Valley Sewerage Commission in New Jersey for the Combined Sewage Overflow Program;

261. $100,000 for the Bergen County Utilities Authority for wastewater infrastructure improvements in Englewood, New Jersey;

262. $300,000 for the New Jersey Meadowlands Commission for the Hackensack Meadowlands Ecosystem Restoration;

263. $100,000 to the City of Lordsburg, New Mexico for water infrastructure improvements;

264. $100,000 to the City of Bayard, New Mexico for the Ft. Bayard Effluent Reuse System;

265. $150,000 to the City of Ruidoso Downs, New Mexico for wastewater infrastructure improvements;

266. $150,000 to the City of Elephant Butte, New Mexico for wastewater infrastructure improvements;

267. $150,000 to the City of Los Lunas, New Mexico to build a sewer interceptor line;

268. $150,000 to the City of Espanola, New Mexico for wastewater infrastructure improvements;

269. $200,000 to the City of Tijeras, New Mexico for water infrastructure improvements;

270. $200,000 for Bernalillo County, New Mexico for the South and North water and wastewater infrastructure improvements;

271. $200,000 to the City of Brookhaven, New York for storm water infrastructure improvements;

272. $100,000 to the Chenango County Agricultural Society of Chenango County, New York for upgrades to the water and septic systems at the Chenango County Fair Grounds and for a study;

273. $125,000 to the Town of Schulyer, New York for water system improvements;

274. $200,000 to the Village of Bridgewater, New York for water infrastructure improvements;

275. $200,000 to the Towns of Springport and Fleming, New York for water and wastewater infrastructure improvements;

276. $300,000 to Rockland County, New York for the Western Ramapo sewer extension and water reuse project;

277. $250,000 to the Village of Deposit, New York for wastewater infrastructure improvements;

278. $250,000 to the Town of Blooming Grove, New York for wastewater infrastructure improvements;

279. $300,000 to the Village of Sea Cliff, New York for the Sanitary Sewer System Infrastructure Development and Management project;

280. $110,000 for the Village of Mamaroneck, New York for sewer system improvements;

281. $150,000 to the Town of New Castle, New York for the Phase II Storm Water Compliance Program;

282. $250,000 to the City of Oswego, New York for sewer overflow system improvements;

283. $275,000 for the Warnerville Water District in Warnerville, New York for a water and sewer project;

284. $250,000 to the Town of Cheektowaga, New York for the Plant No. 3 overflow retention facility;

285. $650,000 to the Erie Water Authority for water infrastructure improvements for the Town of Newstead and Village of Williamsville, New York;

286. $200,000 to the Town/Village of East Rochester, New York for sewer infrastructure improvements;

287. $1,000,000 for Dutchess County Water and Wastewater Authority in Hyde Park, New York for wastewater infrastructure improvements;

288. $12,000,000 for continued clean water improvements for Onondaga Lake, New York;

289. $4,000,000 to Monroe County Water Authority in New York State for the Eastside Water Treatment Project;

290. $900,000 to Wayne County, New York for construction of a waterline along North Geneva Road;

291. $600,000 to the Wayne County Water and Sewer Authority for water infrastructure improvements in the Town of Huron, New York;

292. $4,000,000 for drinking water infrastructure needs in the New York City Watershed;

293. $4,000,000 for water quality infrastructure improvements for Long Island Sound, New York;

294. $1,000,000 for water quality infrastructure improvements for the Jamesville, New York sewer project;

295. $350,000 to the Town of Elbridge, New York for the construction of a waterline;

296. $500,000 to the County of Onondaga, Department of Community Development in New York for water and wastewater infrastructure improvements;

297. $500,000 to Cayuga County in Victory, New York for water infrastructure improvements;

298. $250,000 to the Town of Landis, North Carolina for water and wastewater infrastructure improvements;

299. $200,000 to Harnett County, North Carolina to install pump stations and a forcemain as part of a central wastewater treatment rehabilitation project;

300. $200,000 to the Towns of Biscoe, Star, and Troy, North Carolina for the Montgomery County, North Carolina Sewer Project;

301. $200,000 to the Towns of Hamlet-Rockingham, North Carolina for wastewater infrastructure improvements;

302. $200,000 to the Town of Farmville, North Carolina for wastewater infrastructure improvements;

303. $150,000 to the Cities of East Arcadia, Bolton and Sandyfield, North Carolina for a regional water system;

304. $200,000 to the Town of Wendell, North Carolina for the Buffalo Creek Interceptor project;

305. $250,000 to the City of Charlotte, North Carolina for the wastewater plant expansion;

306. $200,000 to the Town of Apex, North Carolina for wastewater infrastructure improvements;

307. $1,500,000 to Wake County, North Carolina for water infrastructure improvements in cooperation with the Town of Cary, North Carolina and Durham County, North Carolina;

308. $500,000 to Orange County, North Carolina for water and wastewater infrastructure improvements;

309. $650,000 to the Orange Water and Sewer Authority (OWASA) in North Carolina for a water reuse project;

310. $200,000 to the Town of Hillsborough, North Carolina for water and wastewater infrastructure improvements;

311. $880,000 for the Eastern Band of Cherokee Indians for water infrastructure improvements in Cherokee, North Carolina;

312. $1,000,000 for McDowell County, North Carolina for water infrastructure improvements;

313. $100,000 to the Town of East Spencer, North Carolina for water and sewer rehabilitation project;

314. $150,000 to the City of Devils Lake, North Dakota for the Devils Lake water line;

315. $150,000 to the City of Lorain, Ohio for wastewater infrastructure improvements;

316. $150,000 to Butler County, Ohio for the Butler County Waterline;

317. $300,000 to the Village of North Baltimore, Ohio for the Water Street Combined Sewer Separation Project;

318. $300,000 to the Village of Hicksville, Ohio for the Hicksville Wastewater Treatment Plant Project;

319. $300,000 to the City of Defiance, Ohio for the Sewer Separation Project;

320. $750,000 to the City of Circleville, Ohio for sewer infrastructure improvements;

321. $1,000,000 to the Burr Oak Regional Water District for water infrastructure improvements in Perry County, Ohio;

322. $550,000 to Greene County, Ohio for water and wastewater infrastructure improvements;

323. $50,000 to the Logan Elm School District for water infrastructure improvements in Circleville, Ohio;

324. $220,000 to the Lancaster Campus of Ohio University for water infrastructure improvements in Lancaster, Ohio;

325. $155,000 to Fairfield County, Ohio for water and wastewater infrastructure improvements;

326. $350,000 to the Northeast Ohio Regional Sewer District for the Easterly/Doan Brook Watershed Pollution Abatement Project;

327. $1,000,000 to the City of Toledo, Ohio for wet weather flow and wastewater infrastructure improvements;

328. $1,000,000 to Ottawa County, Ohio for water infrastructure improvements;

329. $1,000,000 to the City of Sandusky, Ohio for wastewater infrastructure improvements;

330. $350,000 to Ashtabula County, Ohio for the Rock Creek Village Waterline Extension;

331. $50,000 to Jackson County, Ohio for water infrastructure improvements;

332. $550,000 to Guernsey County, Ohio for a water line extension;

333. $500,000 for the St. Mary's Municipal Government for wastewater infrastructure improvements in St. Mary's, Ohio;

334. $625,000 for Urbana University in Urbana, Ohio for storm drainage and water and sewer line construction;

335. $500,000 for the Delphos Municipal Government for the Tri-County regional water system in Delphos, Ohio;

336. $550,000 to the Metropolitan Sewer District of Greater Cincinnati for the sanitary sewer overflow demonstration project in Cincinnati, Ohio;

337. $500,000 to the City of Wooster, Ohio for storm water infrastructure improvements along Beall Ave;

338. $500,000 to the Village of Hayesville, Ohio for water and wastewater infrastructure improvements;

339. $500,000 to the City of Canton, Ohio for water infrastructure improvements;

340. $150,000 for the Trumbull County Sanitary Engineer for installation of the Maplewood Park sewer system in Hubbard Township, Ohio;

341. $250,000 for Columbiana County, Ohio for water infrastructure improvements to the Buckeye Water District;

342. $100,000 to the City of Marlow, Oklahoma for water and wastewater infrastructure improvements;

343. $200,000 to the City of Sulpher, Oklahoma for wastewater infrastructure improvements;

344. $1,000,000 to the City of Seminole, Oklahoma for water infrastructure improvements;

345. $80,000 to the City of Meeker, Oklahoma to refurbish the water tower;

346. $100,000 to Skiatook, Oklahoma for water and sewer infrastructure improvements;

347. $150,000 to the City of Portland, Oregon for water and wastewater infrastructure improvements;

348. $150,000 to the City of Sweet Home, Oregon for wastewater infrastructure improvements;

349. $150,000 to the City of Salem, Oregon for the Peak Excess Flow Treatment Facility for Sanitary Sewer Overflows;

350. $200,000 to the City of Klamath Falls, Oregon for wastewater infrastructure improvements;

351. $150,000 to the City of Rainier, Oregon for wastewater infrastructure improvements;

352. $1,000,000 to Allegheny County, Pennsylvania for the 3 Rivers Wet Weather Demonstration Project;

353. $100,000 to the City of Sharon, Pennsylvania for the Budd Street sewer line replacement;

354. $500,000 to the City of Philadelphia to continue the planning, design, and construction of innovative storm-water management solutions in Philadelphia, Pennsylvania;

355. $500,000 to Cheltenham Township, Pennsylvania to continue the planning, design, and construction of innovative stormwater management solutions;

356. $250,000 to Beaver Falls Municipal Authority for wastewater infrastructure improvements to the Big Beaver Treatment Facility in Big Beaver, Pennsylvania;

357. $250,000 to the City of Harrisburg, Pennsylvania for the Harrisburg Advanced Wastewater Treatment Facility;

358. $350,000 to the Wyoming Valley Sanitary Authority in Wyoming Valley, Pennsylvania for the Wyoming Valley Combined Sewer Overflow Project;

359. $200,000 to Ligonier Township, Pennsylvania for the Ligonier Township sewage project;

360. $250,000 for the South Hills Area Council of Governments for the South Hills Area Storm Sewer Project in Allegheny County, Pennsylvania;

361. $250,000 for the Clarion Area Authority for the Fifth Avenue sewer line replacement project in Clarion, Pennsylvania;

362. $500,000 to the Nelson Township Authority for water infrastructure improvements in Nelson, Pennsylvania;

363. $250,000 to the City of Lancaster, Pennsylvania for the water treatment membrane project;

364. $200,000 for York City Sewer Authority for the Clean Water Demonstration Project in York, Pennsylvania;

365. $500,000 for the Kulpmont-Marion Heights Joint Municipal Authority in Kulpmont, Pennsylvania for sewer infrastructure improvements;

366. $4,000,000 for a grant to Puerto Rico for drinking water infrastructure improvements to the Metropolitano community water system in San Juan;

367. $200,000 to the Town of North Smithfield, Rhode Island for water and wastewater infrastructure improvements;

368. $200,000 to the City of Newport, Rhode Island for water and wastewater infrastructure improvements;

369. $200,000 to the Narragansett Bay Commission in Providence, Rhode Island for combined sewer overflow control and wastewater improvement project;

370. $250,000 to the City of Lake Greenwood, South Carolina for water and wastewater infrastructure improvements;

371. $150,000 to Mount Pleasant Waterworks for the Mount Pleasant Waterworks Rural Roads Gravity Wastewater Extension Project in Mount Pleasant, South Carolina;

372. $500,000 to the Myrtle Beach Downtown Redevelopment Corporation for a new storm water drainage system in Myrtle Beach, South Carolina;

373. $750,000 to the Towns of Olar and Govan, South Carolina for water infrastructure improvements;

374. $300,000 to the City of Wellford, South Carolina for sewer/wastewater infrastructure improvements;

375. $400,000 for the Chester County Sewer District for wastewater infrastructure improvements in Lando, South Carolina;

376. $200,000 to the Town of Ridgeland, South Carolina for the Wagon Branch Water Project;

377. $125,000 to the City of Franklin, Tennessee for water system improvements to the Watson Branch Watershed;

378. $150,000 to the City of Pikeville, Tennessee for the Pikeville/Bledsoe County Water Improvements Project;

379. $125,000 to the Hampton Utility District in Little Milligan/Fish Springs Community, Carter County, Tennessee for water infrastructure improvements;

380. $125,000 to the City of Tusculum, Tennessee for first construction phase of a wastewater treatment plant;

381. $50,000 to the City of Bean Station, Tennessee for wastewater infrastructure improvements;

382. $100,000 for Roane County, Tennessee for water infrastructure improvements;

383. $200,000 to the Spring City, Tennessee for water and sewer line replacement;

384. $250,000 for Anderson County, Tennessee for water infrastructure improvements;

385. $400,000 to the City of Dayton, Tennessee for flocculation and settling basins;

386. $150,000 for the City of Houston, Texas for water infrastructure improvements;

387. $250,000 to the City of Liberty Hill, Texas for the Liberty Hill Central City Sewer System Project;

388. $75,000 to the Brazos River Authority for the Brazos/Navasota Watershed Management Project in Fort Bend County, Texas;

389. $100,000 for the Brazos River Authority for the West Fort Bend County Regional

Water Treatment Facility in Fort Bend County, Texas;

390. $500,000 for the Fort Bend County, Texas for water infrastructure improvements;

391. $350,000 to Bosque County, Texas for water infrastructure improvements;

392. $250,000 to the City of Weatherford, Texas for water infrastructure improvements;

393. $250,000 to the City of Pharr, Texas for wastewater infrastructure improvements;

394. $150,000 to the City of Alvin, Texas for water infrastructure improvements;

395. $250,000 for the El Paso Water Utilities for water infrastructure expansion in El Paso, Texas;

396. $150,000 to the San Antonio Water System for the Espada Road Sewer Project in San Antonio, Texas;

397. $500,000 to the City of Austin, Texas for the non-structural sanitary sewer overflow prevention project;

398. $150,000 to Logan City, Utah for water and wastewater infrastructure improvements for Phase I and II of the Northwest Park Project;

399. $250,000 to Smyth County, Virginia for wastewater infrastructure improvements;

400. $300,000 to Hanover County, Virginia for wastewater infrastructure improvements;

401. $150,000 to Fauquier County, Virginia for a sewage treatment plant in the Catlett/Calverton area;

402. $750,000 to Dale Service Corporation in Dale City, Virginia for wastewater infrastructure improvements;

403. $100,000 to the Isle of Wight County, Virginia for water infrastructure improvements;

404. $500,000 to the Town of Halifax, Virginia for water infrastructure improvements;

405. $1,000,000 to Franklin County, Virginia for water infrastructure improvements;

406. $500,000 to Fluvanna County, Virginia for water infrastructure improvements;

407. $1,000,000 to the Town of Brookneal, Virginia for water infrastructure improvements;

408. $218,000 to Nelson County, Virginia for water and wastewater infrastructure improvements;

409. $682,000 to Pittsylvania County, Virginia for water infrastructure improvements;

410. $200,000 to the Eastern Shore of Virginia Public Service Authority in Northhampton County, Virginia for wastewater infrastructure improvements;

411. $250,000 to the Government of the Virgin Islands for wastewater infrastructure system improvements in St. Croix, Virgin Islands;

412. $1,000,000 to the City of Alexandria, Virginia and Arlington County for water infrastructure improvements in the Four Mile Run watershed;

413. $150,000 to the City of Chehalis, Washington for water infrastructure improvements;

414. $1,000,000 to the City of Tacoma, Washington for an integrated storm water system for Salishan housing development;

415. $200,000 to the City of Carson, Washington for water infrastructure improvements;

416. $200,000 to the City of Oak Harbor, Washington for water infrastructure improvements;

417. $150,000 to the Town of Uniontown, Washington for wastewater infrastructure improvements;

418. $250,000 to the Town of Ione, Washington for water infrastructure improvements;

419. $150,000 to the City of Lakewood, Washington for the American Lake Gardens Industrial Sewer Extension;

420. $150,000 to the City of Sun Prairie, Wisconsin for wastewater infrastructure improvements;

421. $1,850,000 to the City of Antigo, Wisconsin for water and wastewater infrastructure improvements;

422. $862,000 to the City of Vesper, Wisconsin for water and wastewater infrastructure improvements;

423. $1,500,000 to the City of Boyd, Wisconsin for water and wastewater infrastructure improvements;

424. $100,000 to the Town of Scott, Wisconsin for wastewater infrastructure improvements;

425. $200,000 to the City of Racine, Wisconsin for water infrastructure improvements;

426. $500,000 to the City of Waukesha, Wisconsin for systems planning and water infrastructure improvements;

427. $200,000 to the Kanawha County Commission in Kanawha County, West Virginia for the Upper Fishers Branch/Guthrie Water Project;

428. $200,000 to the Braxton County Development Authority for the Curry Ridge Water Line Extension in Curry Ridge, West Virginia;

429. $1,000,000 to the Marshall County Public Service District #4 in West Virginia for water and wastewater infrastructure improvements;

430. $100,000 to the Jane Lew Public Service District in Harrison County, West Virginia for water and wastewater infrastructure improvements;

431. $1,500,000 to the Pleasants County Public Service District in West Virginia for water and wastewater infrastructure improvements;

432. $480,000 to the Grant County Commission in West Virginia to extend water service to the Deep Spring area;

433. $900,000 to the City of Shinnston in West Virginia for water and wastewater infrastructure improvements;

434. $750,000 to the Town of Pine Grove in West Virginia for water and wastewater infrastructure improvements;

435. $1,000,000 to City of Fairmont Sanitary Sewer Board in West Virginia for water and wastewater infrastructure improvements;

436. $2,374,000 to the City of Petersburg in West Virginia for water and wastewater infrastructure improvements;

437. $101,000 to the River Road Public Service District in West Virginia to extend water service on National Church Hollow Road;

438. $935,000 to the Taylor County Public Service District in West Virginia for water and wastewater infrastructure improvements;

439. $833,000 to the Taylor County Commission in West Virginia for water and wastewater infrastructure improvements;

440. $1,000,000 to the City of Cameron in West Virginia for water and wastewater infrastructure improvements;

441. $55,000 to the Hammond Public Service District in West Virginia for the Lazear's Lane water project;

442. $1,840,000 to the Canaan Valley Institute to work in conjunction with the Highlands Action Program for an innovative wastewater demonstration program in Canaan Valley in Tucker County, West Virginia;

443. $350,000 to the City of Cheyenne, Wyoming for wastewater infrastructure improvements;

444. $800,000 to the Coosa Valley Water Supply District for development of a surface water supply in St. Clair County, Alabama;

445. $750,000 to the Utilities Board of the City of Helena for water and sewer upgrades and construction in Helena, Alabama;

446. $600,000 to the Cleburne County Commission in Heflin, Alabama for county water expansion in Cleburne, County, Alabama;

447. $600,000 to the Randolph County Commission in Wedowee, Alabama for county water expansion in Randolph County, Alabama;

448. $450,000 to the Blount County Water Authority in Oneonta, Alabama for development of a county water supply line;

449. $750,000 to the City of Fort Payne for water and sewer improvements in Fort Payne, Alabama;

450. $250,000 to the West Morgan/East Lawrence Water and Sewer Authority in Decatur, Alabama for water and sewer improvements;

451. $300,000 to the Lamar County Commission in Vernon, Alabama for the Lamar County Water Supply Project;

452. $1,000,000 to Girdwood, Inc. for water and sewer expansion in Girdwood, Alaska;

453. $1,300,000 to the Municipality of Anchorage, Alaska for Sand Lake Water Extension;

454. $300,000 for Matanuska-Susitna Borough, Alaska for water wells for Gorsuch Lake;

455. $1,100,000 for the City of Wasilla, Alaska for sewer expansion;

456. $750,000 for the City of Valdez, Alaska to replace septic systems with sewers and wells with city water;

457. $400,000 for the City of Ketchikan, Alaska for Mountain Point Sewer System;

458. $250,000 for the City of Skagway, Alaska for water system upgrades;

459. $425,000 for the City of Wrangell, Alaska for water and sewer upgrades;

460. $800,000 for the City of Nome, Alaska for water and sewer upgrades for Old Federal Building;

461. $600,000 for the City of Seldovia, Alaska for water and sewer upgrades;

462. $600,000 for the Fort Chafee Redevelopment Authority in Barling/Fort Smith, Arkansas for water infrastructure improvements;

463. $250,000 for City of Fayetteville, Arkansas for wastewater infrastructure improvements;

464. $300,000 for the Santa Clara Valley Water District, California for perchlorate groundwater clean-up;

465. $300,000 for the Inland Empire Perchlorate Task Force in California for the Wellhead Treatment of Perchlorate Contaminated Wells;

466. $400,000 for the City of Santa Ana, California for East and West Reservoir Upgrades;

467. $500,000 for the City of San Jose, California for North San Pedro water and sewer infrastructure improvements;

468. $500,000 for the City of Eureka, California for the Martin Slough Interceptor Project;

469. $200,000 for the Metropolitan Water District of Southern California for the City of Ontario Final Design for Wellhead Treatment for Perchlorate and Nitrate;

470. $400,000 for the City of Laguna Beach, California for wastewater infrastructure improvements;

471. $300,000 for the City of Trinidad, Colorado for the Trinidad Wastewater Improvement Project;

472. $250,000 for the Town of Bayfield, Colorado for the construction of a water storage tank;

473. $250,000 for the Mancos Water Conservancy District, Mancos, Colorado for water supply facility renovation;

474. $250,000 for the Town of Idaho Springs, Colorado for water distribution facility renovation;

475. $250,000 for the Town of Eldorado Springs, Colorado for improving wastewater treatment;

476. $950,000 for Ouray, Colorado for water infrastructure improvements;

477. $250,000 for Jefferson County, Colorado for stormwater collection system improvements;

478. $300,000 for the City of Bristol, Connecticut for water infrastructure improvements;

479. $300,000 for the Town of East Hampton, Connecticut for drinking water infrastructure improvements;

480. $250,000 for Stamford, Connecticut for a waste-to-energy project;

481. $250,000 for the City of Wilmington, Delaware for wastewater infrastructure improvements;

482. $250,000 for the Town of Ocean View, Delaware for wastewater infrastructure improvements;

483. $300,000 for Key West, Florida for stormwater infrastructure improvements;

484. $300,000 for the South Florida Water Management District Lake Region Water Treatment Plant for water infrastructure improvements;

485. $250,000 for the Southwest Florida Water Management District in Tampa, Florida for the Tampa Bay Regional Reclaimed Water project;

486. $250,000 to City of Atlanta, Georgia for the west area combined sewer project;

487. $250,000 to City of Eatonton, Georgia for wastewater infrastructure improvements;

488. $250,000 to City of Forsyth, Georgia for wastewater infrastructure improvements;

489. $250,000 for the State of Hawaii for upgrade and expansion of the Sand Island Wastewater Treatment Plant;

490. $1,000,000 for wastewater infrastructure improvements in Hawaii, to be distributed: $500,000 to the County of Hawaii and $500,000 to the Housing and Community Development Corporation of Hawaii;

491. $2,000,000 for the City of Burley, Idaho, to continue work on a Wastewater Treatment System Project;

492. $1,000,000 for the City of Pocatello, Idaho, for Day Street Division Water System Improvements;

493. $500,000 for the City of Effingham, Illinois for drinking water infrastructure improvements;

494. $500,000 for the City of Monmouth, Illinois for wastewater infrastructure improvements;

495. $500,000 for the Village of Olympia Fields, Illinois for wastewater infrastructure improvements;

496. $500,000 for the Village of Franklin Park, Illinois for water and wastewater infrastructure improvements;

497. $1,000,000 for the City of Marion, Indiana for the Marion Water Loop and Deer Creek Project;

498. $100,000 for the City of Southport, Southport/Marion County, Indiana for downtown infrastructure and drainage improvements;

499. $500,000 for the City of Fort Madison, Iowa for the Water Treatment Plant Improvements;

500. $500,000 for the City of West Burlington for the Iowa Army Ammunition Plant Improvements;

501. $1,500,000 for the City of Ottumwa, Iowa for the separation of combined sewers;

502. $500,000 for the City of Davenport, Iowa for water infrastructure improvements;

503. $1,000,000 for the City of Abilene, Kansas for construction of a wastewater treatment plant;

504. $1,500,000 for the City of Hutchinson, Kansas for groundwater remediation and treatment projects;

505. $2,000,000 for the City of Bowling Green, Kentucky, for the South Central Kentucky Water Infrastructure Project;

506. $750,000 for the Hardin County Water District No. 2 in Hardin County, Kentucky for a Water Quality Assurance Plan and System Improvements Projects;

507. $500,000 for the City of Elkton, Kentucky, for the City of Elkton Sewer Plant Expansion and Sewer Line Extension Project;

508. $250,000 for Breckinridge County, Kentucky for water infrastructure improvements;

509. $250,000 for Bullitt County, Kentucky for wastewater infrastructure improvements;

510. $250,000 for Calloway County, Kentucky for the City of Hazel Wastewater System;

511. $250,000 for Cadiz-Trigg County, Kentucky for water infrastructure improvements;

512. $250,000 for Marshall County, Kentucky for drinking water infrastructure improvements;

513. $600,000 for Rapides Parish, Louisiana for wastewater infrastructure improvements;

514. $400,000 for St. Charles Parish, Louisiana for wastewater infrastructure improvements;

515. $400,000 for Jefferson Parish, Louisiana for water and wastewater infrastructure improvements;

516. $400,000 for the City of Bastrop, Louisiana for wastewater infrastructure improvements;

517. $400,000 for the City of Hammond, Louisiana for wastewater infrastructure improvements;

518. $400,000 for the City of Grand Isle, Louisiana for drinking water infrastructure improvements;

519. $450,000 for the Greater Limestone Wastewater Treatment Facilities in Maine to consolidate and replace antiquated wastewater collection and treatment facilities at the Loring Development Authority [LDA] and Caribou Utilities District [CUD];

520. $250,000 for the Indian Township Tribal Government in Maine for the first phase for expansion of current lagoon system to provide adequate capacity;

521. $300,000 for the Town of Machias, Maine for replacement of sewers and completion of deficiencies at existing aging wastewater treatment plant;

522. $250,000 for Chesapeake Beach, Maryland, for wastewater infrastructure improvements;

523. $250,000 for Indian Head, Maryland, for wastewater infrastructure improvements;

524. $500,000 for Elkton, Maryland, for wastewater infrastructure improvements;

525. $250,000 for Hurlock, Maryland, for wastewater infrastructure improvements;

526. $750,000 for Kent Island, Maryland, for wastewater infrastructure improvements;

527. $250,000 for Easton, Maryland, for wastewater infrastructure improvements;

528. $750,000 for Cumberland, Maryland, for wastewater infrastructure improvements;

529. $500,000 for Frostburg, Maryland, for wastewater infrastructure improvements;

530. $250,000 for Brunswick, Maryland, for wastewater infrastructure improvements;

531. $250,000 for Bristol County, Massachusetts for the Bristol County Combined Sewer Overflow Abatement Project;

532. $250,000 for the Pioneer Valley Planning Commission in Massachusetts for combined sewer overflow abatement in the Connecticut River;

533. $1,000,000 for the City of Benton Harbor, Michigan for water infrastructure improvements;

534. $500,000 for Seney Township, Michigan for sewer infrastructure improvements;

535. $500,000 for the City of Saginaw, Michigan for sewer infrastructure improvements;

536. $1,000,000 for the Macomb County Department of Public Works, Michigan for sewer infrastructure improvements;

537. $150,000 to Minnesota State University in Moorhead for water infrastructure improvements;

538. $300,000 to the City of Duluth, Minnesota for wastewater infrastructure improvements;

539. $300,000 to the City of Minneapolis, Minnesota for combined sewer overflow improvements;

540. $250,000 for the City of Duluth and Western Lake Superior Sanitary District in Duluth, Minnesota for wastewater infrastructure improvements;

541. $500,000 for Tchula, Mississippi for water and sewer infrastructure improvements;

542. $500,000 for the City of Brookhaven, Mississippi for wastewater infrastructure improvements;

543. $500,000 to the City of Sherman, Mississippi for water and sewer infrastructure improvements;

544. $1,300,000 to the City of Oxford, Mississippi for water and sewer infrastructure improvements;

545. $750,000 to City of Forest, Mississippi for water and sewer infrastructure improvements;

546. $250,000 to the Town of French Camp, Mississippi for water and sewer infrastructure improvements;

547. $1,500,000 to Kansas City, Missouri for water and wastewater infrastructure;

548. $687,500 to the City of Joplin, Missouri for the final phase of the Crossroads Parallel Sewer project;

549. $1,312,500 to the City of Milan, Missouri for the Milan Water Quality Treatment Project;

550. $1,000,000 to the Clarence Cannon Wholesale Water Commission to expand the existing water treatment capacity from 5 million gallons to 7.5 million gallons per day and to include connecting the Macon County PWSD #1 and the City of Wellsville, Missouri to the CCWWC transmission system;

551. $1,000,000 to the Environmental Resources Coalition in Missouri to mitigate point source pollution issues in distressed communities that border Table Rock Lake;

552. $1,000,000 to the City of Springfield, Missouri for wastewater treatment plant improvements including the design and construction of infrastructure for removal of nitrogen from the treated wastewater effluent and improved anaerobic digester facilities that treat solids from the wastewater;

553. $1,000,000 for the City of Bozeman, Montana, for water infrastructure improvements;

554. $1,000,000 for the Missouri River Water Project, Helena, Montana for a water treatment project;

555. $500,000 for the City of Glasgow, Montana for water infrastructure improvements;

556. $750,000 for the Seeley Lake Sewer District, Montana for wastewater infrastructure improvements;

557. $900,000 for the City of Omaha, Nebraska for the construction of combined sewer separation systems;

558. $350,000 for the City of Lincoln, Nebraska to upgrade the Theresa Street and Northeast Wastewater Treatment plants;

559. $400,000 for Las Vegas Valley Water District/Searchlight, Nevada for water infrastructure improvements;

560. $400,000 for Clark County Reclamation District/Searchlight, Nevada for wastewater infrastructure improvements;

561. $250,000 for the City of Reno, Nevada for sewer infrastructure improvements;

562. $300,000 for the Spanish Springs Nitrate Removal Project in Nevada;

563. $200,000 for the North Valley Lemmon Artificial Recharge Project in North Lemmon Valley, Nevada for water infrastructure improvements;

564. $250,000 for the Virgin Valley Water District, Nevada for water infrastructure improvements;

565. $200,000 for Carson City, Nevada for reservoir lining;

566. $600,000 for the Berlin Waterworks in Berlin, New Hampshire for drinking water distribution system improvements;

567. $400,000 for the Nashua Combined Sewer Overflow project in Nashua, New Hampshire for CSO treatment and abatement;

568. $400,000 for the New Hampshire Department of Environmental Services to develop a septage treatment facility based at the wastewater treatment facility in Franklin, New Hampshire;

569. $200,000 for Troy, New Hampshire for a wastewater and water improvement program;

570. $400,000 for the Manchester Combined Sewer Overflow project in Manchester, New Hampshire;

571. $200,000 for the Rochester, New Hampshire Route 108 sewer line extension;

572. $150,000 for Somersworth, New Hampshire for the sewerage improvement program to provide upgrades to the wastewater treatment plant;

573. $200,000 for Bristol, New Hampshire for wastewater system improvements;

574. $150,000 for Milton, New Hampshire for a water storage tank replacement project;

575. $600,000 for Town of Exeter, New Hampshire for water treatment plant replacement;

576. $500,000 for the Township of Parsippany-Troy Hills in New Jersey for water infrastructure improvements;

577. $1,250,000 for the City of Bayonne, New Jersey for water and wastewater infrastructure improvements;

578. $1,600,000 for the City of Albuquerque and County of Bernalillo, New Mexico, for the Valley Utilities Project;

579. $1,000,000 for the City of Espanola, New Mexico, for water and wastewater treatment infrastructure;

580. $900,000 for the City of Kirtland, New Mexico, for Phase 1 of a sewer system project;

581. $500,000 for the Village of Los Lunas, New Mexico, for the interceptor sewer line project;

582. $250,000 for the City of Clovis, New Mexico for wastewater infrastructure improvements;

583. $400,000 for the Town of Babylon, New York for the Oak Beach Park Stormwater Management Project;

584. $300,000 for Orange County Water Authority, Goshen, New York for wastewater infrastructure improvements;

585. $300,000 for the Town of Plattsburg, New York for wastewater infrastructure improvements;

586. $500,000 for Washington County, North Carolina sewer improvements;

587. $600,000 for the City of Mooresville, North Carolina for water infrastructure improvements;

588. $1,000,000 for the City of Grafton, North Dakota for the Grafton Water Treatment Plant;

589. $500,000 for the City of Devils Lake, North Dakota for water infrastructure improvements;

590. $250,000 for the City of Riverdale, North Dakota for the Riverdale Regional Water Treatment Facility;

591. $250,000 for Dickey Rural Water Users Association in Southeast, North Dakota for the Southeast Regional Expansion Project;

592. $250,000 for the City of Mandan, North Dakota for drinking water infrastructure improvements;

593. $300,000 for the Muskingum Watershed Conservancy District, Carroll County, Ohio for the Atwood Conference Center Water Treatment Plant Improvements;

594. $500,000 for the Village of Racine, Meigs County, Ohio for water treatment plant improvements;

595. $750,000 for the City of Celina, Ohio for the Water Treatment Plant Project;

596. $400,000 for City of Akron, Ohio for Combined Sewer Overflow Improvements Project;

597. $300,000 for City of Parma, Ohio for City Sewer Replacement Project;

598. $200,000 for Defiance County Commissioners, Defiance and Paulding Counties, Ohio for Auglaize River Sewer Project;

599. $175,000 for Jefferson County Water and Sewer District, Jefferson County, Ohio for Crestview/Belvedere Sewer Project;

600. $175,000 for Tri-County Rural Water and Sewer District, Washington, Morgan and Noble Counties, Ohio for Tri-County/Noble County Water Interconnect Project;

601. $100,000 for City of Delphos, Allen, Putnam and Van Wert Counties, Ohio for Tri-County Regional Water System Project;

602. $100,000 for Village of Corning, Ohio for Wastewater System Improvements Project;

603. $250,000 for City of Warrenton, Oregon for continued work on the municipal water outfall;

604. $250,000 for City of Rainier, Oregon for a wastewater treatment plant;

605. $250,000 for City of Coquille, Oregon for a wastewater treatment plant;

606. $250,000 for Klamath Falls, Oregon for preliminary work on wastewater treatment improvements;

607. $300,000 for the City of Coburg, Oregon for wastewater infrastructure improvements;

608. $300,000 for the City of Rainier, Oregon for wastewater infrastructure improvements;

609. $200,000 for the Municipality of Penn Hills, Pennsylvania, for the Madison Avenue Storm Sewer Project;

610. $200,000 for the Nesquehoning Borough Authority, Carbon County, Pennsylvania, for a water main replacement;

611. $200,000 for the Mercer County Regional Council of Governments, Pennsylvania, for the Shenango Valley Sewer/Water Improvement Project;

612. $200,000 for the Berwick Industrial Development Association, Berwick, Pennsylvania, for the sanitary storm water system;

613. $200,000 for the City of Johnstown, Pennsylvania for water and sewer improvements at the Point Stadium multi-use facility;

614. $1,500,000 for the Three Rivers Wet Weather Demonstration program in Allegheny County, Pennsylvania to develop innovative, cost-effective solutions to assist municipalities to eliminate sewer overflows;

615. $250,000 for the Derry Township Municipal Authority in Hershey, Pennsylvania for wastewater treatment plant upgrades:

616. $250,000 for the Mercer County Sanitary Sewer and Water Treatment project in the City of Hermitage, City of Sharon, and Borough of Sharpsville, Pennsylvania;

617. $250,000 for the City of Lancaster, Pennsylvania for water infrastructure improvements;

618. $250,000 for the Newport Borough Sewer Authority in Newport, Pennsylvania for storm and sewer water separation;

619. $250,000 for the York City Sewer Authority in York, Pennsylvania for wastewater collection system improvements;

620. $250,000 for Pocono Township in Tannersville, Pennsylvania for the Route 611 Corridor sewer line construction;

621. $250,000 to the Shannock Water District, Rhode Island for water infrastructure improvements;

622. $250,000 to the Lincoln Water Commission, Rhode Island for water infrastructure improvements;

623. $250,000 to the Pawtucket Water Supply Board, Rhode Island for water infrastructure improvements;

624. $250,000 to the Town of North Kingstown, Rhode Island for water infrastructure improvements;

625. $1,000,000 for the Narragansett Bay Commission, Rhode Island for combined sewer overflow infrastructure improvements;

626. $500,000 for the City of Newport, Rhode Island for water infrastructure improvements;

627. $500,000 for the Town of Warren, Rhode Island for sewer infrastructure improvements;

628. $250,000 for Charleston CPW, Charleston, South Carolina for a Wastewater Tunnel Replacement Project;

629. $250,000 for Kershaw County, Kershaw, South Carolina for the I–20 Corridor Infrastructure Project-Waste Water Treatment Plant Expansion;

630. $800,000 for the Chester Sewer District, South Carolina for water and wastewater infrastructure improvements;

631. $1,000,000 for Kershaw County, South Carolina for wastewater infrastructure improvements;

632. $1,500,000 for the City of Huron, South Dakota for water infrastructure improvements;

633. $600,000 for the Green Valley Sanitary District, South Dakota for water infrastructure improvements;

634. $400,000 for the City of Tyndal, South Dakota for water infrastructure improvements;

635. $300,000 for Milbank, South Dakota, for wastewater infrastructure improvements;

636. $300,000 for Sisseton, South Dakota, for stormwater improvements;

637. $750,000 for the City of Pikeville and Bledsoe County, Pikeville, Tennessee for water infrastructure improvements;

638. $500,000 for the Watauga River Regional Water Authority, Carter County, Tennessee for planning and construction of regional water infrastructure facilities;

639. $750,000 for the Walden's Ridge Water System, Hamilton County, Tennessee for water infrastructure improvements;

640. $500,000 for the San Antonio Water System, Texas for water infrastructure improvements at KellyUSA;

641. $650,000 for the Lower Rio Grande Morillo Drain Rehabilitation project in the Lower Rio Grande Valley of Texas;

642. $800,000 for the Canyon Lakes Water Reuse Project in Lubbock, Texas for construction related costs to the water system infrastructure;

643. $350,000 for the Abilene Brekenridge Reservoir project in Abilene, Texas for drinking water infrastructure;

644. $400,000 for the Pharr Wastewater Collection System in Pharr, Texas to update the wastewater system infrastructure;

645. $300,000 for the City of Brekenridge, Texas wastewater and sewer infrastructure project;

646. $500,000 for the City of Hillsboro, Texas wastewater and sewer infrastructure project;

647. $1,250,000 for the Town of Colchester, Vermont for wastewater infrastructure improvements;

648. $1,000,000 for the Town of Waitsfield, Vermont for wastewater infrastructure improvements;

649. $400,000 for the Fairfax County Water Authority, Virginia for the drinking water infrastructure improvements associated with the Electric Reliability project;

650. $300,000 for Caroline County, Virginia for the Dawn Wastewater Treatment project;

651. $400,000 for the City of Norfolk, Virginia for the Norfolk Sewer and Water Infrastructure Replacement;

652. $300,000 for the City of Holladay, Utah, for water infrastructure improvements associated with the Wayman Storm Drain Project;

653. $500,000 for the Magna Water Company an Improvement District, Magna, Utah, for water infrastructure improvements associated with the perchlorate & arsenic treatment plant;

654. $400,000 for the City of Logan, Utah for water infrastructure improvements;

655. $400,000 for Park City, Utah for water infrastructure improvements associated with the Judge and Spiro Tunnel treatment plant;

656. $400,000 for the City of Riverton, Utah for water infrastructure improvements;

657. $400,000 for the City of Orem, Utah for water infrastructure improvements;

658. $100,000 for the Jordan Valley Water Conservancy District, Utah for the Groundwater Extraction and Treatment Remedial Project;

659. $1,000,000 for Sandy City, Utah for drinking water and storm water infrastructure improvements;

660. $400,000 for the City of Battle Ground, Washington for sewer infrastructure improvements;

661. $750,000 for the Port of Walla Walla, Washington for the Burbank Water System improvements;

662. $500,000 for the City of Kennewick, Washington for drinking water infrastructure improvements;

663. $500,000 for Skamania County Public Utilities District in Carson, Washington for water infrastructure improvements;

664. $250,000 for Squaxin Island Tribe in Shelton, Washington for water and wastewater infrastructure improvements;

665. $1,000,000 for the Milwaukee Metropolitan Sewerage District in Wisconsin for sewer infrastructure improvements;

666. $1,000,000 for the City of Racine, Wisconsin for water infrastructure improvements; and

667. $600,000 for the City of Sun Prairie, Wisconsin for water and wastewater infrastructure improvements.

ADMINISTRATIVE PROVISIONS

The conferees have again this year included an administrative provision giving the Administrator specific authority to, in the absence of an acceptable tribal program, award cooperative agreements to federally recognized Indian Tribes or Intertribal consortia so as to properly carry out EPA's environmental programs.

The conference agreement includes a provision that allows EPA to collect certain pesticides fees authorized last year. The conferees have rejected the President's proposal to reinstate fees prohibited by the same Act and are concerned that EPA is needlessly spending time proposing fees and promulgating rules when other more productive pesticide work could be completed.

The conferees have again this year, included a provision that for fiscal year 2005 extends the eligibility of brownfield grant recipients to those who purchased properties prior to the enactment of the Small Business Liability Relief and Brownfield Revitalization Act of 2001. The conferees have not included a provision that would permit the use of certain brownfield grant funds for administrative costs, as the Senate had proposed.

In addition the conferees included a provision, as proposed by the House, which authorizes the agency to collect and use the non-federal share of the cost of the Great Lakes Legacy Act projects.

The conferees did not include a provision proposed by the Senate to provide special personnel authority for the Office of Research and Development.

Finally, the conference agreement does not include the provision proposed by the Senate to require EPA to reformat its budget justification; however, the conferees urge EPA to continue its current budget justification reformatting process.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Appropriates $6,379,000, which is $702,000 below the House and the Senate. The reduction reflects a cost decrease, at OSTP's request, for security related expenses that are no longer necessary.

The conferees direct OSTP to assess the cost and manner in which all federally funded agencies and entities award and pay science grants and stipends. The conferees understand that OSTP is currently conducting a similar review. To the extent there are differences between OSTP's review and the requirements in this report language, the conferees direct OSTP to incorporate the additional requirements as part of OSTP's review. OSTP is directed to consult with the House and Senate Committees on Appropriations on this assessment.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

Appropriates $3,284,000 as proposed by the House and the Senate. The conference agreement also includes a transfer of $1,000,000 to the Office of Environmental Quality Management Fund, with which the conferees direct CEQ, in coordination with the U.S. Fish and Wildlife Service and other agencies as appropriate, to contract with the National Academy of Sciences within 60 days of enactment to conduct a study of the environmental, including landscape/viewshed, impacts of wind energy projects in the Mid-Atlantic Highlands. This study is to conclude with appropriate recommendations, such as viewshed and other criteria, regarding the siting of wind turbines in the Mid-Atlantic Highlands and should be submitted to the Committees no later than December 2005.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

Appropriates $30,125,000 for the Office of Inspector General, as proposed by the House instead of $30,625,000 as proposed by the Senate. Funds for this account are derived from the Bank Insurance Fund, the Savings and Loan Insurance Fund, and the FSLIC Resolution Fund and are therefore not reflected in either the budget authority or budget outlay totals.

GENERAL SERVICES ADMINISTRATION

FEDERAL CITIZEN INFORMATION CENTER FUND

Appropriates $14,907,000 as proposed by the House and the Senate.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

Appropriates $1,500,000 for the United States Interagency Council on Homelessness as proposed by the House and the Senate.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The joint explanatory statement of the managers herein reflects the agreement of the conferees on NASA programs and activities. The operative funding levels for programs and activities are those funding levels specified in this joint explanatory statement of the managers. Where no funding level is specified, NASA is directed to make a final determination of funding level for fiscal year 2005 and is required to notify the Congress under the established operating plan procedures of the Committees on Appropriations of the House and Senate. The conferees direct NASA not to charge any administrative expenses to congressionally directed spending on specific projects. These costs should be absorbed within the funding provided.

The conferees note that the House had requested a report from NASA documenting the reconciliation and correction of discrepancies between NASA's fund balance and the U.S. Treasury's reported balances as of September 30, 2003. NASA has not yet satisfied the reporting requirement specified in the House report, even though the report was due on September 30, 2004, over 45 days ago. NASA is directed to expeditiously complete the requested report and formally submit it to the Committees on Appropriations of the House and Senate. Included in the report should be an explanation of any outstanding discrepancies and potential remedies.

As part of the proposed exploration vision, NASA will begin to phase-out existing programs in order to accommodate the vision. These plans must be clearly identified in order for NASA to smoothly transition older programs to make way for missions associated with the vision. As part of this process, the conferees direct NASA to include in all future budget justifications the phase-out schedules and any out-year termination dates of its programs.

The conferees direct the National Academy's Space Studies Board to conduct a thorough review of the science that NASA is proposing to undertake under the space exploration initiative and to develop a strategy by which all of NASA's science disciplines, including Earth science, space science, and life and microgravity science, as well as the science conducted aboard the International Space Station, can make adequate progress towards their established goals, as well as providing balanced scientific research in addition to support of the new initiative. This study should be completed no later than March 15th, 2005.

The conferees have included substantial funding for the space exploration initiative, but to date there has been no substantive Congressional action endorsing the initiative. The conferees note that the initiative is a very long-term endeavor and will require tens of billions of dollars over the next two decades. As such, the initiative deserves and requires the deliberative benefit of the Congress. To this end, the conferees call upon the appropriate Committees of jurisdiction of the House and Senate for action to specifically endorse the initiative and provide authorization and guidance. NASA is directed to forward a comprehensive package of authorization legislation for consideration by the 109th Congress.

The conferees are concerned that the current implementation plans for the new vision do not properly address the requirements for the heavy lift capability that may be necessary to carry out the space exploration initiative. A complete review of such plans must be conducted prior to embarking fully upon the implementation of the initiative. In order to assess heavy lift capability needs, NASA shall report to the Committees on Appropriations of the House and Senate, no later than 180 days from the date of enactment of this Act, regarding NASA's heavy lift capability needs and plans to meet those needs immediately and in the future. NASA is encouraged to look at concepts currently being developed in the Falcon program with DARPA that could have an impact on future heavy lift program development.

The conferees are concerned about the implications of full cost accounting procedures on the operation of NASA's wind tunnels. Rates charged to U.S. airframe, engine and component manufacturers are significantly higher than facilities in Europe. The conferees are concerned that the impact of such high fees will drive U.S. companies and jobs overseas and result in the closing of NASA's wind tunnels. Therefore, the conferees direct NASA to restructure the fees charged for use of the agency's wind tunnels to make them competitive with rates charged overseas and report back to the Committees on Appropriations of the House and Senate by March 1, 2005 on their plan to restructure the fee system. Furthermore, the conferees prohibit NASA from closing any wind tunnels during fiscal year 2005.

The conferees agree with the direction in the Senate report that NASA is to include the out-year budget impacts on all operating plan proposals. The operating plan and all resubmissions also shall include a separate accounting of all program/mission reserves.

The conferees agree with the Senate direction that NASA shall provide appropriate funds for the completion of the current NAPA review of NASA's organizational, programmatic, and personnel structures, including funds to review the recently announced NASA organization transformation and the recommendation contained in the Aldridge report for NASA to consider conversion of some NASA centers to Federally Funded Research and Development Centers.

The conferees are concerned that that sole source contracting can stifle competition and discourage new investment in space-related activities and should be avoided as much as practicable. The conferees direct NASA to submit to the Committees on Appropriations of the House and Senate, each intention by NASA to enter into a sole source contract no later than 10 days before a contract is awarded; this requirement shall apply to all new contracts and contract modifications of more than $500,000 where a new contractor is involved or a new activity is added to an existing contract.

The conferees agree that from within the funding provided, $291,000,000 is to be used for a servicing mission to the Hubble Space Telescope. The conferees believe a successful servicing mission to Hubble should be one of NASA's highest priorities and have provided a substantial increase in funding to accomplish this goal. The conferees direct NASA to report to the Committees on Appropriations of the House and Senate on the status of their plan to service Hubble and the recommendations of the National Academy of Sciences within 90 days of enactment of this Act.

Finally, the conferees note that NASA has requested and the conferees have provided unrestrained transfer authority between the Exploration Capabilities account and the Science, Aeronautics, and Exploration account. The conferees have taken this action because NASA needs flexibility as it completes its transition to full cost accounting. While this transfer authority can be used for purposes other than addressing full cost accounting issues, NASA is cautioned to do so with restraint.

SCIENCE, AERONAUTICS AND EXPLORATION

(INCLUDING TRANSFER OF FUNDS)

Appropriates $7,742,550,000 for science, aeronautics and exploration, instead of $7,621,169,000 as proposed by the House and $7,936,500,000 as proposed by the Senate. The Senate proposal included $200,000,000 in emergency funding.

The Federal investments in aeronautics research and development have delivered countless economic and societal benefits to the nation over the years. Challenges in dealing with the projected growth in air traffic as well as the need to reduce significantly the adverse environmental impacts of future aircraft will require that NASA remain deeply engaged in aeronautics research and development. The conferees direct NASA to develop a prioritized set of aeronautics goals through 2020, along with the annual funding requirements associated with achieving each goal. The plan should be provided to the Committees within 120 days. As part of NASA's investments in this area, the conferees direct NASA to provide $25,000,000 for Intelligent Propulsion System Foundation Technologies (Propulsion 21) to continue research by the existing coalition of NASA, state government, industry, and academia.

The conferees have included $28,200,000 for the National Space Grant College and Fellowship program. This amount is an increase of $9,100,000 to the fiscal year 2005 budget request. The amount provided will fund 40 states at $575,000 each and 12 states at $350,000 each as well as $1,000,000 for administrative expenses.

The conferees have included $12,000,000 for the Experimental Program to Stimulate Competitive Research (EPSCoR). The amount provided is $7,400,000 above the budget request of $4,600,000 and will fund the fourth year of current five-year research grants.

The conferees note the overall success of the Science, Engineering, Mathematics and Aerospace Academies program and direct NASA to fund the core program at no less than $4,800,000 in fiscal year 2005.

The conferees have provided $10,000,000 for the Lunar Reconnaissance Orbiter [LRO], a reduction of $60,000,000 from the budget request. NASA should continue with its announcement of opportunity for scientific instruments with these funds. However, in establishing the criteria for instrument selection, not less than 25 percent of the LRO's scientific instrumentation funding should be explicitly dedicated to building instruments focused solely on answering basic science questions. The conferees are concerned that the lunar measurement investigations to be carried out by the LRO mission, intended to characterize future robotic and human lunar landing sites, will forgo the opportunity for research and focus only on applied engineering assessments. The current proposed announcement of opportunity focuses solely on the human exploration objectives of the potential mission. Since the LRO is allocated against NASA's space science budget, the conferees believe that fundamental lunar science questions should be addressed in a significant fashion through instruments on this spacecraft. The conferees encourage NASA, as part of the LRO development, to consider the research instrumentation opportunities as well as technology qualification, navigation and communications capabilities, and resource identification technologies to maximize the opportunities of this first lunar mission.

The conferees share the concern of the Senate with regard to the proposed reductions to the Living With a Star [LWS] program and provide $681,100,000 for the program. To meet the original goals of the LWS program, which the Congress has endorsed, the conferees are providing an additional $35,000,000 for the LWS theme in 2005 to be allocated as follows: $5,000,000 for the solar probe mission; $15,000,000 to begin implementation of Geospace and $5,000,000 for preliminary studies of solar sentinels; and $10,000,000 for Solar Terrestrial Probes for continued development of the Magnetospheric Multiscale (MMS) mission. Furthermore, the conferees agree with the Senate direction that NASA is to develop a plan to guarantee launch of Geospace and Solar Dynamic Observatory within one year of each other with solar sentinels to follow in a reasonable time thereafter.

The conferees agree to provide $2,000,000 for establishment of a NASA program office at the Applied Physics Laboratory [APL] for the purpose of administering all existing contracts between NASA and APL, including those under the LWS Program. The APL program office will report directly to the Associate Administrator for Science.

The conferees agree with the Senate direction that NASA is directed to undertake a detailed study of the feasibility for a New Horizons II mission, to be launched within the near-term, if the study results can justify the scientific return for such a follow-on mission, at a price considerably less than the original New Horizons mission. Such a study should have its results submitted to the Committee on Appropriations by April 15, 2005.

The conferees do not agree with the direction in the Senate report calling for the transfer of 10 FTE from the Office of the Associate Administrator for Science to the NASA field centers responsible for management of the Discovery and New Frontiers programs. NASA is directed to expeditiously address the concerns raised in the Senate report.

The conferees direct NASA to select competitively some of the scientific instruments for the Terrestrial Planet Finder mission as directed by the Senate. The conferees provide $15,000,000 for this effort.

The conferees agree to an increase of $15,000,000 above the President's request for fiscal year 2005 for the NASA Earth Science Applications Program. This funding increase will be used to support competitively-selected applications projects. These projects will integrate the results of NASA's earth observing systems and earth system models (using observations and predictions) into decision support tools to serve applications of national priority including, but not limited to, Homeland Security, Coastal Management, Agriculture Efficiency, Water Management and Disaster Management.

The conferees are supportive of continuation of the ECS/EMD Synergy Program, reflecting the success of NASA's EOS Data Information System [EOSDIS] and its core system [ECS]. The conferees are providing $15,000,000 for Synergy in fiscal year 2005 with $1,500,000 for the Battelle Pacific Northwest Laboratory's Infomart; not more than $1,500,000 to support the transition of Synergy Infomart activities to the ESE Application Division to be administered through a Cooperative Agreement [CAN] that will focus these funds toward meeting the needs of State, local and tribal governments; and $12,000,000 through the EOSDIS Maintenance and Development Contract to support an extension of the Synergy Data Pools to improve data distribution to climate change models, expansion of data distribution to the user community and development of a pilot project using grid computing technology.

The conferees remain supportive of NASA's Columbia Project to upgrade its supercomputing capacity, but insists that NASA's total supercomputing capability should not reside at one-location to protect the Agency from a potential single point of failure for mission critical and safety of flight analyses. Therefore, the conferees have provided $5,000,000 from within funds projected for the Columbia project to upgrade the Goddard Space Flight Center's Center for Computational Science [NCCS] to guarantee that it serves as NASA's backup supercomputing center with tier 1 system backup and disaster recovery functions, including full transfer capability in the event of a failure of the principal supercomputer facility.

Based on the success of the X–43 program, the conferees are providing $25,000,000 to continue design work being conducted for the X–43c as a follow-on to the X–43a program. The conferees encourage joint NASA and Air Force cooperation and collaboration in advancement of aeronautics technologies in the National interest.

The conferees agree to the following specific funding increases in addition to any increases mentioned above:

Space Science

An increase of $250,000 for the Detroit Science Center;

An increase of $150,000 for the Coca-Cola Space Science Center in Columbus, Georgia to support the Space Science Center;

An increase of $2,100,000 for continued development of a lightweight carrier pallet to increase NASA's payload capacity for space shuttle servicing missions;

An increase of $500,000 for the Sacramento Space Science Center at California State University;

An increase of $1,000,000 for telescope construction at the Pisgah Astronomical Research Center;

An increase of $1,000,000 for University of Idaho for RTULP Electronics for Space Applications;

An increase of $1,000,000 for Utah State University in Logan, Utah for the Calibration Center;

An increase of $300,000 to the University of Missouri at Rolla for the Advanced Millimeter Wave Inspection System program;

An increase of $3,000,000 to New Mexico State University for the ultra-long balloon program to augment planned flights and technology development;

An increase of $1,500,000 to Montana State University to purchase clean room systems and basic process equipment related to the microdevice fabrication facility;

An increase of $1,000,000 for Texas Tech University Experimental Sciences Initiative, Lubbock, Texas to promote advanced and interdisciplinary research;

An increase of $1,000,000 to the Southern Methodist University Multifab Facility in Dallas, Texas to develop multifabrication manufacturing technology;

An increase of $1,000,000 to the University of Arkansas, Fayetteville, Arkansas for the Arkansas-Oklahoma Center for Space and Planetary Sciences;

An increase of $1,500,000 to Montana State University-Bozeman for the Center for Studying Life in Extreme Environments;

An increase of $2,500,000 to Marshall University in Bridgeport, West Virginia for the continuation of NASA related composites workforce development training at the Composites Technology Institute; and

An increase of $1,750,000 to the University of Maryland, Baltimore County for photonics research.

Earth Science

An increase of $500,000 to the Friends of the Museum of Natural Sciences in Raleigh, North Carolina for NASA Earth Science integration planning;

An increase of $500,000 for continuation of emerging research that applies remote sensing technologies to forest management practices at the State University of New York, College of Environmental Sciences and Forestry;

An increase of $1,000,000 for the Advanced Interactive Discovery Environment engineering research program at Syracuse University;

An increase of $3,000,000 for the Regional Application Center for the Northeast;

An increase of $15,900,000 for the Institute for Scientific Research, Inc. for development and construction of research facilities;

An increase of $1,500,000 for on-going activities of the Goddard Institute for Systems, Software, and Technology Research, including mission design tools, Earth Science analysis, and remote sensing instrumentation development;

An increase of $1,000,000 for the Goddard Space Flight Center's Clustering and Advanced Visual Environments Initiative;

An increase of $1,000,000 for the University of San Francisco Center for Science and the Environment;

An increase of $500,000 for hyper spectral remote sensing research and development at the Desert Research Institute;

An increase of $400,000 for Space Place;

An increase of $4,500,000 for the implementation of a remote data storage capability at the NASA IV&V Facility. Appropriated funds are for augmenting available data storage capacities; expanding remote data storage capabilities to the Goddard Space Flight Center and a second DAAC; and communications, facility and integration services at the IV&V Facility to support data backup, recovery, and on-line access capabilities for the Goddard Space Flight Center (GSFC) ECS program;

An increase of $3,000,000 to be transferred to the Air Force Research Laboratory to begin development of miniature synthetic radar technology;

An increase of $1,500,000 for Integrated Sensing Systems at the Rochester Institute of Technology;

An increase of $3,500,000 for Little River Canyon Field School;

An increase of $390,000 for Pearl River Community College in Mississippi for remote sensing, geographic information system and GPS training;

An increase of $1,000,000 for Idaho State University for the Temporal Landscape Change Research program;

An increase of $3,000,000 for the University of Alaska for weather and ocean research;

An increase of $1,000,000 to Utah State University in Logan, Utah for the Intermountain region Digital Image Archive and Processing Center;

An increase of $750,000 for the University of Northern Iowa for the GeoTREE project;

An increase of $1,000,000 for the University of Texas Mid-American Geospatial Information Center at the UT Center for Space Research in Austin, Texas to continue information collection through satellite imaging;

An increase of $500,000 to the Liberty Science Center, Jersey City, New Jersey for the Hudson Harbor and Estuary Ecological Learning Center;

An increase of $750,000 to the University of Connecticut for the Center for Land Use and Education Research;

An increase of $750,000 to the University of Vermont, Burlington for the Center for Advanced Computing;

An increase of $5,400,000 for the Wallops Island Flight Facility to be used for developing a standard small launch vehicle, universal FTS, doppler radar and launch modeling laboratory;

An increase of $2,000,000 to the University of North Dakota in Grand Forks for the Northern Great Plains Space Sciences and Technology Center; and

An increase of $2,000,000 to upgrade the High End Production Capability at the Goddard Space Flight Center to improve climate and weather research capabilities.

Biological and Physical Research

An increase of $3,000,000 for space radiation research at the Loma Linda University Medical Center;

An increase of $500,000 for the Northwestern University Institute for Proteomics and Nanobiotechnology;

An increase of $400,000 for Musculoskeletal Simulator for Injuries at the Cleveland Clinic;

An increase of $1,250,000 for the Michigan Research Institute;

An increase of $600,000 to the MCNC–Research and Development Institute (RDI) for continued funding for a Laboratory for Distributed Chemical and Biological Sensors;

An increase of $500,000 for gravitational space biology research at North Carolina State University;

An increase of $3,000,000 for the National Center of Excellence in Bioinfomatics in Buffalo, New York;

An increase of $1,000,000 for the Central New York Biotechnology Research Center in Syracuse, New York;

An increase of $900,000 for the State University of New York Downtown Medical Center in Brooklyn, New York for the Advanced Biotechnology Incubator project;

An increase of $1,500,000 to the University of Missouri at Columbia for the National Center for Gender Physiology studies on basic biomedical knowledge for the improvement of life on earth and solution of problems in human space flight;

An increase of $5,000,000 to the Marshall Space Flight Center for propulsion materials microgravity research;

An increase of $2,000,000 for the Alliance for Nanohealth, Houston, Texas to purchase equipment and conduct research on Nanotechnology and medicine;

An increase of $2,000,000 for the University of Louisville Space Flight Exploration: The

Impact on Perception, Cognition, Sleep and Brain Physiology Project at the University of Louisville in Louisville, Kentucky;

An increase of $1,000,000 to the National Technology Transfer Center at Wheeling Jesuit University to transfer and adapt the Walter Reed Army Medical Center's HealthForces program, into medically underserved rural areas;

An increase of $1,000,000 to the State University of Buffalo Center for Bioinformatics, Erie, New York;

An increase of $3,000,000 to the Inland Northwest Space Alliance in Montana for the FreeFlyer program; and

An increase of $750,000 to the University of Montana in Missoula, Montana for the National Space Privatization Program.

Aeronautics

An increase of $350,000 for Validated Probabilistic Lifting Tools;

An increase of $500,000 for the Michigan Small Aircraft Transportation System;

An increase of $3,000,000 for the Virginia Institute for Performing Engineering and Research;

An increase of $700,000 to the Virtual Systems Laboratory of the National Aviation Technology Center, School of Aviation, Dowling College, New York;

An increase of $1,700,000 for the University of Toledo Turbine Institute;

An increase of $600,000 to the Research Triangle Institute, International for Synthetic Vision Systems/Combined Vision Systems;

An increase of $2,100,000 for Research on Advanced Wireless Communications for Airport Applications;

An increase of $2,700,000 to research Secure Automatic Dependent Surveillance Broadcast (ADS–B) Surveillance data link technology for enhanced aviation security and general aviation airspace access;

An increase of $5,000,000 for Project SOCRATES;

An increase of $1,000,000 for the National Aviation Technology Center at Dowling College, New York;

An increase of $500,000 for the development of an Aircraft Radio Guidance System (ARGUS) utilizing a new radio frequency interferometer that will provide two or three dimensional navigation guidance for airborne, space or surface vehicles;

An increase of $1,000,000 for the development of a Research Flight Computing System in support of the NASA Dryden Flight Research Center's Altair/Predator B UAV Technology Demonstrator Project;

An increase of $7,500,000 for the Hydrogen Research Initiative;

An increase of $1,000,000 to the Applied Polymer Technology Extension Consortium for research on polymers;

An increase of $850,000 for the Florida Institute of Technology in Melbourne, Florida for its Hydrogen, Fuel Cell & Sensor Technology Initiative;

An increase of $2,300,000 to the University of Missouri at Rolla for Aerospace Propulsion Particulate Emissions Reduction Program;

An increase of $1,000,000 for the National Institute of Aviation Research in Kansas for icing research;

An increase of $2,000,000 to Wichita State University in Wichita, Kansas for the National Center for Advanced Materials Performance for composite materials research;

An increase of $1,000,000 for the Glenn Research Center for the National Center for Communications, Navigation and Surveillance;

An increase of $4,000,000 for the Glenn Research Center for the commercial technology program;

An increase of $1,000,000 to Iowa State University for the Center for Nondestructive Evaluation; and

An increase of $3,000,000 to Chesapeake Information Based Aeronautics Consortium.

Education

An increase of $500,000 to the State of Alabama for the Alabama Math, Science, and Technology Initiative;

An increase of $250,000 for the Education Training Center at the U.S. Space and Rocket Center;

An increase of $2,000,000 to the Educational Advancement Alliance, to support the Alliance's K–12 math, science, and technology education enrichment program;

An increase of $400,000 for Albany State University/Darton College in Albany, Georgia for the Science, Engineering, Math and Aerospace Academy program;

An increase of $250,000 for South Georgia Technical College in Americus, Georgia for the Science, Engineering, Math and Aerospace Academy program;

An increase of $250,000 for Albany State University in Albany, Georgia for project 'JumpStart' for a Math, Science Education Enhancement program for pre-college students;

An increase of $250,000 for the Georgia Project/ABAC College, Tifton, Georgia to implement a K–12 program for Hispanic students in science, engineering, math and aerospace in SW Georgia who struggle with English as a Second Language;

An increase of $400,000 for the University System of Georgia—Board of Regents, Atlanta, Georgia for purchase and implementation of a pre-testing software for math and science educational and career-related standardized test;

An increase of $100,000 for Georgia Southwestern College in Americus, Georgia for grants and scholarships in math and science for students implemented through the Multicultural Affairs Program;

An increase of $4,000,000 for a new Science Center at St. Bonaventure's University in New York State;

An increase of $2,000,000 for the JASON Foundation;

An increase of $300,000 for a Science, Technology, Engineering, and Mathematics Center at Tennessee Tech University, Cookeville, Tennessee;

An increase of $250,000 for Hollins University for upgrades to its science infrastructure;

An increase of $250,000 for the University of New England Marine Science Center;

An increase of $500,000 for the Liberty Science Center;

An increase of $350,000 for Aerospace Education Center in Cleveland, Ohio;

An increase of $200,000 for Morehouse College in Atlanta, Georgia to support the technology center;

An increase of $1,000,000 for National Center for Air and Space Law at the University of Mississippi;

An increase of $1,000,000 for Tennessee Technological Institute for the development of a Challenger Learning Center;

An increase of $500,000 for the Christa McAuliffe Planetarium in New Hampshire for the construction of the Alan Shepard Discovery Center;

An increase of $500,000 to Southeast Missouri State University for the NASA–ERC Initiative;

An increase of $1,000,000 to the Texas A&M Space Engineering Institute in College Station, Texas to continue minority engineering outreach in conjunction with NASA;

An increase of $1,000,000 to Northern Kentucky University/University of Louisville for the Taking Astronomy to the Schools Project at Northern Kentucky University in Campbell County, Kentucky;

An increase of $750,000 for the US Space and Rocket Center in Huntsville, Alabama for education training equipment and the museum exhibit improvement program.

An increase of $250,000 for Sci-Quest, Northern Alabama Science Center for the interactive immersive-reality science laboratory;

An increase of $750,000 to the Delaware Aerospace Education Foundation in Kent County, Delaware;

An increase of $500,000 to the Chabot Space and Science Center in Oakland, California for The Future for Humans in Space Education Program;

An increase of $250,000 for Dominican University, San Rafael, California for the Center for Science and Technology for science teacher training and education;

An increase of $250,000 to Rowan University, Pomona, New Jersey for the Engineering and Technology Satellite Campus;

An increase of $250,000 to the Museum of Science and Industry in Chicago, Illinois for the Henry Crown Space Center;

An increase of $250,000 to Glendale Community College, California for the Cimmarusti Science Center's Teacher Training and Science Education Outreach Program;

An increase of $500,000 to the Science Center of Iowa in Des Moines, Iowa;

An increase of $2,000,000 for improvements to the Cooper Library at the University of South Carolina, Columbia, South Carolina;

An increase of $2,000,000 to the College of Charleston, South Carolina for the School of Science and Mathematics;

An increase of $1,000,000 to the Boston Museum of Science, Massachusetts for the National Center for Technology Literacy;

An increase of $750,000 to Space Education Initiative, Wisconsin for the Wisconsin Aerospace Education Initiative;

An increase of $1,750,000 to the Mitchell Institute, Portland, Maine for educational purposes;

An increase of $1,000,000 to the Virginia Air and Space Museum, Norfolk, Virginia;

An increase of $750,000 for the Griffith Observatory, Los Angeles, California; and

An increase of $4,000,000 to the University of Hawaii, Hilo for the Mauna Kea Astronomy Education Center;

EXPLORATION CAPABILITIES

(INCLUDING TRANSFER OF FUNDS)

Appropriates $8,425,850,000 for exploration capabilities, instead of $7,496,800,000 as proposed by the House and $8,411,100,000 as proposed by the Senate. The Senate proposal included $600,000,000 in emergency funding.

The conferees agree that the space shuttle remains the cornerstone of our Nation's heavy launch capability and is critical to the future of the International Space Station and scientific research. Therefore, the conferees have provided $4,319,200,000 for the space shuttle program, the same as the level within the request of the administration. Should additional resource needs associated with return-to-flight activities arise during this fiscal year, the regular order of the budget process allows for the Administration to submit a supplemental request for funding, which would be given full and fair consideration by Congress. Alternatively, NASA has flexibility under established operating plan procedures with the Committees on Appropriations of the House and Senate to propose funding adjustments to augment the budget for the space shuttle as necessary, contingent on Congressional approval of the proposed changes. The conferees believe that returning the shuttle fleet to flight, the first step in the Space Exploration Initiative, should be NASA's highest priority.

Within the funds provided, the conferees direct $10,000,000 for the Propulsion Research Laboratory at Marshall Space Flight Center to perform non-nuclear research on spacecraft engine systems that support nuclear thermal propulsion development. The conferees direct NASA to ensure that NASA facilities are utilized to the greatest extent possible by the Department of Energy in its role as a contractor for NASA under the Project Prometheus program.

The conferees do not agree with the termination of the commercial programs within the Innovative Technology Transfer Partnerships (ITTP) program as proposed in the budget submission, and have therefore provided an increase of $30,000,000 to this appropriation for the express purpose of continuing the commercial programs, including the activities of both NASA and associated personnel, as they existed in fiscal year 2003 and prior fiscal years. The conferees notes that the National Academy of Public Administration (NAPA) has completed the first phase of an analysis of the ITTP program, which highlights a number of weaknesses that reduce the program's effectiveness at spin-in and spin-out of technology. The conferees direct NASA to fully address the recommendations of phases I and II of the NAPA study in the context of future budget submissions. The conferees support maintaining a vigorous ITTP program at NASA and strongly support maintaining the spin-out of NASA technology to the commercial world as an integral part of the program.

The conferees agree with direction contained in the Senate report that as soon as the Shuttle is available to provide access to the ISS, NASA is to provide the Committees on Appropriations of the House and Senate with a plan detailing the steps necessary to complete construction of the ISS. This plan may include completion of the ISS by only using the shuttle, or a combination of shuttle and unmanned flights for delivering components to the ISS. The cost implications associated with the revised schedule must be included in the plan that is submitted to the Committee within 30 days after the successful return-to-flight of the shuttle program. The report should also contain a timeline, in conjunction with the construction timetable for the ISS, for the eventual transition to a new manned launch vehicle.

The conferees are prepared to commit funds for development of a Crew Exploration Vehicle [CEV], but remain concerned that there has not been enough initial planning to determine what specific capabilities the CEV should have. The determination of the right capabilities should naturally come from a carefully thought-out plan and goals, which have yet to emerge from the implementation of the space exploration initiative. The current plan offered by NASA resembles a work-in-progress, rather than a firm definition of what is necessary to accomplish missions to the ISS, as well as future manned missions. The conferees expect NASA to provide a report to the Committees on Appropriations of the House and Senate that details the criteria and developmental goals the CEV must meet to accomplish the missions envisioned by NASA within 60 days of enactment of this Act. The report shall also include the internal and independent procedures that will be in place to ensure that the CEV will stay within its budget throughout its development.

As NASA begins to consider another manned vehicle program, the conferees do not want a repeat of the mistakes of the International Space Station, where poor management and lack of independent oversight resulted in major cost overruns. At this early stage in the development of the CEV, it is essential that these mistakes be avoided. Therefore, the conferees direct the Administrator of NASA to identify an independent oversight committee capable of examining the design, technology readiness, and most importantly the cost estimates for the CEV. The Administrator shall use available funds within the Exploration Capabilities account to provide sufficient resources for this independent committee. The chosen oversight committee shall report to the Administrator and the Committees on Appropriations of the House and Senate annually on their findings and recommendations.

The conferees have agreed to provide $10,000,000 for the Centennial Challenges program, subject to passage of authorizing legislation. NASA is to directed to submit a detailed implementation plan for this program to the Committees on Appropriations of the House and Senate as soon as practicable.

The conferees recognize that modeling and simulation will have an important role in assessing the overall system development and performance in the Space Exploration Initiative and provide $3,000,000 for this purpose. The conferees believe that simulated integrated systems, including testing and evaluation, will substantially reduce the total development costs of future space transportation systems by formulating and validating program requirements and by identifying and mitigating program risks as early as possible in the development process. The conferees direct the Office of Exploration Systems to develop and implement an integrated system simulation strategy to take full advantage of modeling, simulation, and evaluation tools.

The conferees direct NASA to keep the Committees on Appropriations of the House and Senate informed, in writing, of any movement of funds related to the shuttle program, as well as including the out-year impacts on all activities involved in the funding shifts. Finally, the conferees expect regular consultations by NASA on all proposed changes to investments in the Shuttle program. These consultations should occur before program decisions are finalized.

The conferees agree to the following specific funding increases in addition to any increases mentioned above:

An increase of $400,000 for the Glennan Microsystems Commercialization Initiative;

An increase of $300,000 for Garrett Morgan Commercial;

An increase of $900,000 for Simulation based acquisition for manned space flight vehicle, design and testing, MSFC;

An increase of $150,000 to the Technology Research & Development Authority of Central Florida for continuing investment in IT, and security technologies;

An increase of $2,000,000 for the Idaho National Engineering and Environmental Laboratory for development of performance, safety, and mission success tools for NASA programs;

An increase of $250,000 to the Alabama A&M University for Advanced Propulsion Materials Research;

An increase of $500,000 for the Nano and Micro Devices Laboratory at the University of Alabama in Huntsville;

An increase of $6,000,000 for the continuation of the Space Alliance Technology Outreach Program for business incubators in Florida and New York;

An increase of $1,000,000 for the National Center of Excellence in Wireless and Information Technology Programs at Stony Brook University, New York;

An increase of $1,000,000 for the National Center of Excellence in Small Scale Systems Packaging at the State University of New York at Binghamton;

An increase of $2,500,000 for NASA's Independent Verification and Validation Facility, of which $800,000 is available for continuation of the Code Level Metrics Data Program; $400,000 is available for continuation of IV & V of Neural Nets; and $400,000 is available for Software Legacy Research;

An increase of $600,000 to the MCNC-Research and Development Institute (RDI) for continued funding for a Laboratory for Distributed Chemical and Biological Sensors;

An increase of $1,000,000 for Cryogenic Power Electronics Development at the State University of New York at Albany;

An increase of $200,000 for the National Center for Communication Navigation, and Surveillance at Glenn Research Center;

An increase of $400,000 for COM Simulation Architecture;

An increase of $300,000 for the Bowling Green State University Hybrid Engine project;

An increase of $500,000 to the University of Alabama in Huntsville for a Space Flight Guidance, Navigation, and Control Test Bed;

An increase of $3,000,000 for the National Center of Excellence in Infotonics in Rochester, New York;

An increase of $3,000,000 for the Computing, Information and Communications Technology Program (CICT) for High Information Density Approaches to Mobile Broadband Internet Communications;

An increase of $3,000,000 to the Mobile Broadband Network project, a joint effort between NASA and the Air Force Research Laboratory;

An increase of $3,000,000 to be transferred to the Air Force Research Laboratory to continue joint research between NASA and the Air Force on emerging areas of computing including grid computing, quantum and biomolecular information processing technology;

An increase of $4,000,000 for the Stennis Space Center for the commercial technology program;

An increase of $4,000,000 for the Marshall Space Flight Center for the commercial technology program;

An increase of $750,000 to Purdue University in West Lafayette, Indiana for the Advanced Manufacturing Institute;

An increase of $2,000,000 to Wheeling Jesuit University, West Virginia for continued operation of the National Technology Transfer Center;

An increase of $1,000,000 to the University of New Orleans, Louisiana for the Composites Research Center of Excellence and for the development of advanced metallic joining technologies at Michoud Space Center;

An increase of $1,750,000 to the University of Maryland, College Park for the nanotechnology institute; and

An increase of $2,000,000 to the SSME program office at Marshall for development of a knowledge management integrated data environment.

OFFICE OF INSPECTOR GENERAL

Appropriates $31,600,000 for the Office of Inspector General as proposed by the Senate, instead of $31,400,000 as proposed by the House. The amount provided includes $3,800,000 to conduct NASA's annual audit of NASA's financial statements.

The conferees remain concerned that NASA needs to reform its contracting process to ensure timely delivery of both services and hardware. The conferees direct the NASA Inspector General to issue a list of contracting 'trouble' areas with recommendations to address these areas. The conferees understand that this is no easy project, but expects NASA and the NASA IG to respond to these concerns with a package of proposed contracting reforms that can begin to be implemented in fiscal year 2005.

ADMINISTRATIVE PROVISIONS

The conferees have included three administrative provisions included in both the House and Senate bills. In addition, the conferees agree to language proposed by the Senate allowing the use of funds for prizes and language allowing for the transfer of funds between the exploration capabilities account and the science, aeronautics, and exploration account subject to established operating plan procedure. The conferees further agree to language proposed by the Senate as a General Provision, with some modifications, which will have the effect of incorporating projects and activities into the text of the bill by reference.

National Credit Union Administration

CENTRAL LIQUIDITY FACILITY

Provides limitation of $1,500,000,000 on CLF lending activities from borrowed funds as proposed by the House and Senate.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

Appropriates $1,000,000 as proposed by the House and the Senate. Within this amount, $800,000 is provided for technical assistance to low-income and community development credit unions. Funds are available for two years as proposed by the House. The Senate had proposed that funds be available until expended. The conferees reiterate language proposed by the Senate encouraging NCUA to continue to develop technical assistance in rural areas.

National Science Foundation

The conferees agree that the language included in House Report 108–674 and Senate Report 108–353 is to be complied with unless specifically addressed to the contrary in this conference report and the statement of the managers.

The conferees agree that the National Science Foundation is to abide by the reprogramming requirements set forth in the House report requiring prior Committee approval for any transfers in excess of $500,000 or any change that could be construed as policy or a change in policy, instead of $250,000 as proposed in the Senate report.

The conferees agree that the National Science Foundation is to present its fiscal year 2006 budget justification submission in the traditional appropriations account structure with detailed information on program, project and activity funding levels and all proposed changes. The Foundation is directed not to format or integrate its strategic themes of "People," "Tools," and "Ideas" into the detailed appropriations justifications but instead may provide them as supplementary information. The conferees direct the Foundation to submit a template for its fiscal year 2006 budget justification to the Committees on Appropriations of the House and Senate that complies with this direction no later than December 15, 2004.

RESEARCH AND RELATED ACTIVITIES

Appropriates $4,254,593,000 for research and related activities instead of $4,151,745,000 as proposed by the House and $4,402,320,000 as proposed by the Senate.

The conferees agree to continue funding for the costs of Foundation employees hired under the Intergovernmental Personnel Agreements (IPA) Act under this account instead of consolidating funding for such costs under the Salaries and Expenses account as proposed by the House. New language is included to limit the amount available for such purposes to the amount requested in the Foundation's budget for fiscal year 2005.

The conferees have included bill language that provides up to $350,000,000 for polar research and operations support, as proposed by the House and $95,000,000 for a comprehensive research initiative on plant genomes for economically significant crops, as proposed by the Senate. Language is also included as proposed by the Senate and carried in previous years regarding distribution of funding against statutory minimum and maximum levels. The House did not include similar language. Language proposed by the Senate is not included authorizing the payment of travel expenses from this account. The House did not include similar language as requested in the budget. The conferees understand that deletion of this language will not impact travel costs associated with Foundation staff hired under the IPA Act since such costs are eligible to be funded under this account.

Notwithstanding the language in the House and Senate reports designating the allocation of funds, the conferees have agreed that the allocation among programs and directorates is to be determined by the Director of the Foundation, unless specifically noted herein. The Foundation is to submit its proposed operating plan to the Committees on Appropriations of the House and the Senate within 60 days of enactment of this Act that addresses the Foundation's highest research priorities. In developing this plan, the Foundation is urged to maintain the proper balance between interdisciplinary research and single-issue research in core disciplines.

The conference agreement provides $95,000,000 for plant genome research on economically significant crops as proposed by the Senate. The House did not address this matter.

The conferees do not object to the allocation of not to exceed $6,000,000 for continued planning and design for the National Ecological Observatory Network if the Director of the Foundation determines such funding is warranted. The conferees reiterate the language in the House report regarding the National Research Council's recommendations regarding this project. The conferees concur that funding provided may be used for a new class of Science and Technology Centers if the Director of the Foundation determines such funding is warranted when measured against other priorities within the agreed upon total for this account.

The conferees do not object to the allocation of not to exceed $5,000,000 for completion of a design and development study for the Giant Segmented Mirror Telescope if the Director of the Foundation determines such funding is warranted based upon private sector interest and commitment, other astronomical science needs, and subject to approval by the National Science Board.

The conference agreement does not provide any funding for the new Workforce for the 21st Century program. The Foundation is encouraged to work with the Committees to develop a more refined and descriptive proposal for future consideration.

The conference agreement does not provide any funding for a new Innovation Fund.

The conferees understand that discussions between the National Science Foundation and the Smithsonian Institution are ongoing and have been productive. With respect to Smithsonian researchers' access to NSF funding, the Committees expect the Foundation to treat any proposal submitted by non-Federal employees of the Smithsonian whose salaries are not part of appropriated accounts in the same manner as any academic proposal.

The conferees reiterate the direction in the Senate report requiring NSF to include multi-year budget estimates and future budget impacts for multi-disciplinary and mid-level activities in the annual operating plan and in future budget requests.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

Appropriates $175,050,000 for major research equipment and facilities construction instead of $208,200,000 as proposed by the House and $130,420,000 as proposed by the Senate. Included within the appropriated amount is $49,700,000 for construction of the Atacama Large Millimeter Array aperture-synthesis radio telescope; $47,350,000 for EarthScope; $48,000,000 for continued research and development of the IceCube Neutrino Detector Observatory in Antarctica; $15,000,000 for the Integrated Ocean Drilling Program (IODP); and $15,000,000 for the Rare Symmetry Violating Processes Program.

Funding for the NEON program is addressed under the Research and Related Activities account.

EDUCATION AND HUMAN RESOURCES

Appropriates $848,207,000 for education and human resources, instead of $842,985,000 as proposed by the House and $929,150,000 as proposed by the Senate.

The conferees agree to continue funding for the costs of Foundation employees hired under the Intergovernmental Personnel Agreements (IPA) Act under this account instead of consolidating funding for such costs under the Salaries and Expenses account as proposed by the House. New language is included to limit the amount available for such purposes to the amount requested in the Foundation's fiscal year 2005 budget. Language is also included as proposed by the Senate and carried in previous years regarding distribution of funding against statutory minimum and maximum levels. The House did not include similar language.

The conferees agree to the following funding levels and directives within this account:

Program	FY 2005 request	House	Senate	Conference agreement
Math & Science Partnership	$80,000,000	$82,500,000	$110,000,000	$80,000,000
EPSCoR	84,000,000	94,440,000	95,000,000	94,440,000
Elementary, Secondary & Informal Education	172,750,000	175,457,000	187,750,000	183,412,000
Undergraduate Education	158,850,000	160,301,000	162,430,000	154,905,000

Program	FY 2005 request	House	Senate	Conference agreement
Graduate Education	173,880,000	155,950,000	173,880,000	155,950,000
Human Resources Development	107,940,000	115,343,000	126,060,000	119,500,000
Research, Evaluation & Communication	73,940,000	64,494,000	73,940,000	60,000,000

Within this level of funding for Elementary, Secondary and Informal Education, $63,565,000 has been provided for the Informal Science program.

Of the amount appropriated for Undergraduate Education, $45,500,000 is for the Advanced Technological Education program; $25,485,000 is for the STEM Talent Expansion Program (STEP); and $7,950,000 is for the Robert Noyce Scholarship Program. No funds are provided for the Workforce for the 21st Century program.

Within the funding level for Human Resource Development, $35,300,000 is provided for the Louis Stokes Alliances for Minority Participation program; $25,420,000 is provided for the Historically Black Colleges and Universities Undergraduates (HBCU) Program; $14,910,000 is provided for the Alliance for Graduate Education and the Professoriate; $16,000,000 is provided for the Centers of Research Excellence in Science and Technology (CREST) program and HBCU Research University Science and Technology (THRUST) initiative within CREST; $2,510,000 is provided for Model Institutions for Excellence; and $9,920,000 is provided for Tribal Colleges. While the conferees agree that eligibility for THRUST should not exclude CREST recipients, NSF is directed to first use fiscal year 2005 program funds to fully fund multi-year awards to recipients of THRUST.

SALARIES AND EXPENSES

Appropriates $225,000,000 for salaries and expenses instead of $249,970,000 as proposed by the House and $269,000,000 as proposed by the Senate.

At the request of the Foundation, the conferees have agreed to continue funding the costs of personnel employed by the Foundation under the Intergovernmental Personnel Act (IPA's) under the "Research and Related Activities" and the "Education and Human Resources" appropriations accounts. These costs have been set within each account at $25,954,000 and $5,500,000, respectively. No funding has been included in the "Salaries and Expenses" account for this purpose. The conferees note that the $31,454,000 provided for the IPA program in fiscal year 2005 is approximately a 10 percent increase over the fiscal year 2004 level for the program. The conferees are pleased that the Director has assured the Committees that the cost of the IPA program will be shown in a more transparent way in future budget submissions. As a part of this process the conferees expect the fiscal year 2006 budget justification materials to include a single consolidated schedule showing all personnel costs for the Foundation.

The conference agreement provides sufficient resources to maintain existing staffing levels at the Foundation. Within the total amount provided for this account, the Director may, at his discretion, devote additional resources to address permanent staffing at the agency and address computer system needs, particularly for the FastLane system.

The conferees reiterate the direction in the Senate report regarding staffing support to the Deputy Director of Large Facilities and expect the fiscal year 2005 operating plan to identify the actions taken regarding this matter.

OFFICE OF THE NATIONAL SCIENCE BOARD

Appropriates $4,000,000 for the National Science Board as proposed by the Senate, instead of $3,950,000 as proposed by the House.

OFFICE OF INSPECTOR GENERAL

Appropriates $10,110,000 for the Office of Inspector General as proposed by both the House and the Senate.

The conferees request that the IG conduct a review of the portion of the Foundation's total budget devoted to administrative and other overhead expenses and how these costs compare to similar costs at other large research agencies.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

Appropriates $115,000,000 for the Neighborhood Reinvestment Corporation as proposed by both the House and Senate.

Language is included in the bill which designates $5,000,000 to support the Corporation's multi-family rental housing program, as proposed by the Senate.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

Appropriates $26,300,000 for salaries and expenses as proposed by both the House and Senate. The conferees are in agreement that the Selective Service System should not use any of its funds to support the Corporation for National and Community Service.

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

Appropriates $250,000 for this account as proposed by the House. The Senate did not include a similar provision but instead included funding in another bill.

TITLE IV—GENERAL PROVISIONS

The conference agreement includes the following dispositions of General Provisions:

Retains sixteen general provisions proposed by both the House and the Senate, all of which were included in the fiscal year 2004 Act.

Includes modified language, similar to language proposed by the House and the Senate, amending Section 313 of the National Space Act of 1958 to implement new appropriations accounts.

Retains language proposed by the House and the Senate regarding outreach and marketing efforts to enroll veterans in the Veterans Health Administration.

Retains language proposed by the Senate expressing a Sense of the Congress that no veteran should wait more than thirty days for a doctor's appointment. The House did not include similar language.

Retains language proposed by the Senate prohibiting the use of any NASA funds to be used for voluntary separation incentive payments if those incentives result in the loss of skills related to the safety of the Space Shuttle or the International Space Station. The House did not include similar language.

Retains language proposed by the Senate recognizing the six Pioneer Homes in Alaska as eligible for per diem payments under the Department of Veterans Affairs state home program. The House did not include similar language.

Retains language proposed by the House and the Senate related to benefits to families of astronauts of the Space Shuttle Columbia.

Retains language proposed by the Senate to amend a provision included in the fiscal year 2004 Act regarding the regulation of engines under 50 horsepower. The House did not include similar language.

Deletes language proposed by the House providing for expansion of the NASA enhanced use lease demonstration program. The Senate did not include similar language.

Deletes language under this title proposed by the Senate regarding NASA expenditure of funds and instead includes the provision under NASA Administrative Provisions. The House did not include similar language.

Deletes language proposed by the Senate prohibiting the use of funds in this or any other Act to implement section 338 of the Department of the Interior appropriations bill. The House did not include similar language.

Deletes language proposed by the Senate amending section 1502 of the Farm Security and Rural Investment Act of 2002. The House did not include similar language.

Adds a provision appropriating funds for the reconstruction of Pier 86 in New York City.

Adds a provision providing compensation funds to the Department of Veterans Affairs.

Adds a provision exempting the Village of Chickasaw, Ohio from section 102(g)(2) of the Housing and Community Development Act of 1974.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I					
DEPARTMENT OF VETERANS AFFAIRS					
Veterans Benefits Administration					
Compensation and pensions	29,845,127	32,607,688	32,607,688	+2,762,561	---
Readjustment benefits	2,529,734	2,556,232	2,556,232	+26,498	---
Veterans insurance and indemnities	29,017	44,380	44,380	+15,363	---
Veterans housing benefit program fund program account (indefinite)	305,834	43,784	43,784	-262,050	---
(Limitation on direct loans)	(300)	---	(500)	(+200)	(+500)
Credit subsidy	---	-144,000	-144,000	-144,000	---
Administrative expenses	153,936	154,075	154,075	+139	---
Education loan fund program account	1	---	---	-1	---
(Limitation on direct loans)	(3)	---	---	(-3)	---
Administrative expenses	70	---	---	-70	---
Vocational rehabilitation loans program account	52	47	47	-5	---
(Limitation on direct loans)	(3,938)	(4,108)	(4,108)	(+170)	---
Administrative expenses	298	311	311	+13	---
Native American Veteran Housing Loan Program Account	568	571	571	+3	---
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	---	---
Total, Veterans Benefits Administration	32,864,637	35,263,088	35,263,038	+2,398,451	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Veterans Health Administration					
Medical services	17,761,803	---	19,472,777	+1,736,797	+19,498,600
Two year funding	---	---	---	---	---
(Emergency appropriations)	---	---	---	---	---
Medical administration	4,970,500	---	4,705,000	-265,500	+4,705,000
Medical facilities	3,976,400	---	3,745,000	-231,400	+3,745,000
Medical and prosthetic research	405,593	769,540	405,593	-20,823	-384,770
Medical care	---	24,967,830	---	---	-24,967,830
Accelerated spending of balances, sec. 115	---	---	---	---	---
Two-year funding	---	1,396,000	---	---	-1,396,000
Rescission	-270,000	---	---	+270,000	---
Medical care cost recovery collections:					
Offsetting collections	-1,554,772	-2,002,000	-2,002,000	-447,228	---
Appropriations (indefinite)	1,554,772	2,002,000	2,002,000	+447,228	---
Accelerated spending of balances (Sec. 114b)	---	---	---	---	---
Total, Veterans Health Administration	26,844,296	27,133,370	28,328,370	+1,489,074	+1,200,000
Offsetting collections	(-1,554,772)	(-2,002,000)	(-2,002,000)	(-447,228)	---
Total available to VHA	(28,399,068)	(29,135,370)	(30,330,370)	(+1,936,302)	(+1,200,000)
Departmental Administration					
General operating expenses	1,275,701	1,324,753	1,324,753	+44,052	-5,000
National Cemetery Administration	143,352	148,925	148,925	+5,573	---
Office of Inspector General	61,634	64,711	69,711	+8,077	+5,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Construction, major projects	271,081	458,800	458,800	+187,719	---
Ominbus Appropriations (P.L. 108-199) Sec.167	497	---	---	-497	---
Construction, minor projects	250,656	230,799	230,779	-19,857	---
Grants for construction of State extended care facilities	101,498	105,163	105,163	+3,665	---
Grants for the construction of State veterans cemeteries	31,811	32,000	32,000	+189	---
Total, Departmental Administration	2,136,230	2,365,151	2,370,131	+228,921	---
Total, title I, Department of Veterans Affairs	61,845,163	64,761,609	65,961,589	+4,116,446	+1,200,000
Appropriations	(63,669,935)	(65,367,609)	(67,963,589)	(+4,293,674)	(+2,596,000)
Rescissions	(-270,000)	---	---	(+270,000)	---
Emergency appropriations	---	---	---	---	---
Offsetting collections	(-1,554,772)	(-2,002,000)	(-2,002,000)	(-447,228)	---
(Limitation on direct loans)	(54,241)	(54,108)	(54,608)	(+367)	(+500)
Mandatory	(32,709,712)	(35,108,084)	(35,108,084)	(+2,398,372)	---
Net discretionary	(29,135,451)	(29,653,525)	(30,853,505)	(+1,718,074)	(+1,200,000)
Medical care collection fund	(1,554,772)	(2,002,000)	(2,002,000)	(+447,228)	---
Total discretionary available	(30,690,223)	(31,655,525)	(32,855,505)	(+2,165,302)	(+1,200,000)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE II					
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Public and Indian Housing					
Housing Certificate Fund:					
Direct appropriation	15,081,970	14,265,800	---	-15,081,970	-14,265,800
Advance appropriations provided in previous acts	4,175,220	4,200,000	---	-4,175,220	-4,200,000
Subtotal, Housing certificate fund	19,257,190	18,465,800	---	-19,257,190	-18,465,800
Advance appropriations provided in current year	4,200,000	4,200,000	---	-4,200,000	-4,200,000
Total, Housing certificate fund	23,457,190	22,665,800	---	-23,457,190	-22,665,800
Tenant-based Rental Assistance:					
Direct appropriation	---	---	10,685,000	+10,477,055	+10,477,055
Advance appropriations provided in previous acts	---	---	4,200,000	+4,200,000	+4,200,000
Subtotal, Tenant-based rental assistance	---	---	14,885,000	+14,677,055	+14,677,055
Advance appropriations provided in current year	---	---	4,200,000	+4,200,000	+4,200,000
Total, Tenant-based rental assistance	---	---	19,085,000	+18,877,055	+18,877,055
Project-based rental assistance	---	---	5,341,000	+5,340,745	+5,340,745
Public housing capital fund	2,696,253	2,674,100	2,600,000	-116,253	-94,100
Public housing operating fund	3,578,760	3,573,000	2,458,000	-153,760	-148,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Revitalization of severely distressed public housing..	149,115	---	144,000	-6,115	+143,000
Native American housing block grants..................	650,241	647,000	627,000	-28,241	-25,000
Indian housing loan guarantee fund program account....	5,269	1,000	5,000	-269	+4,000
(Limitation on guaranteed loans)..................	(197,243)	(29,070)	(145,345)	(-51,898)	(+116,275)
Native Hawaiian housing block grant...................	---	9,500	---	---	-9,500
Native Hawaiian housing loan guarantee fund...........	1,029	1,000	1,000	-29	---
(Limitation on guaranteed loans)..................	(39,712)	(37,403)	(37,403)	(-2,309)	---
Total, Public and Indian Housing................	30,537,857	29,571,400	30,261,000	+455,943	+1,422,400
Current year advance appropriations...........	4,200,000	4,200,000	4,200,000	---	---
Net Total (excluding current year advances).....	26,337,857	25,371,400	26,061,000	+455,943	+1,422,400
Community Planning and Development					
Housing opportunities for persons with AIDS...........	294,751	294,800	284,000	-12,751	-12,800
Rural housing and economic development................	24,853	---	24,000	-853	+24,000
Empowerment zones / enterprise communities............	14,912	---	10,000	-662	+14,250
Community development fund............................	4,920,795	4,618,094	4,709,000	-209,795	+92,906
Ominbus Appropriations (P.L. 108-199) Sec.165.....	9,941	---	---	-9,941	---
Ominbus Appropriations (P.L. 108-199) Sec.167.....	2,992	---	---	-2,992	---
Section 108 loan guarantees:					
(Limitation on guaranteed loans)..................	(275,000)	---	(275,000)	---	(+275,000)
Credit subsidy....................................	6,288	---	6,000	-288	+6,000
Administrative expenses...........................	994	---	1,000	+6	+1,000
Brownfields redevelopment.............................	24,853	---	24,000	-853	+24,000
HOME investment partnerships program..................	2,005,597	2,084,200	1,915,000	-85,597	-164,200

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Homeless assistance grants	1,259,525	1,282,400	1,250,515	-53,525	-76,400
Samaritan housing initiative (legislative proposal)	---	50,000	---	---	-50,000
Total, Community planning and development	8,565,501	8,329,494	8,223,515	-377,251	-141,244
Housing Programs					
Housing for the elderly	773,728	773,300	747,000	-32,728	-32,300
Housing for persons with disabilities	249,092	248,700	240,000	-11,092	-10,700
Housing counseling assistance	---	45,000	---	---	-45,000
Manufactured housing fees trust fund	12,923	13,000	13,000	+77	---
Offsetting collections	-12,923	-13,000	-13,000	-77	---
Total, housing programs	1,022,820	1,067,000	987,000	-43,820	-88,000
Federal Housing Administration					
FHA - Mutual mortgage insurance program account:					
(Limitation on guaranteed loans)	(185,000,000)	(185,000,000)	(185,000,000)	---	---
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	---	---
Administrative expenses	356,882	366,000	356,906	---	-9,118
Offsetting receipts	-2,921,000	-2,206,000	-2,206,000	+715,000	---
Offsetting receipts (legislative proposal)	---	-28,000	-28,000	---	+28,000
Administrative contract expenses	84,499	70,900	78,000	-6,499	+7,100
Additional contract expenses	1,000	1,000	1,000	---	---
FHA - General and special risk program account:					
(Limitation on guaranteed loans)	(25,000,000)	(35,000,000)	(35,000,000)	(+10,000,000)	---
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	---	---
Administrative expenses	227,649	234,000	227,767	---	-6,351

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Offsetting receipts	-225,000	-240,000	-240,000	-15,000	---
Credit subsidy	14,912	10,000	10,000	-4,912	---
Non-overhead administrative expenses	93,227	81,600	86,000	-7,227	+4,400
Additional contract expenses	4,000	4,000	4,000	---	---
Total, Federal Housing Administration	-2,363,831	-1,706,500	-1,710,327	+681,362	+24,031
Government National Mortgage Association (GNMA)					
Guarantees of mortgage-backed securities loan guarantee program account:					
(Limitation on guaranteed loans)	(200,000,000)	(200,000,000)	(200,000,000)	---	---
Administrative expenses	10,695	10,986	10,695	---	-291
Offsetting receipts	-316,124	-368,000	-368,000	-51,876	---
Policy Development and Research					
Research and technology	46,723	46,700	45,500	-1,723	-1,700
Fair Housing and Equal Opportunity					
Fair housing activities	47,717	47,700	46,500	-1,717	-1,700
Office of Lead Hazard Control					
Lead hazard reduction	173,968	139,000	168,000	-6,968	+28,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Management and Administration					
Salaries and expenses	543,773	591,579	547,197	---	-47,806
Transfer from:					
Limitation on FHA corporate funds	(560,672)	(576,000)	(560,673)	---	(-15,328)
GNMA	(10,695)	(10,986)	(10,695)	---	(-291)
Community Development Loan Guarantees Program	(1,000)	---	(1,000)	---	(+1,000)
Native American Housing Block Grants	(150)	(150)	(150)	---	---
Indian Housing Loan Guarantee Fund Program	(250)	(250)	(250)	---	---
Native Hawaiian Housing Loan Guarantees	(35)	(35)	(35)	---	---
Total, Salaries and expenses	(1,116,575)	(1,179,000)	(1,120,000)	---	(-62,425)
Working capital fund	233,614	234,000	270,000	-133,614	-134,000
Office of Inspector General	76,546	77,000	80,000	+454	---
(By transfer, limitation on FHA corporate funds)	(23,858)	(24,000)	(24,000)	---	(-142)
Total, Office of Inspector General	(100,404)	(101,000)	(104,000)	(+454)	(-142)
Office of Federal Housing Enterprise Oversight	39,680	59,209	59,209	+19,529	---
Offsetting receipts	-39,680	-59,209	-59,209	-19,529	---
Rescissions:					
Housing Certificate Fund	-2,844,000	-1,557,000	-1,557,000	+1,287,000	---
Public housing elimination grants	---	-5,000	-5,000	-5,000	---
Title VI credit subsidy	---	-21,000	-21,000	-21,000	---
Indian housing credit subsidy	---	-33,000	-33,000	-33,000	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Urban development action grant	-30,000	---	---	+30,000	---
Rental housing assistance	-303,000	-675,000	-675,000	-372,000	---
GI/SRI credit subsidy	---	-30,000	-30,000	-30,000	---
Total Rescissions	-3,177,000	-2,321,000	-2,321,000	+856,000	---
Total, title II, Dept. of Housing and Urban Dev. grand net total, incl current year advance	35,402,259	35,719,359	36,240,080	+1,376,790	+1,059,690
Current year advance appropriations	4,200,000	4,200,000	4,200,000	---	---
Net total, excluding current year advance	31,202,259	31,519,359	32,040,080	+1,376,790	+1,059,690
Total Program Level (appropriation)	(37,893,986)	(36,754,568)	(37,275,289)	(-107,728)	(+1,031,690)
Rescissions	(-3,177,000)	(-2,321,000)	(-2,321,000)	(+856,000)	---
Offsetting receipts	(-3,462,124)	(-2,842,000)	(-2,842,000)	(+648,124)	(+28,000)
Offsetting collections	(-52,603)	(-72,209)	(-72,209)	(-19,606)	---
(Limitation on direct loans)	(100,000)	(100,000)	(100,000)	---	---
(Limitation on guaranteed loans)	(410,511,955)	(420,066,473)	(420,457,748)	(+9,945,793)	(+391,275)
(Limitation on corporate funds)	(596,660)	(611,421)	(596,803)	---	(-14,761)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE III					
INDEPENDENT AGENCIES					
American Battle Monuments Commission					
Salaries and expenses	41,056	41,100	41,100	+44	---
Foreign currency fluxuation	---	---	12,000	+9,000	+9,000
Total American Battle Monuments Commission	41,056	41,100	53,100	+9,044	+9,000
Chemical Safety and Hazard Investigation Board					
Salaries and expenses	8,201	9,451	9,100	+1,250	---
Emergency fund	447	400	400	-47	---
Total	8,648	9,851	9,500	+1,203	---
Department of the Treasury					
Community Development Financial Institutions					
Community development financial institutions fund program account	60,640	48,403	55,522	---	+12,237
Consumer Product Safety Commission					
Salaries and expenses	59,646	62,650	62,650	+3,004	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Corporation for National and Community Service					
National and community service programs operating expenses	549,961	636,232	545,884	-8,961	-95,232
Salaries and expenses	24,853	---	26,000	+147	+25,000
Office of Inspector General	6,213	6,000	6,000	-213	---
Total	581,027	642,232	577,884	-9,027	-70,232
U.S. Court of Appeals for Veterans Claims					
Salaries and expenses	15,844	17,623	17,250	+881	-898
Department of Defense - Civil					
Cemeterial Expenses, Army					
Salaries and expenses	28,829	29,600	29,600	+771	---
Department of Health and Human Services					
National Institute of Health					
National Institute of Environmental Health Sciences	78,309	80,486	80,486	+2,177	---
Centers for Disease Control and Prevention					
Agency for Toxic Substances and Disease Registry					

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Toxic substances and environmental public health......	73,034	76,654	76,654	+3,620	---
Total, Department of Health and Human Services..	151,343	157,140	157,140	+5,797	---
Environmental Protection Agency					
Science and Technology..................................	781,685	689,185	750,061	-52,656	+39,844
Transfer from Hazardous Substance Superfund.......	44,433	36,097	36,097	-8,336	---
Subtotal, Science and Technology................	826,118	725,282	786,158	-60,992	+39,844
Environmental Programs and Management.................	2,280,046	2,316,959	2,313,409	-38,570	-75,483
Office of Inspector General............................	37,336	37,997	38,000	-336	-997
Transfer from Hazardous Substance Superfund.......	13,136	13,214	13,000	-136	-214
Subtotal, OIG..................................	50,472	51,211	51,000	-472	-1,211
Buildings and facilities...............................	39,764	42,918	39,000	-764	-3,918
Hazardous Substance Superfund.........................	1,257,537	1,381,416	1,257,537	---	-123,879
Transfer to Office of Inspector General..........	-13,136	-13,214	-13,000	+136	+214
Transfer to Science and Technology...............	-44,434	-36,097	-36,097	+8,337	---
Subtotal, Hazardous Substance Superfund........	1,199,967	1,332,105	1,208,440	+8,473	-123,665

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Leaking Underground Storage Tank Program	75,552	72,545	70,000	-1,552	+1,455
Oil spill response	16,113	16,425	16,000	-113	-425
Pesticide registration fund	---	19,400	19,400	+19,400	---
Pesticide registration fees	---	-19,400	-19,400	-19,400	---
State and Tribal Assistance Grants	2,705,543	1,979,500	2,458,425	-508,143	+217,900
Ominbus Appropriations (P.L. 108-199) Sec.167	3,976	---	---	-3,976	---
Categorical grants	1,168,266	1,252,300	1,145,757	-6,639	-90,673
Subtotal, STAG	3,877,785	3,231,800	3,604,182	-518,758	+127,227
Total, EPA	8,365,817	7,789,245	8,088,189	-612,748	-36,176
Executive Office of the President					
Office of Science and Technology Policy	6,986	7,081	6,379	+95	---
Council on Environmental Quality and Office of Environmental Quality	3,219	3,284	3,284	+65	---
Total	10,205	10,365	9,663	+160	---
Federal Deposit Insurance Corporation					
Office of Inspector General (transfer)	(30,125)	(30,125)	(30,125)	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
General Services Administration					
Federal Citizen Information Center Fund..............	13,917	14,907	14,907	+990	---
U.S. Interagency Council on Homelessness					
Operating expenses..................................	1,491	1,500	1,500	+9	---
National Aeronautics and Space Administration					
Science, aeronautics and exploration.................	7,883,114	7,760,000	7,742,550	-261,945	-138,831
(Emergency appropriations).........................	---	---	---	---	---
Exploration capabilities.............................	7,467,779	8,456,400	8,125,850	+29,021	-959,600
(Emergency appropriations).........................	---	---	---	---	---
Office of Inspector General..........................	27,139	27,600	31,600	+4,261	+3,800
Total, NASA..	15,378,032	16,244,000	15,900,000	-228,663	-1,094,631
National Credit Union Administration					
Central liquidity facility:					
(Limitation on direct loans)......................	(1,500,000)	(1,500,000)	(1,500,000)	---	---
(Limitation on administrative expenses, corporate funds)..	(310)	(310)	(310)	---	---
Community Development Revolving Loan Fund............	1,193	1,000	1,000	-193	---
National Science Foundation					
Research and related activities (non-defense)........	4,183,769	4,384,000	4,186,593	-100,024	-300,255

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Defense function	67,599	68,000	68,000	+401	---
Research and related activities /1,2	4,251,368	4,452,000	4,254,593	-99,623	-300,255
Major research equipment and facilities construction	154,980	213,270	175,050	+53,220	-5,070
Education and human resources /1,2	938,977	771,360	848,207	-95,992	+71,625
Salaries and expenses /1	218,702	294,000	225,000	+31,268	-44,030
National Science Board	3,877	3,950	4,000	+73	---
Office of Inspector General	9,941	10,110	10,110	+169	---
Total, NSF	5,577,845	5,744,690	5,516,960	-110,885	-277,730

/1 Recommended reflects transfer of $31.5M in admin costs to the S&E account funded in FY04 in R&RA ($26M) and EHR ($5.5M). The budget did not propose this transfer

/2 Recommended does not adopt proposed transfer of $80M for MSP to R&RA from EHR

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Neighborhood Reinvestment Corporation					
Payment to the Neighborhood Reinvestment Corporation	114,322	115,000	115,000	+678	---
Selective Service System					
Salaries and expenses	26,153	26,300	26,300	+147	---
White House Commission on the National Moment of Rememberance	---	250	250	+250	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Total, title III, Independent agencies	30,436,008	30,955,856	30,636,415	-938,582	-1,458,430
Appropriations	(30,436,008)	(30,955,856)	(30,636,415)	(-938,582)	(-1,458,430)
Emergency appropriations	---	---	---	---	---
(By transfer)	(30,125)	(30,125)	(30,125)	---	---
(Limitation on direct loans)	(1,500,000)	(1,500,000)	(1,500,000)	---	---
(Limitation on corporate funds)	(310)	(310)	(310)	---	---
TITLE IV					
GENERAL PROVISIONS					
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Community Planning and Development					
Community development fund (sec. 424)	---	---	31,000	---	---
Total, title IV, General Provisions	---	---	31,000	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Grand total	127,683,430	131,436,824	132,869,084	+4,554,654	+801,260
Current year advances (housing cert. fund)	4,200,000	4,200,000	4,200,000	---	---
Net grand total	123,483,430	127,236,824	128,669,084	+4,554,654	+801,260
Appropriations	(131,999,929)	(133,078,033)	(135,906,293)	(+3,247,364)	(+2,169,260)
Rescissions	(-3,447,000)	(-2,321,000)	(-2,321,000)	(+1,126,000)	---
Emergency appropriations	---	---	---	---	---
Offsetting receipts	(-3,462,124)	(-2,842,000)	(-2,842,000)	(+648,124)	(+28,000)
Offsetting collections	(-1,607,375)	(-2,074,209)	(-2,074,209)	(-466,834)	---
(By transfer)	(30,125)	(30,125)	(30,125)	---	---
(Limitation on direct loans)	(1,654,241)	(1,654,108)	(1,654,608)	(+367)	(+500)
(Limitation on guaranteed loans)	(410,511,955)	(420,066,473)	(420,457,748)	(+9,945,793)	(+391,275)
(Limitation on corporate funds)	(596,970)	(611,731)	(597,113)	---	(-14,761)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - Department of Veterans Affairs					
Veterans Benefits Administration	32,864,637	35,263,088	35,263,088	+2,398,451	---
Veterans Health Administration	26,844,296	27,133,370	28,328,370	+1,489,074	+1,200,000
Departmental administration	2,136,230	2,365,151	2,370,131	+228,921	---
Total, Title I - Deparment of Veterans Affairs	61,845,163	64,761,609	65,961,589	+4,116,446	+1,200,000
TITLE II - Dept. of Housing and Urban Dev					
Public and indian housing (excluding CY advances)	26,337,857	25,371,400	26,061,000	+455,943	+1,422,400
Community and planning development	8,565,501	8,329,494	8,223,515	-377,251	-141,244
Housing programs	1,022,820	1,067,000	987,000	-43,820	-88,000
Federal Housing Administration	-2,363,831	-1,706,500	-1,710,327	+681,362	+24,031
Government National Mortgage Association (GNMA)	-305,429	-357,014	-357,305	-51,876	-291
Policy development and research	46,723	46,700	45,500	-1,723	-1,700
Fair housing and equal opportunity activities	47,717	47,700	46,500	-1,717	-1,700
Office of lead hazard control	173,968	139,000	168,000	-6,968	+28,000
Management and administration	1,116,575	1,179,000	1,120,000	---	-62,425
Working capital fund	233,614	234,000	270,000	-133,614	-134,000
Office of Inspector General	100,404	101,000	104,000	+454	-142
Total, Title II - Dept. of Housing and Urban Development (excluding CY advances)	31,202,259	31,519,359	32,040,080	+1,376,790	+1,059,690

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE III - Independent Agencies					
American Battle Monuments Commission	41,056	41,100	41,100	+44	---
Chemical Safety and Hazard Investigation Board	8,648	9,851	9,500	+1,203	---
Community development financial institutions fund (Department of Treasury)	60,640	48,403	55,522	---	+12,237
Consumer Product Safety Commission	59,646	62,650	62,650	+3,004	---
Corporation for National and Community Service	581,027	642,232	577,884	-9,027	-70,232
U.S. Court of Appeals for Veterans Claims	15,844	17,623	17,250	+881	-898
Cemeterial expenses, Army	28,829	29,600	29,600	+771	---
HHS/(NIH-Institute of Environmental Health Sciences) and (CDC-Toxic Subtances and Disease Registry)	151,343	157,140	157,140	+5,797	---
Environmental Protection Agency	8,365,817	7,789,245	8,088,189	-612,748	-36,176
EOP/Office of Science and Technology Policy, Council Environmental Qual, and Office of Environmental Qual	10,205	10,365	9,663	+160	---
Federal Deposit Insurance Corp	30,125	30,125	30,125	---	---
GSA/ Federal Consumer Information Center	13,917	14,907	14,907	+990	---
Interagency Council on the Homeless	1,491	1,500	1,500	+9	---
National Aeronautics and Space Administration	15,378,032	16,244,000	15,900,000	-228,663	-1,094,631
National Credit Union Administration	1,193	1,000	1,000	-193	---
National Science Foundation	5,577,845	5,744,690	5,516,960	-110,885	-277,730
Neighborhood Reinvestment Corporation	114,322	115,000	115,000	+678	---
Selective Service System	26,153	26,300	26,300	+147	---
Commission on National Day of Rememberance	---	250	250	+250	---
Total Title III - Independent Agencies	30,436,008	30,955,856	30,636,415	-938,582	-1,458,430

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE IV - General Provisions					
Community development fund (sec. 424)	---	---	31,000	---	---
Total Title IV - General Provisions	---	---	31,000	---	---
Grand total	127,683,430	131,436,824	132,869,084	+4,554,654	+801,260
Current year advances (housing cert. fund)	4,200,000	4,200,000	4,200,000	---	---
Net grand total	123,483,430	127,236,824	128,638,084	+4,554,654	+801,260
Mandatory	(32,709,712)	(35,108,084)	(35,108,084)	(+2,398,372)	---
Discretionary	(90,773,718)	(92,128,740)	(93,561,000)	(+2,156,282)	(+801,260)

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2005 recommended by the Committee of Conference, with comparisons to the fiscal year 2004 amount, the 2005 budget estimates, and the House and Senate bills for 2005 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2004	$127,683,430
Budget estimates of new (obligational) authority, fiscal year 2005	131,436,824
House bill, fiscal year 2005	132,238,084
Senate bill, fiscal year 2005	134,238,029
Conference agreement, fiscal year 2005	132,869,084
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2004	+5,185,654
Budget estimates of new (obligational) authority, fiscal year 2005	+1,432,260
House bill, fiscal year 2005	+631,000
Senate bill, fiscal year 2005	−1,368,945

Division J—Other Matters

Title I—Miscellaneous Provisions and Offsets

Sec. 101. The conference agreement provides $230,000,000 for the weatherization assistance program of the Department of Energy.

Sec. 102. The conferees have included a new general provision which amends section 1201(a) of Public Law 108-375.

Sec. 103. The conference agreement includes language in section 103 amending Public Law 108-335 the District of Columbia Appropriations Act, 2005 to allow the following: (1) Permits the District of Columbia Department of Transportation to allocate funds from the rights-of-way fund for road, sidewalk, and alley repairs; (2) makes technical corrections to section 340(a) dealing with charter school lease guarantees; (3) repeals section 342(a) and (b) dealing with charter school conversions; (4) modifies section 342(c) dealing with the leasing and acquisition of surplus property by charter schools; and (5) makes technical corrections to section 347 dealing with charter school contracting.

Sec. 104. The conferees include a new provision requiring the Coast Guard to transfer up to $40,000,000 from the Rescue 21 project to the HH-65 re-engining project. The Rescue 21 project is experiencing significant delays due to software and technical difficulties. The HH-65 re-engining project is a critical safety issue. The Coast Guard has indicated that additional funding is required to accelerate the re-engining project and complete the work by the end of calendar year 2006. Bill language requires the Coast Guard to notify the House and Senate Committees on Appropriations 15 days prior to the transfer occurring.

Sec. 105. The conferees include a new provision extending the authorization of the National Pre-Disaster Mitigation program to December 31, 2005.

Sec. 106. The conferees include a new provision clarifying how funding shall be spent by the Transportation Security Administration's maritime and land security program in fiscal year 2005.

Sec. 107. The conference agreement includes the following technical correction to the Military Construction Appropriations Act, 2005:

Mississippi

Navy: Gulfport, Vehicle Maintenance Facility	−$4,350,000
Naval Reserve: Gulfport, Vehicle Maintenance Facility	+4,350,000.

Sec. 108. The conferees agree to include a new general provision, section 108, which provides the Department of the Navy with $2,000,000 to acquire an historic vessel, with Coast Guard registration number 225115.

Sec. 122. The conference agreement includes a 0.83 percent across-the-board rescission to discretionary budgetary resources provided in fiscal year 2005 regular appropriations Act (except Defense, Military Construction, and Homeland Security), as well as to any previously enacted fiscal year 2005 advance appropriation and to any contract authority subject to limitation.

TAPS QUALITY BANK

Congress has concerns regarding the Federal Energy Regulatory Commission Administrative Law Judge's decision dated August 31, 2004 in Docket No. OR89-2-017; Docket No. OR96-14-006; Docket No. OR98-24-002; Docket No. ISO3-137-001; Docket No. ISO3-141-001; Docket No. ISO3-142-001; Docket No. ISO3-143-001; Docket No. ISO3-144-001. Considering the specific equities of this case, the general importance of continued domestic refinery activity in order to protect national fuel supplies and the need to limit business uncertainty associated with the use of the Trans Alaska Pipeline System, Congress expects the Federal Energy Regulatory Commission to evaluate carefully the disputed Resid valuation and related retroactive Resid refund matter affecting the TAPS Quality Bank Adjustments. Except where the parties have otherwise stipulated, Congress is particularly concerned about the equity of assigning retroactive refunds beyond a term of 15 months.

The term "TAPS Quality Bank Adjustments" means monetary adjustments paid by or to shippers of oil on the Trans Alaska Pipeline System through the operation of a quality bank to compensation for the value of the shippers, oil commingled in the pipeline.

JIM KOLBE,
JOE KNOLLENBERG,
JERRY LEWIS,
ROGER F. WICKER,
HENRY BONILLA,
DAVID VITTER,
MARK STEVEN KIRK,
ANDER CRENSHAW,
BILL YOUNG,
RALPH REGULA,
DAVID L. HOBSON,
STEVEN R. ROTHMAN,
Managers on the Part of the House.

MITCH MCCONNELL,
THAD COCHRAN,
JUDD GREGG,
RICHARD C. SHELBY,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
CHRISTOPHER S. BOND,
MIKE DEWINE,
TED STEVENS,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KIND (at the request of Ms. PELOSI) for today after 7:00 p.m. and the balance of the week on account of a prior family commitment.

Mr. ROTHMAN (at the request of Ms. PELOSI) for today on account of a family obligation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CUMMINGS) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. ORTIZ, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Mr. REYES, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

(The following Members (at the request of Mr. BALLENGER) to revise and extend their remarks and include extraneous material:)

Mr. WILSON of South Carolina, for 5 minutes, today.

Mr. BOOZMAN, for 5 minutes, today.

Mr. WALSH, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GILCHREST, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1217. An act to direct the Secretary of Health and Human Services to intensify programs with respect to research and related activities concerning falls among older adults; to the Committee on Energy and Commerce.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1113. An act to authorize an exchange of land at Fort Frederica National Monument, and for other purposes.

H.R. 1417. An act to amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges, and for other purposes.

H.R. 1446. An act to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

H.R. 1964. An act to assist the States of Connecticut, New Jersey, New York, and Pennsylvania in conserving priority lands and natural resources in the Highlands region, and for other purposes.

H.R. 3936. An act to amend title 38, United States Code, to increase the authorization of appropriations for grants to benefit homeless veterans, to improve programs for management and administration of veterans' facilities and health care programs, and for other purposes.

H.R. 4516. An act to require the Secretary of Energy to carry out a program of research and development to advance high-end computing.

H.R. 4593. An act to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2986. An act to amend title 31 of the United States Code to increase the public debt limit.

ADJOURNMENT

Mr. YOUNG of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 19 minutes a.m.), the House adjourned until today, Saturday, November 20, 2004, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

11010. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Importation of Fruits and Vegetables [Docket No. 02-106-2] received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11011. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Pine Shoot Beetle Host Material From Canada [Docket No. 00-073-2] (RIN: 0579-AB76) October 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11012. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Bees and Related Articles [Docket No. 98-109-2] (RIN: 0579-AB20) received October 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11013. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Oriental Fruit Fly; Designation of Quarantined Area [Docket No. 04-106-1] received November 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11014. A letter from the Acting Administrator, FSIS, Department of Agriculture, transmitting the Department's final rule — Nutrition Labeling; Nutrient Content Claims on Multi-Serve, Meal-Type Meat and Poultry Products [Docket No. 00-046F] (RIN: 0583-AD07) received November 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11015. A letter from the Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting the Department's final rule — Walnuts Grown in California; Decreased Assessment Rate [Docket No. FV04-984-2 IFR] received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11016. A letter from the Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting the Department's final rule — Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 2004-2005 Marketing Year [Docket No. FV04-985-2 IFR] received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11017. A letter from the Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting the Department's final rule — Domestic Dates Produced or Packed in Riverside County, CA; Increased Assessment Rate [Docket No. FV04-987-2 IFR] received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11018. A letter from the Acting Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting a FY 2003 report entitled, "Performance of Commercial Activities," pursuant to 10 U.S.C.2461(g); to the Committee on Armed Services.

11019. A letter from the Director, Defense Research and Engineering, Department of Defense, transmitting Notification of intent to obligate funds for test projects for inclusion in the Fiscal Year 2005 Foreign Comparative Testing (FCT) Program, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

11020. A letter from the Alternate OSD FRLO, Department of Defense, transmitting the Department's final rule — TRICARE; Changes Included in the National Defense Authorization Act for Fiscal Year 2002, (NDAA-02), and a Technical Correction Included in the NDAA-03 (RIN: 0720-AA89) received October 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11021. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Federal Prison Industries — Deletion of Duplicative Text [DFARS Case 2004-D005] received November 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11022. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Transisiton of Weapons-Related Prototype Projects to Follow-On Contracts [DFARS Case 2003-D106] received November 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11023. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Publicizing Contract Actions [DFARS Case 2003-D016] received November 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11024. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Sealed Bidding [DFARS Case 2003-D076] received November 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11025. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Research and Development Contracting [DFARS Case 2003-D067] received Novemebr 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11026. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contractor Qualifications Relating to Contract Placement [DFARS Case 2003-D011] received November 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11027. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Insurance [DFARS Case 2003-D037] received November 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11028. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Acquisition of Commercial Items [DFARS Case 2003-D074] received November 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11029. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Laws Inapplicable to Commercial Subcontractors [DFARS Case 2003-D018] received November 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11030. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Cost Priciples and Procedures [DFARS Case 2003-D036] received November 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11031. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Procedures, Guidance, and Information [DFARS Case 2003-D090] received November 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11032. A letter from the Acting Under Secretary for Acquisition and Technology, Department of Defense, transmitting the Fiscal Year 2003 Defense Environmental Technology Program Annual Report, pursuant to

10 U.S.C. 2706; to the Committee on Armed Services.

11033. A letter from the Acting Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting proposed test and evaluation (T&E) budgets for FY 2005 that have not been certified as adequate by the Director of the Defense Test Resource Management Center (TRMC), pursuant to 10 U.S.C. 196 Public Law 108-136, section 212; to the Committee on Armed Services.

11034. A letter from the Acting Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting the report on the amount of DoD FY 03 purchases from foreign entities that manufactured articles, materials, or supplies made outside of the United States, pursuant to Public Law 108–199, section 645; to the Committee on Armed Services.

11035. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of the enclosed list of officers to wear the insignia of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

11036. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of the enclosed list of officers to wear the insignia of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

11037. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of the enclosed list of officers to wear the insignia of the grade of vice admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

11038. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Raymond T. Odierno, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

11039. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Captain Jeffrey A. Lemmons, United States Navy, to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

11040. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral James W. Metzger, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

11041. A letter from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting the Department's final rule — Amended Service Obligation Reporting Requirements for State Maritime Academy Graduates [Docket No. MARAD-2004-19397] (RIN: 2133-AB61) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11042. A letter from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting the Department's final rule — Electronic Options for Transmitting Certain Information Collection Responses to MARAD [Docket Number: MARAD-2003-16238] (RIN: 2133-AB64) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11043. A letter from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting the Department's final rule — Amended Service Obligation Reporting Requirements for U.S. Merchant Marine Academy Graduates [Docket Number: MARAD-2004-17185] (RIN: 2133-AB66) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11044. A letter from the Secretary, Department of Transportation, transmitting the annual report of the Maritime Administration (MARAD) for Fiscal Year 2003, pursuant to 46 U.S.C. app. 1118; to the Committee on Armed Services.

11045. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Collection of Checks and Other Items by the Federal Reserve Banks and Funds Transfers through Fedwire [Regulation J; Docket No. R-1202] received October 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11046. A letter from the Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule — Rules, Policies, and Procedures for Corporate Activities; Annual Report on Operating Subsidiaries [Docket No. 04-23] (RIN: 1557-AC81) received November 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11047. A letter from the Regulatory Specialist, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule — Rules, Policies, and Procedures for Coporate Activities; Annual Report on Operating Subsidiaries [Docket No.04-23] (RIN: 1557-AC81) received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11048. A letter from the Acting Under Secretary for Rural Development, Department of Agriculture, transmitting the Department's final rule — Business and Industry Guaranteed Loan Program — Implementation of Farm Security and Rural Investment Act of 2002 Provisions — received November 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11049. A letter from the Acting Under Secretary for Rural Development, Department of Agriculture, transmitting the Department's final rule — Business and Industry Loans; Revisions to Implement 2002 Farm Bill Provisions (RIN: 0570-AA39) received November 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11050. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received November 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11051. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7847] received November 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11052. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7849] received November 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11053. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Participating in HUD's Native American Programs by Religious Organizations; Providing for Equal Treatment of All Program Participants [Docket No. FR-4915-F-02] (RIN: 2577-AC56) received November 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11054. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Implementation of Requirement in HUD Programs for Use of Data Universal Numbering System (DUNS) Identifier [Docket No. FR-4376-F-02] (RIN: 2501-AD01) received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11055. A letter from the President and Chairman, Export-Import Bank, transmitting a report on a transaction involving U.S. exports to Malaysia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

11056. A letter from the Director, OLA, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Rules of Practice and Procedures (RIN: 3064-AC76) received November 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11057. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Related Identity Theft Definitions, Duration of Active Duty Alerts, and Appropriate Proof of Identity Under the Fair Credit Reporting Act (RIN: 3084-AA94) received November 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11058. A letter from the Chairperson, National Council on Disability, transmitting a report entitled, "Design for Inclusion: Creating a New Marketplace," pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and the Workforce.

11059. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single- Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received November 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11060. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Energy Information Administration's Annual Energy Review 2003, pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Energy and Commerce.

11061. A letter from the Secretary, Department of Energy, transmitting the forty-ninth report outlining the status of Exxon and Stripper Well Oil Overcharge Funds as of March 31, 2004, satisfying the request set forth in the Conference Report accompanying the Department of Interior and Related Agencies Appropriations Act of 1988 (Public Law 100-202); to the Committee on Energy and Commerce.

11062. A letter from the Director, Regulations Policy and Mgmt. Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Orthopedic Devices; Effective Date of Requirement for Premarket Approval for Hip Joint Metal/Polymer or Ceramic/Polymer Semiconstrained Resurfacing Cemented Prosthesis [Docket No. 2003N-0561] Recieved October 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11063. A letter from the Director, Regulations Policy and Mgmt. Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Advisory Committee; Change of Name and Function; Technical Amendment — received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11064. A letter from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Platform Lifts for Motor Vehicles, Platform Lift Intallations in Motor Vehicles [Docket No. NHTSA-2004-19209] (RIN: 2127-AJ18) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11065. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Great Basin and Ventura County Air Pollution Control Districts [CA-295-0470a; FRL-7834-2] received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11066. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans: Oregon [OR-04-002; FRL-7835-2] received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11067. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Control of Volatile Organic Compound Emissions from AIM Coatings [PA211-4231; FRL-7835-4] received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11068. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Dexter, Georgia) [MB Docket No. 04-69; RM-10859] received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11069. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Cross City, Florida) [MB Docket No. 04-195 RM-10975] (Key Largo, Florida) [MB Docket No. 04-196 RM-10970] (McCall, Idaho) [MB Docket No. 04-197 RM-10971] (McCall; Idaho) [MB Docket No. 04-198 RM-10977] (McCall, Idaho) [MB Docket No. 04-199 RM-10978] (McCall, Idaho) [MB Docket No. 04-200 RM-10979] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11070. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 7.202(b), Table of Allotments, FM Broadcast Stations. (Cordele, Dawson, and Pinehurst, Georgia) [MM Docket No. 04-33 RM-10847] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11071. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Smiley, Yoakum and Markham, Texas) [MB Docket No. 02-248 RM-10537 RM-10710] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11072. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (El Indio, Texas) [MB Docket No. 04-169 RM-10760] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11073. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Boligee, Alabama) [MB Docket No. 04-213 RM-10991] (Vaiden, Mississippi) [MB Docket No. 04-216 RM-10994] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11074. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments FM Broadcast Stations. (Maplesville, Alabama) [MB Docket No. 03-5 RM-10393] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11075. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Windsor and Bethel, North Carolina) [MB Docket No. 04-72 RM-10857] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11076. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Green Bay, Wisconsin) [MM Docket No. 01-334 RM-10343] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11077. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Valley Mills, Teague, Brady, Hico, Meridian, San Saba, Richland Springs, Texas) [MM Docket No. 01-47 RM-10063] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11078. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Trenton and Burlington, New Jersey) [MB Docket No. 04-150 RM-10857] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11079. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Telecommunications Services Inside Wiring; Customer Premises Equipment [CS Docket No. 95-184] Implementation of the Cable Television Consumer Protection and Competition Act of 1992; Cable Home Wiring [MM DOcket No. 92-260] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11080. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Susanville, Quincy, Corning, and Portola, California) [MB Docket No. 04-164 RM-10548 RM-11048] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11081. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Fresno, California) [MB Docket No. 04-236 RM-11001] received November 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11082. A letter from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 15 regarding new requirements and measurement guidelines for Access Broadband over Power Line Systems [ET Docket No. 04-37] Carrier Current Systems, including Broadband over Power Line Systems [ET Docket No. 03-104] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11083. A letter from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, Including Third Generation Wireless Systems [ET Docket No. 00-258] Amendments to Parts 1, 2, 27 and 90 of the Commission's Rules to License Services in the 216-220 MHz, 1390-1395 MHz, 1427-1429 MHz, 1429-1432 MHz, 1432-1435 MHz, 1670-1675 MHz, and 2385-2390 MHz Government Transfer Bands [WT Docket No. 02-8] Received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11084. A letter from the Legal Advisor, WTB, Federal Communications Commission, transmitting the Commission's final rule — Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process [WT Docket No. 03-128] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11085. A letter from the Chief, Network Technology Division, Federal Communications Commission, transmitting the Commission's final rule — New Part 4 of the Commission's Rules Concerning Disruptions to Communications [ET Docket No. 04-35] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11086. A letter from the Deputy Chief, Competition Policy Div., WCB, Federal Communications Commission, transmitting the Commission's final rule — The Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996 [CC Docket No. 96-128] received November 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11087. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations; and Section 73.622(b), Table of Allotments Digital Broadcast Television Stations. (Mobile, Alabama) [MB Docket No. 04-281 RM-11041] received November 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11088. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Billings, Montana) [MB Docket No. 04-183 RM-10964] received November 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11089. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 2 of the Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems [Dkt No. 00-258] Petition for Rule Making of the Wireless Information Networks Forum Concerning the Unlicensed Personal Communication Service (RM-9498) Petition for Rule Making of UTStarcom, Inc. (RM-10024) Amendment of Section 2.106 of the Rules to Allocate Spectrum at 2 GHz for use by the Mobile-Satellite Service [Dkt. No. 95-18] Received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11090. A letter from the Secretary, Federal Trade Commission, transmitting the Report to Congress for 2002 pursuant to the Federal Cigarette Labeling and Advertising Act, pursuant to 15 U.S.C. 1337(b); to the Committee on Energy and Commerce.

11091. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Risk-Informed Categorization and Treatment of Structures, Systems and Components for Nuclear Power Reactors (RIN: 3150-AG42) received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11092. A letter from the Direcotr, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 12-04 which informs of an intent to sign a Project Agreement concerning Cooperation in the Research and Development of Technologies Applicable to Ship Defense Missiles (RAM P3I) between the United States and Germany, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

11093. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 11-04 which informs of an intent to sign a Project Agreement concerning Standard Missile Production between the United States, Germany, and The Netherlands, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

11094. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Israel (Transmittal No. DDTC 049-04A), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11095. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Canada (Transmittal No. DDTC 085-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

11096. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract with Belgium (Transmittal No. DDTC 080-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11097. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting pursuant to the Taiwan Relations Act, agreements concluded between January 1 and December 31, 2003, pursuant to 22 U.S.C. 3311(a); to the Committee on International Relations.

11098. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

11099. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

11100. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

11101. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

11102. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Office of the Assistant Secretary of Defense's (Networks and Information Integration), (ASD (NII)) proposed lease of defense articles to the Government of Moldova (Transmittal No. 08-04); to the Committee on International Relations.

11103. A letter from the Secretary, Department of the Treasury, transmitting as required by Section 901(j)(5)(B) of the Internal Revenue Code, 26 U.S.C. 901(j)(5)(B), and pursuant to Presidential Determination 2004-48 of September 20, 2004, a report stating the President's intention to grant a waiver of section 901(j)(1) with respect to Libya and the reason for the determination that such a waiver is in the national interests of the United States and will expand trade and investment opportunities for U.S. companies in Libya; to the Committee on International Relations.

11104. A letter from the Deputy Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on International Relations.

11105. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Entity List: Removal of Four Russian Entities [Docket No.041103304-4304-01] (RIN: 0694-AD12) received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

11106. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Computer Technology and Software Eligible for Export under License Exception; and Establishment of "Foreign National Review" Requirement and Procedure. [Docket No. 041020285-4285-01] (RIN: 0694-AD18) received November 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

11107. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Microprocessor Technology Eligibility for Export under License Exception [Docket No. 041018284-4284-01] (RIN: 0694-AD04) received November 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

11108. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus question covering the period June 1, 2004 through July 31, 2004; to the Committee on International Relations.

11109. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report requested in the Participation of Taiwan in the World Health Organization Act, 2004 (Pub. L. 108-235), Section 1(c); to the Committee on International Relations.

11110. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting as required by Section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1641(c) and section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), the six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994; to the Committee on International Relations.

11111. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, a certification regarding the proposed transfer of

U.S.-origin defense equipment from the Government of the Netherlands (Transmittal No. RSAT-08-04); to the Committee on International Relations.

11112. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of the Netherlands (Transmittal No. RSAT-07-04); to the Committee on International Relations.

11113. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 "Joint Communique" and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 "Joint Statement," together known as the Migration Accords, pursuant to Public Law 105–277, section 2245; to the Committee on International Relations.

11114. A letter from the Secretary, American Battle Monuments Commission, transmitting the Commission's FY 2004 annual report, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

11115. A letter from the Chairman, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's financial statements as of and for the year ended September 30, 2004, prepared by the U.S. General Services Administration; to the Committee on Government Reform.

11116. A letter from the Chief Financial Officer and Assistant Secreary for Administration, Department of Commerce, transmitting the Department's Annual Progress Report to Congress, covering interagency activities and DoC-specific activities between May 2003 and May 2004, pursuant to Public Law 106–107; to the Committee on Government Reform.

11117. A letter from the Chairman, Farm Credit System Insurance Corporation, transmitting the FY 2004 report pursuant to the Federal Managers' Financial Integrity Act and the Inspector General Act Amendments of 1978, pursuant to 31 U.S.C. 3512(c)(3) 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11118. A letter from the Chairman, Federal Maritime Commission, transmitting in accordance with OMB Circular No. A-11, Part 2, the Final Annual Performance Plan for FY 2005; to the Committee on Government Reform.

11119. A letter from the Acting Chairman, Merit Systems Protection Board, transmitting the Board's report, "Identifying Talent Through Technology: Automated Hiring Systems in Federal Agencies," pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform.

11120. A letter from the Administrator, National Aeronautics and Space Administration, transmitting in accordance with the Reports Consolidation Act of 2000, enclosed is the FY 2004 Performance and Accountability Report; to the Committee on Government Reform.

11121. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's 2004 FAIR Act Inventory; to the Committee on Government Reform.

11122. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the 2004 annual report on the agency's compliance with the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

11123. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Analysis of the Office of the Chief Financial Officer's Exception Account for FY 2003 and 2004, as of June 30, 2004"; to the Committee on Government Reform.

11124. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Cost-of-Living Allowances (Nonforeign Areas); Methodology Changes (RIN: 3206-AK29) received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

11125. A letter from the Office of Special Counsel, transmitting the fiscal year 2004 reports required by the Federal Managers' Financial Integrity Act and the Inspector General Act, pursuant to 31 U.S.C. 3512(c)(3) 5 U.S.C.A. Apprendix 3, Section 8G(h)(2); to the Committee on Government Reform.

11126. A letter from the Acting Director, Selective Service System, transmitting the FY 2004 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

11127. A letter from the Director, Trade and Development Agency, transmitting the Agency's annual financial audit for FY 2004, pursuant to 22 U.S.C. 2421(e)(2); to the Committee on Government Reform.

11128. A letter from the Assistant General Counsel, Federal Election Commission, transmitting the Commission's final rule — Coordinated and Independent Expenditures by Party Committees [Notice 2004-014] received November 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

11129. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Political Committee Status, Definition of Contribution, and Allocation for Spearate Segregated Funds and Nonconnected Committees [Notice 2004-15] received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

11130. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Mariana Fruit Bat and Guam Micronesian Kingfisher on Guam and the Mariana Crow on Guam and in the Commonwealth of the Northern Mariana Islands (RIN: 1018-AI25) received October 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11131. A letter from the Asst. Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Interim Rule for the Beluga Sturgeon (Huso Huso) received October 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11132. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #13 — Adjustments of the Recreational Fisheries from the U.S.— Canada Border to Cape Falcon, Oregon [Docket No. 040429134-4135-01; I.D. 102504C] received November 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11133. A letter from the National Service Officer, American Gold Star Mothers, Incorporated, transmitting the organization's report and financial audit for the years ending June 30, 2004 and 2003, pursuant to 36 U.S.C. 1101(63) and 1103; to the Committee on the Judiciary.

11134. A letter from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule — Rules of Practice and Procedure; Civil Money Penalty Inflation Adjustments [Docket No. 04-24] received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11135. A letter from the Director, Regulatory Management Division, Department of Homeland Security, transmitting the Department's final rule — Adding Actuaries and Plant Pathologists to Appendix 1603.D.1 of the North American Free Trade Agreement [CIS No. 2068-00] (RIN: 1615-AA38) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11136. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the 2003 Annual Report of the National Institute of Justice (NIJ); to the Committee on the Judiciary.

11137. A letter from the Rules Administrator, Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Comments on UNICOR Business Operations: Clarification of Address [BOP-1115-F] (RIN: 1120-AB15) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11138. A letter from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting the Department's final rule — Executive Office for Immigration Review; Section 212(c) Relief for Aliens With Certain Criminal Convictions Before April 1, 1997 [EOIR No. 130F; AG Order No. 2734-2004] received October 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11139. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting As required by Section 417(b) of the USA Patriot Act of 2001 (Public Law 107-56), the third annual report on the status of the implementation of machine-readable passports (MRPs) in countries participating in the Visa Waiver Program (VWP); to the Committee on the Judiciary.

11140. A letter from the Corporate Agent,, Legion of Valor of the United States of America, Inc., transmitting a copy of the Legion's annual audit as of April 30, 2004, pursuant to 36 U.S.C. 1101(28) and 1103; to the Committee on the Judiciary.

11141. A letter from the Commandant, U.S. Coast Guard, Department of Homeland Security, transmitting A report on the life cycle costs and benefits of creating a Center for Coastal and Maritime Security, pursuant to 46 U.S.C. 70101 note Public Law 107–295, section 110(b); to the Committee on Transportation and Infrastructure.

11142. A letter from the Assistant Secretary, Bureau of Trade Analysis, Federal Maritime Commission, transmitting the Commission's final rule — Ocean Common Carrier and Marine Terminal Operator Agreements Subject to the Shipping Act of 1984; Final Rule [Docket No. 03-15] (RIN: 3072-AC28) received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11143. A letter from the Director, Judicial Conference of the United States, transmitting a letter informing of several actions involving the courthouse construction program taken by the Conference on September 21, 2004; to the Committee on Transportation and Infrastructure.

11144. A letter from the Deputy Chief Acquisition Officer, Director for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Re-Issuance of NASA FAR Supplement Subcapters H and I (RIN: 2700-AC88) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

11145. A letter from the Deputy Chief Acquisition Officer, Director for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Government Property and Miscellaneous Editorial Changes (RIN: 2700-AD05) received October 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

11146. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Regulations; Government Contracting Programs (RIN: 3245-AF16) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

11147. A letter from the Office of Regulation Policy & Mgt., VA, Department of Veterans Affairs, transmitting the Department's final rule — Increase in Rates Payable Under the Survivors' and Dependents' Education Assistance Program (RIN: 2900-AL64) received October 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

11148. A letter from the Office of Regulation Policy & Mgt., VA, Department of Veterans Affairs, transmitting the Department's final rule — Veterans Education: Increased Allowances for the Educational Assistance Test Program (RIN: 2900-AL81) received October 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

11149. A letter from the Office of Regulation Policy & Mgt., VA, Department of Veterans Affairs, transmitting the Department's final rule — Increase in Rates Payable Under the Montgomery GI Bill — Selected Reserve (RIN: 2900-AL80) received October 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

11150. A letter from the Office of Regulation Policy & Mgt., VA, Department of Veterans Affairs, transmitting the Department's final rule — Standards for Collection, Compromise, Suspension, or Terminatin of Collection Effort, and Referral of Civil Claims for Money or Property; Regional Office Committees on Waivers and Compromises; Salary Offset Provisions; Delegations of Authority (RIN: 2900-AK10) received October 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

11151. A letter from the Office of Regulation Policy & Mgt., VA, Department of Veterans Affairs, transmitting the Department's final rule — Waivers (RIN: 2900-AK29) received October 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

11152. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2004105) received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11153. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Distributions Under the Pension Funding Equity Act of 2004 [Notice 2004-78] received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11154. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Taxation of DISC Income to Shareholders (Rev. Rul. 2004-99) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11155. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Treatment as qualified dividend income from purposes of section 1(h)(11) of the Internal Revenue Code of distribution, inclusions, and other amounts from foreign corporations subject to certain anti-deferral regimes [Notice 2004-70] received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11156. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2004-77] received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11157. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2005 Limitations Adjusted As Provided in Section 415(d), etc. [Notice 2004-72] received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11158. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Qualified Pension, Profit-Sharing, and Stock Bonus Plans (Rev. Rul. 2004-104) received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11159. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Payments Made by Reason of a Salary Reduction Agreement [TD 9159] (RIN: 1545-BD50) received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11160. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories. (Rev.Rul. 2004-101) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11161. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Settlement Guidelines Intermediary Transaction Tax Shelters — received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11162. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue Paper All Industries Tax Shelter [Notice 2002-21] received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11163. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue All Industries S Corporation Tax Shelter [Notice 2004-30] received November 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11164. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2004-106) received November 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11165. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Appeals Settlement Guidelines Securities & Financial Services Industry Capitalization of Costs to Obtain Management Contracts — received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11166. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Rev. Proc. 2004-64) received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11167. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue All Industries IRC: 461(f) Contested Liabilities — November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11168. A letter from the Commissioner, Social Security Administration, transmitting the Administration's report of continuing disability reviews for FY 2003, pursuant to Public Law 104–121, section 103(d)(2) (110 Stat. 850); to the Committee on Ways and Means.

11169. A letter from the Commissioner, Social Security Administration, transmitting a consolidated report of the Administration's processing of continuing disability reviews for FY 2003, pursuant to Public Law 104–121, section 103(d)(2) (110 Stat. 850); to the Committee on Ways and Means.

11170. A letter from the United States Trade Representative, transmitting consistent with section 2105(a)(1)(B) of the Trade Act of 2002, a description of the change to an existing law that would be required to bring the United States into compliance with the United States-Bahrain Free Trade Agreement; to the Committee on Ways and Means.

11171. A letter from the Secretary, Department of Energy, transmitting notification that the Department of Energy requires an additional 45 days to finalize and transmit the implementation plan for addressing the issues raised in the Defense Nuclear Facilities Safety Board's Recommendation 2004-1, "Oversight of Complex, High-Hazard Nuclear Operations," pursuant to 42 U.S.C. 2286d(e); jointly to the Committees on Armed Services and Energy and Commerce.

11172. A letter from the Chairperson, National Council on Disability, transmitting a report, titled "Consumer-Directed Health Care: How Well Does It Work?," pursuant to 29 U.S.C. 781(a)(8); jointly to the Committees on Education and the Workforce and Energy and Commerce.

11173. A letter from the Inspector General, Coalition Provisional Authority, transmitting the third quarterly report to Congress as required by Section 3001(i) of Title III of the 2004 Emergency Supplemental Appropriation for Defense and for the Reconstruction of Iraq and Afghanistan (Pub. L. 108-

106), dated October 30, 2004; jointly to the Committees on International Relations and Appropriations.

11174. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Presidential Determination 2005-02, the President has exercised the authority provided to him and has issued the required determination to waive certain restrictions on the maintenance of a Palestine Liberation Organization (PLO) Office and on the receipt and expenditure of PLO funds for a period of six months, pursuant to Public Law 108–199, section 534(d); jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 1662. A bill to amend the Endangered Species Act of 1973 to require the Secretary of the Interior to give greater weight to scientific or commercial data that is empirical or has been field-tested or peer-reviewed, and for other purposes; with amendments (Rept. 108–785). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2933. A bill to amend the Endangered Species Act of 1973 to reform the process for designating critical habitat under that Act; with an amendment (Rept. 108–786). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 5104. A bill to amend the Marine Mammal Protection Act of 1972 to authorize appropriations for the John H. Prescott Marine Mammal Rescue Assistance Grant Program, and for other purposes (Rept. 108–787). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 5134. A bill to require the prompt review by the Secretary of the Interior of the long-standing petitions for Federal recognition of certain Indian tribes, and for other purposes; with an amendment (Rept. 108–788). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 2801. A bill to establish a digital and wireless network technology program, and for other purposes, with an amendment (Rept. 108–789 Pt. 1). Ordered to be printed.

Mr. POMBO: Committee on Resources. H.R. 3283. A bill to improve recreational facilities and visitor opportunities on Federal recreational lands by reinvesting receipts from fair and consistent recreational fees and passes, and for other purposes; with an amendment (Rept. 108–790 Pt. 1). Order to be printed.

Mr. POMBO: Committee on Resources. H.R. 2440. A bill to improve the implementation of the Federal responsibility for the care and education of Indian people by improving the services and facilities of Federal health programs for Indians and encouraging maximum participation of Indians in such programs, and for other purposes; with an amendment (Rept. 108–791 Pt. 1). Order to be printed.

[November 20 (legislative day of November 19), 2004]

Mr. YOUNG of Florida: Committee of Conference. Conference report on H.R. 4818. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–792). Order to be printed.

TIME LIMITATION OF REFERRED BILLS

Pursuant to clause 2 of rule XII the following actions were taken by the Speaker:

H.R. 180. Referral to the Committee on Rules extended for a period ending not later than November 22, 2004.

H.R. 2440. Referral to the Committees on Energy and Commerce and Ways and Means extended for a period ending not later than November 22, 2004.

H.R. 2801. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 22, 2004.

H.R. 2971. Referral to the Committees on Financial Services, Energy and Commerce, and the Judiciary for a period ending not later than November 22, 2004.

H.R. 3143. Referral to the Committees on Financial Services and International Relations extended for a period ending not later than November 22, 2004.

H.R. 3283. Referral to the Committee on Agriculture extended for a period ending not later than November 22, 2004.

H.R. 3358. Referral to the Committee on the Budget extended for a period ending not later than November 22, 2004.

H.R. 3551. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 22, 2004.

H.R. 3800. Referral to the Committee on the Budget extended for a period ending not later than November 22, 2004.

H.R. 3925. Referral to the Committee on the Budget extended for a period ending not later than November 22, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ENGLISH (for himself and Mrs. WILSON of New Mexico):

H.R. 5393. A bill to amend title XVIII of the Social Security Act to provide incentives linking quality to payment for skilled nursing facilities and to establish a Long-Term Care Financing Commission; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Wisconsin (for himself and Mr. MATHESON):

H.R. 5394. A bill to amend the Internal Revenue Code of 1986 to modify the taxation of arrow components; to the Committee on Ways and Means.

By Mr. THOMAS:

H.R. 5395. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Ways and Means.

By Mr. ACEVEDO-VILÁ:

H.R. 5396. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for a portion of any dividend received by a domestic corporation from a qualified foreign corporation; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 5397. A bill to improve the retirement security of American families; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 5398. A bill to amend the Internal Revenue Code of 1986 to improve the retirement security of American families; to the Committee on Ways and Means.

By Mr. CARDIN:

H.R. 5399. A bill to provide for the disposition of the Federal property located in Anne Arundel County, Maryland, a portion of which is currently used by the District of Columbia as the Oak Hill juvenile detention facility; to the Committee on Government Reform.

By Mr. CARDIN:

H.R. 5400. A bill to provide for reimbursement of enrollees in the Medicare PPO Demonstration Project for expenses inappropriately incurred in being provided coverage through out-of-network providers; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS:

H.R. 5401. A bill to amend section 304 of the Tariff Act of 1930 with respect to the marking of imported home furniture; to the Committee on Ways and Means.

By Mr. HONDA (for himself, Mr. MORAN of Virginia, Ms. LEE, Mr. CROWLEY, Mr. EVANS, Ms. LINDA T. SÁNCHEZ of California, Mr. GEORGE MILLER of California, Ms. BORDALLO, Mr. MEEKS of New York, Mr. LAMPSON, Mr. GREEN of Texas, Mr. SCHIFF, Mr. CAPUANO, Mr. GRIJALVA, Ms. ESHOO, Ms. SCHAKOWSKY, and Ms. LOFGREN):

H.R. 5402. A bill to provide for immigration relief in the case of certain immigrants who are innocent victims of immigration fraud; to the Committee on the Judiciary.

By Ms. KAPTUR:

H.R. 5403. A bill to amend title XVIII of the Social Security Act to improve the quality of care in skilled nursing facilities under the Medicare Program through development of quality measures and changes in reimbursement; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH:

H.R. 5404. A bill to prohibit price gouging during a shortage of a covered vaccine; to the Committee on Energy and Commerce.

By Mr. LARSON of Connecticut:

H.R. 5405. A bill to provide the Secretary of Energy with authority to draw down the Strategic Petroleum Reserve when oil and gas prices in the United States rise sharply because of anticompetitive activity, and to require the President, through the Secretary of Energy, to consult with Congress regarding the sale of oil from the Strategic Petroleum Reserve; to the Committee on Energy and Commerce.

By Mr. LARSON of Connecticut:

H.R. 5406. A bill to ensure a balanced survey of taxpayers in any system of precertification for the earned income tax credit; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut:

H.R. 5407. A bill to require the Secretary of Energy to prepare a strategic plan to ensure that the United States is energy self-sufficient by the year 2015; to the Committee on Energy and Commerce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut:

H.R. 5408. A bill to provide emergency relief to small businesses affected by significant increases in the prices of electricity, heating oil, natural gas, propane, and kerosene, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. VAN HOLLEN, Mr. BISHOP of New York, and Mr. ISRAEL):

H.R. 5409. A bill to amend the Public Health Service Act to address the shortage of influenza vaccine, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself, Mr. JACKSON of Illinois, Mr. ENGEL, and Mr. MARKEY):

H.R. 5410. A bill to amend the Expedited Funds Availability Act to redress imbalances between the faster withdrawals permitted under the Check 21 Act and the slower rates for crediting deposits, and for other purposes; to the Committee on Financial Services.

By Mr. MARKEY:

H.R. 5411. A bill to amend the the Atomic Energy Act of 1954 to restrict exports of nuclear related materials and equipment; to the Committee on International Relations.

By Mr. ORTIZ:

H.R. 5412. A bill to correct maps depicting Unit T-10 of the John H. Chafee Coastal Barrier Resources System; to the Committee on Resources.

By Mr. PASCRELL:

H.R. 5413. A bill to amend the Immigration and Nationality Act to provide greater protections to domestic and foreign workers under the H-1B nonimmigrant worker program; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 5414. A bill to amend the Internal Revenue Code of 1986 to deny the foreign tax credit and the benefits of deferral to companies doing business in Sudan until the Government of Sudan takes demonstrable steps to end genocide in Sudan; to the Committee on Ways and Means.

By Mr. REYNOLDS (for himself, Mr. ALLEN, Mr. PICKERING, and Mr. RAMSTAD):

H.R. 5415. A bill to amend title XVIII of the Social Security Act to provide payments to Medicare ambulance suppliers of the full cost of furnishing such services, to provide payments to rural ambulance providers and suppliers to account for the cost of serving areas with low population density, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LORETTA SANCHEZ of California:

H.R. 5416. A bill to amend chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), to define and punish stalking by persons subject to that chapter; to the Committee on Armed Services.

By Mr. SHERMAN:

H.R. 5417. A bill to amend title 23, United States Code, relating to high occupancy vehicle lanes; to the Committee on Transportation and Infrastructure.

By Mr. TANCREDO:

H.R. 5418. A bill to authorize the Secretary of the Interior to enter into new and renewal contracts with the City of Aurora, Colorado, or an enterprise of the City, for the use of excess capacity water in the Fryingpan-Arkansas Project; to the Committee on Resources.

By Mr. YOUNG of Florida:

H.J. Res. 114. A joint resolution making further continuing appropriations for the fiscal year 2005, and for other purposes; to the Committee on Appropriations.

By Mr. BOEHNER (for himself and Mr. CASTLE):

H. Con. Res. 524. Concurrent resolution directing the Clerk of the House of Representatives to make certain corrections to the enrollment of H.R. 1350; considered and agreed to.

By Mr. ISRAEL:

H. Con. Res. 525. Concurrent resolution commending those individuals that have donated prepaid telephone cards to members of the United States Armed Forces participating in Operation Enduring Freedom and Operation Iraqi Freedom; to the Committee on Armed Services.

By Mr. KING of New York (for himself and Mr. JACKSON of Illinois):

H. Con. Res. 526. Concurrent resolution expressing the sense of Congress that the President should grant a posthumous pardon to John Arthur "Jack" Johnson for the 1913 racially motivated conviction of Johnson, which diminished his athletic, cultural, and historic significance, and tarnished his reputation; to the Committee on the Judiciary.

By Mr. RUSH (for himself and Mr. RANGEL):

H. Con. Res. 527. Concurrent resolution expressing the sense of Congress with respect to the murder of Emmett Till; to the Committee on the Judiciary.

By Mr. FARR:

H. Res. 863. A resolution recognizing the importance of local capacity building within developing countries to create sustainable, long-term international development; to the Committee on International Relations.

By Mr. CAMP (for himself, Mr. OBERSTAR, Mr. HERGER, Mr. DELAHUNT, Mr. GREENWOOD, Mr. CARDOZA, Mr. PAUL, Mr. EHLERS, Mr. LYNCH, Mr. TERRY, Mr. FILNER, Mrs. MCCARTHY of New York, Mr. SNYDER, Mr. ROGERS of Michigan, Mr. GOODLATTE, Ms. WATSON, Mr. BOEHLERT, Mr. TIBERI, Mr. TIAHRT, Mr. RANGEL, Mr. CARDIN, Ms. PRYCE of Ohio, and Mr. KANJORSKI):

H. Res. 864. A resolution recognizing and supporting the goals and ideals of National Adoption Month; to the Committee on Government Reform.

By Mr. QUINN:

H. Res. 865. A resolution expressing the sense of the House of Representatives that there should be equal pay for substantially equal work performed by public sector and private sector employees within each State and locality in which such employees work; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

461. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 848 memorializing the Congress of the United States to award Sergeant Harvey Possinger, 35th Infantry Regiment, 25th Infantry Division, United States Army, the Medal of Honor for his valor at Belete Pass in Luzon, Philippine Islands, on March 8, 1945; to the Committee on Armed Services.

462. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 87 memorializing the Congress of the United States to pass the Employee Free Choice Act, S. 1925 and H.R. 3619; to the Committee on Education and the Workforce.

463. Also, a memorial of the Senate of the Commonwealth of The Mariana Islands, relative to Senate Resolution No. 14-26, extending congratulations and appreciation to Juan S. Reyes, Chairman of the Republican Pary of the NMI for his professional dedication and untiring efforts to secure membership for the NMI Republican Pary at the national level and to encourage other local political parties to seek similar national recognition; to the Committee on Resources.

464. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 320 memorializing the Congress of the United States and the United States Department of Transportation to exempt local transporters of liquid petroleum from federal regulations that require 10 hours off duty for every 14 hours on duty; to the Committee on Transportation and Infrastructure.

465. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 74 memorializing the President and the Congress to take legislative action to allow single-occupant hybrid electric vehicles that achieve a fuel economy highway rating of at least 45 miles per gallon, and conform to any additional emissions category of the federal Environmental Protection Agency or the California Air Resources Board, or meet any other requirements identified by the responsible agency, to travel in California's High Occupancy Vehicle (HOV) lanes; to the Committee on Transportation and Infrastructure.

466. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 86 memorializing the President and Congress of the United States to enact and fully fund the proposed budget for space exploration for the federal 2005 fiscal year to enable the United States, and California, in particular, to remain a leader in the exploration and development of space; to the Committee on Science.

467. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 71 memorializing the President and Congress of the United States to amend Title 38 of the United States Code to provide a guaranteed level of funding for veterans health care and to require that medical benefits package eligibility be restored for veterans in Priority Group 8; and the Department of Veterans Affairs to carry out its duties to seek out eligible veterans and their family members, and to provide them with information and assistance to ensure that they apply for all available VA benefits and services; to the Committee on Veterans' Affairs.

468. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 69 memorializing the Congress of the United States to support the

passage of H.R. 3242, the Speciality Crop Competitiveness Act of 2003; jointly to the Committees on Agriculture and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 814: Mr. NEAL of Massachusetts and Mr. CROWLEY.

H.R. 846: Mrs. DAVIS of California.

H.R. 1268: Mr. OLVER.

H.R. 1563: Ms. KILPATRICK and Ms. CORRINE BROWN of Florida.

H.R. 1567: Mr. ALEXANDER.

H.R. 1746: Mr. HASTINGS of Florida.

H.R. 1818: Mr. ANDREWS.

H.R. 2379: Mr. CHANDLER.

H.R. 2387: Mr. ANDREWS and Mr. LYNCH.

H.R. 2394: Mr. DAVIS of Alabama.

H.R. 2464: Ms. BERKLEY.

H.R. 2509: Ms. HARRIS.

H.R. 2671: Mr. PETERSON of Minnesota.

H.R. 3049: Mr. DAVIS of Alabama.

H.R. 3127: Mr. DAVIS of Illinois and Mr. PICKERING.

H.R. 3194: Mr. ANDREWS.

H.R. 3438: Mr. KIRK, Mr. BACA, Mrs. CHRISTENSEN, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. HASTINGS of Florida.

H.R. 3455: Mr. HASTINGS of Florida.

H.R. 3539: Mr. CONYERS and Mr. DAVIS of Illinois.

H.R. 3634: Mr. HASTINGS of Florida.

H.R. 3750: Mr. HONDA.

H.R. 3803: Mr. HASTINGS of Florida.

H.R. 3887: Mr. MICHAUD.

H.R. 4026: Mr. RUSH.

H.R. 4169: Mr. RYUN of Kansas and Mr. ISRAEL.

H.R. 4249: Mr. ABERCROMBIE and Mr. PORTER.

H.R. 4543: Mr. KING of Iowa.

H.R. 4575: Mr. ANDREWS.

H.R. 4605: Mr. HONDA.

H.R. 4679: Mr. MARKEY.

H.R. 4703: Mr. PAYNE.

H.R. 4706: Mr. WEINER, Mr. EVANS, Mr. ENGEL, Mr. CUMMINGS, Ms. McCARTHY of Missouri, Mr. RUSH, and Mr. BACA.

H.R. 4779: Mr. DAVIS of Alabama.

H.R. 4902: Mrs. WILSON of New Mexico and Mr. ALLEN.

H.R. 4927: Mr. BROWN of South Carolina and Mr. SCHIFF.

H.R. 4936: Mr. OLVER and Mr. UDALL of Colorado.

H.R. 4967: Mr. HASTINGS of Florida.

H.R. 5035: Mr. GRIJALVA.

H.R. 5055: Mr. LYNCH, Mr. MORAN of Kansas, Mr. TOWNS, Mr. McNULTY, and Mr. HASTINGS of Florida.

H.R. 5063: Mr. UPTON:

H.R. 5069: Mr. THOMPSON of Mississippi.

H.R. 5073: Ms. DeGETTE, Ms. SCHAKOWSKY, Mr. OWENS, Ms. SLAUGHTER, Ms. WOOLSEY, and Mr. NADLER.

H.R. 5119: Mr. PASTOR.

H.R. 5124: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 5144: Mr. TOM DAVIS of Virginia.

H.R. 5197: Mr. LaHOOD, Mr. HINCHEY, Mr. OSBORNE, Mr. MORAN of Kansas, and Mr. GRIJALVA.

H.R. 5206: Mr. KELLER.

H.R. 5211: Mr. POMEROY, Mr. THOMPSON of Mississippi, and Mr. UDALL of Colorado.

H.R. 5244: Ms. SOLIS, Mr. CASE, Mr. WYNN, Ms. WATERS, and Mr. SCHIFF.

H.R. 5273: Mr. CALVERT.

H.R. 5278: Mr. FILNER.

H.R. 5315: Mr. LANTOS.

H.R. 5344: Mr. GRIJALVA.

H.R. 5365: Mr. BEAUPREZ.

H.J. Res. 103: Mr. WYNN and Mr. WEINER.

H. Con. Res. 30: Mr. CLAY.

H. Con. Res. 87: Mr. MENENDEZ.

H. Con. Res. 99: Mr. WYNN.

H. Con. Res. 175: Mr. MENENDEZ.

H. Con. Res. 481: Mr. McNULTY.

H. Con. Res. 512: Mr. ROHRABACHER, Mrs. KELLY, Mr. RYAN of Ohio, Mr. TANCREDO, Mr. SOUDER, Mr. McNULTY, Mr. ETHERIDGE, Mr. WU, Mr. SENSENBRENNER, and Mr. COX.

H. Con. Res. 522: Mr. PLATTS, Mr. ROGERS of Alabama, Mr. HAYES, Mr. ETHERIDGE, Mr. RYUN of Kansas, Mr. ISSA, Mr. OTTER, Mr. HUNTER, Mr. TAYLOR of Mississippi, Mr. TERRY, Mr. WHITFIELD, Mr. STEARNS, Mr. FOSSELLA, Mr. FORBES, Mr. MILLER of Florida, Mr. LEWIS of California, Mr. MURTHA, Mr. REYES, and Mr. PICKERING.

H. Res. 862: Mr. LANTOS and Mr. BERMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1078: Mr. BISHOP of Utah.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

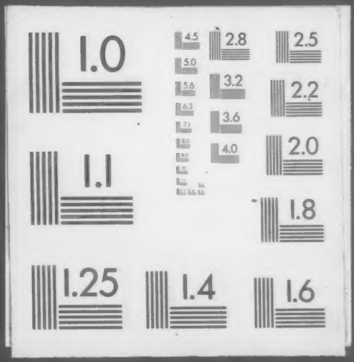
125. The SPEAKER presented a petition of the City Council of Providence, Rhode Island, relative to Resolution No. 457 petitioning Senators Reed and Chafee and Representatives Langevin and Kennedy to cosponsor and support the Arthritis Prevention, Control and Cure Act of 2004; to the Committee on Energy and Commerce.

126. Also, a petition of the Legislature of Cattaraugus County, New York, relative to Act No. 460-2004 supporting House Resolution 4790 authorizing importation of prescription drugs from Canada and certain other countries; to the Committee on Energy and Commerce.

127. Also, a petition of the City Council of Atlanta, Georgia, relative to Resolution No. 04-R-1723 supporting the denouncement of atrocities committed by the Janajaweed and urging the Sudanese government to cut its ties to the Militia responsible and demand that they disarm immediately; and for other purposes; to the Committee on International Relations.

128. Also, a petition of the Mayor and City Council of North Miami Beach, Florida, relative to Resolution No. R2004-66 petitioning Congress to renew the ban on assualt weapons; to the Committee on the Judiciary.

129. Also, a petition of the Council of the City and County of Honolulu, Hawaii, relative to Resoultion No. 04-267 petitioning the President and Congress of the United States to enact legislation to restore veterans' benefits to Filipino veterans of World War II; to the Committee on Veterans' Affairs.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